

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3099

By: Williams

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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; clarifying effect on
10 graduation of proficiency attainment on the end-of-
11 instruction tests; adding remediation or intervention
12 requirements; amending 70 O.S. 2011, Section
13 1210.526, which relates to eligibility for funding
14 under the Achieving Classroom Excellence Act of 2005;
15 changing and updating statutory citations; deleting
16 eligibility for reimbursement of administration of
17 alternative assessments; repealing 70 O.S. 2011,
18 Section 1210.523, which relates to demonstrating
19 mastery of the state academic content standards;
20 providing an effective date; and declaring an
21 emergency.

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

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

Section 1210.508 A. 1. The State Board of Education shall
develop and administer a series of criterion-referenced tests
designed to indicate whether the state academic content standards,
as defined by the State Board of Education in the Priority Academic

1 Student Skills Curriculum, which Oklahoma public school students are
2 expected to have attained have been achieved. The Board may develop
3 and administer any criterion-referenced test in any subject not
4 required by federal law, contingent upon the availability of
5 funding. Students who do not perform at least at the proficient
6 level on tests shall be remediated, subject to the availability of
7 funding.

8 2. Contingent upon the availability of state and federal funds,
9 the Board, in accordance with federal law, shall administer
10 criterion-referenced tests for grades three and four in:

- 11 a. reading, and
- 12 b. mathematics.

13 3. Contingent upon the availability of funds, the Board shall
14 administer criterion-referenced tests for grade five 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 geography, and
- 21 e. writing of English.

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

- 1 a. reading, and
- 2 b. mathematics.

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

5 5. Contingent upon the availability of funds, the Board shall
6 administer criterion-referenced tests for grade eight 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 e. writing of English.

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

17 6. Each student who completes the instruction for English II,
18 English III, United States History, Biology I, Algebra I, Geometry,
19 and Algebra II at the secondary level shall complete an end-of-
20 instruction test, when implemented, to measure for attainment in the
21 appropriate state academic content standards in order to graduate
22 from a public high school with a standard diploma. All students
23 shall take the tests prior to graduation, unless otherwise exempt by
24 law, but shall not be required to demonstrate mastery of the state

1 academic content standards by attaining a proficient or higher score
2 on the tests in order to graduate. The State Board of Education
3 shall administer the criterion-referenced tests. The Board shall
4 develop and field test the end-of-instruction tests in English III,
5 Geometry, and Algebra II during the 2006-07 school year, implement
6 the tests during the 2007-08 school year, and administer them each
7 year thereafter. The Board shall administer the multiple choice
8 portion of the end-of-instruction tests online with raw score test
9 results reported immediately and complete results reported in less
10 than two (2) weeks beginning in the 2008-09 school year.

11 The end-of-instruction tests shall serve the purpose of the
12 criterion-referenced tests as provided in paragraph 1 of this
13 subsection. The English II and English III end-of-instruction tests
14 shall include a writing component. Students who do not score at
15 least at the proficient level on any end-of-instruction test shall
16 be provided remediation or intervention and afforded the opportunity
17 to retake each test up to three (3) times each calendar year until
18 at least achieving at the proficient level. In order to provide an
19 indication of the levels of competency attained by the student in a
20 permanent record for potential future employers and institutions of
21 higher education, for students who enter the ninth grade in or prior
22 to the 2007-08 school year, school districts shall report the
23 highest achieved state test performance level on the end-of-
24 instruction tests on the student's high school transcript.

1 Beginning with students who enter the ninth grade in the 2008-09
2 school year, school districts shall report the student's performance
3 levels on the end-of-instruction tests and any business and
4 industry-recognized endorsements attained on the student's high
5 school transcript. Any student at the middle school level who
6 completes the instruction in a secondary course specified in this
7 paragraph shall be administered the appropriate end-of-instruction
8 test.

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

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

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

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

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

22 3. The State Board of Education in coordination with the
23 Educational Quality and Accountability Board shall review, realign,
24 and recalibrate, as necessary, the tests in reading and mathematics

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

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

23 C. 1. The State Board of Education shall set the testing
24 window dates for each criterion-referenced test required in

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

1 vendor includes a provision that the vendor report test results
2 directly to the Office of Accountability at the same time it is
3 reported to the Board.

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

16 D. The State Board of Education shall be responsible for the
17 development, field-testing, and validation of the criterion-
18 referenced test series required in subsection A 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.

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

7 SECTION 2. AMENDATORY 70 O.S. 2011, Section 1210.526, is
8 amended to read as follows:

9 Section 1210.526 A. Contingent on the provision of
10 appropriated funds designated for the Achieving Classroom Excellence
11 Act of 2005, school districts shall be eligible for funding as
12 follows:

13 1. A maximum of Two Hundred Forty Dollars (\$240.00) for
14 remediation or intervention for each subject-specific test by a
15 student that resulted in a score at the unsatisfactory level and for
16 which the student has been found to be in need of remediation or
17 intervention pursuant to Sections 1210.522 and ~~1210.523~~ 1210.508 of
18 ~~Title 70 of the Oklahoma Statutes~~ this title;

19 2. A maximum of One Hundred Eighty Dollars (\$180.00) for
20 remediation or intervention for each subject-specific test by a
21 student that resulted in a score at the limited knowledge level and
22 for which the student has been found to be in need of remediation or
23 intervention pursuant to Sections 1210.522 and ~~1210.523~~ 1210.508 of
24 ~~Title 70 of the Oklahoma Statutes~~ this title; and

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

6 ~~4. Claims for reimbursement for costs associated with
7 administration of alternative assessments as required by Section
8 1210.523 of Title 70 of the Oklahoma Statutes shall be filed with
9 the State Department of Education at the end of each school semester
10 or prior to the end of the fiscal year in which the alternative
11 assessment is provided. Claims from summer alternative assessment
12 administration provided in July or August shall be filed with the
13 first semester claim of the subsequent school year. Claims shall be
14 reimbursed in a timely manner.~~

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

21 C. Remediation and intervention provided pursuant to this
22 section by school districts shall be for the purpose of assisting
23 students in performing at least at the satisfactory level on the
24 applicable criterion-referenced tests in reading and mathematics at

1 the eighth-grade level, or the applicable end-of-instruction tests
2 as required in Section ~~1210.523~~ 1210.508 of ~~Title 70 of the Oklahoma~~
3 ~~Statutes, or an alternative assessment if eligible~~ this title.

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

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

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

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

16 SECTION 4. This act shall become effective July 1, 2012.

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

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