

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 HOUSE BILL 2504

By: Casey

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2011,
8 Section 1210.508, as last amended by Section 1,
9 Chapter 403, O.S.L. 2013 (70 O.S. Supp. 2013, Section
10 1210.508), which relates to the Oklahoma School
11 Testing Program; deleting requirement for the State
12 Board of Education to develop and administer
13 criterion-referenced tests in certain grades;
14 directing the State Board to adopt rules for
15 implementing the ACT Aspire Assessment System;
16 modifying purpose of the assessments; deleting
17 requirement to administer certain criterion-
18 referenced tests in certain grades; deleting
19 requirement for students to complete an end-of-
20 instruction test upon completion of certain subjects;
21 deleting purpose of the end-of-instruction tests;
22 deleting requirement to report results of the end-of-
23 instruction tests on student transcripts; deleting
24 references to criterion-referenced tests and Priority
Academic Student Skills Curriculum; replacing
references to criterion-referenced tests with the ACT
Aspire assessments; requiring assessment results to
be reported to districts by a certain date; deleting
requirement to review, realign and recalibrate
certain tests; modifying criteria for determining
assessment window dates; deleting option to adopt
criterion-referenced tests from other states;
amending 70 O.S. 2011, Section 1210.523, as last
amended by Section 2, Chapter 403, O.S.L. 2013 (70
O.S. Supp. 2013, Section 1210.523), which relates to
mastery of state academic content standards in
designated subjects; changing date for when students
shall demonstrate mastery of academic content
standards; deleting reference to state academic
content standards; deleting references to end-of-
instruction tests; changing end-of-instruction tests

1 to ACT Aspire assessments; deleting certain
2 alternative tests; modifying type of appeal process;
3 changing appeal process for denial of a standard
4 diploma; making decisions of a board of education
5 final and non-appealable; providing an effective
6 date; and declaring an emergency.

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

7 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.508,
8 as last amended by Section 1, Chapter 403, O.S.L. 2013 (70 O.S.
9 Supp. 2013, Section 1210.508), is amended to read as follows:

10 Section 1210.508 A. 1. ~~The~~ By no later than July 1, 2014, the
11 State Board of Education shall develop and administer a series of
12 critierion-referenced tests adopt rules providing for the proper
13 implementation and administration of the system of student
14 assessments developed by American College Testing (ACT) and referred
15 to as the ACT Aspire Assessment System which are designed to
16 indicate whether ~~the state~~ academic content standards, as defined by
17 the State Board of Education ~~in the Priority Academic Student Skills~~
18 ~~Curriculum~~, which Oklahoma public school students are expected to
19 have attained have been achieved. ~~The Board may develop and~~
20 ~~administer any critierion-referenced test in any subject not required~~
21 ~~by federal law, contingent upon the availability of funding.~~
22 Students who do not perform at least at the proficient level on
23 ~~tests~~ the assessments shall be remediated, subject to the
24 availability of funding.

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

- 4 a. ~~reading, and~~
- 5 b. ~~mathematics.~~

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

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

15 4. ~~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 six and seven in:~~

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

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:~~

- 24 a. ~~reading,~~

- ~~b. mathematics,~~
- ~~c. science,~~
- ~~d. social studies, which shall consist of the history,~~
~~Constitution, and government of the United States, and~~
- ~~e. writing of English.~~

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

~~6. Except as otherwise provided for in Section 1210.523 of this title, each student who completes the instruction for English II, English III, United States History, Biology I, Algebra I, Geometry, and Algebra II at the secondary level shall complete an end-of-instruction test, when implemented, to measure for attainment in the appropriate state academic content standards in order to graduate from a public high school with a standard diploma. All students shall take the tests prior to graduation, unless otherwise exempt by law. The State Board of Education shall administer the criterion-referenced tests. The Board shall develop and field test the end-of-instruction tests in English III, Geometry, and Algebra II during the 2006-07 school year, implement the tests during the 2007-08 school year, and administer them each year thereafter. The Board shall administer the multiple choice portion of the end-of-instruction tests online with raw score test results reported~~

1 ~~immediately and complete results reported in less than two (2) weeks~~
2 ~~beginning in the 2008-09 school year.~~

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

16 ~~Beginning with students who enter the ninth grade in the 2008-09~~
17 ~~school year, school districts shall report the highest-achieved~~
18 ~~state test performance level on the end-of-instruction tests and any~~
19 ~~business and industry-recognized endorsements attained on the~~
20 ~~student's high school transcript. Any student at the middle school~~
21 ~~level who completes the instruction in a secondary course specified~~
22 ~~in this paragraph shall be administered the appropriate end-of-~~
23 ~~instruction test.~~

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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. 1. All ~~critierion-referenced tests~~ assessments required by
13 this section shall measure academic competencies in correlation with
14 the state academic content standards adopted by the Board pursuant
15 to Section 11-103.6 of this title ~~and known as the Priority Academic~~
16 ~~Student Skills Curriculum~~. The State Board of Education shall
17 evaluate the academic content standards to ensure the competencies
18 reflect high standards, are specific, well-defined, measurable,
19 challenging, and will prepare elementary students for next-grade-
20 level course work and secondary students for postsecondary studies
21 at institutions of higher education or technology center schools
22 without the need for remediation in core curriculum areas. All
23 state academic content standards shall reflect the benchmarks of the
24

1 American Diploma Project and the goal of improving the state average
2 ACT score.

3 2. The State Department of Education shall annually evaluate
4 the results of the ~~riterion-referenced tests~~ ACT Aspire
5 assessments. The State Board of Education shall ensure that ~~test~~
6 results for all state-mandated assessments are reported to districts
7 no later than August 1 of each year and are presented in a manner
8 that yields detailed, diagnostic information for the purpose of
9 guiding instruction and student remediation. As improvements are
10 made to the ~~riterion-referenced tests~~ ACT Aspire assessments
11 required by this section, the Board shall seek to increase the depth
12 of knowledge assessed for each subject. The State Board of
13 Education shall seek to ensure that data yielded from the ~~tests~~
14 assessments required in this section are utilized at the school
15 district level to prescribe reinforcement and/or remediation by
16 requiring school districts to develop and implement a specific
17 program of improvement based on the test results.

18 3. ~~The State Board of Education in coordination with the Office~~
19 ~~of Educational Quality and Accountability shall review, realign, and~~
20 ~~recalibrate, as necessary, the tests in reading and mathematics in~~
21 ~~third through eighth grade and the end-of-instruction tests.~~ The
22 Commission for Educational Quality and Accountability shall
23 determine the cut scores for the performance levels on the ~~end-of-~~
24 ~~instruction tests developed pursuant to paragraph 6 of subsection A~~

1 ~~of this section~~ ACT Aspire assessments. The Commission shall
2 conduct an ongoing review to compare the ~~end-of-instruction test~~ ACT
3 Aspire assessment content and performance descriptors with those of
4 other states. Upon receipt of the review, the Commission may adjust
5 the cut scores as necessary.

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

18 C. 1. The State Board of Education shall set the ~~testing~~
19 assessment window dates for each ~~criterion-referenced test~~ required
20 ~~in 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~~ ACT Aspire assessment so that the assessments
23 are administered to students no earlier than April 10 each year
24 according to the prescribed protocols of the ACT Aspire Assessment

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

3 2. State, district, and site level results of all ~~tests~~
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. The State Board of Education shall be responsible for the
16 ~~development, field-testing, and validation of the criterion-~~
17 ~~referenced test series~~ ACT Aspire Assessment System required in
18 subsection A of this section. ~~In the interest of economy the Board~~
19 ~~shall adapt criterion-referenced tests that have been developed by~~
20 ~~or in collaboration with other states or are otherwise commercially~~
21 ~~available, or portions of such tests, to the extent that such tests~~
22 ~~are appropriate for use in the testing program to be administered to~~
23 ~~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 1210.523, as
8 last amended by Section 2, Chapter 403, O.S.L. 2013 (70 O.S. Supp.
9 2013, Section 1210.523), is amended to read as follows:

10 Section 1210.523 A. ~~Except as provided in subsections D and E~~
11 ~~of this section, beginning with students entering the ninth grade~~
12 Beginning in the 2008-2009 2015-2016 school year, every student
13 shall demonstrate mastery of ~~the state~~ academic content standards in
14 the following subject areas in order to graduate from a public high
15 school with a standard diploma:

- 16 1. Algebra I;
- 17 2. English II; and
- 18 3. Two of the following five:
 - 19 a. Algebra II,
 - 20 b. Biology I,
 - 21 c. English III,
 - 22 d. Geometry, and
 - 23 e. United States History.

24

1 B. To demonstrate mastery, the student shall attain at least a
2 proficient score on the ~~end-of-instruction criterion-referenced~~
3 ~~tests~~ ACT Aspire assessments administered pursuant to Section
4 1210.508 of this title.

5 C. Notwithstanding any other provision of law, students who do
6 not attain at least a proficient score on any ~~end-of-instruction~~
7 ~~test~~ ACT Aspire assessment shall be provided remediation or
8 intervention and the opportunity to retake the ~~test~~ assessment until
9 at least a proficient score is attained ~~on the tests of Algebra I,~~
10 ~~English II and two of the tests required in paragraph 3 of~~
11 ~~subsection A of this section or an approved alternative test.~~

12 Technology center schools shall be authorized to provide
13 intervention and remediation in Algebra I, Algebra II, Geometry,
14 English II, English III, United States History, and Biology I to
15 students enrolled in technology center schools, with the approval of
16 the independent school district board.

17 D. 1. Students who do not meet the requirements of subsection
18 A of this section may graduate from a public high school with a
19 standard diploma by demonstrating mastery of ~~state~~ academic content
20 standards by alternative methods as approved by the State Board of
21 Education.

22 2. The State Board of Education shall adopt rules providing for
23 necessary student exceptions and exemptions to the requirements of
24 this section. The Board shall collect data by school site and

1 district on the number of students provided and categories of
2 exceptions and exemptions granted. Beginning October 1, 2012, the
3 Board shall provide an annual report of this data to the Governor,
4 President Pro Tempore of the Senate and Speaker of the House of
5 Representatives.

6 3. Students who score ten percent (10%) above the cut scores
7 approved by the State Board of Education for the ~~American College~~
8 ~~Testing Program (ACT), the Scholastic Aptitude Test (SAT), ACT Plan~~
9 ~~or Preliminary Scholastic Aptitude Test/National Merit Scholarship~~
10 ~~Qualifying Test (PSAT/NMSQT)~~ alternate tests shall be deemed to have
11 satisfactorily demonstrated mastery of ~~state~~ academic content
12 standards in the subject areas for which alternative ~~tests~~
13 assessments have been approved and shall be exempt from taking the
14 ~~end-of-instruction-criterion-referenced tests~~ ACT Aspire assessments
15 in the subject areas of Algebra II, English III, Geometry or United
16 States History as listed in paragraph 3 of subsection A of this
17 section.

18 4. Students who have a score that is equal to or above the cut
19 scores approved by the State Board of Education for the Advanced
20 Placement course exams, ACT Workkeys job skills assessment, College-
21 Level Examination Program (CLEP) or International Baccalaureate (IB)
22 alternate tests shall be deemed to have satisfactorily demonstrated
23 mastery of ~~state~~ academic content standards in the subject areas for
24 which alternate tests have been approved and shall be exempt from

1 taking the ~~end-of-instruction-criterion-referenced tests~~ ACT Aspire
2 assessments in the subject areas of Algebra II, English III,
3 Geometry or United States History as listed in paragraph 3 of
4 subsection A of this section.

5 5. The State Board of Education shall adopt rules providing for
6 implementation of paragraphs 3 and 4 of this subsection. The rules
7 shall provide for the designation of students as proficient or
8 advanced based on the scores obtained pursuant to paragraphs 3 and 4
9 of this subsection for the purposes of calculating the grade of a
10 school as part of the accountability system developed pursuant to
11 Section 1210.545 of this title, evaluating teachers and
12 administrators as part of the Teacher and Leader Effectiveness
13 Evaluation System developed pursuant to Section 6-101.16 of this
14 title and for any other purpose provided for by law.

15 E. 1. The State Board of Education shall adopt rules
16 establishing ~~an~~ a uniform appeal process for students who have been
17 denied a standard diploma by the school district in which the
18 student is or was enrolled for failing to meet the requirements of
19 this section. A student who has been denied a standard diploma by
20 the school district in which the student is enrolled shall have
21 thirty (30) days after denial of the standard diploma in which to
22 file a petition for an appeal to the ~~Board~~ board of education of the
23 school district. The ~~Board~~ board of education shall take action on
24 a petition for an appeal no later than forty-five (45) days after

1 receiving the petition. All decisions made by a board of education
2 regarding the eligibility of a student to graduate with a standard
3 diploma shall be final and non-appealable.

4 2. The Board shall collect data by school site and school
5 district on the number of students petitioning for an appeal and the
6 number of appeals approved by ~~the Board~~ boards of education pursuant
7 to this subsection. Beginning October 1, 2012, the Board shall
8 provide an annual report of this data to the Governor, President Pro
9 Tempore of the Senate and Speaker of the House of Representatives.

10 F. 1. Students who have individualized education programs
11 pursuant to the Individuals with Disabilities Education Act (IDEA)
12 shall have an appropriate statement on the student's individualized
13 education program requiring administration of the assessment with or
14 without accommodations or an alternate assessment. Any
15 accommodations normally employed for the assessment shall be
16 approved by the State Board of Education and be provided for in the
17 individualized education program. All documentation for each
18 student shall be on file in the school prior to administration of
19 the assessment.

20 2. The Oklahoma School for the Blind and the Oklahoma School
21 for the Deaf shall be considered local education agencies solely for
22 the purposes of purchasing, administering and obtaining ~~test~~
23 assessment results under this section for the students attending
24 their schools.

1 3. Students identified as English language learners shall be
2 assessed in a valid and reliable manner with the state academic
3 assessments with acceptable accommodations as necessary or, to the
4 extent practicable, with alternate assessments aligned to the state
5 assessment provided by the school district in the language and form
6 most likely to yield accurate data of the student's knowledge of the
7 content areas.

8 G. The State Board of Education shall be authorized to contract
9 with an entity to develop and advise on the implementation of a
10 communications campaign to build public understanding of and support
11 for the ~~testing~~ assessment requirements of this section.

12 SECTION 3. This act shall become effective July 1, 2014.

13 SECTION 4. It being immediately necessary for the preservation
14 of the public peace, health and safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

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