STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1535 By: Thomsen

COMMITTEE SUBSTITUTE

An Act relating to schools; requiring school district to implement an ongoing diagnostic testing program; providing for the screening of students at the beginning of the school year; requiring monitoring throughout the year and measurement of skills at the year-end; directing the State Board of Education to approve screening and diagnostic instruments; amending 70 O.S. 2011, Section 1210.508, as last amended by Section 8, Chapter 430, O.S.L. 2013 (70 O.S. Supp. 2014, Section 1210.508), which relates to criterion-referenced tests; deleting certain exemption; specifying scoring requirement for graduation; deleting obsolete language; requiring certain students to take the American College Test (ACT) test; directing the Board to ensure administration of the ACT test; providing for remediation or intervention; allowing certain students to take the ACT Compass college placement test; repealing 70 O.S. 2011, Section 1210.523, as last amended by Section 26, Chapter 4, O.S.L. 2014 (70 O.S. Supp. 2014, Section 1210.523), which relates to mastery of state academic content standards; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.507-1 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Every school district shall implement an ongoing diagnostic testing program for all students in kindergarten through the third grade. Each diagnostic testing program shall have the ability to assess students at the beginning of each school year using a screening instrument approved by the State Board of Education for the appropriate grade-level skills, as measured in lexiles, of each student in reading. Throughout the year students shall be monitored using diagnostic assessments. Year-end skills shall be measured to determine success in reading.

B. The State Board of Education shall approve screening and diagnostic instruments to use at the beginning of the school year, for monitoring progress and for measurement of lexiles throughout the school year.

SECTION 2. AMENDATORY 70 O.S. 2011, Section 1210.508, as last amended by Section 8, Chapter 430, O.S.L. 2013 (70 O.S. Supp. 2014, Section 1210.508), is 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 subject matter standards, as defined by the State Board of Education, which Oklahoma public school students are expected to have attained have been achieved.

The Board may develop and administer any criterion-referenced test in any subject not required by federal law, contingent upon the availability of funding. Students who do not perform at least at the proficient level on tests shall be remediated, subject to the availability of funding.

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

a. reading, and

b. mathematics.

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

a. reading,

b. mathematics,

c. science,

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

e. writing of English.

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

a. reading, and

b. mathematics.

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

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

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~~

a. 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 subject matter 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.~~

b. In addition to the end-of-instruction tests, each student in the eleventh grade may take the American College Test (ACT) test. The Board shall promulgate rules to ensure proper administration of the ACT test.

c. The Board shall administer the multiple choice portion of the end-of-instruction tests online with raw score test results reported immediately and complete results reported in less than two (2) weeks ~~beginning in the 2008-09 school year~~.

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

three (3) times each calendar year until at least achieving at the proficient level. Students who do not score at least at the proficient level on an end-of-instruction test after the first time to take the test may take the ACT Compass college placement test in the appropriate subject area. The results of the ACT Compass test may be used to determine the remediation or intervention to be provided to each student.

e. In order to provide an indication of the levels of competency attained by the student in a permanent record for potential future employers and institutions of higher education~~, for students who enter the ninth grade in or prior to the 2007-08 school year, school districts shall report the highest-achieved state test performance level on the end-of-instruction tests on the student's high school transcript. Beginning with students who enter the ninth grade in the 2008-09 school year,~~ school districts shall report the highest-achieved state test performance level on the end-of-instruction tests and any business and industry-recognized endorsements attained on the student's high school transcript.

f. Any student at the middle school level who completes the instruction in a secondary course specified in this paragraph shall be administered the appropriate end-of-instruction test.

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

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

B. 1. All criterion-referenced tests required by this section shall measure academic competencies in correlation with the subject matter standards adopted by the Board pursuant to Sections 11-103.6 and 11-103.6a of this title. The State Board of Education shall evaluate the subject matter standards to ensure the competencies reflect high standards, are specific, well-defined, measurable, challenging, and will prepare elementary students for next-grade-level course work and secondary students for postsecondary studies at institutions of higher education or technology center schools

without the need for remediation. All subject matter standards shall reflect the goals as set forth in Section 11-103.6 of this title and of improving the state average ACT score.

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

3. The State Board of Education in coordination with the Office of Educational Quality and Accountability shall review, realign, and recalibrate, as necessary, the tests in reading and mathematics in third through eighth grade and the end-of-instruction tests. The Commission for Educational Quality and Accountability shall determine the cut scores for the performance levels on the end-of-instruction tests developed pursuant to paragraph 6 of subsection A of this section. The Commission shall conduct an ongoing review to

compare the end-of-instruction test content and performance descriptors with those of other states. Upon receipt of the review, the Commission may adjust the cut scores as necessary.

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

C. 1. The State Board of Education shall set the testing window dates for each criterion-referenced test required in paragraphs 1 through 5 of subsection A of this section for grades three through eight so that, with the exception of the writing assessments, the tests are administered to students no earlier than April 10 each year and so that the test results are reported back to school districts in a timely manner. Each criterion-referenced test required in paragraph 6 of subsection A of this section may be administered to students at a time set by the State Board of

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

2. State, district, and site level results of all tests required in this section shall be disaggregated by gender, race, ethnicity, disability status, migrant status, English proficiency, and status as economically disadvantaged, except that such

disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student. Each school site shall notify the student's parents of the school's performance levels in the Oklahoma School Testing Program as reported in the Oklahoma Educational Indicators Program at the end of each school year.

D. The State Board of Education shall be responsible for the development, field-testing, and validation of the criterion-referenced test series required in subsection A of this section. In the interest of economy the Board may participate in a multistate or multigovernmental cooperative pursuant to the requirements of The Oklahoma Central Purchasing Act, but shall not bind the state, contractually or otherwise, to the authority of any other state, organization or entity which may supersede the authority of the Board, for the purpose of adapting criterion-referenced tests, to the extent that such tests are appropriate for use in the testing program to be administered to Oklahoma students.

E. The State Board of Education shall develop, administer, and incorporate as a part of the Oklahoma School Testing Program, other testing programs or procedures, including appropriate accommodations for the testing of students with disabilities as required by the

Individuals with Disabilities Education Act (IDEA), 20 USC, Section 1400 et seq.

F. For purposes of developing and administering alternate assessments for students with the most significant cognitive disabilities, the State Board of Education shall not be subject to subsections D and E of Section 11-103.6a of this title.

SECTION 3. REPEALER 70 O.S. 2011, Section 1210.523, as last amended by Section 26, Chapter 4, O.S.L. 2014 (70 O.S. Supp. 2014, Section 1210.523), is hereby repealed.

SECTION 4. This act shall become effective July 1, 2015.

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

55-1-7022 AM 02/25/15