

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2527

By: Casey

4
5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2011,
8 Section 1210.508, as last amended by Section 8,
9 Chapter 430, O.S.L. 2014 (70 O.S. Supp. 2015, 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 a state system of student assessments;
16 modifying purpose of the assessments; allowing for
17 boards of education to use local assessments upon
18 approval; deleting requirement to administer certain
19 criterion-referenced tests in certain grades;
20 deleting requirement for students to complete an end-
21 of-instruction test upon completion of certain
22 subjects; deleting purpose of the end-of-instruction
23 tests; deleting requirement to report results of the
24 end-of-instruction tests on student transcripts;
deleting requirement for school districts to
administer a fine arts assessment; deleting
references to criterion-referenced tests; replacing
references to criterion-referenced tests with state-
mandated 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; providing for how
assessments are administered; deleting option to
adopt criterion-referenced tests from other states;
amending 70 O.S. 2011, Section 1210.523, as last
amended by Section 26, Chapter 4, O.S.L. 2014 (70
O.S. Supp. 2015, 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

1 standards; deleting reference to state academic
2 content standards; deleting references to end-of-
3 instruction tests; changing references to end-of-
4 instruction tests to state-mandated assessments;
5 providing an effective date; and declaring an
6 emergency.

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

8 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.508, as
9 last amended by Section 8, Chapter 430, O.S.L. 2014 (70 O.S. Supp.
10 2015, Section 1210.508), is amended to read as follows:

11 Section 1210.508 A. ~~1. The~~ By no later than December 31,
12 2016, the State Board of Education shall develop and administer a
13 series of criterion-referenced tests designed to indicate whether
14 the subject matter standards, as defined by the State Board of
15 Education, which adopt rules providing for the adoption, proper
16 implementation and administration of the system of student
17 assessments in compliance with the Elementary and Secondary
18 Education Act of 1965 (ESEA), as reauthorized and amended by the
19 Every Student Succeeds Act (ESSA), P.L. No. 114-95. The student
20 assessment system shall measure Oklahoma public school students are
21 expected to have attained have been achieved. The Board may develop
22 and administer any criterion-referenced test in any subject not
23 required by federal law, contingent upon the availability of funding
24 students' level of mastery of the state subject matter standards
adopted by the Board. The rules adopted by the Board providing for

1 a system of student assessment shall allow boards of education of
2 school districts to use local assessments, which are nationally
3 recognized, for students at the secondary level in place of a state-
4 mandated assessment. Local assessments approved by the Board and
5 used in place of a state-adopted assessment shall be considered
6 state-mandated assessments. Students who do not perform at least at
7 the proficient level on ~~tests~~ assessments shall be remediated,
8 subject to the availability of funding.

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

- 12 a. ~~reading, and~~
- 13 b. ~~mathematics.~~

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

- 16 a. ~~reading,~~
- 17 b. ~~mathematics,~~
- 18 c. ~~science,~~
- 19 d. ~~social studies, which shall consist of the history,~~
20 ~~Constitution and government of the United States, and~~
21 ~~geography, and~~
- 22 e. ~~writing of English.~~

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

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

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

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

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

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

20 ~~6. Except as otherwise provided for in Section 1210.523 of this~~
21 ~~title, each student who completes the instruction for English II,~~
22 ~~English III, United States History, Biology I, Algebra I, Geometry,~~
23 ~~and Algebra II at the secondary level shall complete an end-of-~~
24 ~~instruction test, when implemented, to measure for attainment in the~~

1 ~~appropriate subject matter standards in order to graduate from a~~
2 ~~public high school with a standard diploma. All students shall take~~
3 ~~the tests prior to graduation, unless otherwise exempt by law. The~~
4 ~~State Board of Education shall administer the criterion-referenced~~
5 ~~tests. The Board shall develop and field test the end-of-~~
6 ~~instruction tests in English III, Geometry, and Algebra II during~~
7 ~~the 2006-07 school year, implement the tests during the 2007-08~~
8 ~~school year, and administer them each year thereafter. The Board~~
9 ~~shall administer the multiple choice portion of the end-of-~~
10 ~~instruction tests online with raw score test results reported~~
11 ~~immediately and complete results reported in less than two (2) weeks~~
12 ~~beginning in the 2008-09 school year.~~

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

1 ~~instruction tests on the student's high school transcript.~~

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

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

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

21 B. 1. All ~~critierion-referenced tests~~ assessments required by
22 this section shall measure academic competencies in correlation with
23 the subject matter standards adopted by the Board pursuant to
24 Sections 11-103.6 and 11-103.6a of this title. The State Board of

1 Education shall evaluate the subject matter standards to ensure the
2 competencies reflect high standards, are specific, well-defined,
3 measurable, challenging, and will prepare elementary students for
4 next-grade-level course work and secondary students for
5 postsecondary studies at institutions of higher education or
6 technology center schools without the need for remediation. All
7 subject matter standards shall reflect the goals as set forth in
8 Section 11-103.6 of this title and of improving the state average
9 ACT score.

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

1 3. ~~The State Board of Education in coordination with the Office~~
2 ~~of Educational Quality and Accountability shall review, realign, and~~
3 ~~recalibrate, as necessary, the tests in reading and mathematics in~~
4 ~~third through eighth grade and the end-of-instruction tests.~~ The
5 Commission for Educational Quality and Accountability shall
6 determine the cut scores for the performance levels on ~~the end-of-~~
7 ~~instruction tests developed pursuant to paragraph 6 of subsection A~~
8 ~~of this section~~ all state-mandated assessments. The Commission
9 shall conduct an ongoing review to compare the ~~end-of-instruction~~
10 ~~test~~ state-mandated assessment content and performance descriptors
11 with those of other states. Upon receipt of the review, the
12 Commission may adjust the cut scores as necessary.

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

1 Validity studies shall include studies of decision validity and
2 concurrent validity.

3 C. 1. The State Board of Education shall set the ~~testing~~
4 assessment window dates for each ~~critierion-referenced test~~ required
5 ~~in paragraphs 1 through 5 of subsection A of this section for grades~~
6 ~~three through eight~~ state-mandated assessment so that, ~~with the~~
7 ~~exception of the writing assessments,~~ the tests assessments are
8 administered to students no earlier than April 10 each year
9 according to recommended testing protocols and so that the ~~test~~
10 assessment results are reported back to school districts in a timely
11 manner. ~~Each critierion-referenced test required in paragraph 6 of~~
12 ~~subsection A of this section may be administered to students at a~~
13 ~~time set by the State Board of Education as near as possible to the~~
14 ~~end of the course; provided, if a school district is unable to~~
15 ~~administer the tests online to all students taking the test for the~~
16 ~~first time and all students retaking the test during the testing~~
17 ~~window time set by the Board,~~ the Nothing in this subsection shall
18 be construed to require a single administration of the state-
19 mandated assessments or that assessments be done in a summative
20 format. A school district may elect to administer any of the ~~tests~~
21 assessments to students retaking the ~~test~~ assessment at any time not
22 more than two (2) weeks prior to the start of the ~~testing~~ assessment
23 window time set by the Board. ~~All results and reports of the~~
24 ~~critierion-referenced test series required in paragraphs 1 through 5~~

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

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

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

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

19 F. For purposes of developing and administering alternate
20 assessments for students with the most significant cognitive
21 disabilities, the State Board of Education shall not be subject to
22 subsections D and E of Section 11-103.6a of this title.
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1 SECTION 2. AMENDATORY 70 O.S. 2011, Section 1210.523, as
2 last amended by Section 26, Chapter 4, O.S.L. 2014 (70 O.S. Supp.
3 2015, Section 1210.523), is amended to read as follows:

4 Section 1210.523 A. ~~Except as provided in subsections D and E~~
5 ~~of this section, beginning with students entering the ninth grade~~
6 Beginning in the ~~2008-2009~~ 2017-2018 school year, every student
7 shall demonstrate mastery of ~~the state~~ academic content standards in
8 the following subject areas in order to graduate from a public high
9 school with a standard diploma:

- 1 0 1. Algebra I;
- 1 1 2. English II; and
- 1 2 3. Two of the following five:
 - 1 3 a. Algebra II,
 - 1 4 b. Biology I,
 - 1 5 c. English III,
 - 1 6 d. Geometry, and
 - 1 7 e. United States History.

1 8 B. To demonstrate mastery, the student shall attain at least a
1 9 proficient score on the ~~end-of-instruction criterion referenced~~
2 0 ~~tests~~ state-mandated assessments administered pursuant to Section
2 1 1210.508 of this title.

2 2 C. Notwithstanding any other provision of law, students who do
2 3 not attain at least a proficient score on any ~~end-of-instruction~~
2 4 ~~test~~ state-mandated assessment shall be provided remediation or

1 intervention and the opportunity to retake the ~~test~~ assessment until
2 at least a proficient score is attained ~~on the tests of Algebra I,~~
3 ~~English II and two of the tests required in paragraph 3 of~~
4 ~~subsection A of this section or an approved alternative test.~~

5 Technology center schools shall be authorized to provide
6 intervention and remediation in Algebra I, Algebra II, Geometry,
7 English II, English III, United States History, and Biology I to
8 students enrolled in technology center schools, with the approval of
9 the independent school district board.

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

15 2. The State Board of Education shall adopt rules providing for
16 necessary student exceptions and exemptions to the requirements of
17 this section. The Board shall collect data by school site and
18 district on the number of students provided and categories of
19 exceptions and exemptions granted. ~~Beginning October 1, 2012, the~~
20 The Board shall provide an annual report of this data to the
21 Governor, President Pro Tempore of the Senate and Speaker of the
22 House of Representatives.

23 3. Students who score ten percent (10%) above the cut scores
24 approved by the State Board of Education for the American College

1 Testing Program (ACT), the Scholastic Aptitude Test (SAT), ACT Plan
2 or Preliminary Scholastic Aptitude Test/National Merit Scholarship
3 Qualifying Test (PSAT/NMSQT) alternate ~~tests~~ assessments shall be
4 deemed to have satisfactorily demonstrated mastery of ~~state~~ academic
5 content standards in the subject areas for which alternative ~~tests~~
6 assessments have been approved and shall be exempt from taking the
7 ~~end-of-instruction criterion-referenced tests~~ state-mandated
8 assessments in the subject areas of Algebra II, English III,
9 Geometry or United States History as listed in paragraph 3 of
10 subsection A of this section.

11 4. Students who have a score that is equal to or above the cut
12 scores approved by the State Board of Education for the Advanced
13 Placement course exams, ACT Workkeys job skills assessment, College-
14 Level Examination Program (CLEP) or International Baccalaureate (IB)
15 alternate ~~tests~~ assessments shall be deemed to have satisfactorily
16 demonstrated mastery of ~~state~~ academic content standards in the
17 subject areas for which alternate ~~tests~~ assessments have been
18 approved and shall be exempt from taking the ~~end-of-instruction~~
19 ~~criterion-referenced tests~~ state-mandated assessments in the subject
20 areas of Algebra II, English III, Geometry or United States History
21 as listed in paragraph 3 of subsection A of this section.

22 5. The State Board of Education shall adopt rules providing for
23 implementation of paragraphs 3 and 4 of this subsection. The rules
24 shall provide for the designation of students as proficient or

1 advanced based on the scores obtained pursuant to paragraphs 3 and 4
2 of this subsection for the purposes of calculating the grade of a
3 school as part of the accountability system developed pursuant to
4 Section 1210.545 of this title, evaluating teachers and
5 administrators as part of the Teacher and Leader Effectiveness
6 Evaluation System developed pursuant to Section 6-101.16 of this
7 title and for any other purpose provided for by law.

8 E. 1. The State Board of Education shall adopt rules
9 establishing an appeal process for students who have been denied a
10 standard diploma by the school district in which the student is or
11 was enrolled for failing to meet the requirements of this section.
12 A student who has been denied a standard diploma by the school
13 district in which the student is enrolled shall have thirty (30)
14 days after denial of the standard diploma in which to file a
15 petition for an appeal to the State Board of Education. The State
16 Board of ~~Education~~ shall take action on a petition for an appeal no
17 later than forty-five (45) days after receiving the petition.

18 2. The State Board of Education shall collect data by school
19 site and school district on the number of students petitioning for
20 an appeal and the number of appeals approved by the State Board of
21 ~~Education~~ pursuant to this subsection. ~~Beginning October 1, 2012,~~
22 ~~the~~ The State Board of ~~Education~~ shall provide an annual report of
23 this data to the Governor, President Pro Tempore of the Senate and
24 Speaker of the House of Representatives.

1 F. 1. Students who have individualized education programs
2 pursuant to the Individuals with Disabilities Education Act (IDEA)
3 shall have an appropriate statement on the student's individualized
4 education program requiring administration of the assessment with or
5 without accommodations or an alternate assessment. Any
6 accommodations normally employed for the assessment shall be
7 approved by the State Board of Education and be provided for in the
8 individualized education program. All documentation for each
9 student shall be on file in the school prior to administration of
10 the assessment.

11 2. Students with disabilities whose individualized education
12 program (IEP) pursuant to the Individuals with Disabilities
13 Education Act (IDEA) indicates that the student is to be assessed
14 with alternate achievement standards through the Oklahoma Alternate
15 Assessment Program (OAAP) may be eligible to graduate from a public
16 high school with a standard diploma after failing to meet the
17 requirements of subsection A of this section upon the determination
18 of the school district that the student meets the following
19 criteria:

- 20 a. obtains a written recommendation from the student's
21 teacher of record in consultation with the teacher in
22 each subject in which the student failed to meet the
23 requirements of subsection A of this section. The
24 recommendation shall be supported by the principal and

1 by documentation demonstrating the acquired knowledge
2 of the student by alternate measures as required by
3 the individualized education program (IEP),

4 b. completes remediation opportunities to the extent
5 required by the individualized education program
6 (IEP),

7 c. retakes the ~~exam~~ assessment in each subject in which
8 the student failed to meet the requirements of
9 subsection A of this section if the individualized
10 education program (IEP) requires retake opportunities,

11 d. maintains at least a C average or the equivalent in
12 each subject in which the student failed to meet the
13 requirements of subsection A of this section, and

14 e. meets all other graduation requirements of the school
15 district in which the student is enrolled.

16 3. The Oklahoma School for the Blind and the Oklahoma School
17 for the Deaf shall be considered local education agencies solely for
18 the purposes of purchasing ~~7~~ and administering assessments and
19 obtaining ~~test~~ assessment results under this section for the
20 students attending their schools.

21 4. Students identified as English language learners shall be
22 assessed in a valid and reliable manner with the state academic
23 assessments with acceptable accommodations as necessary or, to the
24 extent practicable, with alternate assessments aligned to the state

1 assessment provided by the school district in the language and form
2 most likely to yield accurate data of the student's knowledge of the
3 content areas.

4 G. Students who have been denied a standard diploma by the
5 school district in which the student is or was enrolled for failing
6 to meet the requirements of this section may re-enroll in the school
7 district that denied the student a standard diploma following the
8 denial of a standard diploma. The student shall be provided
9 remediation or intervention and the opportunity to retake the ~~test~~
10 assessment until at least a proficient score is attained on the ~~test~~
11 assessment or ~~tests~~ assessments necessary to obtain a standard
12 diploma. Students who re-enroll in the school district to meet the
13 graduation requirements of this section shall be exempt from the
14 hourly instructional requirements of Section 1-111 of this title and
15 the six-period enrollment requirements of Section 11-103.6 of this
16 title.

17 H. The State Board of Education shall be authorized to contract
18 with an entity to develop and advise on the implementation of a
19 communications campaign to build public understanding of and support
20 for the ~~testing~~ assessment requirements of this section.

21 SECTION 3. This act shall become effective July 1, 2016.

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

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