

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 1035

By: Casey

COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 2011, Section 1210.508, as last amended by Section 8, Chapter 354, O.S.L. 2012 (70 O.S. Supp. 2012, Section 1210.508), which relates to the Oklahoma School Testing Program; providing an exception from certain end-of-instruction examination requirement; amending 70 O.S. 2011, Section 1210.523, as amended by Section 1, Chapter 96, O.S.L. 2012 (70 O.S. Supp. 2012, Section 1210.523), which relates to mastery of state academic content standards; allowing scores on certain other approved alternative examinations and assessments to demonstrate mastery; allowing certain students to be eligible to graduate with a standard diploma and not take certain exams; prohibiting the State Board of Education from limiting students to one alternative exam; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.508, as last amended by Section 8, Chapter 354, O.S.L. 2012 (70 O.S. Supp. 2012, 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

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

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

- 13 a. reading, and
- 14 b. mathematics.

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

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

24

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

1 in the appropriate state academic content standards in order to
2 graduate from a public high school with a standard diploma. All
3 students shall take the tests prior to graduation, unless otherwise
4 exempt by law. The State Board of Education shall administer the
5 criterion-referenced tests. The Board shall develop and field test
6 the end-of-instruction tests in English III, Geometry, and Algebra
7 II during the 2006-07 school year, implement the tests during the
8 2007-08 school year, and administer them each year thereafter. The
9 Board 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 criterion-referenced tests required by this section
22 shall measure academic competencies in correlation with the state
23 academic content standards adopted by the Board pursuant to Section
24 11-103.6 of this title and known as the Priority Academic Student

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

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

23 3. The State Board of Education in coordination with the Office
24 of Educational Quality and Accountability shall review, realign, and

1 recalibrate, as necessary, the tests in reading and mathematics in
2 third through eighth grade and the end-of-instruction tests. The
3 Commission for Educational Quality and Accountability shall
4 determine the cut scores for the performance levels on the end-of-
5 instruction tests developed pursuant to paragraph 6 of subsection A
6 of this section. The Commission shall conduct an ongoing review to
7 compare the end-of-instruction test content and performance
8 descriptors with those of other states. Upon receipt of the review,
9 the Commission may adjust 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 and concurrent validity.

22 C. 1. The State Board of Education shall set the testing
23 window dates for each criterion-referenced test required in
24 paragraphs 1 through 5 of subsection A of this section for grades

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

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 required in this section shall be disaggregated by gender, race
5 ethnicity, disability status, migrant status, English proficiency,
6 and status as economically disadvantaged, except that such
7 disaggregation shall not be required in a case in which the number
8 of students in a category is insufficient to yield statistically
9 reliable information or the results would reveal personally
10 identifiable information about an individual student. Each school
11 site shall notify the student's parents of the school's performance
12 levels in the Oklahoma School Testing Program as reported in the
13 Oklahoma Educational Indicators Program at the end of each school
14 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 required in subsection A of this section. In
18 the interest of economy the Board shall adapt criterion-referenced
19 tests that have been developed by or in collaboration with other
20 states or are otherwise commercially available, or portions of such
21 tests, to the extent that such tests are appropriate for use in the
22 testing program to be administered to Oklahoma students.

23 E. The State Board of Education shall develop, administer, and
24 incorporate as a part of the Oklahoma School Testing Program, other

1 testing programs or procedures, including appropriate accommodations
2 for the testing of students with disabilities as required by the
3 Individuals with Disabilities Education Act (IDEA), 20 USC, Section
4 1400 et seq.

5 SECTION 2. AMENDATORY 70 O.S. 2011, Section 1210.523, as
6 amended by Section 1, Chapter 96, O.S.L. 2012 (70 O.S. Supp. 2012,
7 Section 1210.523), is amended to read as follows:

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

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

22 B. To demonstrate mastery, the student shall attain at least a
23 proficient score on the end-of-instruction criterion-referenced
24 tests administered pursuant to Section 1210.508 of this title.

1 C. Notwithstanding any other provision of law, students who do
2 not attain at least a proficient score on any end-of-instruction
3 test shall be provided remediation or intervention and the
4 opportunity to retake the test until at least a proficient score is
5 attained on the tests of Algebra I, English II and two of the tests
6 required in paragraph 3 of subsection A of this section or an
7 approved alternative test. Technology center schools shall be
8 authorized to provide intervention and remediation in Algebra I,
9 Algebra II, Geometry, English II, English III, United States
10 History, and Biology I to students enrolled in technology center
11 schools, with the approval of the independent school district board.

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

17 2. Students who have an American College Testing Program (ACT)
18 score, the ACT PLAN score, the Scholastic Aptitude Test (SAT) or the
19 Preliminary Scholastic Aptitude Test (PSAT)/National Merit
20 Scholarship Qualifying Test that is the greater of one point or ten
21 percent (10%) above the cut score established by the Oklahoma State
22 Board of Education as proficient for the subject area or areas in
23 which those exams are an approved alternate exam shall be deemed to
24 have satisfactorily demonstrated mastery of state academic content

standards for the subject area or areas as required in subsection A of this section and shall be eligible to graduate from a public high school with a standard diploma and shall not have to take the end-of-instruction exam for the subject area or areas as required in Section 1210.508 of this title.

3. Students who have a WorkKeys job skills assessment score that is the greater of one point or ten percent (10%) above the cut score established by the Oklahoma State Board of Education as proficient for the subject area or areas in which the WorkKeys is an approved alternate exam shall be deemed to have satisfactorily demonstrated mastery of state academic content standards for the subject area or areas as required in subsection A of this section and shall be eligible to graduate from a public high school with a standard diploma and shall not have to take the end-of-instruction exam for the subject area or areas as required in Section 1210.508 of this title.

4. Students who have attained scores established by the Oklahoma State Board of Education as proficient for the subject area or areas in which in an Advanced Placement course exam, an International Baccalaureate (IB) course exam or a College Level Examination Program (CLEP) exam is an approved alternate exam shall be deemed to have satisfactorily demonstrated mastery of state academic content standards for the subject area or areas as required in subsection A of this section and shall be eligible to graduate

1 from a public high school with a standard diploma and shall not have
2 to take the end-of-instruction exam for the subject area or areas as
3 required in Section 1210.508 of this title.

4 5. The State Board of Education shall not limit the ability of
5 a student to demonstrate mastery of academic content to any one
6 approved alternate exam.

7 6. The State Board of Education shall adopt rules providing for
8 necessary student exceptions and exemptions to the requirements of
9 this section. The Board shall collect data by school site and
10 district on the number of students provided and categories of
11 exceptions and exemptions granted. Beginning October 1, 2012, the
12 Board shall provide an annual report of this data to the Governor,
13 President Pro Tempore of the State Senate and Speaker of the House
14 of Representatives.

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

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

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

17 2. Students identified as English language learners shall be
18 assessed in a valid and reliable manner with the state academic
19 assessments with acceptable accommodations as necessary or, to the
20 extent practicable, with alternate assessments aligned to the state
21 assessment provided by the school district in the language and form
22 most likely to yield accurate data of the student's knowledge of the
23 content areas.

1 G. The State Board of Education shall be authorized to contract
2 with an entity to develop and advise on the implementation of a
3 communications campaign to build public understanding of and support
4 for the testing requirements of this section.

5 SECTION 3. This act shall become effective July 1, 2013.

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

10

11 54-1-7387 KB 02/27/13

12

13

14

15

16

17

18

19

20

21

22

23

24