

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE BILL 1622

By: Derby

AS INTRODUCED

An Act relating to schools; directing the State Board of Education to develop standards for ACT assessment preparation instruction; amending 70 O.S. 2011, Section 1210.508, as last amended by Section 8, Chapter 430, O.S.L. 2014 (70 O.S. Supp. 2014, Section 1210.508), which relates to the Oklahoma School Testing Program Act; deleting end-of-instruction test requirement for high school graduation; requiring secondary students to take the ACT assessment; deleting certain requirements relating to the end-of-instruction assessments; requiring ACT assessments to be recorded on the transcript; adding goal of the subject matter standards; amending 70 O.S. 2011, Section 1210.526, as amended by Section 2, Chapter 367, O.S.L. 2013 (70 O.S. Supp. 2014, Section 1210.526), which relates to eligibility for funding under the Achieving Classroom Excellence Act of 2005; deleting certain statutory citation; deleting claims reimbursement process for administration of alternative assessments; deleting requirement for expenditure of remediation or intervention funds; deleting calculation of State Aid funding for certain students; 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 demonstrating mastery of the 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:

1       SECTION 1.       NEW LAW       A new section of law to be codified  
2 in the Oklahoma Statutes as Section 11-112 of Title 70, unless there  
3 is created a duplication in numbering, reads as follows:

4       The State Board of Education shall adopt standards for  
5 instruction of students in the public schools of this state that are  
6 necessary to ensure that students are prepared to take the American  
7 College Test (ACT) assessment.

8       SECTION 2.       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 2014, Section 1210.508), is amended to read as follows:

11       Section 1210.508 A. 1. The State Board of Education shall  
12 develop and administer a series of criterion-referenced tests  
13 designed to indicate whether the subject matter standards, as  
14 defined by the State Board of Education, which Oklahoma public  
15 school students are expected to have attained have been achieved.  
16 The Board may develop and administer any criterion-referenced test  
17 in any subject not required by federal law, contingent upon the  
18 availability of funding. Students who do not perform at least at  
19 the proficient level on tests shall be remediated, subject to the  
20 availability of funding.

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

24       a. reading, and

1           b.     mathematics.

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

4           a.     reading,

5           b.     mathematics,

6           c.     science,

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

10          e.     writing of English.

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

14          a.     reading, and

15          b.     mathematics.

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

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

20          a.     reading,

21          b.     mathematics,

22          c.     science,

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

1 e. writing of English.

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

6 ~~6. Except as otherwise provided for in Section 1210.523 of this~~  
7 ~~title, each~~ Each ~~student who completes the instruction for English~~  
8 ~~II, English III, United States History, Biology I, Algebra I,~~  
9 ~~Geometry, and Algebra II at the secondary level shall complete an~~  
10 ~~end-of-instruction test, when implemented, take the American College~~  
11 ~~Test (ACT) assessment to measure for attainment in the appropriate~~  
12 ~~subject matter standards in order to graduate from a public high~~  
13 ~~school with a standard diploma. All students shall take the tests~~  
14 ~~prior to graduation, unless otherwise exempt by law, but shall not~~  
15 ~~be required to attain a minimum composite score on the ACT~~  
16 ~~assessment in order to graduate.~~ The State Board of Education shall  
17 administer the ~~criterion-referenced tests~~ ACT assessment. The Board  
18 shall ~~develop and field test the end-of-instruction tests in English~~  
19 ~~III, Geometry, and Algebra II during the 2006-07 school year,~~  
20 ~~implement the tests during the 2007-08 school year, and administer~~  
21 ~~them each year thereafter. The Board shall administer the multiple~~  
22 ~~choice portion of the end-of-instruction tests online with raw score~~  
23 ~~test results reported immediately and complete results reported in~~  
24 ~~less than two (2) weeks beginning in the 2008-09 school year.~~

~~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 shall be afforded the opportunity to retake each test up to three (3) times each calendar year until at least achieving at the proficient level. 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 ACT assessment composite score and any business- and industry-recognized endorsements attained on the student's high school transcript. 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

1 fine arts area in which the student has received  
2 instruction.

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

9 B. 1. All criterion-referenced tests required by this section  
10 shall measure academic competencies in correlation with the subject  
11 matter standards adopted by the Board pursuant to Sections 11-103.6  
12 and 11-103.6a of this title. The State Board of Education shall  
13 evaluate the subject matter standards to ensure the competencies  
14 reflect high standards, are specific, well-defined, measurable,  
15 challenging, and will prepare elementary students for next-grade-  
16 level course work and secondary students for postsecondary studies  
17 at institutions of higher education or technology center schools  
18 without the need for remediation. All subject matter standards  
19 shall reflect the goals as set forth in Section 11-103.6 of this  
20 title, prepare secondary students for taking and achieving high  
21 scores on the ACT assessment and ~~of improving~~ improve the state  
22 average ACT score.

23 2. The State Department of Education shall annually evaluate  
24 the results of the criterion-referenced tests. The State Board of

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

12 3. The State Board of Education in coordination with the Office  
13 of Educational Quality and Accountability shall review, realign, and  
14 recalibrate, as necessary, the tests in reading and mathematics in  
15 third through eighth grade ~~and the end-of-instruction tests.~~ The  
16 ~~Commission for Educational Quality and Accountability shall~~  
17 ~~determine the cut scores for the performance levels on the end-of-~~  
18 ~~instruction tests developed pursuant to paragraph 6 of subsection A~~  
19 ~~of this section. The Commission shall conduct an ongoing review to~~  
20 ~~compare the end-of-instruction test content and performance~~  
21 ~~descriptors with those of other states. Upon receipt of the review,~~  
22 ~~the Commission may adjust the cut scores as necessary.~~

23 4. The State Board of Education, for the purposes of conducting  
24 reliability and validity studies, monitoring contractor adherence to

1 professionally accepted testing standards, and providing  
2 recommendations for testing program improvement, shall retain the  
3 services of an established, independent agency or organization that  
4 is nationally recognized for its technical expertise in educational  
5 testing but is not engaged in the development of aptitude or  
6 achievement tests for elementary or secondary level grades. These  
7 ~~national assessment experts shall annually conduct studies of the~~  
8 ~~reliability and validity of the end-of-instruction tests~~  
9 ~~administered pursuant to this section. Validity studies shall~~  
10 ~~include studies of decision validity and concurrent validity.~~

11 C. 1. The State Board of Education shall set the testing  
12 window dates for each criterion-referenced test required in  
13 paragraphs 1 through 5 of subsection A of this section for grades  
14 three through eight so that, with the exception of the writing  
15 assessments, the tests are administered to students no earlier than  
16 April 10 each year and so that the test results are reported back to  
17 school districts in a timely manner. ~~Each criterion-referenced test~~  
18 ~~required in paragraph 6 of subsection A of this section may be~~  
19 ~~administered to students at a time set by the State Board of~~  
20 ~~Education as near as possible to the end of the course; provided, if~~  
21 ~~a school district is unable to administer the tests online to all~~  
22 ~~students taking the test for the first time and all students~~  
23 ~~retaking the test during the testing window time set by the Board,~~  
24 ~~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

1 levels in the Oklahoma School Testing Program as reported in the  
2 Oklahoma Educational Indicators Program at the end of each school  
3 year.

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

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

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

1       SECTION 3.       AMENDATORY       70 O.S. 2011, Section 1210.526, as  
2 amended by Section 2, Chapter 367, O.S.L. 2013 (70 O.S. Supp. 2014,  
3 Section 1210.526), is amended to read as follows:

4       Section 1210.526 A. Contingent on the provision of  
5 appropriated funds designated for the Achieving Classroom Excellence  
6 Act of 2005, school districts shall be eligible for funding as  
7 follows:

8       1. A maximum of Two Hundred Forty Dollars (\$240.00) for  
9 remediation or intervention for each subject-specific test by a  
10 student that resulted in a score at the unsatisfactory level and for  
11 which the student has been found to be in need of remediation or  
12 intervention pursuant to ~~Sections~~ Section 1210.522 ~~and 1210.523~~ of  
13 this title;

14       2. A maximum of One Hundred Eighty Dollars (\$180.00) for  
15 remediation or intervention for each subject-specific test by a  
16 student that resulted in a score at the limited knowledge level and  
17 for which the student has been found to be in need of remediation or  
18 intervention pursuant to ~~Sections~~ Section 1210.522 ~~and 1210.523~~ of  
19 this title; and

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

1       ~~4. Claims for reimbursement for costs associated with~~  
2 ~~administration of alternative assessments as required by Section~~  
3 ~~1210.523 of this title shall be filed with the State Department of~~  
4 ~~Education at the end of each school semester or prior to the end of~~  
5 ~~the fiscal year in which the alternative assessment is provided.~~  
6 ~~Claims from summer alternative assessment administration provided in~~  
7 ~~July or August shall be filed with the first semester claim of the~~  
8 ~~subsequent school year. Claims shall be reimbursed in a timely~~  
9 ~~manner.~~

10       ~~B. Funds for remediation or intervention as provided for in~~  
11 ~~subsection A of this section may be used to provide remediation or~~  
12 ~~intervention to any student in grade 6 through grade 12 or any~~  
13 ~~student under the age of twenty-one (21) who enrolls in a school~~  
14 ~~district pursuant to subsection C of Section 1210.523 of this title~~  
15 ~~in order to meet the graduation requirements of Section 1210.523 of~~  
16 ~~this title who has been determined to be in need of remediation or~~  
17 ~~intervention, including but not limited to those students who have~~  
18 ~~scored at the unsatisfactory or limited knowledge level.~~

19       ~~C. Remediation and intervention provided pursuant to this~~  
20 ~~section by school districts shall be for the purpose of assisting~~  
21 ~~students in performing at least at the satisfactory level on the~~  
22 ~~applicable criterion-referenced tests in reading and mathematics at~~  
23 ~~the eighth-grade level, or the applicable end-of-instruction tests~~  
24 ~~as required in Section 1210.523 of this title, or an alternative~~

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

7 ~~D. State Aid funding for students enrolling in a school~~  
8 ~~district pursuant to subsection C of Section 1210.523 of this title~~  
9 ~~shall be calculated based upon the percentage of the total school~~  
10 ~~day in which the student is enrolled multiplied by the appropriate~~  
11 ~~grade level weight pursuant to Section 18-201.1 of this title. Only~~  
12 ~~enrollment in courses or periods necessary to meet the graduation~~  
13 ~~requirements of Section 1210.523 of this title and not elective~~  
14 ~~courses or periods shall be included in the calculation of State Aid~~  
15 ~~funding.~~

16 ~~E. C.~~ School districts shall report on their use of funds for  
17 remediation and intervention as provided for in this section to the  
18 State Board of Education in a manner prescribed by the Board.

19 ~~F. D.~~ The State Board of Education shall promulgate rules to  
20 implement the provisions of this section.

21 SECTION 4. REPEALER 70 O.S. 2011, Section 1210.523, as  
22 last amended by Section 26, Chapter 4, O.S.L. 2014 (70 O.S. Supp.  
23 2014, Section 1210.523), is hereby repealed.

24 SECTION 5. This act shall become effective July 1, 2015.

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

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