

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1622

By: Derby and Brumbaugh

7
8 COMMITTEE SUBSTITUTE

9
10 An Act relating to schools; amending 70 O.S. 2011,
11 Section 1210.508, as last amended by Section 8,
12 Chapter 430, O.S.L. 2014 (70 O.S. Supp. 2014, Section
13 1210.508), which relates to the Oklahoma School
14 Testing Program Act; changing type of test required
15 to be administered to students; deleting option for
16 additional tests; deleting certain subject tests;
17 deleting end-of-instruction test requirement for high
18 school graduation; requiring secondary students to
19 take certain tests; deleting certain requirements
20 relating to the end-of-instruction assessments;
21 requiring certain tests to be recorded on the
22 transcript; adding goal of the subject matter
23 standards; deleting references to criterion-
24 referenced; deleting certain determination, cut score
 setting and study; modifying testing window
 requirements; 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

1 content standards; providing an effective date; and
2 declaring an emergency.

3
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.508, as
6 last amended by Section 8, Chapter 430, O.S.L. 2014 (70 O.S. Supp.
7 2014, Section 1210.508), is amended to read as follows:

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

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

24 a. reading, and

1 b. mathematics.

2 3. Contingent upon the availability of funds, the Board shall
3 administer ~~critierion-referenced tests~~ a test 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 ~~critierion-referenced tests for grades six and seven in:~~

14 a. ~~reading, and~~

15 b. ~~mathematics.~~

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

18 5. Contingent upon the availability of funds, the Board shall
19 administer ~~critierion-referenced tests~~ a test 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~~

8 5. Each student who completes the instruction for English II,
9 English III, United States History, Biology I, Algebra I, Geometry,
10 and Algebra II at the secondary level shall complete an end-of-
11 instruction test, when implemented, take tests selected or developed
12 by the Board which may include but is not limited to the Iowa
13 Testing Program tests as augmented by the Board to measure for
14 attainment in the appropriate subject matter standards in order to
15 graduate from a public high school with a standard diploma. All
16 students shall take the tests prior to graduation, unless otherwise
17 exempt by law, but shall not be required to attain a minimum score
18 on the tests in order to graduate. The State Board of Education
19 shall administer the ~~critierion-referenced tests~~ Iowa Testing Program
20 tests if that testing program is selected for administration. The
21 ~~Board shall develop and field test the end-of-instruction tests in~~
22 ~~English III, Geometry, and Algebra II during the 2006-07 school~~
23 ~~year, implement the tests during the 2007-08 school year, and~~
24 ~~administer them each year thereafter.~~ The Board shall administer

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

5 ~~The end-of-instruction tests shall serve the purpose of the~~
6 ~~criterion-referenced tests as provided in paragraph 1 of this~~
7 ~~subsection. The English II and English III end-of-instruction tests~~
8 ~~shall include a writing component. Students who do not score at~~
9 ~~least at the proficient level shall be afforded the opportunity to~~
10 ~~retake each test up to three (3) times each calendar year until at~~
11 ~~least achieving at the proficient level. In order to provide an~~
12 ~~indication of the levels of competency attained by the student in a~~
13 ~~permanent record for potential future employers and institutions of~~
14 ~~higher education, for students who enter the ninth grade in or prior~~
15 ~~to the 2007-08 school year, school districts shall report the~~
16 ~~highest-achieved state test performance level on the end-of-~~
17 ~~instruction tests on the student's high school transcript.~~
18 ~~Beginning with students who enter the ninth grade in the 2008-09~~
19 ~~school year, school districts shall report the highest-achieved~~
20 ~~state test performance level on the end-of-instruction tests test~~
21 ~~score and any business_ and industry-recognized endorsements~~
22 ~~attained on the student's high school transcript. Any student at~~
23 ~~the middle school level who completes the instruction in a secondary~~
24

1 ~~course specified in this paragraph shall be administered the~~
2 ~~appropriate end-of-instruction test.~~

3 ~~7.~~ 6. a. Each school district shall administer to each student
4 in the school district in grades three through eight
5 an assessment designed to assess the student in the
6 fine arts area in which the student has received
7 instruction.

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

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

1 title, prepare secondary students for taking and achieving high
2 scores on the ACT assessment and ~~of improving~~ improve the state
3 average ACT score.

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

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

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

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

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

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

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

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

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

20 E. The State Board of Education shall develop, administer, and
21 incorporate as a part of the Oklahoma School Testing Program, other
22 testing programs or procedures, including appropriate accommodations
23 for the testing of students with disabilities as required by the
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1 Individuals with Disabilities Education Act (IDEA), 20 USC, Section
2 1400 et seq.

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

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

10 Section 1210.526 A. Contingent on the provision of
11 appropriated funds designated for the Achieving Classroom Excellence
12 Act of 2005, school districts shall be eligible for funding as
13 follows:

14 1. A maximum of Two Hundred Forty Dollars (\$240.00) for
15 remediation or intervention for each subject-specific test by a
16 student that resulted in a score at the unsatisfactory level and for
17 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;

20 2. A maximum of One Hundred Eighty Dollars (\$180.00) for
21 remediation or intervention for each subject-specific test by a
22 student that resulted in a score at the limited knowledge level and
23 for which the student has been found to be in need of remediation or
24

1 intervention pursuant to ~~Sections~~ Section 1210.522 and ~~1210.523~~ of
2 this title; and

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

8 ~~4. Claims for reimbursement for costs associated with~~
9 ~~administration of alternative assessments as required by Section~~
10 ~~1210.523 of this title shall be filed with the State Department of~~
11 ~~Education at the end of each school semester or prior to the end of~~
12 ~~the fiscal year in which the alternative assessment is provided.~~
13 ~~Claims from summer alternative assessment administration provided in~~
14 ~~July or August shall be filed with the first semester claim of the~~
15 ~~subsequent school year. Claims shall be reimbursed in a timely~~
16 ~~manner.~~

17 B. ~~Funds for remediation or intervention as provided for in~~
18 ~~subsection A of this section may be used to provide remediation or~~
19 ~~intervention to any student in grade 6 through grade 12 or any~~
20 ~~student under the age of twenty-one (21) who enrolls in a school~~
21 ~~district pursuant to subsection G of Section 1210.523 of this title~~
22 ~~in order to meet the graduation requirements of Section 1210.523 of~~
23 ~~this title who has been determined to be in need of remediation or~~

24

1 ~~intervention, including but not limited to those students who have~~
2 ~~scored at the unsatisfactory or limited knowledge level.~~

3 ~~C.~~ Remediation and intervention provided pursuant to this
4 section by school districts shall be for the purpose of assisting
5 students in performing at least at the satisfactory level on the
6 applicable criterion-referenced tests in reading and mathematics at
7 the eighth-grade level, ~~or the applicable end-of-instruction tests~~
8 ~~as required in Section 1210.523 of this title,~~ or an alternative
9 assessment if eligible. Remediation and intervention may be
10 provided by means which may include, but are not limited to,
11 tutoring, additional help during the school day, extended-day
12 programs, Saturday programs, summer programs, online coursework, or
13 other supplementary services which are provided on an individual
14 basis or in a classroom setting.

15 ~~D.~~ ~~State Aid funding for students enrolling in a school~~
16 ~~district pursuant to subsection C of Section 1210.523 of this title~~
17 ~~shall be calculated based upon the percentage of the total school~~
18 ~~day in which the student is enrolled multiplied by the appropriate~~
19 ~~grade level weight pursuant to Section 18-201.1 of this title. Only~~
20 ~~enrollment in courses or periods necessary to meet the graduation~~
21 ~~requirements of Section 1210.523 of this title and not elective~~
22 ~~courses or periods shall be included in the calculation of State Aid~~
23 ~~funding.~~

24

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

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

6 SECTION 3. REPEALER 70 O.S. 2011, Section 1210.523, as
7 last amended by Section 26, Chapter 4, O.S.L. 2014 (70 O.S. Supp.
8 2014, Section 1210.523), is hereby repealed.

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

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

14
15 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02/25/2015
16 - DO PASS, As Amended and Coauthored.

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