

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 55th Legislature (2016)

4 HOUSE BILL 2527

                                  By: Casey

7                                   AS INTRODUCED

8                   **[ schools - Oklahoma School Testing Program -**  
9                                   **deleting requirement for the development and**  
10                                   **administration of certain criterion-referenced**  
11                                   **tests in certain grades - effective date -**  
12   **emergency ]**

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

16           SECTION 1.           AMENDATORY           70 O.S. 2011, Section 1210.508, as  
17 last amended by Section 8, Chapter 430, O.S.L. 2014 (70 O.S. Supp.  
18 2015, Section 1210.508), is amended to read as follows:

19           Section 1210.508 A. ~~1. The~~ By no later than December 31,  
20 2016, the State Board of Education shall ~~develop and administer a~~  
21 ~~series of criterion-referenced tests designed to indicate whether~~  
22 ~~the subject matter standards, as defined by the State Board of~~  
23 ~~Education, which~~ adopt rules providing for the adoption, proper  
24 implementation and administration of the system of student

1 assessments in compliance with the Elementary and Secondary  
2 Education Act of 1965 (ESEA), as reauthorized and amended by the  
3 Every Student Succeeds Act (ESSA), P.L. No. 114-95. The student  
4 assessment system shall measure Oklahoma public school students are  
5 expected to have attained have been achieved. The Board may develop  
6 and administer any criterion-referenced test in any subject not  
7 required by federal law, contingent upon the availability of funding  
8 students' level of mastery of the state subject matter standards  
9 adopted by the Board. The rules adopted by the Board providing for  
10 a system of student assessment shall allow boards of education of  
11 school districts to use local assessments, which are nationally  
12 recognized, for students at the secondary level in place of a state-  
13 mandated assessment. Local assessments approved by the Board and  
14 used in place of a state-adopted assessment shall be considered  
15 state-mandated assessments. Students who do not perform at least at  
16 the proficient level on ~~tests~~ assessments shall be remediated,  
17 subject to the availability of funding.

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

- 21 a. ~~reading, and~~
- 22 b. ~~mathematics.~~

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

- 1 a. ~~reading,~~  
2 b. ~~mathematics,~~  
3 c. ~~science,~~  
4 d. ~~social studies, which shall consist of the history,~~  
5 ~~Constitution and government of the United States, and~~  
6 ~~geography, and~~  
7 e. ~~writing of English.~~

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

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

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

15 ~~5. Contingent upon the availability of funds, the Board shall~~  
16 ~~administer criterion-referenced tests for grade eight 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 e. ~~writing of English.~~

23 ~~The Board shall administer the tests for grade eight in reading~~  
24 ~~and mathematics online with raw score test results reported~~

1 ~~immediately and complete results reported in less than two (2) weeks~~  
2 ~~beginning in the 2007-08 school year.~~

3 ~~6. Except as otherwise provided for in Section 1210.523 of this~~  
4 ~~title, each student who completes the instruction for English II,~~  
5 ~~English III, United States History, Biology I, Algebra I, Geometry,~~  
6 ~~and Algebra II at the secondary level shall complete an end-of-~~  
7 ~~instruction test, when implemented, to measure for attainment in the~~  
8 ~~appropriate subject matter standards in order to graduate from a~~  
9 ~~public high school with a standard diploma. All students shall take~~  
10 ~~the tests prior to graduation, unless otherwise exempt by law. The~~  
11 ~~State Board of Education shall administer the criterion-referenced~~  
12 ~~tests. The Board shall develop and field test the end-of-~~  
13 ~~instruction tests in English III, Geometry, and Algebra II during~~  
14 ~~the 2006-07 school year, implement the tests during the 2007-08~~  
15 ~~school year, and administer them each year thereafter. The Board~~  
16 ~~shall administer the multiple choice portion of the end-of-~~  
17 ~~instruction tests online with raw score test results reported~~  
18 ~~immediately and complete results reported in less than two (2) weeks~~  
19 ~~beginning in the 2008-09 school year.~~

20 ~~The end-of-instruction tests shall serve the purpose of the~~  
21 ~~criterion-referenced tests as provided in paragraph 1 of this~~  
22 ~~subsection. The English II and English III end-of-instruction tests~~  
23 ~~shall include a writing component. Students who do not score at~~  
24 ~~least at the proficient level shall be afforded the opportunity to~~

1 ~~retake each test up to three (3) times each calendar year until at~~  
2 ~~least achieving at the proficient level. In order to provide an~~  
3 ~~indication of the levels of competency attained by the student in a~~  
4 ~~permanent record for potential future employers and institutions of~~  
5 ~~higher education, for students who enter the ninth grade in or prior~~  
6 ~~to the 2007-08 school year, school districts shall report the~~  
7 ~~highest-achieved state test performance level on the end-of-~~  
8 ~~instruction tests on the student's high school transcript.~~

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

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

22           ~~b. Each school district shall prepare an annual report~~  
23           ~~for approval by the State Board of Education outlining~~  
24           ~~the fine arts assessment strategies used by the~~

1 ~~district, when the assessments were administered, how~~  
2 ~~many students were assessed during the previous year,~~  
3 ~~and the results of the assessments.~~

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

17 2. The State Department of Education shall annually evaluate  
18 the results of the ~~critierion-refereneed tests~~ assessments. The  
19 State Board of Education shall ensure that ~~test~~ results for all  
20 state-mandated assessments are reported to districts no later than  
21 June 1 of each year and are presented in a manner that yields  
22 detailed, diagnostic information for the purpose of guiding  
23 instruction and student remediation. As improvements are made to  
24 the ~~critierion-refereneed tests~~ assessments required by this section,

1 the Board shall seek to increase the depth of knowledge assessed for  
2 each subject. The State Board of Education shall seek to ensure  
3 that data yielded from the ~~tests~~ assessments required in this  
4 section are utilized at the school district level to prescribe  
5 reinforcement and/or remediation by requiring school districts to  
6 develop and implement a specific program of improvement based on the  
7 test results.

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

20 4. The State Board of Education, for the purposes of conducting  
21 reliability and validity studies, monitoring contractor adherence to  
22 professionally accepted testing standards, and providing  
23 recommendations for testing program improvement, shall retain the  
24 services of an established, independent agency or organization that

1 is nationally recognized for its technical expertise in educational  
2 testing but is not engaged in the development of aptitude or  
3 achievement tests for elementary or secondary level grades. These  
4 national assessment experts shall annually conduct studies of the  
5 reliability and validity of the ~~end-of-instruction tests~~ state-  
6 mandated assessments administered pursuant to this section.

7 Validity studies shall include studies of decision validity and  
8 concurrent validity.

9 C. 1. The State Board of Education shall set the ~~testing~~  
10 assessment window dates for each ~~riterion-referenced test~~ ~~required~~  
11 ~~in paragraphs 1 through 5 of subsection A of this section for grades~~  
12 ~~three through eight~~ state-mandated assessment so that, ~~with the~~  
13 ~~exception of the writing assessments,~~ the ~~tests~~ assessments are  
14 administered to students no earlier than April 10 each year  
15 according to recommended testing protocols and so that the ~~test~~  
16 assessment results are reported back to school districts in a timely  
17 manner. ~~Each criterion-referenced test required in paragraph 6 of~~  
18 ~~subsection A of this section may be administered to students at a~~  
19 ~~time set by the State Board of Education as near as possible to the~~  
20 ~~end of the course; provided, if a school district is unable to~~  
21 ~~administer the tests online to all students taking the test for the~~  
22 ~~first time and all students retaking the test during the testing~~  
23 ~~window time set by the Board,~~ the Nothing in this subsection shall  
24 be construed to require a single administration of the state-



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

19 2. State, district, and site level results of all ~~tests~~  
20 assessments required in this section shall be disaggregated by  
21 gender, race, ethnicity, disability status, migrant status, English  
22 proficiency, and status as economically disadvantaged, except that  
23 such disaggregation shall not be required in a case in which the  
24 number of students in a category is insufficient to yield

1 statistically reliable information or the results would reveal  
2 personally identifiable information about an individual student.  
3 Each school site shall notify the student's parents of the school's  
4 performance levels in the Oklahoma School Testing Program as  
5 reported in the Oklahoma Educational Indicators Program at the end  
6 of each school year.

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

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

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

5 SECTION 2. AMENDATORY 70 O.S. 2011, Section 1210.523, as  
6 last amended by Section 26, Chapter 4, O.S.L. 2014 (70 O.S. Supp.  
7 2015, 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~~  
10 Beginning in the ~~2008-2009~~ 2017-2018 school year, every student  
11 shall demonstrate mastery of ~~the state~~ academic content standards in  
12 the following subject areas in order to graduate from a public high  
13 school with a standard 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

1 ~~tests~~ state-mandated assessments administered pursuant to Section  
2 1210.508 of this title.

3 C. Notwithstanding any other provision of law, students who do  
4 not attain at least a proficient score on any ~~end-of-instruction~~  
5 ~~test~~ state-mandated assessment shall be provided remediation or  
6 intervention and the opportunity to retake the ~~test~~ assessment until  
7 at least a proficient score is attained ~~on the tests of Algebra I,~~  
8 ~~English II and two of the tests required in paragraph 3 of~~  
9 ~~subsection A of this section or an approved alternative test.~~

10 Technology center schools shall be authorized to provide  
11 intervention and remediation in Algebra I, Algebra II, Geometry,  
12 English II, English III, United States History, and Biology I to  
13 students enrolled in technology center schools, with the approval of  
14 the independent school district board.

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

20 2. The State Board of Education shall adopt rules providing for  
21 necessary student exceptions and exemptions to the requirements of  
22 this section. The Board shall collect data by school site and  
23 district on the number of students provided and categories of  
24 exceptions and exemptions granted. ~~Beginning October 1, 2012, the~~

1 The Board shall provide an annual report of this data to the  
2 Governor, President Pro Tempore of the Senate and Speaker of the  
3 House of Representatives.

4 3. Students who score ten percent (10%) above the cut scores  
5 approved by the State Board of Education for the American College  
6 Testing Program (ACT), the Scholastic Aptitude Test (SAT), ACT Plan  
7 or Preliminary Scholastic Aptitude Test/National Merit Scholarship  
8 Qualifying Test (PSAT/NMSQT) alternate ~~tests~~ assessments shall be  
9 deemed to have satisfactorily demonstrated mastery of ~~state~~ academic  
10 content standards in the subject areas for which alternative ~~tests~~  
11 assessments have been approved and shall be exempt from taking the  
12 ~~end-of-instruction criterion-referenced tests~~ state-mandated  
13 assessments in the subject areas of Algebra II, English III,  
14 Geometry or United States History as listed in paragraph 3 of  
15 subsection A of this section.

16 4. Students who have a score that is equal to or above the cut  
17 scores approved by the State Board of Education for the Advanced  
18 Placement course exams, ACT Workkeys job skills assessment, College-  
19 Level Examination Program (CLEP) or International Baccalaureate (IB)  
20 alternate ~~tests~~ assessments shall be deemed to have satisfactorily  
21 demonstrated mastery of ~~state~~ academic content standards in the  
22 subject areas for which alternate ~~tests~~ assessments have been  
23 approved and shall be exempt from taking the ~~end-of-instruction~~  
24 ~~criterion-referenced tests~~ state-mandated assessments in the subject

1 areas of Algebra II, English III, Geometry or United States History  
2 as listed in paragraph 3 of subsection A of this section.

3 5. The State Board of Education shall adopt rules providing for  
4 implementation of paragraphs 3 and 4 of this subsection. The rules  
5 shall provide for the designation of students as proficient or  
6 advanced based on the scores obtained pursuant to paragraphs 3 and 4  
7 of this subsection for the purposes of calculating the grade of a  
8 school as part of the accountability system developed pursuant to  
9 Section 1210.545 of this title, evaluating teachers and  
10 administrators as part of the Teacher and Leader Effectiveness  
11 Evaluation System developed pursuant to Section 6-101.16 of this  
12 title and for any other purpose provided for by law.

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

23 2. The State Board of Education shall collect data by school  
24 site and school district on the number of students petitioning for

1 an appeal and the number of appeals approved by the State Board of  
2 ~~Education~~ pursuant to this subsection. ~~Beginning October 1, 2012,~~  
3 ~~the~~ The State Board of ~~Education~~ shall provide an annual report of  
4 this data to the Governor, President Pro Tempore of the Senate and  
5 Speaker of the House of Representatives.

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

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

- 1 a. obtains a written recommendation from the student's  
2 teacher of record in consultation with the teacher in  
3 each subject in which the student failed to meet the  
4 requirements of subsection A of this section. The  
5 recommendation shall be supported by the principal and  
6 by documentation demonstrating the acquired knowledge  
7 of the student by alternate measures as required by  
8 the individualized education program (IEP),
- 9 b. completes remediation opportunities to the extent  
10 required by the individualized education program  
11 (IEP),
- 12 c. retakes the ~~exam~~ assessment in each subject in which  
13 the student failed to meet the requirements of  
14 subsection A of this section if the individualized  
15 education program (IEP) requires retake opportunities,
- 16 d. maintains at least a C average or the equivalent in  
17 each subject in which the student failed to meet the  
18 requirements of subsection A of this section, and
- 19 e. meets all other graduation requirements of the school  
20 district in which the student is enrolled.

21 3. The Oklahoma School for the Blind and the Oklahoma School  
22 for the Deaf shall be considered local education agencies solely for  
23 the purposes of purchasing, and administering assessments and  
24



1 obtaining ~~test~~ assessment results under this section for the  
2 students attending their schools.

3 4. Students identified as English language learners shall be  
4 assessed in a valid and reliable manner with the state academic  
5 assessments with acceptable accommodations as necessary or, to the  
6 extent practicable, with alternate assessments aligned to the state  
7 assessment provided by the school district in the language and form  
8 most likely to yield accurate data of the student's knowledge of the  
9 content areas.

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

23 H. The State Board of Education shall be authorized to contract  
24 with an entity to develop and advise on the implementation of a

1 communications campaign to build public understanding of and support  
2 for the ~~testing~~ assessment requirements of this section.

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

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

8

9 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated  
10 02/18/2016 - DO PASS, As Amended.

11

12

13

14

15

16

17

18

19

20

21

22

23

24