

1 **SENATE FLOOR VERSION**

2 April 6, 2016

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 2527

By: Casey and Bennett of the
House

and

Smalley and Dossett of the
Senate

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

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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 Oklahoma public school students are expected to~~
24 ~~have attained have been achieved. The Board may develop and~~

1 ~~administer any criterion-referenced test in any subject not required~~
2 ~~by federal law, contingent upon the availability of funding~~ adopt
3 rules providing for the adoption, proper implementation and
4 administration of a statewide system of student assessments in
5 compliance with the Elementary and Secondary Education Act of 1965
6 (ESEA), as reauthorized and amended by P.L. No. 114-95, also known
7 as the Every Student Succeeds Act (ESSA).

8 B. The statewide student assessment system shall include
9 assessments in English Language Arts or Reading and Mathematics each
10 year in grades three through eight and at least once in high school,
11 during the grade span of nine through twelve. In addition the
12 statewide student assessment system shall include assessments in
13 Science not less than once during each grade span of three through
14 five, six through nine and ten through twelve.

15 C. 1. The statewide student assessment system shall be based
16 on the Oklahoma Academic Standards as adopted by the Board and which
17 prepare students for college and careers.

18 2. Beginning with the 2016-2017 school year, the statewide
19 student assessment system shall assess the mastery level of the
20 Oklahoma Academic Standards in English Language Arts and Mathematics
21 of students in grades three through eight and in Science as
22 described in subsection B of this section. The statewide student
23 assessment system may include assessments in Reading and Writing in
24 certain grades as determined by the Board. The statewide student

1 assessment system may include assessments in other content areas
2 including but not limited to History if funding is available.

3 3. Beginning with the 2016-2017 school year, the statewide
4 student assessment system shall assess the mastery level of the
5 Oklahoma Academic Standards in English Language Arts, Mathematics
6 and Science of students at least once during the grade span of nine
7 through twelve.

8 D. Students who do not perform at least at the proficient level
9 on ~~tests~~ assessments shall be remediated, subject to the
10 availability of funding.

11 ~~2. 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 three and four in:~~

- 14 a. ~~reading, and~~
- 15 b. ~~mathematics.~~

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

- 18 a. ~~reading,~~
- 19 b. ~~mathematics,~~
- 20 c. ~~science,~~
- 21 d. ~~social studies, which shall consist of the history,~~
22 ~~Constitution and government of the United States, and~~
23 ~~geography, and~~
- 24 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. E. 1. All criterion-referenced tests assessments required~~
22 ~~by this section shall measure academic competencies in correlation~~
23 ~~with the subject matter standards adopted by the Board pursuant to~~
24 ~~Sections 11-103.6 and 11-103.6a of this title and referred to as the~~

1 Oklahoma Academic Standards. The State Board of Education shall
2 evaluate the subject matter standards to ensure the competencies
3 reflect high standards, are specific, well-defined, measurable,
4 challenging, and will prepare elementary students for next-grade-
5 level course work and secondary students for postsecondary studies
6 at institutions of higher education or technology center schools
7 without the need for remediation. All subject matter standards
8 shall reflect the goals as set forth in Section 11-103.6 of this
9 title and of improving the state average 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 statewide assessments are reported to districts no later than June 1
14 of each year and are presented in a manner that yields detailed,
15 diagnostic information for the purpose of guiding instruction and
16 student remediation. As improvements are made to the ~~critierion-~~
17 ~~referenced tests~~ assessments required by this section, the Board
18 shall seek to increase the depth of knowledge assessed for each
19 subject. The State Board of Education shall seek to ensure that
20 data yielded from the ~~tests~~ assessments required in this section are
21 utilized at the school district level to prescribe reinforcement
22 and/or remediation by requiring school districts to develop and
23 implement a specific program of improvement based on the ~~test~~
24 assessment 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 statewide assessments. The Commission shall
9 conduct an ongoing review to compare the ~~end-of-instruction test~~
10 statewide assessment content and performance descriptors with those
11 of other states. Upon receipt of the review, the Commission may
12 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~~ statewide
23 assessments administered pursuant to this section. Validity studies
24 shall include studies of decision validity and concurrent validity.

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

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

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

23 ~~D. G.~~ G. The State Board of Education shall be responsible for the
24 ~~development,~~ field-testing, and validation of the ~~criteria-~~

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

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

17 ~~F.~~ I. For purposes of developing and administering alternate
18 assessments for students with the most significant cognitive
19 disabilities, the State Board of Education shall not be subject to
20 subsections D and E of Section 11-103.6a of this title.

21 J. The State Board of Education shall develop high school
22 graduation assessment requirements which students shall meet in
23 order to graduate from a public high school with a standard diploma.
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1 The assessment requirements may include the use of nationally
2 recognized assessments.

3 SECTION 2. REPEALER 70 O.S. 2011, Section 1210.523, as
4 last amended by Section 26, Chapter 4, O.S.L. 2014 (70 O.S. Supp.
5 2015, Section 1210.523), is hereby repealed.

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

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

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12 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
13 April 6, 2016 - DO PASS AS AMENDED

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