

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1535

6 By: Thomsen

7 COMMITTEE SUBSTITUTE

8 An Act relating to schools; requiring school district
9 to implement an ongoing diagnostic testing program;
10 providing for the screening of students at the
11 beginning of the school year; requiring monitoring
12 throughout the year and measurement of skills at the
13 year-end; directing the State Board of Education to
14 approve screening and diagnostic instruments;
15 amending 70 O.S. 2011, Section 1210.508, as last
16 amended by Section 8, Chapter 430, O.S.L. 2013 (70
17 O.S. Supp. 2014, Section 1210.508), which relates to
18 criterion-referenced tests; deleting certain
19 exemption; specifying scoring requirement for
20 graduation; deleting obsolete language; requiring
21 certain students to take the American College Test
22 (ACT) test; directing the Board to ensure
23 administration of the ACT test; providing for
24 remediation or intervention; allowing certain
students to take the ACT Compass college placement
test; 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 mastery of 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 1210.507-1 of Title 70, unless
3 there is created a duplication in numbering, reads as follows:

4 A. Every school district shall implement an ongoing diagnostic
5 testing program for all students in kindergarten through the third
6 grade. Each diagnostic testing program shall have the ability to
7 assess students at the beginning of each school year using a
8 screening instrument approved by the State Board of Education for
9 the appropriate grade-level skills, as measured in lexiles, of each
10 student in reading. Throughout the year students shall be monitored
11 using diagnostic assessments. Year-end skills shall be measured to
12 determine success in reading.

13 B. The State Board of Education shall approve screening and
14 diagnostic instruments to use at the beginning of the school year,
15 for monitoring progress and for measurement of lexiles throughout
16 the school year.

17 SECTION 2. AMENDATORY 70 O.S. 2011, Section 1210.508, as
18 last amended by Section 8, Chapter 430, O.S.L. 2013 (70 O.S. Supp.
19 2014, Section 1210.508), is amended to read as follows:

20 Section 1210.508 A. 1. The State Board of Education shall
21 develop and administer a series of criterion-referenced tests
22 designed to indicate whether the subject matter standards, as
23 defined by the State Board of Education, which Oklahoma public
24 school students are expected to have attained have been achieved.

1 The Board may develop and administer any criterion-referenced test
2 in any subject not required by federal law, contingent upon the
3 availability of funding. Students who do not perform at least at
4 the proficient level on tests shall be remediated, subject to the
5 availability of funding.

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

- 9 a. reading, and
- 10 b. mathematics.

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

- 13 a. reading,
- 14 b. mathematics,
- 15 c. science,
- 16 d. social studies, which shall consist of the history,
17 Constitution and government of the United States, and
18 geography, and
- 19 e. writing of English.

20 4. 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 six and seven in:

- 23 a. reading, and
- 24 b. mathematics.

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

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

- 5 a. reading,
- 6 b. mathematics,
- 7 c. science,
- 8 d. social studies, which shall consist of the history,
9 Constitution, and government of the United States, and
- 10 e. writing of English.

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

15 6. ~~Except as otherwise provided for in Section 1210.523 of this~~
16 ~~title, each~~

- 17 a. Each student who completes the instruction for English
18 II, English III, United States History, Biology I,
19 Algebra I, Geometry, and Algebra II at the secondary
20 level shall complete an end-of-instruction test, ~~when~~
21 ~~implemented,~~ to measure for attainment in the
22 appropriate subject matter standards in order to
23 graduate from a public high school with a standard
24 diploma. All students shall take the tests prior to

1 graduation, unless otherwise exempt by law. The State
2 Board of Education shall administer the criterion-
3 referenced tests. ~~The Board shall develop and field~~
4 ~~test the end-of-instruction tests in English III,~~
5 ~~Geometry, and Algebra II during the 2006-07 school~~
6 ~~year, implement the tests during the 2007-08 school~~
7 ~~year, and administer them each year thereafter.~~

8 b. In addition to the end-of-instruction tests, each
9 student in the eleventh grade may take the American
10 College Test (ACT) test. The Board shall promulgate
11 rules to ensure proper administration of the ACT test.

12 c. The Board shall administer the multiple choice portion
13 of the end-of-instruction tests online with raw score
14 test results reported immediately and complete results
15 reported in less than two (2) weeks ~~beginning in the~~
16 ~~2008-09 school year.~~

17 d. The end-of-instruction tests shall serve the purpose
18 of the criterion-referenced tests as provided in
19 paragraph 1 of this subsection. The English II and
20 English III end-of-instruction tests shall include a
21 writing component. Students who do not score at least
22 at the proficient level on any end-of-instruction test
23 shall be provided remediation or intervention and
24 afforded the opportunity to retake each test up to

1 three (3) times each calendar year until at least
2 achieving at the proficient level. Students who do
3 not score at least at the proficient level on an end-
4 of-instruction test after the first time to take the
5 test may take the ACT Compass college placement test
6 in the appropriate subject area. The results of the
7 ACT Compass test may be used to determine the
8 remediation or intervention to be provided to each
9 student.

10 e. In order to provide an indication of the levels of
11 competency attained by the student in a permanent
12 record for potential future employers and institutions
13 of higher education, ~~for students who enter the ninth~~
14 ~~grade in or prior to the 2007-08 school year, school~~
15 ~~districts shall report the highest-achieved state test~~
16 ~~performance level on the end-of-instruction tests on~~
17 ~~the student's high school transcript. Beginning with~~
18 ~~students who enter the ninth grade in the 2008-09~~
19 ~~school year, school districts shall report the~~
20 highest-achieved state test performance level on the
21 end-of-instruction tests and any business and
22 industry-recognized endorsements attained on the
23 student's high school transcript.

1 f. Any student at the middle school level who completes
2 the instruction in a secondary course specified in
3 this paragraph shall be administered the appropriate
4 end-of-instruction test.

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

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

16 B. 1. All criterion-referenced tests required by this section
17 shall measure academic competencies in correlation with the subject
18 matter standards adopted by the Board pursuant to Sections 11-103.6
19 and 11-103.6a of this title. The State Board of Education shall
20 evaluate the subject matter standards to ensure the competencies
21 reflect high standards, are specific, well-defined, measurable,
22 challenging, and will prepare elementary students for next-grade-
23 level course work and secondary students for postsecondary studies
24 at institutions of higher education or technology center schools

1 without the need for remediation. All subject matter standards
2 shall reflect the goals as set forth in Section 11-103.6 of this
3 title and of improving the state average ACT score.

4 2. The State Department of Education shall annually evaluate
5 the results of the criterion-referenced 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 criterion-referenced 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 criterion-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
24

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 3. REPEALER 70 O.S. 2011, Section 1210.523, as
8 last amended by Section 26, Chapter 4, O.S.L. 2014 (70 O.S. Supp.
9 2014, Section 1210.523), is hereby repealed.

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

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

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