

1 STATE OF OKLAHOMA

2 1st Session of the 47th Legislature (1999)

3 COMMITTEE SUBSTITUTE
4 FOR
5 HOUSE BILL NO. 1599

By: Staggs

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to schools; amending 70 O.S. 1991,
9 Section 1210.508, as last amended by Section 25,
10 Chapter 5, O.S.L. 1998 (70 O.S. Supp. 1998, Section
11 1210.508), which relates to the Oklahoma School
12 Testing Program; discontinuing norm-referenced tests;
13 deleting requirement for certain test retakes;
14 modifying grade levels and configuration of
15 criterion-referenced tests; stating purpose of tests;
16 requiring State Board of Education to perform test
17 development, implementation, evaluation, and
18 correlation; providing for test at the end of certain
19 instruction; providing for course credit in certain
20 instances; requiring State Board of Education to
21 ensure utilization of certain test data; providing
22 for certain remediation; requiring publication of
23 test results by the State Board of Education;
24 modifying reporting of test performances in the
25 Oklahoma Educational Indicators program; encouraging
26 certain use of test performance indices; modifying
27 testing provisions for disabled students; amending 70
28 O.S. 1991, Section 1210.541, as last amended by
29 Section 4, Chapter 343, O.S.L. 1996 (70 O.S. Supp.
30 1998, Section 1210.541), which relates to
31 accountability in the Oklahoma School Testing
32 Program; deleting identification of low performance
on norm-referenced tests; requiring State Board of
Education to implement certain performance levels
known as the Oklahoma Performance Index on criterion-
referenced tests and end-of-instruction examinations;
specifying methodology to set test performance
levels; requiring State Board of Education to
implement certain program of recognition and
incentive; providing for certain financial awards
subject to the availability of funds; specifying the
determination, distribution and use of awards;
modifying required test results reporting by the
State Board of Education; setting standard for low
performance on criterion-referenced tests; deleting
provisions for identification of certain performance
in small schools; deleting obsolete requirement for
State Board of Education for criteria for
identification of schools for certain purpose;
modifying process for identification of low-
performing and high-challenge schools; requiring the
State Board of Education to assign personnel to
assist certain schools; amending Section 4, Chapter
355, O.S.L. 1997 (70 O.S. Supp. 1998, Section
1210.513), which relates to the National Assessment
of Educational Progress; requiring a comparison of

1 certain state curriculum standards to certain
2 National Assessment of Educational Progress
3 standards; requiring report; repealing Section 5,
4 Chapter 355, O.S.L. 1997 (70 O.S. Supp. 1998, Section
5 1210.514), which relates to recommendations for test
6 performance standards; providing an effective date;
7 and declaring an emergency.

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

9 SECTION 1. AMENDATORY 70 O.S. 1991, Section 1210.508, as
10 last amended by Section 25, Chapter 5, O.S.L. 1998 (70 O.S. Supp.
11 1998, Section 1210.508), is amended to read as follows:

12 Section 1210.508 A. ~~Beginning with the 1994-95 school year and~~
13 ~~every school year thereafter, the State Board of Education shall~~
14 ~~cause a norm-referenced test to be administered to every student~~
15 ~~enrolled in grades three and seven of the public schools of this~~
16 ~~state who is a resident of the district in which the student is~~
17 ~~currently enrolled pursuant to the provisions of subsection A of~~
18 ~~Section 1-113 of this title. The test used shall be selected by the~~
19 ~~Board and shall measure specific skills represented by learner~~
20 ~~objectives. The student skills to be tested at the specified grade~~
21 ~~levels shall include reading, mathematics, language arts,~~
22 ~~communications, science and the principles of citizenship in the~~
23 ~~United States and other countries through the study of the ideals,~~
24 ~~history and government of the United States and other countries of~~
25 ~~the world, and through the study of the principles of democracy as~~
26 ~~they apply in the lives of citizens. Because the purpose of such~~
27 ~~norm-referenced testing is to focus on the progress of students and~~
28 ~~to diagnose a student's strengths and weaknesses, the Board shall~~
29 ~~seek to ensure that data yielded from the test is utilized at the~~
30 ~~school district level to prescribe skill reinforcement and/or~~
31 ~~remediation by requiring school districts to develop and implement a~~
32 ~~specific program of improvement based on the test results.~~

1 ~~B. Periodically the State Department of Education shall review~~
2 ~~existing norm-referenced tests commercially available and shall make~~
3 ~~recommendations to the State Board of Education which shall~~
4 ~~designate for statewide use those tests which evaluate the broadest~~
5 ~~range of identified, age-appropriate competencies.~~

6 C. The Board shall develop and administer a series of
7 criterion-referenced tests designed to indicate whether competencies
8 Oklahoma public school students are expected to have attained in
9 grades five, eight and twelve in mathematics, science, reading and
10 writing of English, history, constitution and government of the
11 United States, geography, and ~~culture~~ and the arts, and in grade
12 twelve, Oklahoma history, as defined by the Board, have been
13 mastered. The tests shall measure academic competencies and shall
14 be designed and implemented in correlation with the implementation
15 of the ~~curricula~~ curricular standards adopted by the Board pursuant
16 to Section 11-103.6 of this title. The series of tests shall be
17 field-tested and implemented by the following schedule:

Subject	Field-tested	Implemented
Mathematics	1993-94	1994-95
Science	1993-94	1994-95
Reading and Writing of English	1994-95	1995-96
History, Constitution and Government of the United States	1995-96	1996-97
Geography, and for grade 11, includes Oklahoma history	1996-97	1997-98
Culture and the <u>The Arts</u>	1997-98	1998-99

30 ~~D. B.~~ The Board shall cause the tests in each subject to be
31 field-tested during the year the field tests for each subject are
32 scheduled. The Board shall cause the tests in each subject to be

1 implemented by administering the fifth-grade competency test to
2 fifth-grade students, by administering the eighth-grade competency
3 test to eighth-grade students, and by administering the twelfth-
4 grade competency test to eleventh-grade students in the public
5 schools of this state during the spring semester of the year
6 scheduled for implementation of tests in each subject. The Until
7 the 2000-2001 school year, the Board shall administer the
8 appropriate tests in each implemented subject to fifth-, eighth-,
9 and eleventh-grade students who are residents of the district in
10 which they are currently enrolled pursuant to the provisions of
11 subsection A of Section 1-113 of this title every year after
12 implementation. Students who do not perform satisfactorily on the
13 implemented tests shall be provided opportunities for remediation
14 ~~and shall retake the tests at times established by the Board during~~
15 ~~subsequent years as follows: Fifth-grade tests shall be~~
16 ~~readministered during the sixth and seventh grades; eighth-grade~~
17 ~~tests shall be readministered during the ninth and tenth grades; and~~
18 ~~the twelfth-grade tests shall be readministered during the twelfth~~
19 ~~grade.~~

20 E. C. 1. Beginning with the 2000-2001 school year and every
21 school year thereafter, the State Board of Education shall cause the
22 criterion-referenced tests required in subsections A and B of this
23 section to continue to be administered to every student of this
24 state in grades five and eight who is a resident of or transfers
25 into the district in which the student is currently enrolled. The
26 State Department of Education shall develop, field-test, and
27 implement by the 2000-2001 school year criterion-referenced tests
28 for the third grade in the reading and writing of English and in
29 mathematics. The criterion-referenced tests shall indicate whether
30 competencies as defined by the State Board of Education which
31 Oklahoma public school students are expected to have attained in the
32 specified subjects for the grade level tested have been mastered.

1 The tests shall measure academic competencies in correlation
2 with the curricular standards adopted by the Board pursuant to
3 Section 11-103.6 of this title. The State Department of Education
4 shall annually evaluate the results of the criterion-referenced
5 tests.

6 2. Beginning with the 2000-2001 school year and every school
7 year thereafter, the criterion-referenced tests required in
8 subsections A and B of this section for the eleventh grade shall be
9 replaced by end-of-instruction examinations that are criterion-
10 referenced for the following secondary courses: Algebra I, English,
11 Biology I, and American history. The end-of-instruction
12 examinations shall serve the purpose of the criterion-referenced
13 tests as provided in this subsection. In courses for which an end-
14 of-instruction examination is required, course credit may only be
15 given when an examination score is at the advanced, satisfactory or
16 limited knowledge level.

17 D. The State Board of Education shall seek to ensure that data
18 yielded from the tests required in this section are utilized at the
19 school district level to prescribe skill reinforcement and/or
20 remediation by requiring school districts to develop and implement a
21 specific program of improvement based on the test results. Students
22 who perform at the unsatisfactory level on the end-of-instruction
23 examinations shall be provided opportunities for remediation and
24 test retakes.

25 E. Results of the ~~criterion-referenced test series~~ tests
26 required in ~~subsection C~~ of this section shall be:

27 1. Returned, beginning with the 1998-99 school year, to each
28 school district prior to May 1 of each year; ~~and~~

29 2. Published by the State Board of Education annually for the
30 entire state by district and by site; and

31 3. Included in the summary report of the Oklahoma Educational
32 Indicators Program published pursuant to Section 1210.531 of this

1 title. The report shall include the number of students who perform
2 ~~satisfactorily at the various levels on the tests, the number of~~
3 ~~students who do not perform satisfactorily, and the number of~~
4 ~~students who perform satisfactorily on subsequent administrations of~~
5 ~~the tests.~~

6 F. The State Board of Education shall be responsible for the
7 development, field-testing, and validation of the criterion-
8 referenced test series and end-of-instruction examinations required
9 in ~~subsection C of this section.~~ In the interest of economy the
10 Board shall adapt criterion-referenced tests that have been
11 developed by other states or are otherwise commercially available,
12 or portions of such tests, to the extent that such tests are
13 appropriate for use in the ~~critierion-referenced test series~~
14 assessments to be administered to Oklahoma students.

15 School districts are encouraged to use state test performance
16 indices as a portion of students' grades and to post state test
17 performance indices on students' transcripts. School districts may
18 report the state test performance index on end-of-instruction tests
19 on the student transcript.

20 G. The Board shall develop, administer, and incorporate as a
21 part of the Oklahoma School Testing Program, other testing programs
22 or procedures, including appropriate accommodations for the testing
23 of ~~handicapped students and students with learning~~ disabilities as
24 required by the Individuals with Disabilities Education Act (IDEA),
25 P.L. No. 101-476, ~~necessary to measure additional competencies of~~
26 ~~students which are not adequately measured by the tests required by~~
27 ~~this section.~~

28 SECTION 2. AMENDATORY 70 O.S. 1991, Section 1210.541, as
29 last amended by Section 4, Chapter 343, O.S.L. 1996 (70 O.S. Supp.
30 1998, Section 1210.541), is amended to read as follows:

31 Section 1210.541 A. ~~Except as otherwise provided, each school~~
32 ~~with a student average score in the lowest quartile of Oklahoma~~

1 ~~students and whose student average score falls below the national~~
2 ~~average score on any test~~ The State Board of Education shall
3 determine and adopt a series of student performance levels for the
4 criterion-referenced tests and end-of-instruction examinations
5 administered pursuant to the Oklahoma School Testing Program Act,
6 Section 1210.505 et seq. of this title. The performance levels
7 shall be known as the Oklahoma Performance Index and shall be set by
8 a method similar to that used for the achievement levels on the
9 National Assessment of Educational Progress. Student performance
10 levels shall be labeled: advanced, satisfactory, limited knowledge,
11 and unsatisfactory.

12 B. 1. The State Board of Education shall implement an award
13 program to consist of recognition and incentive for school sites
14 which demonstrate academic achievement on the criterion-referenced
15 test as determined by the Oklahoma Performance Index. The award
16 program shall consist of achievement measured against benchmarks.
17 Subject to the availability of funds appropriated for this purpose,
18 the State Board of Education shall make financial awards to school
19 sites demonstrating academic achievement. The amount of the award
20 shall be calculated by the number of students demonstrating the
21 achievement and by the amount of achievement made in test
22 performance. Awards shall be made by school site for distribution
23 to the site. Within a site, the certified employees as specified
24 below shall determine the use for the school testing awarded funds
25 as follows: For achievement at the third-grade testing level,
26 certified employees in grades kindergarten through three; for
27 achievement at the fifth-grade level, certified employees in grades
28 four and five; and for achievement at the eighth-grade level,
29 certified employees in grades six through eight. All such funds
30 shall be used at the site.

1 2. The State Board of Education shall report to the Legislature
2 by November 1 of each year the school sites which have demonstrated
3 academic achievement pursuant to the provisions of this subsection.

4 C. Each school site at which more than fifty percent (50%) of
5 the students tested on the criterion-referenced test in a grade
6 level perform at the unsatisfactory level on the Oklahoma
7 Performance Index in both reading and mathematics shall cooperate
8 with the State Department of Education to develop a program of
9 action to address such low achievement performance and shall
10 implement such program by the beginning of the fall semester of the
11 school year following the school year for which such low achievement
12 performance is reported. For schools that test fewer than fifteen
13 (15) pupils in any grade, the median or mean score may be used for
14 purposes of this section.

15 ~~B. On or before November 1, 1996, the State Board of Education~~
16 ~~shall submit a proposal to the Legislature to expand the criteria by~~
17 ~~which the standard for low-performing and high challenge schools is~~
18 ~~determined. The criteria may include:~~

19 ~~1. Performance on the norm-referenced and criterion-referenced~~
20 ~~tests administered pursuant to the Oklahoma School Testing Program~~
21 ~~Act, including delineation of the percentages of students tested and~~
22 ~~not tested;~~

23 ~~2. High school graduation, student attendance and student~~
24 ~~dropout rates;~~

25 ~~3. Teacher attendance rates;~~

26 ~~4. Student suspensions and other disciplinary measures which~~
27 ~~can be quantified;~~

28 ~~5. Secondary student participation in and completion of the~~
29 ~~Oklahoma Higher Learning Access Program when applicable;~~

30 ~~6. Student vocational-technical program participation and~~
31 ~~completion rates;~~

32 ~~7. Student college entrance and preparatory test-taking rates;~~

1 ~~8. Parental involvement rates; and~~

2 ~~9. Any indicators reported through the Oklahoma Educational~~
3 ~~Indicators Program.~~

4 ~~Except as otherwise provided, until the 1997-98 school year,~~
5 ~~each school with a student average score in the lowest quartile of~~
6 ~~Oklahoma students and whose student average score falls below the~~
7 ~~national average score on any test of the Oklahoma School Testing~~
8 ~~Program. Such school shall be declared a low-performing school, if~~
9 ~~such standard is met for one (1) or two (2) consecutive years, and a~~
10 ~~high challenge school if such standard is met for three (3)~~
11 ~~consecutive years, by the State Board of Education. ~~For schools~~~~
12 ~~that test fewer than fifteen (15) pupils in any grade, the median or~~
13 ~~mean score may be used for purposes of this section. Beginning with~~
14 ~~the 1997-98 school year, additional criteria as described in this~~
15 ~~subsection shall constitute part of the standard by which a school~~
16 ~~is determined to be low-performing and high challenge. The State~~
17 ~~Board of Education shall report to the Legislature by November 1 all~~
18 ~~districts in which at least one school has been declared a low-~~
19 ~~performing or high challenge school. The annual report to the~~
20 ~~Legislature shall include test scores and other indicators for each~~
21 ~~school declared to be a low-performing or a high challenge school~~
22 ~~and shall include intervention actions that have been taken and are~~
23 ~~planned by the district board of education and the State Board of~~
24 ~~Education to ensure the proper education of the students of each~~
25 ~~such school. Means The State Board of Education shall assign a team~~
26 ~~to provide guidance and assistance to the school site and district~~
27 ~~until the site is no longer declared to be low-performing or high~~
28 ~~challenge. Other means of intervention which may be exercised by~~
29 ~~the State Board of Education may include but are not necessarily~~
30 ~~limited to: ~~provision of guidance and assistance to the school and~~~~
31 ~~~~school district; special funding; reassignment of district~~~~
32 ~~personnel; transfer of students; operation of the school by~~

1 personnel employed by the State Department of Education; mandatory
2 annexation of all or part of the local school district; and placing
3 operation of the school with an institution of higher education as a
4 developmental research school pursuant to the provisions of Sections
5 1210.571 through 1210.579 of this title if the high challenge school
6 is within a single-site district and is within ten (10) miles of a
7 college of education within an institution of The Oklahoma State
8 System of Higher Education.

9 SECTION 3. AMENDATORY Section 4, Chapter 355, O.S.L.
10 1997 (70 O.S. Supp. 1998, Section 1210.513), is amended to read as
11 follows:

12 Section 1210.513 A. In order to assist in the nation's
13 evaluation of the condition and progress of education, and in order
14 to provide comparative interstate information on student
15 performance, beginning July 1, 1997, the State Board of Education
16 shall ensure the participation of the Oklahoma public school system
17 in the National Assessment of Educational Progress. The results of
18 this assessment shall be included as a separate result in annual
19 reports on the Oklahoma State Testing Program.

20 B. The Oklahoma Commission for Teacher Preparation shall
21 contract with a qualified independent entity to conduct a comparison
22 of the state core curriculum standards for reading and mathematics
23 at the fourth, eighth and twelfth-grade levels to the National
24 Assessment of Educational Progress standards at those levels in
25 those subjects and shall report the results to the Legislature by
26 February 1, 2000.

27 SECTION 4. REPEALER Section 5, Chapter 355, O.S.L. 1997
28 (70 O.S. Supp. 1998, Section 1210.514), is hereby repealed.

29 SECTION 5. This act shall become effective July 1, 1999.
30
31
32

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.

5

6 47-1-6356 KB 6/11/15

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32