ENGROSSED SENATE
BILL NO. 697

By: Wilcoxson of the Senate

and

Coleman of the House

[schools - Oklahoma School Testing Program - modifying tests to be administered - effective date - emergency]

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

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

Section 1210.508 A. Beginning with the 1994-95 school year and ~~every school year thereafter~~ through the 2000-2001 school year, the State Board of Education shall cause a norm-referenced test to be administered to every student enrolled in grades three and seven of the public schools of this state who is a resident of the district in which the student is currently enrolled pursuant to the provisions of subsection A of Section 1-113 of this title. The test used shall be selected by the Board and shall measure specific skills represented by learner objectives. The student skills to be tested at the specified grade levels shall include reading, mathematics, language arts, communications, science and the principles of citizenship in the United States and other countries through the study of the ideals, history and government of the United States and other countries of the world, and through the study of the principles of democracy as they apply in the lives of citizens. Because the purpose of such norm-referenced testing is to focus on the progress of students and to diagnose a student's strengths and weaknesses, the Board shall seek to ensure that data

yielded from the test is utilized at the school district level to prescribe skill reinforcement and/or remediation by requiring school districts to develop and implement a specific program of improvement based on the test results.

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

C. The Board shall develop a series of criterion-referenced tests designed to indicate whether competencies Oklahoma public school students are expected to have attained in grades five, eight and twelve in mathematics, science, reading and writing of English, history, constitution and government of the United States, geography, and culture and the arts, and in grade twelve, Oklahoma history, as defined by the Board, have been mastered. The tests shall measure academic competencies and shall be designed and implemented in correlation with the implementation of the curricula standards adopted by the Board pursuant to Section 11-103.6 of this title. <u>The State Board of Education shall evaluate academic competencies to ensure such competencies reflect high standards, are specific, well-defined, measurable, challenging, and will prepare elementary students for next-grade-level course work and secondary students for post-secondary studies at institutions of higher education or vocational-technical schools without the need for remediation in core curriculum areas.</u> The series of tests shall be 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 Arts	1997-98	1998-99

D. The Board shall cause the tests in each subject to be field-tested during the year the field tests for each subject are scheduled. The Board shall cause the tests in each subject to be implemented by administering the fifth-grade competency test to fifth-grade students, by administering the eighth-grade competency test to eighth-grade students, and by administering the twelfth-grade competency test to eleventh-grade students in the public schools of this state during the spring semester of the year scheduled for implementation of tests in each subject. ~~The~~ Through the 2000-2001 school year, the Board shall administer the appropriate tests in each implemented subject to fifth-, eighth-, and eleventh-grade students who are residents of the district in which they are currently enrolled pursuant to the provisions of subsection A of Section 1-113 of this title ~~every year after implementation~~. Students who do not perform satisfactorily on the implemented tests shall be provided opportunities for remediation and shall retake the tests at times established by the Board during subsequent years as follows: Fifth-grade tests shall be readministered during the sixth and seventh grades; eighth-grade tests shall be readministered during the ninth and tenth grades; and the twelfth-grade tests shall be readministered during the twelfth grade.

E. Beginning with the 2001-2002 school year and every school year thereafter, the State Board of Education shall contract to administer a series of grade-level appropriate, nationally normed, norm-referenced tests designed to determine the level of achievement attained by Oklahoma public school students. The tests shall measure academic achievement, shall be of the same test series, and

shall demonstrate correlation with the curricular standards adopted by the Board pursuant to Section 11-103.6 of this title. The following series of norm-referenced tests shall be administered in the following grades:

1. Grade three:

a. reading and language arts, and

b. mathematics; and

2. Grades four, five, six, seven, and eight:

a. reading and language arts,

b. mathematics,

c. science, and

d. social studies.

F. Beginning with the 2001-2002 school year and every school year thereafter, the criterion-referenced tests required in subsections C and D of this section for the twelfth grade shall be replaced by end-of-instruction tests. The State Board of Education shall develop and adopt a curriculum and administer end-of-instruction tests, which are fully aligned to curriculum, to all secondary level students enrolled in the following subjects:

1. English I,

2. English II,

3. Algebra I,

4. Geometry,

5. Biology,

6. Chemistry,

7. American history, and

8. Geography.

Any student in grades seven or eight who enrolls in a course specified in subsection F of this section may, upon the student's request, be administered the appropriate end-of-instruction test. If such student's performance level, as indicated by the test, is at least at the sufficient level, pursuant to subsection H of this

section, the student shall be granted credit towards high school graduation requirements for that course.

G. The end-of-instruction tests to be administered at the secondary level shall be implemented pursuant to the following schedule:

Course	Year
English I	2001-2002
English II	2002-2003
Algebra I	2001-2002
Geometry	2002-2003
Biology	2001-2002
Chemistry	2003-2004
American history	2002-2003
Geography	2003-2004

H. The State Board of Education shall determine and adopt a series of three student performance levels for the end-of-instruction tests administered pursuant to this section. The performance levels, and the rigor they represent, shall be similar to those used for achievement levels on the National Assessment of Educational Progress. Student performance levels, from high to low, shall be known as: advanced, sufficient, and limited knowledge.

The Board shall ensure that data yielded from the tests required in this section are utilized at the school and school district level to prescribe skill reinforcement and/or remediation by requiring school districts to develop and implement a specific program of improvement based on the test results. School districts shall also implement procedures to monitor students' progress during the course of study and assist students identified as needing additional tutoring or remediation to help ensure success before the test is administered. Students who perform at the limited knowledge level on any of the end-of-instruction tests may be tested once more, and

if still insufficient, shall be remediated in summer school and shall retake the test at the end of such remediation.

Performance on each end-of-instruction test must be at the sufficient level or above in order for the student to enroll in the next level course according to the following schedule:

1. Achieve at least sufficient performance level in English I in order to enroll in English II;

2. Achieve at least sufficient performance level in Algebra I in order to enroll in Geometry; and

3. Achieve at least sufficient performance level in Biology in order to enroll in Chemistry.

Further, all students shall perform at the sufficient performance level or above on all end-of-instruction tests required in this section in order to graduate from high school.

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

1. Provided by student, by teacher, by grade level, by school, by district, by performance level, by gender, and by ethnic group;

2. Returned, beginning with the ~~1998-99~~ 1999-2000 school year, to each school district and reported to the Education Oversight Board prior to May 1 of each year; ~~and~~

~~2.~~ 3. Returned to each school district and reported to the Education Oversight Board no later than two (2) weeks after the completion of summer school tests; and

4. Included in the ~~summary report~~ reports of the Oklahoma Educational Indicators Program published pursuant to Section 1210.531 of this title. ~~The report shall include the number of students who perform satisfactorily on the tests, the number of students who do not perform satisfactorily, and the number of students who perform satisfactorily on subsequent administrations of the tests.~~

~~F.~~ J. ~~The State Board of Education shall be responsible for the development, field-testing, and validation of the criterion-referenced test series required in subsection C of this section.~~ In the interest of economy the Board shall adapt ~~criterion-referenced~~ tests that have been developed by other states or are otherwise commercially available, or portions of such tests, to the extent that such tests are appropriate for use in the ~~criterion-referenced~~ test series to be administered to Oklahoma students.

School districts are encouraged to use performance on state end-of-instruction tests as a portion of students' grades and to post performance on state end-of-instruction tests on students' transcripts.

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

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

Section 1210.541 A. ~~Except as otherwise provided, each school with a student average score in the lowest quartile of Oklahoma students and whose student average score falls below the national average score on any test administered pursuant to the Oklahoma School Testing Program Act, Section 1210.505 et seq. of this title, shall cooperate with the State Department of Education to develop a program of action to address such low achievement and shall implement such program by the beginning of the fall semester of the school year following the school year for which such low achievement~~

~~is reported. For schools that test fewer than fifteen (15) pupils in any grade, the median or mean score may be used for purposes of this section.~~ Each school site shall notify the students' parents of the school's performance level in the Oklahoma School Testing Program at the end of each school year. School performance levels are designated as follows:

1. High performing:

   a. for any school offering grades 3, 4, 5, 6, 7, or 8, an average composite score as a national percentile rank of at least sixty-five (65) on all administered tests, or

   b. for any school offering grades 9, 10, 11, or 12, twenty-five percent (25%) or more of the students tested perform at the advanced level on all end-of-instruction tests and all of the students tested perform at the sufficient level or above on all end-of-instruction tests;

2. Average:

   a. for any school offering grades 3, 4, 5, 6, 7, or 8, an average composite score as a national percentile rank of at least thirty-six (36) but less than sixty-five (65) on all administered tests, or

   b. for any school offering grades 9, 10, 11, or 12, less than twenty-five percent (25%) of the students tested perform at the limited knowledge level;

3. Low performing:

   a. for any school offering grades 3, 4, 5, 6, 7, or 8, an average composite score as a national percentile rank of thirty-five (35) or less on all administered tests, or

b. for any school offering grades 9, 10, 11, or 12, twenty-five percent (25%) or more of the students perform at the limited knowledge level; and

4. High challenge - low performing for three (3) consecutive years or low performing for at least three (3) of the last five (5) years.

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

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

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

~~3. Teacher attendance rates;~~

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

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

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

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

~~8. Parental involvement rates; and~~

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

~~Except as otherwise provided, until the 1997-98 school year, each school with a student average score in the lowest quartile of Oklahoma students and whose student average score falls below the national average score on any test of the Oklahoma School Testing Program shall be declared a low-performing school, if such standard~~

~~is met for one (1) or two (2) consecutive years, and a high challenge school if such standard is met for three (3) consecutive years, by the State Board of Education. For schools that test fewer than fifteen (15) pupils in any grade, the median or mean score may be used for purposes of this section. Beginning with the 1997-98 school year, additional criteria as described in this subsection shall constitute part of the standard by which a school is determined to be low-performing and high challenge.~~ Schools identified as high performing shall be recognized as such in a manner determined by the State Board of Education and the district board of education. Schools identified as low performing shall cooperate with the State Department of Education to develop a program of action to address such low performance and shall implement such program by the beginning of the fall semester of the school year following the school year for which such low performance is reported.

The State Board of Education shall report to the Legislature and to the Education Oversight Board by November 1 all ~~districts in which at least one~~ school ~~has~~ sites which have been declared ~~a low-performing~~ low performing or high challenge ~~school~~. The annual report ~~to the Legislature~~ shall include test ~~scores~~ results and other indicators found to be significant for each school declared to be a ~~low-performing~~ low performing or a high challenge school and shall include intervention actions that have been taken and are planned by the district board of education and the State Board of Education to ensure the proper education of the students of each such school. ~~Means~~ The State Board of Education shall assign a team to provide guidance and assistance to the school site and district until the site is no longer declared to be low performing or high challenge. Other means of intervention which may be exercised by the State Board of Education may include but are not necessarily limited to: ~~provision of guidance and assistance to the school and~~

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

SECTION 3. This act shall become effective July 1, 1999.

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

Passed the Senate the 9th day of March, 1999.

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President of the Senate

Passed the House of Representatives the ____ day of _____ , 1999.

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Speaker of the House of Representatives