

ENROLLED HOUSE  
BILL NO. 1599

By: Staggs, Coleman and  
Greenwood of the House

and

Williams of the Senate

An Act relating to schools; amending 70 O.S. 1991, Sections 1210.507 and 1210.508, as last amended by Section 25, Chapter 5, O.S.L. 1998 (70 O.S. Supp. 1998, Section 1210.508), which relate to the Oklahoma School Testing Program; adding requirement that the State Board of Education post certain sample tests on the Internet; specifying nature of sample tests posted; deleting norm-referenced tests at the third- and seventh-grade levels; adding requirement and specifications for norm-referenced test at the fourth-grade level; deleting certain purpose of norm-referenced tests; deleting certain requirement for test review; deleting twelfth-grade level criterion-referenced test; modifying scope of criterion-referenced tests; deleting obsolete provisions of field-testing, implementation and administration of tests; subjecting student transferees to testing; deleting certain requirements for retaking tests; instituting criterion-referenced test for grade three; making third-grade test contingent upon the availability of funds; instituting a series of end-of-instruction tests at the secondary level; stating purpose; providing for test administration and reporting; stating legislative intent for consideration of additional consequences; specifying nature of criterion-referenced tests; stating duties of the State Board of Education and the State Department of Education with regard to criterion-referenced tests; modifying reporting requirements; modifying testing provisions for handicapped students and students with learning disabilities; amending 70 O.S. 1991, Section 1210.531, as last amended by Section 4, Chapter 191, O.S.L. 1997 (70 O.S. Supp. 1998, Section 1210.531), which relates to the Education Oversight Board; clarifying terminology; adding duty to publish certain reports; expanding distribution of report; amending 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), which relates to student performance in the Oklahoma School Testing Program; modifying provisions for student performance levels; requiring the State Board of Education to adopt a series of performance levels; requiring the State Board of Education to make certain awards contingent upon the availability of funds; describing award; requiring reporting on award; modifying provisions for

identification of low-performing and high challenge schools; requiring the State Department of Education to make certain recommendations for the identification of low-performing and high challenge schools; deleting requirement for certain cooperation; requiring the State Department of Education to provide funds for remediation contingent upon their availability; deleting test performance provision for small schools; deleting requirement for proposal for additional identification criteria; deleting certain reporting requirements; modifying provisions for certain guidance and assistance from the State Board of Education; amending Section 4, Chapter 355, O.S.L. 1997 (70 O.S. Supp. 1998, Section 1210.513), which relates to state participation in the National Assessment of Educational Progress; requiring the State Department of Education to conduct an evaluation of certain state curriculum standards; requiring report; providing for advice and guidance from an advisory committee; providing for committee appointments, travel reimbursement and termination; repealing Section 5, Chapter 355, O.S.L. 1997 (70 O.S. Supp. 1998, Section 1210.514), which relates to recommendations for revision of certain test performance, and Section 3, Chapter 343, O.S.L. 1996 (70 O.S. Supp. 1998, Section 1210.542), which relates to certain low-performing schools; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 1210.507, is amended to read as follows:

Section 1210.507 A. The State Board of Education shall promulgate rules and regulations necessary for the implementation and administration of the provisions of the Oklahoma School Testing Program Act, Section 1210.505 et seq. of this title.

B. ~~Beginning July 1, 1990, the~~ The State Board of Education shall require school district boards of education to annually provide information to the district's students, parents of students, and the public at large about the proper meaning and use of tests administered pursuant to the provisions of the Oklahoma School Testing Program Act. The Department shall develop materials and make them available to school districts regarding the Oklahoma School Testing Program.

C. The State Board of Education shall post on the Internet criterion-referenced sample tests for each such grade level and subject matter test administered to students pursuant to the Oklahoma School Testing Program Act. The Board shall maintain the sample tests on the Internet throughout the year and, as changes are made in the Priority Academic Student Skills Curriculum, the Board shall update the sample tests. The sample tests shall reflect the actual test administered to students and may contain questions used on actual tests given in previous years.

SECTION 2. 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, 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.~~ Beginning with the 2001-2002 school year and every school year thereafter, for purposes of comparison with the state criterion-referenced tests for student academic achievement at the elementary level, the State Board of Education shall cause a norm-referenced test to be administered to every student in the fourth-grade of the public schools who is a resident of or transferee into the district in which the student is enrolled. 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 fourth-grade levels~~ level shall include reading, mathematics, and 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. 1.~~ 1. The Board shall develop and administer a series of criterion-referenced tests designed to indicate whether competencies as defined by the State Board of Education which Oklahoma public school students are expected to have attained in grades five, and 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, and for the subjects and grade levels specified in paragraphs 2, 3 and 4 of this subsection have been mastered achieved. 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. 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

<del>Reading and Writing</del>		
<del>of English</del>	<del>1994-95</del>	<del>1995-96</del>
<del>History, Constitution and</del>		
<del>Government of the</del>		
<del>United States</del>	<del>1995-96</del>	<del>1996-97</del>
<del>Geography, and for</del>		
<del>grade 11, includes</del>		
<del>Oklahoma history</del>	<del>1996-97</del>	<del>1997-98</del>
<del>Culture and the Arts</del>	<del>1997-98</del>	<del>1998-99</del>

~~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 Students who do not perform satisfactorily on the tests shall be provided opportunities for remediation.~~

~~2. The Board shall administer the appropriate criterion-referenced tests in each implemented subject the reading and writing of English, mathematics, science, United States history, Constitution and government, geography, and the arts to every student in the fifth-, and eighth-, and eleventh-grade students grades who are residents of or transferees into 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. 3. Contingent upon the availability of funds appropriated for that purpose, the State Department of Education shall develop and field-test during the 1999-2000 school year a series of criterion-referenced tests in reading/language arts, and mathematics for every student in the third-grade of the public schools who is a resident of or transferee into the district in which the student is enrolled. If the necessary funds are made available, the tests shall be implemented in the 2000-2001 school year and administered every year thereafter.~~

~~4. Each student who completes the instruction for the specified secondary level competencies, beginning with the school year listed in this paragraph and each school year thereafter, shall complete an~~

end-of-instruction test for those competencies in order to graduate from high school. The State Board of Education shall administer the criterion-referenced tests, to be implemented according to the following schedule:

<u>Subject</u>	<u>Implementation</u>
<u>English II</u>	<u>2000-2001</u>
<u>United States History</u>	<u>2000-2001</u>
<u>Biology I</u>	<u>2001-2002</u>
<u>Algebra I</u>	<u>2001-2002</u>

The end-of-instruction tests shall serve the purpose of the criterion-referenced tests as provided in paragraph 1 of this subsection. Students shall be afforded the opportunity to retake the tests once prior to graduation. In order to provide an indication of the levels of competency attained by the student in a permanent record for potential future employers and institutions of higher education, school districts shall report the highest achieved state test performance index on the end-of-instruction tests on the student's high school transcript. Any student at the middle school level who passes a secondary course specified in this paragraph may, upon the student's request, be administered the appropriate end-of-instruction test. It is the intent of the Legislature that, following implementation of the secondary level end-of-instruction tests, the performance data and any available research shall be reviewed for consideration of additional consequences, including, but not limited to, high school graduation.

C. All criterion-referenced tests required by this section shall measure academic competencies in correlation with the curricular standards adopted by the Board pursuant to Section 11-103.6 of this title. 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. All academic competencies shall reflect the goal of improving the state average American College Testing (ACT) score. The State Department of Education shall annually evaluate the results of the criterion-referenced tests. The State Board of Education shall seek to ensure that data yielded from the tests required in this section are 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.

D. 1. ~~Results~~ All results and reports of the criterion-referenced test series required in subsection ~~C~~ B of this section for grades three, five and eight shall be:

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

2. ~~Included in the summary report 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~~ State, district, and site level results of all tests required in this section shall be returned to the State Department of Education and to the Education Oversight Board by June 15 of each year. Each school site shall notify the student's parents of the school's performance levels in the Oklahoma School Testing Program as reported in the Oklahoma Educational Indicators Program at the end of each school year.

~~F. E.~~ E. The State Board of Education shall be responsible for the development, field-testing, and validation of the criterion-referenced test series required in subsection ~~E B~~ 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~~ testing program to be administered to Oklahoma students.

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

SECTION 3. AMENDATORY 70 O.S. 1991, Section 1210.531, as last amended by Section 4, Chapter 191, O.S.L. 1997 (70 O.S. Supp. 1998, Section 1210.531), is amended to read as follows:

Section 1210.531 A. The Education Oversight Board shall establish an Oklahoma Educational Indicators Program. The purpose of the Program shall be to develop and implement a system of measures whereby the performance of public schools and school districts is assessed and reported without undue reliance upon any single type of indicator, and whereby the public, including students and parents, may be made aware of the proper meaning and use of any tests administered under the Oklahoma School Testing Program Act, relative accomplishments of the public schools, and of progress being achieved. The Board shall involve representatives of various organizations of school teachers and of school administrators in the development of the Program. The Program shall be so designed that use of standardized definitions and measures and opportunities for coordination with national reports, including those of the National Assessment of Educational Progress, are maximized.

B. The Oklahoma Educational Indicators Program shall present information for comparisons of graduation rates, dropout rates, pupil-teacher ratios, student enrollment gain and loss rates, and test results in the contexts of socioeconomic status and the finances of school districts. Information shall be provided individually for all public ~~schools~~ school sites and school districts in a format that facilitates comparisons. As ~~the~~ necessary data ~~becomes~~ become available, comparisons shall also be provided individually for all schools and school districts on a

historical basis. Reports of all tests administered pursuant to the Oklahoma School Testing Program Act, Section 1210.505 et seq. of this title, shall be a part of the Oklahoma Educational Indicators Program and shall be provided for each grade and each test subject or ~~section~~ set of competencies. The Education Oversight Board shall seek to develop and incorporate additional indicators of comparative standing and accomplishment.

C. Additionally, the Education Oversight Board, with the cooperation of the State Department of Education, the Oklahoma State Regents for Higher Education, and the State Board of Vocational and Technical Education, shall develop procedures for obtaining and reporting data to the high schools and to the general public regarding the performance of each high school's graduates in Oklahoma's institutions of higher education and in postsecondary vocational-technical education. The Education Oversight Board shall include such data in the report of the Oklahoma Educational Indicators Program.

D. By February 1 of each year the Education Oversight Board shall publish a:

1. A summary report to the people and Legislature of Oklahoma of the information provided by the Oklahoma Educational Indicators Program; and

2. State, district, and site level reports which shall include the percentage of students who perform at the various levels on the tests required by the Oklahoma State Testing Program.

Immediately following the publication of the ~~summary report~~ reports required in this subsection each year, all data gathered pursuant to the Oklahoma Educational Indicators Program shall be made available for public inspection at the offices of the Education Oversight Board or the Office of Accountability; provided, confidentiality of individual student records shall be preserved as required by law.

SECTION 4. 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~~ The State Board of Education shall determine and adopt a series of student performance levels for the criterion-referenced tests 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.

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 The performance levels shall be known as the Oklahoma Performance Index and shall be set by a method similar to that used for the achievement levels on the National Assessment of Educational Progress. Student performance levels shall be labeled: advanced, satisfactory, limited knowledge, and unsatisfactory.~~

B. Contingent upon the availability of funds, the State Board of Education shall award school sites which demonstrate academic achievement on the criterion-referenced tests as determined by the Oklahoma Performance Index. The award shall consist of recognition and incentive for achievement measured against benchmarks. The State Board of Education shall report to the Legislature by November 1 of each year the school sites which have demonstrated academic achievement pursuant to the provisions of this subsection.

C. For the 1999-2000 and 2000-2001 school years, the State Board of Education shall identify and publish annually by site and by district the results of the tests, presented in context with other relevant information. By February 1, 2000, the State Department of Education shall make recommendations to the Legislature to identify sites at which a specified percentage of students score Unsatisfactory on the Oklahoma Performance Index in both reading/English and mathematics on the grade-level criterion-referenced tests or on the secondary end-of-instruction tests. Other relevant information employed by the State Board of Education to identify low-performing and high challenge schools may include, but shall not be limited to, the following criteria:

1. Delineation of the percentages of students not tested on criterion-referenced tests;

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.

By November 1, 2000, the State Department of Education shall make recommendations to the Legislature for the identification of low-performing and high challenge schools based upon the four student performance levels required in the Oklahoma Performance Index as specified in subsection A of this section. Such school shall be declared a low-performing school, if such standard is met so identified for one (1) or two (2) consecutive years, and shall be declared a high challenge school if such standard is met so identified 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. The State Board of Education shall report to the Legislature by November 1 all districts in which at least one school has been declared a low-performing or high challenge school. The annual report to the Legislature shall include test scores and other indicators for each school declared to be a 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 Subject to the availability of funds, the State Department of Education shall provide funding to such sites for remediation. 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 5. AMENDATORY Section 4, Chapter 355, O.S.L. 1997 (70 O.S. Supp. 1998, Section 1210.513), is amended to read as follows:

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

B. The State Department of Education shall utilize the services of at least one qualified independent entity to conduct an evaluation of the state core curriculum standards at every grade level or, in high school for every subject, in which a criterion-referenced test is administered, and shall report the results to the Legislature by February 1, 2000. The State Department of Education shall be advised and guided in this duty by a legislative committee to be known as the Advisory Committee on School Curriculum Standards. The Committee shall consist of three members of the House of Representatives appointed by the Speaker of the House and three members of the Senate appointed by the President Pro Tempore of the Senate. The Speaker of the House shall name the chair and the President Pro Tempore of the Senate shall name the vice-chair of the Committee. The Committee members shall be reimbursed for travel expenses incurred in connection with their duties pursuant to the provisions of Section 456 of Title 74 of the Oklahoma Statutes. The Committee shall cease to exist on February 1, 2000.

SECTION 6. REPEALER Section 5, Chapter 355, O.S.L. 1997 (70 O.S. Supp. 1998, Section 1210.514), and Section 3, Chapter 343, O.S.L. 1996 (70 O.S. Supp. 1998, Section 1210.542), are hereby repealed.

SECTION 7. This act shall become effective July 1, 1999.

SECTION 8. 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 House of Representatives the 27th day of May, 1999.

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Speaker of the House of  
Representatives

Passed the Senate the 27th day of May, 1999.

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President of the Senate