

ENROLLED SENATE
BILL NO. 491

By: Williams of the Senate

and

Boyd of the House

An Act relating to schools; amending 70 O.S. 1991, Section 1210.508, as last amended by Section 2, Chapter 356, O.S.L. 1999 (70 O.S. Supp. 1999, Section 1210.508), which relates to the Oklahoma School Testing Program; requiring certain norm-referenced test to be administered until certain time; adding certain contingency for remediation of certain students; delaying implementation of certain criterion-referenced test; requiring certain students to take certain end-of-instruction tests; deleting obsolete language; delaying implementation of certain end-of-instruction tests; requiring return of test results in certain format; clarifying reference; amending 70 O.S. 1991, Section 1210.541, as last amended by Section 4, Chapter 356, O.S.L. 1999 (70 O.S. Supp. 1999, Section 1210.541), which relates to low-performing and high challenge schools; providing for schools with certain test results to be declared low-performing or high challenge 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 1210.508, as last amended by Section 2, Chapter 356, O.S.L. 1999 (70 O.S. Supp. 1999, Section 1210.508), is amended to read as follows:

Section 1210.508 A. 1. 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 fourth-grade level shall include reading, mathematics, and language arts.

2. Beginning with the 2000-2001 school year the State Board of Education shall cause a norm-referenced test to be administered to 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. 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 third-grade level shall include reading, mathematics, and language arts. The third-grade norm-referenced test shall be administered every year thereafter, until the implementation of the third-grade criterion-referenced test provided for in paragraph 3 of subsection B of this section.

B. 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 in mathematics, science, reading and writing of English, history, constitution and government of the United States, geography, and the arts and for the subjects and grade levels specified in paragraphs 2, 3 and 4 of this subsection have been achieved. Students who do not perform satisfactorily on the tests shall be ~~provided opportunities for remediation~~ remediated, subject to the availability of funding.

2. The Board shall administer criterion-referenced tests in 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-grades who are residents of or transferees into the district in which they are currently enrolled.

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~~ 2001-2002 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~~ 2002-2003 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. After the end-of-instruction tests are fully implemented all students will take the tests prior to graduation, unless otherwise exempt by law. The State Board of Education shall administer the criterion-referenced tests, to be implemented according to the following schedule:

Subject	Implementation
English II	2000-2001
United States History	2000-2001
Biology I	2001-2002 <u>2002-2003</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~~ completes the instruction in 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. All results and reports of the criterion-referenced test series required in subsection B of this section for grades three, five and eight shall be returned, ~~beginning with the 1998-99 school year,~~ to each school district prior to May 1 of each year.

2. State, district, and site level results of all tests required in this section shall be disaggregated by ethnic group and gender. All results and reports of the criterion-referenced test series required in subsection B of this section shall be returned to the State Department of Education and to the ~~Education Oversight Board~~ Office of Accountability 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.

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 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 testing program to be administered to Oklahoma students.

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 students with disabilities as required by the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476.

SECTION 2. AMENDATORY 70 O.S. 1991, Section 1210.541, as last amended by Section 4, Chapter 356, O.S.L. 1999 (70 O.S. Supp. 1999, Section 1210.541), is amended to read as follows:

Section 1210.541 A. 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. 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,~~ year and every year thereafter 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~~

D. School sites at which a specified percentage more than thirty percent (30%) 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 shall be declared a low-performing school. School sites which administer any norm-referenced test as required by the Oklahoma School Testing Program which have a student average score in the lowest quartile of Oklahoma students and whose student average score falls below the national average score shall be declared a low-performing school. School sites identified as low-

performing for three (3) consecutive years shall be declared a high challenge school by the State Board of Education.

E. 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 so identified for one (1) or two (2) consecutive years, and shall be declared a high challenge school if so identified for three (3) consecutive years, by the State Board of Education.~~

F. Subject to the availability of funds, the State Department of Education shall provide funding to ~~such~~ school sites identified as low-performing and high challenge 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: 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, 2000.

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 24th day of May, 2000.

President of the Senate

Passed the House of Representatives the 24th day of May, 2000.

Speaker of the House of Representatives