

Committee Substitute for House Bill No. 1599

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1599 — By STAGGS of the House and WILLIAMS of the Senate.

An Act relating to schools; amending 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), which relates to the Oklahoma School Testing Program; discontinuing norm-referenced tests; deleting requirement for certain test retakes; modifying grade levels and configuration of criterion-referenced tests; stating purpose of tests; requiring State Board of Education to perform test development, implementation, evaluation, and correlation; providing for test at the end of certain instruction; providing for course credit in certain instances; requiring State Board of Education to ensure utilization of certain test data; providing for certain remediation; requiring publication of test results by the State Board of Education; modifying reporting of test performances in the Oklahoma Educational Indicators program; encouraging certain use of test performance indices; modifying testing provisions for disabled students; 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 accountability in the Oklahoma School Testing 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 certain state curriculum standards to certain National Assessment of Educational Progress standards; requiring report; repealing Section 5, Chapter 355, O.S.L. 1997 (70 O.S. Supp. 1998, Section 1210.514), which relates to recommendations for test performance standards; 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 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. 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 and administer 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~~ curricular 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
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

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

The tests 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 Department of Education shall annually evaluate the results of the criterion-referenced tests.

2. Beginning with the 2000-2001 school year and every school year thereafter, the criterion-referenced tests required in subsections A and B of this section for the eleventh grade shall be replaced by end-of-instruction examinations that are criterion-referenced for the following secondary courses: Algebra I, English, Biology I, and American history. The end-of-instruction examinations shall serve the purpose of the criterion-referenced tests as provided in this subsection. In courses

for which an end-of-instruction examination is required, course credit may only be given when an examination score is at the advanced, satisfactory or limited knowledge level.

D. 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. Students who perform at the unsatisfactory level on the end-of-instruction examinations shall be provided opportunities for remediation and test retakes.

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

1. Returned, beginning with the 1998-99 school year, to each school district prior to May 1 of each year; ~~and~~
2. Published by the State Board of Education annually for the entire state by district and by site; and
3. 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 at the various levels~~ 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. The State Board of Education shall be responsible for the development, field-testing, and validation of the criterion-referenced test series and end-of-instruction examinations 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 ~~critierion-referenced test series assessments~~ to be administered to Oklahoma students.

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

G. 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 as required by the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476, 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~~ The State Board of Education shall determine and adopt a series of student performance levels for the criterion-referenced tests and end-of-instruction examinations 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. 1. The State Board of Education shall implement an award program to consist of recognition and incentive for school sites which demonstrate academic achievement on the criterion-referenced test as determined by the Oklahoma Performance Index. The award program shall consist of achievement measured against benchmarks. Subject to the availability of funds appropriated for this purpose, the State Board of Education shall make financial awards to school sites demonstrating academic achievement. The amount of the award shall be calculated by the number of students demonstrating the achievement and by the amount of achievement made in test performance. Awards shall be made by school site for distribution to the site. Within a site, the certified employees as specified below shall determine the use for the school testing awarded funds as follows: For achievement at the third-grade testing level, certified employees in grades kindergarten through three; for achievement at the fifth-grade level, certified employees in grades four and five; and for achievement at the eighth-grade level, certified employees in grades six through eight. All such funds shall be used at the site.

2. 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. Each school site at which more than fifty percent (50%) of the students tested on the criterion-referenced test in a grade level perform at the unsatisfactory level on the Oklahoma Performance Index in both reading and mathematics shall cooperate with the State Department of Education to develop a program of action to address such low ~~achievement~~ 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 ~~achievement~~ performance 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 Such school 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. 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 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. 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 Oklahoma Commission for Teacher Preparation shall contract with a qualified independent entity to conduct a comparison of the state core curriculum standards for reading and mathematics at the fourth, eighth and twelfth-grade levels to the National Assessment of Educational Progress standards at those levels in those subjects and shall report the results to the Legislature by February 1, 2000.

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

SECTION 5. This act shall become effective July 1, 1999.

SECTION 6. 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.

COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 2-17-99 — DO PASS, As Coauthored.