

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

2ND CONFERENCE COMMITTEE  
SUBSTITUTE  
FOR ENGROSSED  
HOUSE BILL NO. 1414

By: Staggs of the House

and

Pruitt and Williams of the  
Senate

2ND CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 2001, Sections 1210.507 and 1210.508, which relate to the Oklahoma School Testing Program Act; deleting obsolete language; directing the State Board of Education to take steps to establish and post on the Internet a sample test item bank; stating purpose of the item bank; stating purpose for posting sample tests on the Internet; specifying certain standards; directing the Board to take steps to expand the sample test items; directing the Board to take steps to implement electronic testing; deleting requirement for the fourth-grade norm-referenced test; limiting the administration of the third-grade norm-referenced test; modifying requirement for development and administration of the criterion-referenced test series; deleting certain subject areas; authorizing the Board to administer additional tests contingent upon funding; modifying subject areas for the fifth- and eighth-grade criterion-referenced tests; directing the Board to improve, refine and align the fifth- and eighth-grade criterion-referenced tests; directing the State Department of Education to convene a task force to make recommendations concerning the fifth-grade social studies test; directing the Board to administer criterion-referenced tests in certain subjects in grades three, four, six, and seven; making tests contingent upon certain funding; setting development, field testing, and implementation dates; requiring modification of the current geography criterion-referenced test; setting field testing and implementation dates; updating statutory language relating to the end-of-instruction tests; directing the Board to convene a task force on arts assessment; requiring certain recommendations; requiring the Board to communicate recommendations; providing for form and achievement levels of assessment strategies; directing the State Department of Education to work with school districts to implement fine arts assessments; requiring schools to determine the structure of the assessment strategies; requiring each school district to administer fine arts assessments to students in certain grades; directing school districts to prepare

an annual report; specifying that certain tests be discontinued and replaced by a certain date; specifying certain standards; directing the Board to take steps to ensure test results are reported in a certain manner; requiring the Board to take steps to increase depth of knowledge of assessments; providing for the establishment of test administration dates; modifying grade levels and dates required for certain test reporting; requiring the vendor to provide a final electronic data file; directing the Department to forward the final data file to school districts; requiring the Board ensure reporting of test results to the Office of Accountability through the vendor; specifying that tests be disaggregated into certain categories; amending 70 O.S. 2001, Section 1210.541, which relates to student performance levels; directing the Board to take steps to ensure that the criterion-referenced tests are vertically aligned; directing the Board to develop and implement certain accountability system; providing for implementation date; requiring system to meet certain mandates; modifying publishing requirements; directing the Board to establish a system of recognition and rewards; deleting the low-performing and high challenge accountability system; 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. 2001, 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. 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 seek to establish and post on the Internet a sample test item bank that will be made

available to teachers and will allow them to create and deliver classroom assessments throughout the school year to check for student mastery of key concepts assessed by the criterion-referenced tests administered to students pursuant to the Oklahoma School Testing Program Act.

D. 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 for the purpose of communicating expectation concerning test difficulty level and format to teacher, parents and students. The Board shall maintain the sample tests on the Internet throughout the year and, as changes are made in the state academic content standards, known as the Priority Academic Student Skills Curriculum, the Board shall update the sample tests. The Board shall seek to expand the number of sample test items each year and to revise test items as needed. The sample tests shall reflect the actual test administered to students and may contain questions used on actual tests given in previous years.

E. The State Board of Education shall seek to implement an electronic delivery system for all tests administered pursuant to the Oklahoma School Testing Program Act that will allow students to participate in computer-based assessments in order to expedite the delivery and use of the test results.

SECTION 2. AMENDATORY 70 O.S. 2001, Section 1210.508, is amended to read as follows:

Section 1210.508 A. 1. ~~Contingent upon the availability of funding, 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 through the 2003-2004 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 State Board of Education shall develop and administer a series of criterion-referenced tests designed to indicate whether ~~competencies~~ the state academic content standards, as defined by the State Board of Education in the Priority Academic Student Skills Curriculum, 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. The Board may develop and administer any criterion-referenced test in any subject not required by federal law, contingent upon the availability of funding. Students who do not perform satisfactorily on ~~the~~ tests shall be 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 and~~ social studies as delineated in paragraphs 3 and 4 of this subsection 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, each year the Board shall continue to administer and improve, refine and align the fifth-grade criterion-referenced test with the state academic content standards in:

- a. reading,
- b. mathematics,
- c. science,
- d. social studies, which shall consist of the history, constitution and government of the United States, and geography, and
- e. writing of English.

The State Department of Education shall convene a group of specialists in social studies from faculty from institutions of higher education, the Oklahoma State Regents for Higher Education, and various teachers and other appropriate individuals to advise and assist the State Department of Education on the implementation of the fifth-grade social studies test and report to the Legislature on or before December 1, 2003, on implementation of test.

4. Contingent upon the availability of funds, each year the Board shall continue to administer and to improve, refine, and align the eighth-grade criterion-referenced test with the state academic content standards in:

- a. reading,
- b. mathematics,
- c. science,

- d. social studies, which shall consist of the history, constitution, and government of the United States, and
- e. writing of English.

5. Contingent upon the availability of state and federal funds appropriated for that purpose, the State Department of Education Board, in accordance with federal law, shall develop and field-test during the 2001-2002 school year a series of administer criterion-referenced tests for grades three and four in reading/language arts:

- a. reading, and
- b. 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.

The tests shall be implemented in developed during the 2002-2003 school year, field-tested during the 2003-2004 school year, implemented during the 2004-2005 school year and administered every each year thereafter.

4. 6. Contingent upon the availability of state and federal funds, the Board, in accordance with federal law, shall administer criterion-referenced tests for grades six and seven in:

- a. reading, and
- b. mathematics.

The tests shall be developed during the 2003-2004 school year, field-tested during the 2004-2005 school year, implemented during the 2005-2006 school year and administered each year thereafter. In addition, the geography criterion-referenced test currently administered in the eighth grade shall be modified to measure the state academic content standards for geography for the seventh grade. The test shall be field-tested if necessary during the 2003-2004 school year, implemented during the 2004-2005 school year and administered each year thereafter to students in the seventh grade.

Provided, the test shall be implemented during the 2003-2004 school year if field-testing is determined not to be necessary.

7. Each student who completes the instruction for ~~the specified English II, United States History, Biology I, and Algebra I at the 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 these competencies~~ to measure for attainment in the appropriate state academic content standards in order to graduate from high school. ~~After the end-of-instruction tests are fully implemented all~~ All students ~~will~~ shall 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:.~~

<u>Subject</u>	<u>Implementation</u>
<del>English II</del>	<del>2000-2001</del>
<del>United States History</del>	<del>2000-2001</del>
<del>Biology I</del>	<del>2002-2003</del>
<del>Algebra I</del>	<del>2002-2003</del>

The end-of-instruction tests shall serve the purpose of the criterion-referenced tests as provided in paragraph 1 of this subsection. The English II end-of-instruction test shall, at a minimum, assess writing skills. 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~~ level on the end-of-instruction tests on the student's high school transcript. Any student at the middle school level who completes the instruction in a secondary course specified in this paragraph ~~may, upon the student's request,~~ shall 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.

8.
  - a. The State Board of Education shall convene a task force composed of representatives of school districts, teachers, faculty from higher education institutions, and representatives of the Oklahoma Arts Council. By December 31, 2003, the task force shall make recommendations on appropriate fine arts assessment strategies that are aligned with the state academic arts standards by grade level as adopted by the State Board of Education and known as the Priority Academic Student Skills and the National Standards for Arts Education. The recommendations shall be communicated to school districts by the State Board of Education for use in implementing the assessment strategies for the district. The assessment strategies selected by the school district may be in the form of grading, portfolio, or performance assessment. The assessment strategies shall measure achievement levels based on the state and national academic art standards and shall be labeled as "meets standard" or "does not meet standard".
  - b. During the 2003-2004 school year the State Department of Education shall work with school districts in planning implementation of fine arts assessments as required in this paragraph and shall provide technical assistance to school districts in developing pilot assessments. Each school district shall determine the structure of the assessment strategies to be administered to students.

- c. Beginning with the 2004-2005 school year, each school district shall administer to each student in the school district in grades three through eight an assessment designed to assess the student in the fine arts area in which the student has received instruction.
- d. Each school district shall prepare an annual report for approval by the State Board of Education outlining the fine arts assessment strategies used by the district, when the assessments were administered, how many students were assessed during the previous year, and the results of the assessments.
- e. The criterion-referenced tests in the arts shall be discontinued after the 2002-2003 school year and replaced with the school district assessments as provided for in this paragraph.

~~C.~~ B. All criterion-referenced tests required by this section shall measure academic competencies in correlation with the ~~curricular~~ state academic content standards adopted by the Board pursuant to Section 11-103.6 of this title and known as the Priority Academic Student Skills Curriculum. The State Board of Education shall evaluate the academic ~~competencies~~ content standards to ensure ~~such~~ the 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 postsecondary studies at institutions of higher education or technology center schools without the need for remediation in core curriculum areas. All state academic ~~competencies~~ content standards 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 ensure that test results

are reported to districts in a manner that yields detailed, diagnostic information for the purpose of guiding instruction and student remediation. As improvements are made to the criterion-referenced tests required by this section, the Board shall seek to increase the depth of knowledge assessed for each subject. 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.~~ C. 1. The State Board of Education shall set the testing window dates for each criterion-referenced test required in paragraphs 1 through 6 of subsection A of this section for grades three through eight so that, with the exception of the writing assessments, the tests are administered to students no earlier than April 10 each year and so that the test results are reported back to school districts in a timely manner. Each criterion-referenced test required in paragraph 7 of subsection A of this section may be administered to students at a time set by the State Board of Education as near as possible to the end of the course. All results and reports of the criterion-referenced test series required in paragraphs 1 through 6 of subsection ~~B~~ A of this section for grades three, ~~five and~~ through eight shall be returned to each school district prior to ~~May 1 of each~~ the beginning of the next school year. The vendor shall provide a final electronic data file of all school site, school district, and state results to the Department and the Office of Accountability prior to July 1 of each year. The Department shall forward the final data files for each school district and each school site in that district to the school district. The Board shall ensure the contract with the testing vendor includes a provision that the vendor report test results

directly to the Office of Accountability at the same time it is reported to the Board.

2. State, district, and site level results of all tests required in this section shall be disaggregated by ~~ethnic group and gender, race ethnicity, disability status, migrant status, English proficiency, and status as economically disadvantaged, except that~~ such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student. ~~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 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.~~ D. 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~~ A 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.~~ E. 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 3. AMENDATORY 70 O.S. 2001, 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 set by a method similar to that used for the achievement levels on the National Assessment of Educational Progress. The State Board of Education shall ensure that the criterion-referenced tests developed and administered pursuant to the Oklahoma School Testing Program Act in grades three through eight are vertically aligned by content across grade levels to ensure consistency, continuity, alignment and clarity. Student performance levels shall be labeled: advanced, satisfactory, limited knowledge, and unsatisfactory.

B. The State Board of Education shall develop and implement in accordance with the Elementary and Secondary Education Act of 2001 (ESEA), P.L. No. 107-110, also known as the No Child Left Behind Act of 2001, an accountability system as provided for in 20 U.S.C., 6311 and any related federal regulations. The accountability system shall be implemented beginning with the 2002-2003 school year and shall be based on the Academic Performance Index data as established pursuant to Section 3-150 of this title and as modified to meet the mandates of the ESEA. For the ~~1999-2000~~ 2002-2003 school year and every year thereafter the State Board of Education shall ~~identify and publish~~ and ensure that each local education agency is provided with Academic Performance Index data annually by site and by district ~~the results of the tests, presented in context with other relevant information~~ so that the local education agency can make Adequate Yearly Progress determinations to identify schools for rewards and sanctions. The State Board of Education shall establish a system of recognition, rewards, sanctions and technical assistance.

~~C. School sites at which more than thirty percent (30%) of students score Unsatisfactory 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.~~

~~D. 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.~~

~~E. Subject to the availability of funds, the State Department of Education shall provide funding to 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 4. This act shall become effective July 1, 2003.

SECTION 5. 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.

49-1-7089

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