

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE BILL HB2384:

Cox

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2001, Section 3-150, which relates to the Academic Performance Index; prohibiting inclusion of data on students in certain schools in certain school districts; amending 70 O.S. 2001, Section 1210.508, as amended by Section 2, Chapter 428, O.S.L. 2003 (70 O.S. Supp. 2003, Section 1210.508), which relates to the Oklahoma School Testing Program; prohibiting reporting student performance levels on high school transcripts for students in certain schools in certain school districts; prohibiting reporting results of fine arts assessment for students in certain schools in certain school districts; amending 70 O.S. 2001, Section 1210.531, as amended by Section 5, Chapter 453, O.S.L. 2002 (70 O.S. Supp. 2003, Section 1210.531), which relates to the Oklahoma Educational Indicators Program; prohibiting inclusion of certain test results for students in certain schools in certain school districts; amending 70 O.S. 2001, Section 1210.541, as amended by Section 3, Chapter 428, O.S.L. 2003 (70 O.S. Supp. 2003, Section 1210.541), which relates to student performance accountability system; prohibiting inclusion of certain student performance data for students in certain schools in certain school districts; 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 3-150, is amended to read as follows:

Section 3-150. A. The State Board of Education shall develop an Academic Performance Index (API) to be used to measure performance of schools, including the academic performance of students. The index shall consist of a variety of indicators including, but not limited to:

1. Attendance rates for students;
2. Dropout rates;

3. Results of the Oklahoma School Testing Program administered pursuant to Section 1210.508 of this title;

4. Advanced Placement participation;

5. Graduation rates for secondary school students;

6. Scores of the American College Test (ACT); and

7. College remediation rates.

B. The data collected for the API shall be disaggregated, when available, by socioeconomic status and ethnic group. No data shall be used for any students in a secondary school in a school district with thirty thousand (30,000) or more students in average daily membership in which the facilities of one school are being shared with the students from a previously separate school due to construction, renovation or repair of that school. Oklahoma School Testing Program results shall constitute no less than sixty percent (60%) of the value of the index.

C. Based on the API, the State Board of Education shall adopt expected annual percentage growth targets for the state level, school districts, and all school sites based on their API baseline score. The minimum percentage growth target shall be five percent (5%) annually. However, the State Board of Education may set differential growth targets based on grade level of instruction.

SECTION 2. AMENDATORY 70 O.S. 2001, Section 1210.508, as amended by Section 2, Chapter 428, O.S.L. 2003 (70 O.S. Supp. 2003, Section 1210.508), is amended to read as follows:

Section 1210.508 A. 1. 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 State Board of Education shall develop and administer a series of criterion-referenced tests designed to indicate whether 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 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 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, and social studies as delineated in paragraphs 3 and 4 of this subsection to every student in the fifth- and eighth-grades.

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, the Board, in accordance with federal law, shall administer criterion-referenced tests for grades three and four in:

- a. reading, and
- b. mathematics.

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

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 English II, United States History, Biology I, and Algebra I at the secondary level shall complete an end-of-instruction test to measure for attainment in the appropriate state academic content standards in order to graduate from high school. All students shall take the tests prior to graduation, unless otherwise exempt by law. The State Board of Education shall administer the criterion-referenced tests.

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, with the exception of certain schools provided in this paragraph, school districts shall report the highest achieved state test performance 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 shall be administered the appropriate end-of-instruction test. State test performance levels on the end-of-instruction tests shall not be reported on the high school transcripts of any students in a school district with thirty thousand (30,000) or more students in average daily membership who attend a secondary school where the facilities are being shared with the students from a previously separate school due to construction, renovation or repair of that school. It is the

intent of the Legislature that 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. No results shall be reported for any students in a school district with thirty thousand (30,000) or more students in average daily membership who attend a secondary school where the facilities are being shared with the students from a previously separate school due to construction, renovation or repair of that school.
- 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.

B. All criterion-referenced tests required by this section shall measure academic competencies in correlation with the 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 content standards to ensure 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 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 reinforcement and/or remediation by requiring school districts to develop and implement a specific program of improvement based on the test results.

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 A of this section for grades three through eight shall be returned to each school district prior to 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 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. 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.

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 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.

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 1210.531, as amended by Section 5, Chapter 453, O.S.L. 2002 (70 O.S. Supp. 2003, 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 school sites and school districts in a format that facilitates comparisons. As necessary data become available, comparisons shall also be provided individually for all schools and school districts on a historical basis. Reports With certain exceptions as provided in this subsection, 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 set of competencies. No test

results shall be reported for any students in a school district with thirty thousand (30,000) or more students in average daily membership who attend a secondary school where the facilities are being shared with the students from a previously separate school due to construction, renovation or repair of that school. Test results for students enrolled in Internet-based courses, including regularly enrolled and alternative education students, shall be disaggregated and reported. 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 Career and Technology 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:

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, except as provided in Subsection B of this section.

Immediately following the publication of the 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. 2001, Section 1210.541, as amended by Section 3, Chapter 428, O.S.L. 2003 (70 O.S. Supp. 2003, 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 2002-2003 school year and every year thereafter the State Board of Education shall publish and ensure that each local education agency is provided with Academic Performance Index data annually by site and by district so that the local education agency can make Adequate Yearly Progress

determinations to identify schools for rewards and sanctions. No test results shall be utilized in the computation for Adequate Yearly Progress for any students in a school district with thirty thousand (30,000) or more students in average daily membership who attend a secondary school where the facilities are being shared with the students from a previously separate school due to construction, renovation or repair of that school. The State Board of Education shall establish a system of recognition, rewards, sanctions and technical assistance.

SECTION 5. This act shall become effective July 1, 2004.

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.

49-2-7538 DT 01/16/04