

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 2023

By: Cargill

COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 2001, Section 1210.508, as amended by Section 2, Chapter 428, O.S.L. 2003 (70 O.S. Supp. 2004, Section 1210.508), which relates to the Oklahoma School Testing Program; requiring students to perform satisfactorily on the eighth-grade criterion-referenced test in order to be promoted; directing the State Board of Education to promulgate rules; requiring certain students to perform satisfactorily on certain tests in order to graduate from high school; prohibiting issuance of a diploma to students who do not perform satisfactorily on the tests; directing the State Board of Education to set certain criteria; providing for a Certificate of Attendance and Completion for certain students; 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 1210.508, as amended by Section 2, Chapter 428, O.S.L. 2003 (70 O.S. Supp. 2004, 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.

Beginning with the 2009-2010 school year, in order to be promoted to the ninth grade, a student shall have completed and performed satisfactorily on the eighth-grade criterion-referenced test. The State Board of Education shall promulgate rules establishing requirements for the retesting of and remediation of students who do not perform satisfactorily on the test.

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~~ Beginning with the 2009-2010 school year, each student ~~who completes the instruction~~ shall complete and perform satisfactorily on all sections of end-of-instruction tests 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 and in order to graduate from high school. A student shall not receive a standard diploma from a public high school of this state until that student has performed satisfactorily on all sections of the tests. 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 and shall set the level of achievement necessary to attain satisfactory performance. A student who completes the course requirements for graduation from a public high school of this state, but who does not qualify for a diploma as a result of performance on the end-of-instruction tests shall receive a Certificate of Attendance and Completion.

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 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. 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 ~~where~~ 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.

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 2. This act shall become effective July 1, 2005.

SECTION 3. 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.

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