

1 ENGROSSED HOUSE  
2 BILL NO. 2633

By: Kern, Cannaday and McCarter  
of the House

3 and

4 Jolley of the Senate  
5  
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7

8 An Act relating to schools; amending 70 O.S. 2001,  
9 Section 1210.508, as last amended by Section 4,  
10 Chapter 289, O.S.L. 2006 (70 O.S. Supp. 2007, Section  
11 1210.508), which relates to the Oklahoma School  
12 Testing Program Act; deleting certain statutory  
13 references; adding testing window dates for certain  
14 criterion-referenced tests; requiring certain results  
15 and reports to be distributed to teachers by certain  
16 time; providing an effective date; and declaring an  
17 emergency.

18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. AMENDATORY 70 O.S. 2001, Section 1210.508, as  
20 last amended by Section 4, Chapter 289, O.S.L. 2006 (70 O.S. Supp.  
21 2007, Section 1210.508), is amended to read as follows:

22 Section 1210.508 A. 1. The State Board of Education shall  
23 develop and administer a series of criterion-referenced tests  
24 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

1 and administer any criterion-referenced test in any subject not  
2 required by federal law, contingent upon the availability of  
3 funding. Students who do not perform satisfactorily on tests shall  
4 be remediated, subject to the availability of funding.

5 2. Contingent upon the availability of state and federal funds,  
6 the Board, in accordance with federal law, shall administer  
7 criterion-referenced tests for grades three and four in:

- 8 a. reading, and
- 9 b. mathematics.

10 3. Contingent upon the availability of funds, the Board shall  
11 administer criterion-referenced tests for grade five in:

- 12 a. reading,
- 13 b. mathematics,
- 14 c. science,
- 15 d. social studies, which shall consist of the history,  
16 Constitution and government of the United States, and  
17 geography, and
- 18 e. writing of English.

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

- 22 a. reading, and
- 23 b. mathematics.

24

1 In addition, the Board shall administer a criterion-referenced  
2 test in geography in grade seven.

3 5. Contingent upon the availability of funds, the Board shall  
4 administer criterion-referenced tests for grade eight in:

- 5 a. reading,
- 6 b. mathematics,
- 7 c. science,
- 8 d. social studies, which shall consist of the history,  
9 Constitution, and government of the United States, and
- 10 e. writing of English.

11 The Board shall administer the tests for grade eight in reading  
12 and mathematics online with raw score test results reported  
13 immediately and complete results reported in less than two (2) weeks  
14 beginning in the 2007-08 school year.

15 6. Each student who completes the instruction for English II,  
16 English III, United States History, Biology I, Algebra I, Geometry,  
17 and Algebra II at the secondary level shall complete an end-of-  
18 instruction test, when implemented, to measure for attainment in the  
19 appropriate state academic content standards in order to graduate  
20 from a public high school with a standard diploma. All students  
21 shall take the tests prior to graduation, unless otherwise exempt by  
22 law. The State Board of Education shall administer the criterion-  
23 referenced tests. The Board shall develop and field test the end-  
24 of-instruction tests in English III, Geometry, and Algebra II during

1 the 2006-07 school year, implement the tests during the 2007-08  
2 school year, and administer them each year thereafter. The Board  
3 shall administer the multiple choice portion of the end-of-  
4 instruction tests online with raw score test results reported  
5 immediately and complete results reported in less than two (2) weeks  
6 beginning in the 2008-09 school year.

7 The end-of-instruction tests shall serve the purpose of the  
8 criterion-referenced tests as provided in paragraph 1 of this  
9 subsection. The English II and English III end-of-instruction tests  
10 shall include a writing component. Students who do not score at  
11 least at the satisfactory level shall be afforded the opportunity to  
12 retake each test up to three (3) times each calendar year until at  
13 least achieving at the satisfactory level. In order to provide an  
14 indication of the levels of competency attained by the student in a  
15 permanent record for potential future employers and institutions of  
16 higher education, for students who enter the ninth grade in or prior  
17 to the 2007-08 school year, school districts shall report the  
18 highest achieved state test performance level on the end-of-  
19 instruction tests on the student's high school transcript.

20 Beginning with students who enter the ninth grade in the 2008-09  
21 school year, school districts shall report the student's performance  
22 levels of satisfactory and above on the end-of-instruction tests on  
23 the student's high school transcript. Any student at the middle  
24 school level who completes the instruction in a secondary course

1 specified in this paragraph shall be administered the appropriate  
2 end-of-instruction test.

3 7. a. Each school district shall administer to each student  
4 in the school district in grades three through eight  
5 an assessment designed to assess the student in the  
6 fine arts area in which the student has received  
7 instruction.

8 b. Each school district shall prepare an annual report  
9 for approval by the State Board of Education outlining  
10 the fine arts assessment strategies used by the  
11 district, when the assessments were administered, how  
12 many students were assessed during the previous year,  
13 and the results of the assessments.

14 B. 1. All criterion-referenced tests required by this section  
15 shall measure academic competencies in correlation with the state  
16 academic content standards adopted by the Board pursuant to Section  
17 11-103.6 of this title and known as the Priority Academic Student  
18 Skills Curriculum. The State Board of Education shall evaluate the  
19 academic content standards to ensure the competencies reflect high  
20 standards, are specific, well-defined, measurable, challenging, and  
21 will prepare elementary students for next-grade-level course work  
22 and secondary students for postsecondary studies at institutions of  
23 higher education or technology center schools without the need for  
24 remediation in core curriculum areas. All state academic content

1 standards shall reflect the benchmarks of the American Diploma  
2 Project and the goal of improving the state average ACT score.

3       2. The State Department of Education shall annually evaluate  
4 the results of the criterion-referenced tests. The State Board of  
5 Education shall ensure that test results are reported to districts  
6 in a manner that yields detailed, diagnostic information for the  
7 purpose of guiding instruction and student remediation. As  
8 improvements are made to the criterion-referenced tests required by  
9 this section, the Board shall seek to increase the depth of  
10 knowledge assessed for each subject. The State Board of Education  
11 shall seek to ensure that data yielded from the tests required in  
12 this section are utilized at the school district level to prescribe  
13 reinforcement and/or remediation by requiring school districts to  
14 develop and implement a specific program of improvement based on the  
15 test results.

16       3. The State Board of Education shall review, realign, and  
17 recalibrate, as necessary, the tests in reading and mathematics in  
18 third through eighth grade and the end-of-instruction tests. The  
19 Board shall determine the cut scores for the performance levels on  
20 the end-of-instruction tests developed pursuant to paragraph 6 of  
21 subsection A of this section, which shall be phased in over a multi-  
22 year period. The Board shall conduct an ongoing review to compare  
23 the end-of-instruction test content and performance descriptors with  
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1 those of other states. Upon receipt of the review, the Board may  
2 adjust the cut scores as necessary.

3 4. The State Board of Education, for the purposes of conducting  
4 reliability and validity studies, monitoring contractor adherence to  
5 professionally accepted testing standards, and providing  
6 recommendations for testing program improvement, shall retain the  
7 services of an established, independent agency or organization that  
8 is nationally recognized for its technical expertise in educational  
9 testing but is not engaged in the development of aptitude or  
10 achievement tests for elementary or secondary level grades. These  
11 national assessment experts shall annually conduct studies of the  
12 reliability and validity of the end-of-instruction tests  
13 administered pursuant to this section. Validity studies shall  
14 include studies of decision validity, concurrent validity and the  
15 validity of performance level cut scores.

16 C. 1. The State Board of Education shall set the testing  
17 window dates for each criterion-referenced test required ~~in~~  
18 ~~paragraphs 1 through 5 of subsection A of this section~~ for grades  
19 three through eight so that, with the exception of the writing  
20 assessments, the tests are administered to students no earlier than  
21 April 10 each year and so that the test results are reported back to  
22 school districts in a timely manner. ~~Each~~ The testing window dates  
23 for the administration of each end-of-instruction criterion-  
24 referenced test required ~~in paragraph 6 of subsection A of this~~

1 ~~section may be administered to students at a time set by the State~~  
2 ~~Board of Education as near as possible to the~~ to be taken by  
3 students prior to graduation shall be between twenty-five (25) days  
4 prior to the last full day of the end of the course and the last  
5 full day of the end of the course. All results and reports of the  
6 criterion-referenced test series required ~~in paragraphs 1 through 5~~  
7 ~~of subsection A of this section~~ for grades three through eight shall  
8 be returned to each school district prior to the beginning of the  
9 next school year. School districts shall distribute the results and  
10 reports of the criterion-referenced tests to the appropriate  
11 teachers within thirty (30) days of receipt. The vendor shall  
12 provide a final electronic data file of all school site, school  
13 district, and state results to the Department and the Office of  
14 Accountability prior to September 1 of each year. The Department  
15 shall forward the final data files for each school district and each  
16 school site in that district to the school district. The Board  
17 shall ensure the contract with the testing vendor includes a  
18 provision that the vendor report test results directly to the Office  
19 of Accountability at the same time it is reported to the Board.

20 2. State, district, and site level results of all tests  
21 required in this section shall be disaggregated by gender, race  
22 ethnicity, disability status, migrant status, English proficiency,  
23 and status as economically disadvantaged, except that such  
24 disaggregation shall not be required in a case in which the number

1 of students in a category is insufficient to yield statistically  
2 reliable information or the results would reveal personally  
3 identifiable information about an individual student. Each school  
4 site shall notify the student's parents of the school's performance  
5 levels in the Oklahoma School Testing Program as reported in the  
6 Oklahoma Educational Indicators Program at the end of each school  
7 year.

8 D. The State Board of Education shall be responsible for the  
9 development, field-testing, and validation of the criterion-  
10 referenced test series required in subsection A of this section. In  
11 the interest of economy the Board shall adapt criterion-referenced  
12 tests that have been developed by or in collaboration with other  
13 states or are otherwise commercially available, or portions of such  
14 tests, to the extent that such tests are appropriate for use in the  
15 testing program to be administered to Oklahoma students.

16 E. The Board shall develop, administer, and incorporate as a  
17 part of the Oklahoma School Testing Program, other testing programs  
18 or procedures, including appropriate accommodations for the testing  
19 of students with disabilities as required by the Individuals with  
20 Disabilities Education Act (IDEA), 20 USC, Section 1400 et seq.

21 SECTION 2. This act shall become effective July 1, 2008.

22 SECTION 3. It being immediately necessary for the preservation  
23 of the public peace, health and safety, an emergency is hereby  
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