

1 ENGROSSED HOUSE
2 BILL NO. 1511

By: Blackwell and Cannaday of
the House

3 and

4 Jolley of the Senate

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7
8 (schools - amending 70 O.S., Sections 1210.508 and
9 1210.523 - Oklahoma School Testing Program Act -
10 Achieving Classroom Excellence Act of 2005 -
11 effective date -
12 emergency)

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

16 SECTION 1. AMENDATORY 70 O.S. 2001, Section 1210.508, as
17 last amended by Section 4, Chapter 289, O.S.L. 2006 (70 O.S. Supp.
18 2008, Section 1210.508), is amended to read as follows:

19 Section 1210.508 A. 1. The State Board of Education shall
20 develop and administer a series of criterion-referenced tests
21 designed to indicate whether the state academic content standards,
22 as defined by the State Board of Education in the Priority Academic
23 Student Skills Curriculum, which Oklahoma public school students are
24 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,~~ and Computer Science at the secondary level shall
18 either complete an end-of-instruction test, when implemented, to
19 measure for attainment in the appropriate state academic content
20 standards or shall take the American College Testing Program (ACT),
21 the SAT Reasoning Test, the PLAN test administered by the American
22 College Testing Program, or the Preliminary SAT/National Merit
23 Scholarship Qualifying Test (PSAT) in order to graduate from a
24 public high school with a standard diploma. All students shall take

1 the tests prior to graduation, unless otherwise exempt by law. ~~The~~
2 Except for the Computer Science test, the State Board of Education
3 shall administer the criterion-referenced tests. The Board shall
4 develop and field test the end-of-instruction tests in English III,
5 Geometry, and Algebra II during the 2006-07 school year, implement
6 the tests during the 2007-08 school year, and administer them each
7 year thereafter. Each school district shall design and administer a
8 Computer Science end-of-instruction assessment designed to measure
9 the attainment of the student in the appropriated state academic
10 content standard in Computer Science. ~~The Beginning in the 2008-~~
11 2009 school year, the Board shall administer the multiple choice
12 portion of the end-of-instruction tests online ~~with~~ in school
13 districts that elect to offer the tests online. For tests
14 administered online the raw score test results shall be reported
15 immediately and complete results reported in less than two (2) weeks
16 ~~beginning in the 2008-09 school year .~~

17 The end-of-instruction tests shall serve the purpose of the
18 criterion-referenced tests as provided in paragraph 1 of this
19 subsection. The English II and English III end-of-instruction tests
20 shall include a writing component. Students who do not score at
21 least at the satisfactory level shall be afforded the opportunity to
22 retake each test up to three (3) times each calendar year until at
23 least achieving at the satisfactory level. In order to provide an
24 indication of the levels of competency attained by the student in a

1 permanent record for potential future employers and institutions of
2 higher education, for students who enter the ninth grade in or prior
3 to the 2007-08 school year, school districts shall report the
4 highest achieved state test performance level on the end-of-
5 instruction tests on the student's high school transcript.
6 Beginning with students who enter the ninth grade in the 2008-09
7 school year, school districts shall report the student's performance
8 levels of satisfactory and above on the end-of-instruction tests on
9 the student's high school transcript. For students that take the
10 ACT, SAT Reasoning Test, the PLAN test administered by the American
11 College Testing Program, or PSAT instead of the end-of-instruction
12 tests, school districts shall report the student's scores in each
13 subject area on the student's high school transcript. Any student
14 at the middle school level who completes the instruction in a
15 secondary course specified in this paragraph shall be administered
16 the appropriate end-of-instruction test.

17 7. a. Each school district shall administer to each student
18 in the school district in grades three through eight
19 an assessment designed to assess the student in the
20 fine arts area in which the student has received
21 instruction.

22 b. Each school district shall prepare an annual report
23 for approval by the State Board of Education outlining
24 the fine arts assessment strategies used by the

1 district, when the assessments were administered, how
2 many students were assessed during the previous year,
3 and the results of the assessments.

4 B. 1. All criterion-referenced tests required by this section
5 shall measure academic competencies in correlation with the state
6 academic content standards adopted by the Board pursuant to Section
7 11-103.6 of this title and known as the Priority Academic Student
8 Skills Curriculum. The State Board of Education shall evaluate the
9 academic content standards to ensure the competencies reflect high
10 standards, are specific, well-defined, measurable, challenging, and
11 will prepare elementary students for next-grade-level course work
12 and secondary students for postsecondary studies at institutions of
13 higher education or technology center schools without the need for
14 remediation in core curriculum areas. All state academic content
15 standards shall reflect the benchmarks of the American Diploma
16 Project and the goal of improving the state average ACT score.

17 2. The State Department of Education shall annually evaluate
18 the results of the criterion-referenced tests. The State Board of
19 Education shall ensure that test results are reported to districts
20 in a manner that yields detailed, diagnostic information for the
21 purpose of guiding instruction and student remediation. As
22 improvements are made to the criterion-referenced tests required by
23 this section, the Board shall seek to increase the depth of
24 knowledge assessed for each subject. The State Board of Education

1 shall seek to ensure that data yielded from the tests required in
2 this section are utilized at the school district level to prescribe
3 reinforcement and/or remediation by requiring school districts to
4 develop and implement a specific program of improvement based on the
5 test results.

6 3. The State Board of Education shall review, realign, and
7 recalibrate, as necessary, the tests in reading and mathematics in
8 third through eighth grade and the end-of-instruction tests. The
9 Board shall determine the cut scores for the performance levels on
10 the end-of-instruction tests developed pursuant to paragraph 6 of
11 subsection A of this section, which shall be phased in over a multi-
12 year period. The Board shall conduct an ongoing review to compare
13 the end-of-instruction test content and performance descriptors with
14 those of other states. Upon receipt of the review, the Board may
15 adjust the cut scores as necessary.

16 4. The State Board of Education, for the purposes of conducting
17 reliability and validity studies, monitoring contractor adherence to
18 professionally accepted testing standards, and providing
19 recommendations for testing program improvement, shall retain the
20 services of an established, independent agency or organization that
21 is nationally recognized for its technical expertise in educational
22 testing but is not engaged in the development of aptitude or
23 achievement tests for elementary or secondary level grades. These
24 national assessment experts shall annually conduct studies of the

1 reliability and validity of the end-of-instruction tests
2 administered pursuant to this section. Validity studies shall
3 include studies of decision validity, concurrent validity and the
4 validity of performance level cut scores.

5 C. 1. The State Board of Education shall set the testing
6 window dates for each criterion-referenced test required in
7 paragraphs 1 through 5 of subsection A of this section for grades
8 three through eight so that, with the exception of the writing
9 assessments, the tests are administered to students no earlier than
10 April 10 each year and so that the test results are reported back to
11 school districts in a timely manner. Each criterion-referenced test
12 required in paragraph 6 of subsection A of this section may be
13 administered to students at a time set by the State Board of
14 Education as near as possible to the end of the course. All results
15 and reports of the criterion-referenced test series required in
16 paragraphs 1 through 5 of subsection A of this section for grades
17 three through eight shall be returned to each school district prior
18 to the beginning of the next school year. The vendor shall provide
19 a final electronic data file of all school site, school district,
20 and state results to the Department and the Office of Accountability
21 prior to September 1 of each year. The Department shall forward the
22 final data files for each school district and each school site in
23 that district to the school district. The Board shall ensure the
24 contract with the testing vendor includes a provision that the

1 vendor report test results directly to the Office of Accountability
2 at the same time it is reported to the Board.

3 2. State, district, and site level results of all tests
4 required in this section shall be disaggregated by gender, race
5 ethnicity, disability status, migrant status, English proficiency,
6 and status as economically disadvantaged, except that such
7 disaggregation shall not be required in a case in which the number
8 of students in a category is insufficient to yield statistically
9 reliable information or the results would reveal personally
10 identifiable information about an individual student. Each school
11 site shall notify the student's parents of the school's performance
12 levels in the Oklahoma School Testing Program as reported in the
13 Oklahoma Educational Indicators Program at the end of each school
14 year.

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

23 E. The Board shall develop, administer, and incorporate as a
24 part of the Oklahoma School Testing Program, other testing programs

1 or procedures, including appropriate accommodations for the testing
2 of students with disabilities as required by the Individuals with
3 Disabilities Education Act (IDEA), 20 USC, Section 1400 et seq.

4 SECTION 2. AMENDATORY Section 6, Chapter 432, O.S.L.
5 2005, as amended by Section 6, Chapter 289, O.S.L. 2006 (70 O.S.
6 Supp. 2008, Section 1210.523), is amended to read as follows:

7 Section 1210.523 A. Except as provided in subsections D and E
8 of this section, beginning with students entering the ninth grade in
9 the 2008-2009 school year, every student shall demonstrate mastery
10 of the state academic content standards ~~in the following subject~~
11 ~~areas~~ in order to graduate from a public high school with a standard
12 diploma:

- 13 1. ~~Algebra I;~~
- 14 2. ~~English II; and~~
- 15 3. ~~Two of the following five:~~
 - 16 a. ~~Algebra II,~~
 - 17 b. ~~Biology I,~~
 - 18 c. ~~English III,~~
 - 19 d. ~~Geometry, and~~
 - 20 e. ~~United States History.~~

21 B. To demonstrate mastery, the student shall ~~attain~~ either:

- 22 1. Attain at least a satisfactory score on four of the
23 following eight end-of-instruction criterion-referenced tests
24 administered pursuant to Section 1210.508 of this title:

- a. English II,
- b. English III,
- c. United States History,
- d. Biology I,
- e. Algebra I,
- f. Geometry,
- g. Algebra II, and
- h. Computer Science; or

2. Achieve a satisfactory score as determined by the State Board of Education in each subject area of the American College Testing Program (ACT), the SAT Reasoning Test, the PLAN test administered by the American College Testing Program, or the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT).

C. Notwithstanding any other provision of law, students who do not attain at least a satisfactory score on any end-of-instruction test taken after the first attempt and after any subsequent attempt, shall ~~be~~, as determined by local board policy:

1. Be provided remediation and the opportunity to retake the test until at least a satisfactory score is attained on four of the eight tests of Algebra I, English II and two of the tests required listed in paragraph 3 1 of subsection A B of this section; or an approved

2. Be provided alternative test methods for testing as set forth in subsection E of this section.

1 D. Technology center schools shall be authorized to provide
2 intervention and remediation in Algebra I, Algebra II, Geometry,
3 English II, English III, United States History, and Biology I to
4 students enrolled in technology center schools, with the approval of
5 the independent school district board.

6 ~~D.~~ E. 1. Students who do not ~~meet the requirements of~~
7 demonstrate mastery of state academic content as set forth in
8 subsection ~~A~~ B of this section may graduate from a public high
9 school with a standard diploma by demonstrating mastery of state
10 academic and/or technical content standards by alternative methods
11 as approved by the State Board of Education. Alternative methods
12 for testing shall include WorkKeys and the examinations recommended
13 without reservation by the Southern Regional Education Board in
14 their review of career and technology education tests.

15 2. The State Board of Education shall adopt rules providing for
16 necessary student exceptions and exemptions to the requirements of
17 this section. The Board shall collect data by school site and
18 district on the number of students provided and categories of
19 exceptions and exemptions granted. Beginning October 1, 2012, the
20 Board shall provide an annual report of this data to the Governor,
21 President Pro Tempore of the State Senate and Speaker of the House
22 of Representatives.

23 ~~E.~~ F. 1. Students who have individualized education programs
24 pursuant to the Individuals with Disabilities Education Act (IDEA)

1 shall have an appropriate statement on the student's individualized
2 education program requiring administration of the assessment with or
3 without accommodations or an alternate assessment. Any
4 accommodations normally employed for the assessment shall be
5 approved by the State Board of Education and be provided for in the
6 individualized education program. All documentation for each
7 student shall be on file in the school prior to administration of
8 the assessment.

9 2. Students identified as English language learners shall be
10 assessed in a valid and reliable manner with the state academic
11 assessments with acceptable accommodations as necessary or, to the
12 extent practicable, with alternate assessments aligned to the state
13 assessment provided by the school district in the language and form
14 most likely to yield accurate data of the student's knowledge of the
15 content areas.

16 ~~F.~~ G. The State Board of Education shall be authorized to
17 contract with an entity to develop and advise on the implementation
18 of a communications campaign to build public understanding of and
19 support for the testing requirements of this section.

20 SECTION 3. This act shall become effective July 1, 2009.

21 SECTION 4. It being immediately necessary for the preservation
22 of the public peace, health and safety, an emergency is hereby
23 declared to exist, by reason whereof this act shall take effect and
24 be in full force from and after its passage and approval.

1 Passed the House of Representatives the 9th day of March, 2009.

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4 Presiding Officer of the House of
Representatives

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6 Passed the Senate the ____ day of _____, 2009.

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9 Presiding Officer of the Senate