

1 ENGROSSED SENATE
2 BILL NO. 421

By: Stanislawski of the Senate

3 and

4 Sullivan of the House

5
6 [schools - Oklahoma School Testing Program Act -

7 effective date -

8 emergency]

9
10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. AMENDATORY 70 O.S. 2001, Section 1210.508, as
12 last amended by Section 4, Chapter 289, O.S.L. 2006 (70 O.S. Supp.
13 2008, Section 1210.508), is amended to read as follows:

14 Section 1210.508 A. 1. The State Board of Education shall
15 develop and administer a series of criterion-referenced tests
16 designed to indicate whether the state academic content standards,
17 as defined by the State Board of Education in the Priority Academic
18 Student Skills Curriculum, which Oklahoma public school students are
19 expected to have attained have been achieved. The Board may develop
20 and administer any criterion-referenced test in any subject not
21 required by federal law, contingent upon the availability of
22 funding. Students who do not perform satisfactorily on tests shall
23 be remediated, subject to the availability of funding.

24

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

- 4 a. reading, and
- 5 b. mathematics.

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

- 8 a. reading,
- 9 b. mathematics,
- 10 c. science,
- 11 d. social studies, which shall consist of the history,
12 Constitution and government of the United States, and
13 geography, and
- 14 e. writing of English.

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

- 18 a. reading, and
- 19 b. mathematics.

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

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

- 24 a. reading,

- 1 b. mathematics,
- 2 c. science,
- 3 d. social studies, which shall consist of the history,
- 4 Constitution, and government of the United States, and
- 5 e. writing of English.

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

10 6. Each student who completes the instruction for English II,
11 English III, United States History, Biology I, Algebra I, Geometry,
12 and Algebra II at the secondary level shall complete an end-of-
13 instruction test, when implemented, to measure for attainment in the
14 appropriate state academic content standards in order to graduate
15 from a public high school with a standard diploma. All students
16 shall take the tests prior to graduation, unless otherwise exempt by
17 law. The State Board of Education shall administer the criterion-
18 referenced tests. The Board shall develop and field test the end-
19 of-instruction tests in English III, Geometry, and Algebra II during
20 the 2006-07 school year, implement the tests during the 2007-08
21 school year, and administer them each year thereafter. The Board
22 shall administer the multiple choice portion of the end-of-
23 instruction tests online with raw score test results reported

1 immediately and complete results reported in less than two (2) weeks
2 beginning in the 2008-09 school year.

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

16 Beginning with students who enter the ninth grade in the 2008-09
17 school year, school districts shall report the student's performance
18 levels of satisfactory and above on the end-of-instruction tests on
19 the student's high school transcript. Any student at the middle
20 school level who completes the instruction in a secondary course
21 specified in this paragraph shall be administered the appropriate
22 end-of-instruction test.

23 7. a. Each school district shall administer to each student
24 in the school district in grades three through eight

1 an assessment designed to assess the student in the
2 fine arts area in which the student has received
3 instruction.

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

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

23 2. The State Department of Education shall annually evaluate
24 the results of the criterion-referenced tests. The State Board of

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

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

22 4. The State Board of Education, for the purposes of conducting
23 reliability and validity studies, monitoring contractor adherence to
24 professionally accepted testing standards, and providing

1 recommendations for testing program improvement, shall retain the
2 services of an established, independent agency or organization that
3 is nationally recognized for its technical expertise in educational
4 testing but is not engaged in the development of aptitude or
5 achievement tests for elementary or secondary level grades. These
6 national assessment experts shall annually conduct studies of the
7 reliability and validity of the end-of-instruction tests
8 administered pursuant to this section. Validity studies shall
9 include studies of decision validity, concurrent validity and the
10 validity of performance level cut scores.

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

1 vendor shall provide a final electronic data file of all school
2 site, school district, and state results to the Department and the
3 Office of Accountability prior to September 1 of each year. The
4 Department shall forward the final data files for each school
5 district and each school site in that district to the school
6 district. The Board shall ensure the contract with the testing
7 vendor includes a provision that the vendor report test results
8 directly to the Office of Accountability at the same time it is
9 reported to the Board.

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

22 D. The State Board of Education shall be responsible for the
23 development, field-testing, and validation of the criterion-
24 referenced test series required in subsection A of this section. In

1 the interest of economy the Board shall adapt criterion-referenced
2 tests that have been developed by or in collaboration with other
3 states or are otherwise commercially available, or portions of such
4 tests, to the extent that such tests are appropriate for use in the
5 testing program to be administered to Oklahoma students.

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

11 SECTION 2. This act shall become effective July 1, 2009.

12 SECTION 3. It being immediately necessary for the preservation
13 of the public peace, health and safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

16
17
18
19
20
21
22
23
24

1 Passed the Senate the 25th day of February, 2009.

2
3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2009.

7
8 _____
9 Presiding Officer of the House
10 of Representatives