

THE HOUSE OF REPRESENTATIVES  
Monday, February 22, 2010

Committee Substitute for  
House Bill No. 2814

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2814 - By: KEY of the House.

An Act relating to schools; requiring State Board of Education to adopt social studies core curriculum with courses of instruction that include certain subjects; requiring State Textbook Committee to adopt textbooks incorporating certain subjects; amending 70 O.S. 2001, Section 1210.508, as last amended by Section 8, Chapter 456, O.S.L. 2009 (70 O.S. Supp. 2009, Section 1210.508), which relates to certain criterion-referenced tests; including certain subjects in end-of-instruction test for United States history; providing for codification; providing for noncodification; and providing an effective date.

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

1 SECTION 1. NEW LAW A new section of law not to be codified in the  
2 Oklahoma Statutes reads as follows:

3 Section 2 and Section 3 of this act shall be known and may be cited as the "Bill of  
4 Rights Education Act of 2010".

5 SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma  
6 Statutes as Section 11-103.6i of Title 70, unless there is created a duplication in  
7 numbering, reads as follows:

8 A. The State Board of Education shall adopt a social studies core curriculum with  
9 instruction for all students enrolled in the public schools that includes the following  
10 subjects:

- 1 1. The Declaration of Independence;
- 2 2. The United States Constitution, including the Bill of Rights;
- 3 3. Substantive selections from the Federalist Papers;
- 4 4. The Emancipation Proclamation;
- 5 5. The Gettysburg Address; and
- 6 6. George Washington's Farewell Address.

7 B. The State Textbook Committee, when adopting textbooks, shall incorporate the  
8 provisions of subsection A of this section into the criteria used to evaluate United States  
9 government, United States history, and Oklahoma history textbooks.

10 SECTION 3. AMENDATORY 70 O.S. 2001, Section 1210.508, as last amended  
11 by Section 8, Chapter 456, O.S.L. 2009 (70 O.S. Supp. 2009, Section 1210.508), is  
12 amended to read as follows:

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

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

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

6           3. Contingent upon the availability of funds, the Board shall administer criterion-  
7 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, Constitution and  
12             government of the United States, and geography, and
- 13          e.     writing of English.

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

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

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

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

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

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

10 6. Each student who completes the instruction for English II, English III, United  
11 States History, Biology I, Algebra I, Geometry, and Algebra II at the secondary level  
12 shall complete an end-of-instruction test, when implemented, to measure for attainment  
13 in the appropriate state academic content standards in order to graduate from a public  
14 high school with a standard diploma. All students shall take the tests prior to  
15 graduation, unless otherwise exempt by law. The State Board of Education shall  
16 administer the criterion-referenced tests. The Board shall develop and field test the end-  
17 of-instruction tests in English III, Geometry, and Algebra II during the 2006-07 school  
18 year, implement the tests during the 2007-08 school year, and administer them each year  
19 thereafter. The Board shall administer the multiple choice portion of the end-of-  
20 instruction tests online with raw score test results reported immediately and complete  
21 results reported in less than two (2) weeks beginning in the 2008-09 school year.

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.



1 student in the fine arts area in which the student has received  
2 instruction.

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

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

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

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

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

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

1 section. Validity studies shall include studies of decision validity, concurrent validity  
2 and the validity of performance level cut scores.

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

20 2. State, district, and site level results of all tests required in this section shall be  
21 disaggregated by gender, race ethnicity, disability status, migrant status, English  
22 proficiency, and status as economically disadvantaged, except that such disaggregation

1 shall not be required in a case in which the number of students in a category is  
2 insufficient to yield statistically reliable information or the results would reveal  
3 personally identifiable information about an individual student. Each school site shall  
4 notify the student's parents of the school's performance levels in the Oklahoma School  
5 Testing Program as reported in the Oklahoma Educational Indicators Program at the  
6 end of each school year.

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

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

18 SECTION 4. This act shall become effective November 1, 2010.

19 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02-18-10  
20 - DO PASS, As Amended.