

THE HOUSE OF REPRESENTATIVES  
Monday, April 5, 2010

Committee Substitute for  
ENGROSSED  
Senate Bill No. 1799

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 1799 - By:  
PADDACK of the Senate and COODY of the House.

An Act relating to schools; 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 the Oklahoma School Testing Program Act; allowing school districts to administer retakes of certain tests during certain time period under certain circumstances; providing an effective date; and declaring an emergency.

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

1       SECTION 1.    AMENDATORY    70 O.S. 2001, Section 1210.508, as last amended  
2 by Section 8, Chapter 456, O.S.L. 2009 (70 O.S. Supp. 2009, Section 1210.508), is  
3 amended to read as follows:

4       Section 1210.508. A. 1. The State Board of Education shall develop and administer  
5 a series of criterion-referenced tests designed to indicate whether the state academic  
6 content standards, as defined by the State Board of Education in the Priority Academic  
7 Student Skills Curriculum, which Oklahoma public school students are expected to have  
8 attained have been achieved. The Board may develop and administer any criterion-  
9 referenced test in any subject not required by federal law, contingent upon the

1 availability of funding. Students who do not perform at least at the proficient level on  
2 tests shall be remediated, subject to the availability of funding.

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

- 6 a. reading, and
- 7 b. mathematics.

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

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

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

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

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

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

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

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

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

1 instruction tests online with raw score test results reported immediately and complete  
2 results reported in less than two (2) weeks beginning in the 2008-09 school year.

3 The end-of-instruction tests shall serve the purpose of the criterion-referenced tests  
4 as provided in paragraph 1 of this subsection. The English II and English III end-of-  
5 instruction tests shall include a writing component. Students who do not score at least  
6 at the proficient level shall be afforded the opportunity to retake each test up to three (3)  
7 times each calendar year until at least achieving at the proficient level. In order to  
8 provide an indication of the levels of competency attained by the student in a permanent  
9 record for potential future employers and institutions of higher education, for students  
10 who enter the ninth grade in or prior to the 2007-08 school year, school districts shall  
11 report the highest achieved state test performance level on the end-of-instruction tests on  
12 the student's high school transcript. Beginning with students who enter the ninth grade  
13 in the 2008-09 school year, school districts shall report the student's performance levels  
14 of proficient and above on the end-of-instruction tests and any business and industry-  
15 recognized endorsements attained on the student's high school transcript. Any student  
16 at the middle school level who completes the instruction in a secondary course specified  
17 in this paragraph shall be administered the appropriate end-of-instruction test.

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

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

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

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

1 school district level to prescribe reinforcement and/or remediation by requiring school  
2 districts to develop and implement a specific program of improvement based on the test  
3 results.

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

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

1 C. 1. The State Board of Education shall set the testing window dates for each  
2 criterion-referenced test required in paragraphs 1 through 5 of subsection A of this  
3 section for grades three through eight so that, with the exception of the writing  
4 assessments, the tests are administered to students no earlier than April 10 each year  
5 and so that the test results are reported back to school districts in a timely manner.  
6 Each criterion-referenced test required in paragraph 6 of subsection A of this section may  
7 be administered to students at a time set by the State Board of Education as near as  
8 possible to the end of the course; provided, if a school district is unable to administer the  
9 tests on-line to all students taking the test for the first time and all students retaking the  
10 test during the testing window time set by the Board, the school district may elect to  
11 administer any of the tests to students retaking the test at any time not more than two  
12 weeks prior to the start of the testing window time set by the Board. All results and  
13 reports of the criterion-referenced test series required in paragraphs 1 through 5 of  
14 subsection A of this section for grades three through eight shall be returned to each  
15 school district prior to the beginning of the next school year. The vendor shall provide a  
16 final electronic data file of all school site, school district, and state results to the State  
17 Department of Education and the Office of Accountability prior to September 1 of each  
18 year. The Department shall forward the final data files for each school district and each  
19 school site in that district to the school district. The Board shall ensure the contract with  
20 the testing vendor includes a provision that the vendor report test results directly to the  
21 Office of Accountability at the same time it is reported to the Board.

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

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

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

21           SECTION 2. This act shall become effective July 1, 2010.

1           SECTION 3. It being immediately necessary for the preservation of the public  
2 peace, health and safety, an emergency is hereby declared to exist, by reason whereof  
3 this act shall take effect and be in full force from and after its passage and approval.  
4 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 04-01-10  
5 - DO PASS, As Amended.