

THE HOUSE OF REPRESENTATIVES
Monday, February 23, 2009

House Bill No. 1303

HOUSE BILL NO. 1303 - By: KERN AND OWNBEY of the House and SYKES of the Senate.

An Act relating to schools; amending 70 O.S. 2001, Section 1210.508, as last amended by Section 4, Chapter 289, O.S.L. 2006 (70 O.S. Supp. 2008, Section 1210.508), which relates to the Oklahoma School Testing Program Act; deleting certain statutory references; modifying testing window dates for certain criterion-referenced tests; adding testing window dates for certain criterion-referenced tests; requiring certain results and reports to be distributed to teachers by certain time; 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 4, Chapter 289, O.S.L. 2006 (70 O.S. Supp. 2008, 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-

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

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

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

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

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

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

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

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

3 5. Contingent upon the availability of funds, the Board shall administer criterion-
4 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, Constitution, and
9 government of the United States, and
- 10 e. writing of English.

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

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

1 thereafter. The Board shall administer the multiple choice portion of the end-of-
2 instruction tests online with raw score test results reported immediately and complete
3 results reported in less than two (2) weeks beginning in the 2008-09 school year.

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

19 7. a. Each school district shall administer to each student in the school
20 district in grades three through eight an assessment designed to
21 assess the student in the fine arts area in which the student has
22 received 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 shall review, realign, and recalibrate, as
5 necessary, the tests in reading and mathematics in third through eighth grade and the
6 end-of-instruction tests. The Board shall determine the cut scores for the performance
7 levels on the end-of-instruction tests developed pursuant to paragraph 6 of subsection A
8 of this section, which shall be phased in over a multi-year period. The Board shall
9 conduct an ongoing review to compare the end-of-instruction test content and
10 performance descriptors with those of other states. Upon receipt of the review, the Board
11 may adjust the cut scores as necessary.

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

1 C. 1. The ~~State Board of Education shall set the testing window dates for the~~
2 administration of each criterion-referenced test required in paragraphs 1 through 5 of
3 ~~subsection A of this section for grades three through eight so that, with the exception of~~
4 ~~the writing assessments, the tests are administered to students no earlier than April 10~~
5 ~~each year and so that the test results are reported back to school districts in a timely~~
6 ~~manner. Each~~ and the testing window dates for the administration of each end-of-
7 instruction criterion-referenced test required in paragraph 6 of subsection A of this
8 ~~section may be administered to students at a time set by the State Board of Education as~~
9 ~~near as possible to the~~ to be taken by students prior to graduation shall be between
10 twenty-five (25) days prior to the last full day of the end of the grade or course and the
11 last full day of the end of the grade or course. The State Board of Education shall set the
12 testing window dates for the administration of the writing assessment portion of the
13 criterion-referenced tests required for grades three through eight. All results and reports
14 of the criterion-referenced test series required ~~in paragraphs 1 through 5 of subsection A~~
15 ~~of this section~~ for grades three through eight shall be returned to each school district
16 prior to the beginning of the next school year. School districts shall notify the
17 appropriate teachers within thirty (30) days of receipt of the results and reports of the
18 criterion-referenced tests. The vendor shall provide a final electronic data file of all
19 school site, school district, and state results to the Department and the Office of
20 Accountability prior to September 1 of each year. The Department shall forward the
21 final data files for each school district and each school site in that district to the school
22 district. The Board shall ensure the contract with the testing vendor includes a provision

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

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

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

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

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

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 02-19-09
5 - DO PASS, As Coauthored.