

THE HOUSE OF REPRESENTATIVES
Monday, February 23, 2009

House Bill No. 1511

HOUSE BILL NO. 1511 - By: BLACKWELL of the House.

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; adding an end-of-instruction test students are required to take; directing the State Board of Education to develop, field test, and implement a certain end-of-instruction test; amending Section 6, Chapter 432, O.S.L. 2005, as amended by Section 6, Chapter 289, O.S.L. 2006 (70 O.S. Supp. 2008, Section 1210.523), which relates to the Achieving Classroom Excellence Act of 2005; adding a subject area which students are to demonstrate mastery of; allowing school districts to develop alternative methods to demonstrate mastery; 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-
9 referenced test in any subject not required by federal law, contingent upon the

1 availability of funding. Students who do not perform satisfactorily on tests shall be
2 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,~~ and Computer Science at
14 the secondary level shall complete an end-of-instruction test, when implemented, to
15 measure for attainment in the appropriate state academic content standards in order to
16 graduate from a public high school with a standard diploma. All students shall take the
17 tests prior to graduation, unless otherwise exempt by law. The State Board of Education
18 shall administer the criterion-referenced tests. The Board shall develop and field test
19 the end-of-instruction tests in English III, Geometry, and Algebra II during the 2006-07
20 school year, implement the tests during the 2007-08 school year, and administer them
21 each year thereafter. The Board shall develop and field test the end-of-instruction test in
22 Computer Science during the 2009-2010 school year, implement the tests during the

1 2010-2011 school year, and administer the test each year thereafter. The Board shall
2 administer the multiple choice portion of the end-of-instruction tests online with raw
3 score test results reported immediately and complete results reported in less than two (2)
4 weeks beginning in the 2008-09 school year.

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

20 7. a. Each school district shall administer to each student in the school district in
21 grades three through eight an assessment designed to assess the

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

14 4. The State Board of Education, for the purposes of conducting reliability and
15 validity studies, monitoring contractor adherence to professionally accepted testing
16 standards, and providing recommendations for testing program improvement, shall
17 retain the services of an established, independent agency or organization that is
18 nationally recognized for its technical expertise in educational testing but is not engaged
19 in the development of aptitude or achievement tests for elementary or secondary level
20 grades. These national assessment experts shall annually conduct studies of the
21 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 Department and the Office of Accountability prior to
15 September 1 of each year. The Department shall forward the final data files for each
16 school district and each school site in that district to the school district. The Board shall
17 ensure the contract with the testing vendor includes a provision that the vendor report
18 test results directly to the Office of Accountability at the same time it is reported to the
19 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 Board shall develop, administer, and incorporate as a part of the Oklahoma
14 School Testing Program, other testing programs or procedures, including appropriate
15 accommodations for the testing of students with disabilities as required by the
16 Individuals with Disabilities Education Act (IDEA), 20 USC, Section 1400 et seq.

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

20 Section 1210.523 A. Except as provided in subsections D and E of this section,
21 beginning with students entering the ninth grade in the 2008-2009 school year, every
22 student shall demonstrate mastery of the state academic content standards in the

1 following subject areas in order to graduate from a public high school with a standard
2 diploma:

- 3 1. Algebra I;
- 4 2. English II; and
- 5 3. Two of the following ~~five~~ six:
 - 6 a. Algebra II,
 - 7 b. Biology I,
 - 8 c. English III,
 - 9 d. Geometry, ~~and~~
 - 10 e. United States History, and
 - 11 f. computer science.

12 B. To demonstrate mastery, the student shall attain at least a satisfactory score on
13 the end-of-instruction criterion-referenced tests administered pursuant to Section
14 1210.508 of this title.

15 C. Notwithstanding any other provision of law, students who do not attain at least
16 a satisfactory score on any end-of-instruction test shall be provided remediation and the
17 opportunity to retake the test until at least a satisfactory score is attained on the tests of
18 Algebra I, English II and two of the tests required in paragraph 3 of subsection A of this
19 section or an approved alternative test. Technology center schools shall be authorized to
20 provide intervention and remediation in Algebra I and Biology I to students enrolled in
21 technology center schools, with the approval of the independent school district board.

1 D. 1. Students who do not meet the requirements of subsection A of this section
2 may graduate from a public high school with a standard diploma by demonstrating
3 mastery of state academic content standards by alternative methods as developed by the
4 school district and approved by the State Board of Education.

5 2. The State Board of Education shall adopt rules providing for necessary student
6 exceptions and exemptions to the requirements of this section. The Board shall collect
7 data by school site and district on the number of students provided and categories of
8 exceptions and exemptions granted. Beginning October 1, 2012, the Board shall provide
9 an annual report of this data to the Governor, President Pro Tempore of the State Senate
10 and Speaker of the House of Representatives.

11 E. 1. Students who have individualized education programs pursuant to the
12 Individuals with Disabilities Education Act (IDEA) shall have an appropriate statement
13 on the student's individualized education program requiring administration of the
14 assessment with or without accommodations or an alternate assessment. Any
15 accommodations normally employed for the assessment shall be approved by the State
16 Board of Education and be provided for in the individualized education program. All
17 documentation for each student shall be on file in the school prior to administration of
18 the assessment.

19 2. Students identified as English language learners shall be assessed in a valid and
20 reliable manner with the state academic assessments with acceptable accommodations as
21 necessary or, to the extent practicable, with alternate assessments aligned to the state

1 assessment provided by the school district in the language and form most likely to yield
2 accurate data of the student's knowledge of the content areas.

3 F. The State Board of Education shall be authorized to contract with an entity to
4 develop and advise on the implementation of a communications campaign to build public
5 understanding of and support for the testing requirements of this section.

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

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

10 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02-19-09
11 - DO PASS.