

ESB 2213

THE HOUSE OF REPRESENTATIVES
Thursday, April 8, 2010

ENGROSSED
Senate Bill No. 2213
As Amended

ENGROSSED SENATE BILL NO. 2213 - By: JOLLEY AND FORD of the Senate and
JONES AND KERN of the House.

[schools - School Testing Program Act - United States Department of
Education - approval - effective date -
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
10 availability of funding. Students who do not perform at least at the proficient level on
11 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 many students were assessed during the previous year, and the results
2 of the assessments.

3 B. 1. The State Board of Education shall seek approval by the United States
4 Department of Education to amend the state accountability plan to replace the criterion-
5 referenced tests required pursuant to paragraphs 1 through 5 of subsection A of this
6 section with a formative assessment system which is aligned to the Priority Academic
7 Student Skills, measures student growth over the course of the school year through
8 multiple test administrations, tracks student growth over multiple years, and utilizes a
9 dynamic, adaptive, computer-based test format.

10 2. Upon approval of the United States Department of Education, the State Board of
11 Education shall implement the assessment system as provided in paragraph 1 of this
12 subsection for grades three through eight in the same subjects as provided in paragraphs
13 1 through 5 of subsection A of this section. In addition, the Board shall include
14 assessments in reading and mathematics in kindergarten through grade two.

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

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1 curriculum areas. All state academic content standards shall reflect the benchmarks of
2 the American Diploma Project and the goal of improving the state average ACT score.

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

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

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

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

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

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

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

21 ~~E.~~ F. The State Board of Education shall develop, administer, and incorporate as a
22 part of the Oklahoma School Testing Program, other testing programs or procedures,

1 including appropriate accommodations for the testing of students with disabilities as
2 required by the Individuals with Disabilities Education Act (IDEA), 20 USC, Section
3 1400 et seq.

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

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

8 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 04-07-10
9 - DO PASS, As Amended and Coauthored.