

SB 1799

1 THE STATE SENATE
2 Tuesday, February 16, 2010

3 Senate Bill No. 1799
4 As Amended

5 SENATE BILL NO. 1799 - By: Paddock of the Senate and Coody of the
6 House.

7 [schools - Oklahoma School Testing Program Act -
8 establishing time period for tests - effective date -
9 emergency]

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

11 SECTION 1. AMENDATORY 70 O.S. 2001, Section 1210.508, as
12 last amended by Section 8, Chapter 456, O.S.L. 2009 (70 O.S. Supp.
13 2009, Section 1210.508), is amended to read as follows:

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

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

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

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

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

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

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

22 5. Contingent upon the availability of funds, the Board shall
23 administer criterion-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,
- 5 Constitution, and government of the United States, and
- 6 e. writing of English.

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

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

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

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

1 in this paragraph shall be administered the appropriate end-of-
2 instruction test.

3 7. a. Each school district shall administer to each student
4 in the school district in grades three through eight
5 an assessment designed to assess the student in the
6 fine arts area in which the student has received
7 instruction.

8 b. Each school district shall prepare an annual report
9 for approval by the State Board of Education outlining
10 the fine arts assessment strategies used by the
11 district, when the assessments were administered, how
12 many students were assessed during the previous year,
13 and the results of the assessments.

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

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

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

17 3. The State Board of Education in coordination with the
18 Educational Quality and Accountability Board shall review, realign,
19 and recalibrate, as necessary, the tests in reading and mathematics
20 in third through eighth grade and the end-of-instruction tests. The
21 State Board of Education shall determine the cut scores for the
22 performance levels on the end-of-instruction tests developed
23 pursuant to paragraph 6 of subsection A of this section, which shall

1 be phased in over a multi-year period. The State Board of Education
2 shall conduct an ongoing review to compare the end-of-instruction
3 test content and performance descriptors with those of other states.
4 Upon receipt of the review, the State Board of Education may adjust
5 the cut scores as necessary.

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

19 C. 1. The State Board of Education shall set the testing
20 window dates for each criterion-referenced test required in
21 paragraphs 1 through 5 of subsection A of this section for grades
22 three through eight so that, with the exception of the writing
23 assessments, the tests are administered to students no earlier than

1 April 10 each year and so that the test results are reported back to
2 school districts in a timely manner. Each criterion-referenced test
3 required in paragraph 6 of subsection A of this section may be
4 administered to students at a time set by the State Board of
5 Education as near as possible to the end of the course; provided,
6 test retakes may be administered to eligible students at least two
7 weeks prior to the regular test administration date. All results
8 and reports of the criterion-referenced test series required in
9 paragraphs 1 through 5 of subsection A of this section for grades
10 three through eight shall be returned to each school district prior
11 to the beginning of the next school year. The vendor shall provide
12 a final electronic data file of all school site, school district,
13 and state results to the State Department of Education and the
14 Office of Accountability prior to September 1 of each year. The
15 Department shall forward the final data files for each school
16 district and each school site in that district to the school
17 district. The Board shall ensure the contract with the testing
18 vendor includes a provision that the vendor report test results
19 directly to the Office of Accountability at the same time it is
20 reported to the Board.

21 2. State, district, and site level results of all tests
22 required in this section shall be disaggregated by gender, race
23 ethnicity, disability status, migrant status, English proficiency,

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

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

18 E. The State Board of Education shall develop, administer, and
19 incorporate as a part of the Oklahoma School Testing Program, other
20 testing programs or procedures, including appropriate accommodations
21 for the testing of students with disabilities as required by the
22 Individuals with Disabilities Education Act (IDEA), 20 USC, Section
23 1400 et seq.

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

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

6 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-10-10 - DO
7 PASS, As Amended and Coauthored.