

SB 2213

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THE STATE SENATE
Tuesday, February 9, 2010

Senate Bill No. 2213
As Amended

SENATE BILL NO. 2213 - By: Jolley of the Senate and Jones 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:

SECTION 1. AMENDATORY 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), is amended to read as follows:

Section 1210.508. A. 1. The State Board of Education shall develop and administer a series of criterion-referenced tests designed to indicate whether the state academic content standards, as defined by the State Board of Education in the Priority Academic Student Skills Curriculum, which Oklahoma public school students are expected to have attained have been achieved. The Board may develop and administer any criterion-referenced test in any subject not required by federal law, contingent upon the availability of funding. Students who do not perform at least at the proficient level on tests shall be remediated, subject to the availability of 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. The State Board of Education shall seek approval by the
15 United States Department of Education to amend the state
16 accountability plan to replace the criterion-referenced tests
17 required pursuant to paragraphs 1 through 5 of subsection A of this
18 section with a formative assessment system which is aligned to the
19 Priority Academic Student Skills, measures student growth over the
20 course of the school year through multiple test administrations,
21 tracks student growth over multiple years, and utilizes a dynamic,
22 adaptive, computer-based test format.

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

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

21 2. The State Department of Education shall annually evaluate
22 the results of the criterion-referenced tests. The State Board of
23 Education shall ensure that test results are reported to districts

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

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

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

14 ~~C.~~ D. 1. The State Board of Education shall set the testing
15 window dates for each criterion-referenced test required in
16 paragraphs 1 through 5 of subsection A of this section for grades
17 three through eight so that, with the exception of the writing
18 assessments, the tests are administered to students no earlier than
19 April 10 each year and so that the test results are reported back to
20 school districts in a timely manner. Each criterion-referenced test
21 required in paragraph 6 of subsection A of this section may be
22 administered to students at a time set by the State Board of
23 Education as near as possible to the end of the course. All results

1 and reports of the criterion-referenced test series required in
2 paragraphs 1 through 5 of subsection A of this section for grades
3 three through eight shall be returned to each school district prior
4 to the beginning of the next school year. The vendor shall provide
5 a final electronic data file of all school site, school district,
6 and state results to the State Department of Education and the
7 Office of Accountability prior to September 1 of each year. The
8 Department shall forward the final data files for each school
9 district and each school site in that district to the school
10 district. The Board shall ensure the contract with the testing
11 vendor includes a provision that the vendor report test results
12 directly to the Office of Accountability at the same time it is
13 reported to the Board.

14 2. State, district, and site level results of all tests
15 required in this section shall be disaggregated by gender, race
16 ethnicity, disability status, migrant status, English proficiency,
17 and status as economically disadvantaged, except that such
18 disaggregation shall not be required in a case in which the number
19 of students in a category is insufficient to yield statistically
20 reliable information or the results would reveal personally
21 identifiable information about an individual student. Each school
22 site shall notify the student's parents of the school's performance
23 levels in the Oklahoma School Testing Program as reported in the

1 Oklahoma Educational Indicators Program at the end of each school
2 year.

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

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

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

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

22 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 2-8-10 - DO PASS,
23 As Amended and Coauthored.