

SB 421

THE STATE SENATE
Tuesday, February 10, 2009

Senate Bill No. 421
As Amended

SENATE BILL NO. 421 - By: Stanislawski of the Senate and Sullivan of the House.

[schools - Oklahoma School Testing Program Act - 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 4, Chapter 289, O.S.L. 2006 (70 O.S. Supp. 2008, 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 satisfactorily 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 satisfactory 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 satisfactory 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 satisfactory and above on the end-of-instruction tests on
20 the student's high school transcript. Any student at the middle
21 school level who completes the instruction in a secondary course
22 specified in this paragraph shall be administered the appropriate
23 end-of-instruction test.

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

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

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

1 standards shall reflect the benchmarks of the American Diploma
2 Project and the goal of improving the state average ACT score.

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

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

1 those of other states. Upon receipt of the review, the Board may
2 adjust the cut scores as necessary.

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

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

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

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

1 site shall notify the student's parents of the school's performance
2 levels in the Oklahoma School Testing Program as reported in the
3 Oklahoma Educational Indicators Program at the end of each school
4 year.

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

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

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

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

23 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 2-2-09 - DO PASS,
24 As Amended and Coauthored.