

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 2584

By: Thomsen

4  
5  
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2001,  
8 Section 1210.508, as last amended by Section 8,  
9 Chapter 456, O.S.L. 2009 (70 O.S. Supp. 2009, Section  
10 1210.508), which relates to the Oklahoma School  
11 Testing Program Act; deleting requirement to  
12 administer certain tests; deleting requirement to  
13 develop certain tests; repealing Section 5, Chapter  
14 432, O.S.L. 2005, as last amended by Section 10,  
15 Chapter 456, O.S.L. 2009, Section 6, Chapter 432,  
16 O.S.L. 2005, as last amended by Section 11, Chapter  
17 456, O.S.L. 2009 and Section 3, Chapter 387, O.S.L.  
18 2008 (70 O.S. Supp. 2009, Sections 1210.522, 1210.523  
19 and 1210.526), which relate to the Achieving  
20 Classroom Excellence Act of 2005; providing an  
21 effective date; and declaring an emergency.

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

23 SECTION 1. AMENDATORY 70 O.S. 2001, Section 1210.508, as  
24 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:

25 Section 1210.508 A. 1. The State Board of Education shall  
26 develop and administer a series of criterion-referenced tests  
27 designed to indicate whether the state academic content standards,  
28 as defined by the State Board of Education in the Priority Academic

1 Student Skills Curriculum, which Oklahoma public school students are  
2 expected to have attained have been achieved. The Board may develop  
3 and administer any criterion-referenced test in any subject not  
4 required by federal law, contingent upon the availability of  
5 funding. Students who do not perform at least at the proficient  
6 level on tests shall be remediated, subject to the availability of  
7 funding.

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

- 11 a. reading, and
- 12 b. mathematics.

13 3. Contingent upon the availability of funds, the Board shall  
14 administer criterion-referenced tests for grade five in:

- 15 a. reading,
- 16 b. mathematics,
- 17 c. science, and
- 18 d. ~~social studies, which shall consist of the history,~~  
19 ~~Constitution and government of the United States, and~~  
20 ~~geography, and~~
- 21 e. writing of English.

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

1 a. reading, and

2 b. mathematics.

3 ~~In addition, the Board shall administer a criterion-referenced~~  
4 ~~test in geography in grade seven.~~

5 5. Contingent upon the availability of funds, the Board shall  
6 administer criterion-referenced tests for grade eight in:

7 a. reading,

8 b. mathematics,

9 c. science,

10 d. ~~social studies, which shall consist of the history,~~

11 ~~Constitution, and government of the United States, and~~

12 ~~e.~~ writing of English.

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

17 6. Each student who completes the instruction for English II,  
18 ~~English III, United States History, Biology I, Algebra I, and~~  
19 ~~Geometry, and Algebra II~~ at the secondary level shall complete an  
20 end-of-instruction test, when implemented, to measure for attainment  
21 in the appropriate state academic content standards in order to  
22 graduate from a public high school with a standard diploma. All  
23 students shall take the tests prior to graduation, unless otherwise  
24 exempt by law. The State Board of Education shall administer the

1 criterion-referenced tests. The Board shall develop and field test  
2 the end-of-instruction tests in ~~English III, Geometry, and Algebra~~  
3 ~~II~~ during the 2006-07 school year, implement the tests during the  
4 2007-08 school year, and administer them each year thereafter. The  
5 Board shall administer the multiple choice portion of the end-of-  
6 instruction tests online with raw score test results reported  
7 immediately and complete results reported in less than two (2) weeks  
8 beginning in the 2008-09 school year.

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

1 any business and industry-recognized endorsements attained on the  
2 student's high school transcript. Any student at the middle school  
3 level who completes the instruction in a secondary course specified  
4 in this paragraph shall be administered the appropriate end-of-  
5 instruction test.

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

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

17 B. 1. All criterion-referenced tests required by this section  
18 shall measure academic competencies in correlation with the state  
19 academic content standards adopted by the Board pursuant to Section  
20 11-103.6 of this title and known as the Priority Academic Student  
21 Skills Curriculum. The State Board of Education shall evaluate the  
22 academic content standards to ensure the competencies reflect high  
23 standards, are specific, well-defined, measurable, challenging, and  
24 will prepare elementary students for next-grade-level course work

1 and secondary students for postsecondary studies at institutions of  
2 higher education or technology center schools without the need for  
3 remediation in core curriculum areas. All state academic content  
4 standards shall reflect the benchmarks of the American Diploma  
5 Project and the goal of improving the state average ACT score.

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

19 3. The State Board of Education in coordination with the  
20 Educational Quality and Accountability Board shall review, realign,  
21 and recalibrate, as necessary, the tests in reading and mathematics  
22 in third through eighth grade and the end-of-instruction tests. The  
23 State Board of Education shall determine the cut scores for the  
24 performance levels on the end-of-instruction tests developed

1 pursuant to paragraph 6 of subsection A of this section, which shall  
2 be phased in over a multi-year period. The State Board of Education  
3 shall conduct an ongoing review to compare the end-of-instruction  
4 test content and performance descriptors with those of other states.  
5 Upon receipt of the review, the State Board of Education may adjust  
6 the cut scores as necessary.

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

20 C. 1. The State Board of Education shall set the testing  
21 window dates for each criterion-referenced test required in  
22 paragraphs 1 through 5 of subsection A of this section for grades  
23 three through eight so that, with the exception of the writing  
24 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. All results  
6 and reports of the criterion-referenced test series required in  
7 paragraphs 1 through 5 of subsection A of this section for grades  
8 three through eight shall be returned to each school district prior  
9 to the beginning of the next school year. The vendor shall provide  
10 a final electronic data file of all school site, school district,  
11 and state results to the State Department of Education and the  
12 Office of Accountability prior to September 1 of each year. The  
13 Department shall forward the final data files for each school  
14 district and each school site in that district to the school  
15 district. The Board shall ensure the contract with the testing  
16 vendor includes a provision that the vendor report test results  
17 directly to the Office of Accountability at the same time it is  
18 reported to the Board.

19 2. State, district, and site level results of all tests  
20 required in this section shall be disaggregated by gender, race  
21 ethnicity, disability status, migrant status, English proficiency,  
22 and status as economically disadvantaged, except that such  
23 disaggregation shall not be required in a case in which the number  
24 of students in a category is insufficient to yield statistically

1 reliable information or the results would reveal personally  
2 identifiable information about an individual student. Each school  
3 site shall notify the student's parents of the school's performance  
4 levels in the Oklahoma School Testing Program as reported in the  
5 Oklahoma Educational Indicators Program at the end of each school  
6 year.

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

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

21 SECTION 2. REPEALER Section 5, Chapter 432, O.S.L. 2005,  
22 as last amended by Section 10, Chapter 456, O.S.L. 2009 (70 O.S.  
23 Supp. 2009, Section 1210.522), is hereby repealed.

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1 SECTION 3. REPEALER Section 6, Chapter 432, O.S.L. 2005,  
2 as last amended by Section 11, Chapter 456, O.S.L. 2009 (70 O.S.  
3 Supp. 2009, Section 1210.523), is hereby repealed.

4 SECTION 4. REPEALER Section 3, Chapter 387, O.S.L. 2008  
5 (70 O.S. Supp. 2009, Section 1210.526), is hereby repealed.

6 SECTION 5. This act shall become effective July 1, 2010.

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

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