

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3168

By: Hickman

4
5 AS INTRODUCED

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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; directing the State Board of
12 Education to set and announce testing window dates in
13 advance; prohibiting school districts from scheduling
14 extracurricular activities at certain times;
15 directing the State Board of Education to coordinate
16 the testing window dates with certain organizations;
17 and declaring an emergency.

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

19 SECTION 1. AMENDATORY 70 O.S. 2001, Section 1210.508, as
20 last amended by Section 8, Chapter 456, O.S.L. 2009 (70 O.S. Supp.
21 2009, Section 1210.508), is amended to read as follows:

22 Section 1210.508 A. 1. The State Board of Education shall
23 develop and administer a series of criterion-referenced tests
24 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

1 required by federal law, contingent upon the availability of
2 funding. Students who do not perform at least at the proficient
3 level on tests shall be remediated, subject to the availability of
4 funding.

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

- 8 a. reading, and
- 9 b. mathematics.

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

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

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

- 22 a. reading, and
- 23 b. mathematics.

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

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

- 5 a. reading,
- 6 b. mathematics,
- 7 c. science,
- 8 d. social studies, which shall consist of the history,
9 Constitution, and government of the United States, and
- 10 e. writing of English.

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

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

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

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

20 Beginning with students who enter the ninth grade in the 2008-09
21 school year, school districts shall report the student's performance
22 levels of proficient and above on the end-of-instruction tests and
23 any business and industry-recognized endorsements attained on the
24 student's high school transcript. Any student at the middle school

1 level who completes the instruction in a secondary course specified
2 in this paragraph shall be administered the appropriate end-of-
3 instruction test.

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

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

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

1 shall conduct an ongoing review to compare the end-of-instruction
2 test content and performance descriptors with those of other states.
3 Upon receipt of the review, the State Board of Education may adjust
4 the cut scores as necessary.

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

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

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

17 2. For planning purposes, the State Board of Education shall
18 set and announce the testing window dates for each criterion-
19 referenced test required in this section not less than one (1) year
20 in advance. School districts shall be prohibited from scheduling
21 any extracurricular events or activities for students a day before
22 or on the same day a test is scheduled to be administered to the
23 students.

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1 3. The State Board of Education shall take steps to coordinate
2 the testing window dates for each criterion-referenced test required
3 in this section with the Oklahoma Secondary Schools Activities
4 Association, the Future Farmers of America organizations and any
5 other extracurricular activity organization in the state to ensure,
6 to the extent possible, that extracurricular activities or
7 competitions are not scheduled by the organizations before or at the
8 same time as the tests.

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

21 D. The State Board of Education shall be responsible for the
22 development, field-testing, and validation of the criterion-
23 referenced test series required in subsection A of this section. In
24 the interest of economy the Board shall adapt criterion-referenced

1 tests that have been developed by or in collaboration with other
2 states or are otherwise commercially available, or portions of such
3 tests, to the extent that such tests are appropriate for use in the
4 testing program to be administered to Oklahoma students.

5 E. The State Board of Education shall develop, administer, and
6 incorporate as a part of the Oklahoma School Testing Program, other
7 testing programs or procedures, including appropriate accommodations
8 for the testing of students with disabilities as required by the
9 Individuals with Disabilities Education Act (IDEA), 20 USC, Section
10 1400 et seq.

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

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