

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1391

By: Stanislawski

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7 AS INTRODUCED

8 An Act relating to schools; amending 70 O.S. 2001,
9 Section 1210.508, as last amended by Section 8,
10 Chapter 456, O.S.L. 2009 (70 O.S. Supp. 2009, Section
11 1210.508), which relates to the Oklahoma School
12 Testing Program Act; providing certain exemption for
13 certain students; modifying required end-of-
14 instruction tests for Geometry and Algebra II;
15 requiring students to take ACT assessment; directing
16 State Board of Education to contract for
17 administration of ACT assessment; limiting
18 responsibility for certain fees or costs; modifying
19 testing window dates; amending Section 6, Chapter
20 432, O.S.L. 2005, as last amended by Section 11,
21 Chapter 456, O.S.L. 2009 (70 O.S. Supp. 2009, Section
22 1210.523), which relates to mastery of state academic
23 content standards; modifying requirements for
24 graduation from public high school; providing an
effective date; and declaring an 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:

1 Section 1210.508 A. 1. The State Board of Education shall
2 develop and administer a series of criterion-referenced tests
3 designed to indicate whether the state academic content standards,
4 as defined by the State Board of Education in the Priority Academic
5 Student Skills Curriculum, which Oklahoma public school students are
6 expected to have attained have been achieved. The Board may develop
7 and administer any criterion-referenced test in any subject not
8 required by federal law, contingent upon the availability of
9 funding. Students who do not perform at least at the proficient
10 level on tests shall be remediated, subject to the availability of
11 funding.

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

- 15 a. reading, and
- 16 b. mathematics.

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

- 19 a. reading,
- 20 b. mathematics,
- 21 c. science,
- 22 d. social studies, which shall consist of the history,
23 Constitution and government of the United States, and
24 geography, and

1 e. writing of English.

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

5 a. reading, and

6 b. mathematics.

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

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

11 a. reading,

12 b. mathematics,

13 c. science,

14 d. social studies, which shall consist of the history,
15 Constitution, and government of the United States, and

16 e. writing of English.

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

21 6. a. Each student who completes the instruction for English
22 ~~II, English III, United States History, Biology I, and~~
23 ~~Algebra I, Geometry, and Algebra II~~ at the secondary
24 level shall complete an end-of-instruction test, ~~when~~

1 ~~implemented,~~ to measure for attainment in the
2 appropriate state academic content standards in order
3 to graduate from a public high school with a standard
4 diploma. All students shall take the tests prior to
5 graduation, unless otherwise exempt by law. The State
6 Board of Education shall administer the criterion-
7 referenced tests. ~~The Board shall develop and field~~
8 ~~test the end of instruction tests in English III,~~
9 ~~Geometry, and Algebra II during the 2006-07 school~~
10 ~~year, implement the tests during the 2007-08 school~~
11 ~~year, and administer them each year thereafter.~~ The
12 Board shall administer the multiple choice portion of
13 the end-of-instruction tests online with raw score
14 test results reported immediately and complete results
15 reported in less than two (2) weeks beginning in the
16 2008-09 school year.

17 b. The end-of-instruction tests shall serve the purpose
18 of the criterion-referenced tests as provided in
19 paragraph 1 of this subsection. The English II ~~and~~
20 ~~English III~~ end-of-instruction tests test shall
21 include a writing component. Students who do not
22 score at least at the proficient level shall be
23 afforded the opportunity to retake each test up to
24 three (3) times each calendar year until at least

1 achieving at the proficient level. In order to
2 provide an indication of the levels of competency
3 attained by the student in a permanent record for
4 potential future employers and institutions of higher
5 education, for students who enter the ninth grade in
6 or prior to the 2007-08 school year, school districts
7 shall report the highest achieved state test
8 performance level on the end-of-instruction tests on
9 the student's high school transcript. Beginning with
10 students who enter the ninth grade in the 2008-09
11 school year, school districts shall report the
12 student's performance levels of proficient and above
13 on the end-of-instruction tests and any business and
14 industry-recognized endorsements attained on the
15 student's high school transcript.

16 c. Any student at the middle school level who completes
17 the instruction in a secondary course specified in
18 this paragraph shall be administered the appropriate
19 end-of-instruction test. If a student completes the
20 end-of-instruction test for Algebra I prior to grade
21 nine, the student shall be exempt from taking the
22 criterion-referenced test in mathematics as required
23 in paragraphs 2 through 5 of this subsection for the
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1 current and subsequent grades in which the student is
2 enrolled.

3 d. Unless otherwise exempt by law, beginning with the
4 graduating class of 2011-12, each student shall take
5 the ACT assessment in order to graduate from a public
6 high school with a standard diploma. The State Board
7 of Education shall negotiate a contract with ACT for
8 annual statewide administration of the ACT assessment.
9 Students and school districts shall not be responsible
10 for fees or costs associated with administration of
11 the ACT pursuant to this sub-paragraph.

12 7. a. Each school district shall administer to each student
13 in the school district in grades three through eight
14 an assessment designed to assess the student in the
15 fine arts area in which the student has received
16 instruction.

17 b. Each school district shall prepare an annual report
18 for approval by the State Board of Education outlining
19 the fine arts assessment strategies used by the
20 district, when the assessments were administered, how
21 many students were assessed during the previous year,
22 and the results of the assessments.

23 B. 1. All criterion-referenced tests required by this section
24 shall measure academic competencies in correlation with the state

1 academic content standards adopted by the Board pursuant to Section
2 11-103.6 of this title and known as the Priority Academic Student
3 Skills Curriculum. The State Board of Education shall evaluate the
4 academic content standards to ensure the competencies reflect high
5 standards, are specific, well-defined, measurable, challenging, and
6 will prepare elementary students for next-grade-level course work
7 and secondary students for postsecondary studies at institutions of
8 higher education or technology center schools without the need for
9 remediation in core curriculum areas. All state academic content
10 standards shall reflect the benchmarks of the American Diploma
11 Project and the goal of improving the state average ACT score.

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

1 3. The State Board of Education in coordination with the
2 Educational Quality and Accountability Board shall review, realign,
3 and recalibrate, as necessary, the tests in reading and mathematics
4 in third through eighth grade and the end-of-instruction tests. The
5 State Board of Education shall determine the cut scores for the
6 performance levels on the end-of-instruction tests developed
7 pursuant to paragraph 6 of subsection A of this section, which shall
8 be phased in over a multi-year period. The State Board of Education
9 shall conduct an ongoing review to compare the end-of-instruction
10 test content and performance descriptors with those of other states.
11 Upon receipt of the review, the State Board of Education may adjust
12 the cut scores as necessary.

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

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1 include studies of decision validity, concurrent validity and the
2 validity of performance level cut scores.

3 C. 1. The State Board of Education shall set the testing
4 window dates for each criterion-referenced test required in
5 paragraphs 1 through 5 of subsection A of this section for grades
6 three through eight so that, with the exception of the writing
7 assessments, the tests are administered to students no earlier than
8 ~~April 10~~ May 1 each year and so that the test results are reported
9 back to school districts in a timely manner. Each criterion-
10 referenced test required in paragraph 6 of subsection A of this
11 section may be administered to students at a time set by the State
12 Board of Education as near as possible to the end of the course.
13 All results and reports of the criterion-referenced test series
14 required in paragraphs 1 through 5 of subsection A of this section
15 for grades three through eight shall be returned to each school
16 district prior to the beginning of the next school year. The vendor
17 shall provide a final electronic data file of all school site,
18 school district, and state results to the State Department of
19 Education and the Office of Accountability prior to September 1 of
20 each year. The Department shall forward the final data files for
21 each school district and each school site in that district to the
22 school district. The Board shall ensure the contract with the
23 testing vendor includes a provision that the vendor report test

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1 results directly to the Office of Accountability at the same time it
2 is reported to the Board.

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

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

23 E. The State Board of Education shall develop, administer, and
24 incorporate as a part of the Oklahoma School Testing Program, other

1 testing programs or procedures, including appropriate accommodations
2 for the testing of students with disabilities as required by the
3 Individuals with Disabilities Education Act (IDEA), 20 USC, Section
4 1400 et seq.

5 SECTION 2. AMENDATORY Section 6, Chapter 432, O.S.L.
6 2005, as last amended by Section 11, Chapter 456, O.S.L. 2009 (70
7 O.S. Supp. 2009, Section 1210.523), is amended to read as follows:

8 Section 1210.523 A. Except as provided in subsections D and E
9 of this section, beginning with students entering the ninth grade in
10 the 2008-2009 school year, every student shall demonstrate mastery
11 of the state academic content standards in the following subject
12 areas in order to graduate from a public high school with a standard
13 diploma:

- 14 1. Algebra I~~;~~ and
- 15 2. English II~~;~~ and
- 16 ~~3. Two of the following five:~~
 - 17 a. ~~Algebra II,~~
 - 18 b. ~~Biology I,~~
 - 19 c. ~~English III,~~
 - 20 d. ~~Geometry, and~~
 - 21 e. ~~United States History.~~

22 B. To demonstrate mastery, the student shall attain at least a
23 proficient score on the end-of-instruction criterion-referenced
24 tests administered pursuant to Section 1210.508 of this title.

1 C. Notwithstanding any other provision of law, students who do
2 not attain at least a proficient score on any end-of-instruction
3 test shall be provided remediation and the opportunity to retake the
4 test until at least a proficient score is attained on the tests of
5 Algebra I, and English II ~~and two of the tests required in paragraph~~
6 ~~3 of subsection A of this section,~~ or an approved alternative test.
7 Technology center schools shall be authorized to provide
8 intervention and remediation in Algebra I, ~~Algebra II, Geometry, and~~
9 ~~English II, English III, United States History, and Biology I~~ to
10 students enrolled in technology center schools, with the approval of
11 the independent school district board.

12 D. 1. Students who do not meet the requirements of subsection
13 A of this section may graduate from a public high school with a
14 standard diploma by demonstrating mastery of state academic content
15 standards by alternative methods as approved by the State Board of
16 Education.

17 2. The State Board of Education shall adopt rules providing for
18 necessary student exceptions and exemptions to the requirements of
19 this section. The Board shall collect data by school site and
20 district on the number of students provided and categories of
21 exceptions and exemptions granted. Beginning October 1, 2012, the
22 Board shall provide an annual report of this data to the Governor,
23 President Pro Tempore of the State Senate and Speaker of the House
24 of Representatives.

1 E. 1. Students who have individualized education programs
2 pursuant to the Individuals with Disabilities Education Act (IDEA)
3 shall have an appropriate statement on the student's individualized
4 education program requiring administration of the assessment with or
5 without accommodations or an alternate assessment. Any
6 accommodations normally employed for the assessment shall be
7 approved by the State Board of Education and be provided for in the
8 individualized education program. All documentation for each
9 student shall be on file in the school prior to administration of
10 the assessment.

11 2. Students identified as English language learners shall be
12 assessed in a valid and reliable manner with the state academic
13 assessments with acceptable accommodations as necessary or, to the
14 extent practicable, with alternate assessments aligned to the state
15 assessment provided by the school district in the language and form
16 most likely to yield accurate data of the student's knowledge of the
17 content areas.

18 F. The State Board of Education shall be authorized to contract
19 with an entity to develop and advise on the implementation of a
20 communications campaign to build public understanding of and support
21 for the testing requirements of this section.

22 SECTION 3. This act shall become effective July 1, 2010.

23 SECTION 4. It being immediately necessary for the preservation
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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