

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 264

By: Jolley of the Senate

and

Nelson of the House

7
8
9 COMMITTEE SUBSTITUTE

10 An Act relating to school testing; amending Section
11 4, Chapter 456, O.S.L. 2009, which relates to the
12 Quality Assessment and Accountability Board;
13 modifying certain deadlines; modifying criteria for
14 reviewing and recommending assessments; requiring
15 review of assessments that could be eliminated by
16 adoption of new assessments; modifying appointment
17 and composition of members to the task force;
18 prohibiting travel reimbursement; modifying the
19 reports which the task force may submit; amending 70
20 O.S. 2001, Section 1210.508, as last amended by
21 Section 1, Chapter 251, O.S.L. 2010 (70 O.S. Supp
22 2010, Section 1210.508), which relates to the School
23 Testing Program Act; directing State Board of
24 Education to take those steps required under No Child
Left Behind to amend certain plan; specifying
criteria; providing for implementation of certain
assessments upon compliance with No Child Left
Behind; requiring certain additional assessments;
repealing Section 5, Chapter 456, O.S.L. 2009 (70
O.S. Supp. 2010, Section 3-165), which relates to the
Quality Assessment and Accountability Board; and
declaring an emergency.

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

2 SECTION 1. AMENDATORY Section 4, Chapter 456, O.S.L.
3 2009, is amended to read as follows:

4 Section 4. A. There is hereby created until ~~December 31, 2010~~
5 June 30, 2012, the Quality Assessment and Accountability Task Force.

6 B. The Task Force shall study the student testing system of
7 this state including, but not be limited to, the following:

8 1. The Task Force shall ~~conduct a crosswalk of curricular and~~
9 ~~performance standards developed by the State Department of Education~~
10 ~~with those of other states with high achievement as recommended by~~
11 ~~the Achieving Classroom Excellence II Task Force~~ review and
12 recommend those formative assessments which:

13 a. improve instruction through providing regular and
14 timely diagnostic data to parents, teachers,
15 principals and superintendents;

16 b. expect high standards of achievement from students as
17 compared to those expected from Common Core Standards
18 and other standards adopted in Oklahoma not yet
19 effected by the adoption of the Common Core Standards;

20 c. are able to be fully integrated with a statewide
21 longitudinal Student Data System for portability of
22 data inter-district; and

23 d. would be the most cost effective for adoption and
24 effectiveness;

1 2. The Task Force shall review the ~~results of the crosswalk~~
2 ~~conducted pursuant to paragraph 1 of this subsection and conduct a~~
3 ~~thorough review of the state student testing system and report~~
4 ~~findings on reforming and improving the system~~ number of student
5 assessments currently required which could be eliminated by the
6 adoption of those formative tests as identified in paragraph 1 of
7 this subsection; and

8 3. The Task Force shall recommend a plan to achieve the
9 identified reforms, along with any statutory, regulatory, or
10 deregulatory changes necessary to improve the system, as well as any
11 savings that could be realized or additional costs that may be
12 incurred by the recommendations.

13 C. The Task Force shall consist of twelve (12) members as
14 follows:

15 1. The Chair of the Senate Committee on Education, appointed by
16 the President Pro Tempore of the ~~Oklahoma~~ Senate;

17 2. ~~The Vice Chair~~ A member of the Senate Committee on
18 Education, appointed by the President Pro Tempore of the ~~Oklahoma~~
19 Senate;

20 3. A member of the ~~Oklahoma~~ Senate, appointed by the Minority
21 Leader of the ~~Oklahoma~~ Senate;

22 4. The Chair of the House Committee on Common Education,
23 appointed by the Speaker of the House of Representatives;

- 1 5. ~~The Vice Chair~~ A member of the House Committee on Common
2 Education, appointed by the Speaker of the House of Representatives;
- 3 6. A member of the House of Representatives, appointed by the
4 Minority Leader of the House of Representatives;
- 5 7. A Superintendent of a public school district, appointed by
6 the Governor;
- 7 8. A Principal from a school in which over fifty percent (50%)
8 of the student population qualifies for the free-and-reduced lunch
9 program, appointed by the Governor;
- 10 9. ~~A representative of a statewide teacher's organization~~
11 classroom teacher, appointed by the Governor;
- 12 10. ~~State Superintendent of Public Instruction~~ The Secretary of
13 Education or designee;
- 14 11. ~~Director of the Oklahoma Department of Career and~~
15 ~~Technology Education~~ The State Superintendent of Public Instruction
16 or designee; and
- 17 12. A representative of a statewide organization representing
18 business, appointed by the Governor.
- 19 D. ~~The Chair of the Educational Quality and Accountability~~
20 ~~Board shall convene the first meeting of the Task Force. The~~
21 ~~members of the Task Force shall elect a chair and vice chair from~~
22 ~~among the members at the first meeting~~ Secretary of Education shall
23 serve as Chair of the Task Force. Appointments to the Task Force
24 shall be made by ~~September 1, 2009~~ July 1, 2011. Meetings of the

1 Task Force shall be held at the call of the chair of the Task Force.
2 Members shall serve at the pleasure of their appointing authorities.
3 A majority of the members of the Task Force shall constitute a
4 quorum to transact business, but no vacancy shall impair the right
5 of the remaining members to exercise all of the powers of the Task
6 Force. A vacancy on the Task Force shall be filled by the original
7 appointing authority. Staff support for the Task Force shall be
8 provided by the staff of the Senate, House of Representatives, and
9 Office of State Finance. The Office of Accountability, State
10 Department of Education, Oklahoma Department of Career and
11 Technology Education, and the Oklahoma State Regents for Higher
12 Education shall provide support and information as requested by the
13 Task Force.

14 E. Members of the Task Force shall receive no compensation or
15 travel reimbursement for serving on the Task Force, ~~but shall~~
16 ~~receive travel reimbursement as follows:~~

17 ~~1. Legislative members shall be reimbursed in accordance with~~
18 ~~Section 456 of Title 74 of the Oklahoma Statutes;~~

19 ~~2. State employees who are members of the Task Force shall be~~
20 ~~reimbursed for travel expenses incurred in the performance of their~~
21 ~~duties by their respective agencies in accordance with the State~~
22 ~~Travel Reimbursement Act; and~~

23 ~~3. All other Task Force members shall be reimbursed by the~~
24 ~~Legislative Service Bureau for travel expenses incurred in the~~

1 ~~performance of their duties in accordance with the State Travel~~
2 ~~Reimbursement Act.~~

3 F. The Task Force may seek the assistance of the Legislative
4 Service Bureau to contract with an independent consultant as
5 necessary to fulfill the duties specified in this section contingent
6 on the availability of funds.

7 G. The Task Force ~~shall~~ may submit ~~a report by December 31,~~
8 ~~2010~~ any report(s) on any findings and recommendations for
9 improvement and reform of the student curriculum, testing, and other
10 related matters, to the Governor, the President Pro Tempore of the
11 Senate, and the Speaker of the House of Representatives. ~~The report~~
12 ~~shall include findings and recommendations for improvement and~~
13 ~~reform of the student curriculum, testing, and other related~~
14 ~~matters.~~

15 SECTION 2. AMENDATORY 70 O.S. 2001, Section 1210.508, as
16 last amended by Section 1, Chapter 251, O.S.L. 2010 (70 O.S. Supp
17 2010, Section 1210.508), is amended to read as follows:

18 Section 1210.508 A. 1. The State Board of Education shall
19 develop and administer a series of criterion-referenced tests
20 designed to indicate whether the state academic content standards,
21 as defined by the State Board of Education in the Priority Academic
22 Student Skills Curriculum, which Oklahoma public school students are
23 expected to have attained have been achieved. The Board may develop
24 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.

24

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. By April 1, 2012, the State Board of Education shall
16 take those steps required under No Child Left Behind to amend the
17 state accountability plan to replace the criterion-referenced tests
18 required pursuant to paragraphs 1 through 5 of subsection A of this
19 section with an assessment system that:

20 a. serves the dual purposes of accountability and
21 instructional improvement,

22 b. is aligned to the Priority Academic Student Skills and
23 the K-12 Common Core State Standards,

24

- c. provides components of the longitudinal data system needed to track student growth over multiple years,
- d. contributes to Oklahoma's compliance with the America COMPETES Act,
- e. provides data to enable measurement of student growth over multiple years and over the course of the school year through multiple test administrations, and
- f. utilizes a dynamic, computer-based test format, which may be adaptive in design.

2. Once requirements under No Child Left Behind have been satisfied pursuant to paragraph 1 of this subsection, the State Board of Education shall implement the assessment system as provided in paragraph 1 of this subsection for grades three through eight in the same subjects as provided in paragraphs 1 through 5 of subsection A of this section. In addition, the Board shall include assessments in reading and mathematics in kindergarten through grade two.

C. 1. All criterion-referenced tests required by this section shall measure academic competencies in correlation with the state academic content standards adopted by the Board pursuant to Section 11-103.6 of this title and known as the Priority Academic Student Skills Curriculum. The State Board of Education shall evaluate the academic content standards to ensure the competencies reflect high standards, are specific, well-defined, measurable, challenging, and

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

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

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

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

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

21 ~~C.~~ D. 1. The State Board of Education shall set the testing
22 window dates for each criterion-referenced test required in
23 paragraphs 1 through 5 of subsection A of this section for grades
24 three through eight so that, with the exception of the writing

1 assessments, the tests are administered to students no earlier than
2 April 10 each year and so that the test results are reported back to
3 school districts in a timely manner. Each criterion-referenced test
4 required in paragraph 6 of subsection A of this section may be
5 administered to students at a time set by the State Board of
6 Education as near as possible to the end of the course; provided, if
7 a school district is unable to administer the tests online to all
8 students taking the test for the first time and all students
9 retaking the test during the testing window time set by the Board,
10 the school district may elect to administer any of the tests to
11 students retaking the test at any time not more than two weeks prior
12 to the start of the testing window time set by the Board. All
13 results and reports of the criterion-referenced test series required
14 in paragraphs 1 through 5 of subsection A of this section for grades
15 three through eight shall be returned to each school district prior
16 to the beginning of the next school year. The vendor shall provide
17 a final electronic data file of all school site, school district,
18 and state results to the State Department of Education and the
19 Office of Accountability prior to September 1 of each year. The
20 Department shall forward the final data files for each school
21 district and each school site in that district to the school
22 district. The Board shall ensure the contract with the testing
23 vendor includes a provision that the vendor report test results

24

1 directly to the Office of Accountability at the same time it is
2 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.~~ E. 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.~~ F. The State Board of Education shall develop, administer,
24 and incorporate as a part of the Oklahoma School Testing Program,

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

5 SECTION 3. REPEALER Section 5, Chapter 456, O.S.L. 2009
6 (70 O.S. Supp. 2010, Section 3-165), is hereby repealed.

7 SECTION 4. 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.

11

12 53-1-7477 LRB 04/06/11

13

14

15

16

17

18

19

20

21

22

23

24