

1 ENGROSSED SENATE
2 BILL NO. 264

By: Jolley of the Senate

3 and

4 Nelson of the House

5
6 An Act relating to school testing; amending Section
7 4, Chapter 456, O.S.L. 2009, which relates to the
8 Quality Assessment and Accountability Board;
9 modifying certain deadlines; modifying criteria for
10 reviewing and recommending assessments; requiring
11 review of assessments that could be eliminated by
12 adoption of new assessments; modifying appointment
13 and composition of members to the task force;
14 modifying travel reimbursement; modifying the reports
15 which the task force may submit; amending 70 O.S.
16 2001, Section 1210.508, as last amended by Section 1,
17 Chapter 251, O.S.L. 2010 (70 O.S. Supp 2010, Section
18 1210.508), which relates to the School Testing
19 Program Act; directing State Board of Education to
20 take those steps required under No Child Left Behind
21 to amend certain plan; specifying criteria; providing
22 for implementation of certain assessments upon
23 compliance with No Child Left Behind; requiring
24 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.

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

SECTION 1. AMENDATORY Section 4, Chapter 456, O.S.L.

2009, is amended to read as follows:

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

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

3 1. The Task Force shall ~~conduct a crosswalk of curricular and~~
4 ~~performance standards developed by the State Department of Education~~
5 ~~with those of other states with high achievement as recommended by~~
6 ~~the Achieving Classroom Excellence II Task Force~~ review and
7 recommend those formative assessments which:

8 a. improve instruction through providing regular and
9 timely diagnostic data to parents, teachers,
10 principals and superintendents;

11 b. expect high standards of achievement from students as
12 compared to those expected from Common Core Standards
13 and other standards adopted in Oklahoma not yet
14 effected by the adoption of the Common Core Standards;

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

18 d. would be the most cost effective for adoption and
19 effectiveness;

20 2. The Task Force shall review the ~~results of the crosswalk~~
21 ~~conducted pursuant to paragraph 1 of this subsection and conduct a~~
22 ~~thorough review of the state student testing system and report~~
23 ~~findings on reforming and improving the system~~ number of student
24 assessments currently required which could be eliminated by the

1 adoption of those formative tests as identified in paragraph 1 of
2 this subsection; and

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

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

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

12 2. ~~The Vice Chair~~ A member of the Senate Committee on
13 Education, appointed by the President Pro Tempore of the ~~Oklahoma~~
14 Senate;

15 3. A member of the ~~Oklahoma~~ Senate, appointed by the Minority
16 Leader of the ~~Oklahoma~~ Senate;

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

19 5. ~~The Vice Chair~~ A member of the House Committee on Common
20 Education, appointed by the Speaker of the House of Representatives;

21 6. A member of the House of Representatives, appointed by the
22 Minority Leader of the House of Representatives;

23 7. A Superintendent of a public school district, appointed by
24 the Governor;

1 8. A Principal from a school in which over fifty percent (50%)
2 of the student population qualifies for the free-and-reduced lunch
3 program, appointed by the Governor;

4 9. ~~A representative of a statewide teacher's organization~~
5 classroom teacher, appointed by the Governor;

6 10. ~~State Superintendent of Public Instruction~~ The Secretary of
7 Education or designee;

8 11. ~~Director of the Oklahoma Department of Career and~~
9 ~~Technology Education~~ The State Superintendent of Public Instruction
10 or designee; and

11 12. A representative of a statewide organization representing
12 business, appointed by the Governor.

13 D. ~~The Chair of the Educational Quality and Accountability~~
14 ~~Board shall convene the first meeting of the Task Force. The~~
15 ~~members of the Task Force shall elect a chair and vice chair from~~
16 ~~among the members at the first meeting~~ Secretary of Education shall
17 serve as Chair of the Task Force. Appointments to the Task Force
18 shall be made by ~~September 1, 2009~~ July 1, 2011. Meetings of the
19 Task Force shall be held at the call of the chair of the Task Force.
20 Members shall serve at the pleasure of their appointing authorities.
21 A majority of the members of the Task Force shall constitute a
22 quorum to transact business, but no vacancy shall impair the right
23 of the remaining members to exercise all of the powers of the Task
24 Force. A vacancy on the Task Force shall be filled by the original

1 appointing authority. Staff support for the Task Force shall be
2 provided by the staff of the Senate, House of Representatives, and
3 Office of State Finance. The Office of Accountability, State
4 Department of Education, Oklahoma Department of Career and
5 Technology Education, and the Oklahoma State Regents for Higher
6 Education shall provide support and information as requested by the
7 Task Force.

8 E. Members of the Task Force shall receive no compensation for
9 serving on the Task Force, but shall receive travel reimbursement as
10 follows:

11 1. Legislative members shall be reimbursed in accordance with
12 Section 456 of Title 74 of the Oklahoma Statutes;

13 2. State employees who are members of the Task Force shall be
14 reimbursed for travel expenses incurred in the performance of their
15 duties by their respective agencies in accordance with the State
16 Travel Reimbursement Act; and

17 3. All other Task Force members shall be reimbursed by ~~the~~
18 ~~Legislative Service Bureau~~ their appointing authority for travel
19 expenses incurred in the performance of their duties in accordance
20 with the State Travel Reimbursement Act.

21 F. The Task Force may seek the assistance of the Legislative
22 Service Bureau to contract with an independent consultant as
23 necessary to fulfill the duties specified in this section contingent
24 on the availability of funds.

1 G. The Task Force ~~shall~~ may submit ~~a report by December 31,~~
2 ~~2010~~ any report(s) on any findings and recommendations for
3 improvement and reform of the student curriculum, testing, and other
4 related matters, to the Governor, the President Pro Tempore of the
5 Senate, and the Speaker of the House of Representatives. ~~The report~~
6 ~~shall include findings and recommendations for improvement and~~
7 ~~reform of the student curriculum, testing, and other related~~
8 ~~matters.~~

9 SECTION 2. AMENDATORY 70 O.S. 2001, Section 1210.508, as
10 last amended by Section 1, Chapter 251, O.S.L. 2010 (70 O.S. Supp
11 2010, Section 1210.508), is amended to read as follows:

12 Section 1210.508 A. 1. The State Board of Education shall
13 develop and administer a series of criterion-referenced tests
14 designed to indicate whether the state academic content standards,
15 as defined by the State Board of Education in the Priority Academic
16 Student Skills Curriculum, which Oklahoma public school students are
17 expected to have attained have been achieved. The Board may develop
18 and administer any criterion-referenced test in any subject not
19 required by federal law, contingent upon the availability of
20 funding. Students who do not perform at least at the proficient
21 level on tests shall be remediated, subject to the availability of
22 funding.

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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:

- 24 a. reading,

- 1 b. mathematics,
- 2 c. science,
- 3 d. social studies, which shall consist of the history,
- 4 Constitution, and government of the United States, and
- 5 e. writing of English.

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

10 6. Each student who completes the instruction for English II,
11 English III, United States History, Biology I, Algebra I, Geometry,
12 and Algebra II at the secondary level shall complete an end-of-
13 instruction test, when implemented, to measure for attainment in the
14 appropriate state academic content standards in order to graduate
15 from a public high school with a standard diploma. All students
16 shall take the tests prior to graduation, unless otherwise exempt by
17 law. The State Board of Education shall administer the criterion-
18 referenced tests. The Board shall develop and field test the end-
19 of-instruction tests in English III, Geometry, and Algebra II during
20 the 2006-07 school year, implement the tests during the 2007-08
21 school year, and administer them each year thereafter. The Board
22 shall administer the multiple choice portion of the end-of-
23 instruction tests online with raw score test results reported

1 immediately and complete results reported in less than two (2) weeks
2 beginning in the 2008-09 school year.

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

16 Beginning with students who enter the ninth grade in the 2008-09
17 school year, school districts shall report the student's performance
18 levels of proficient and above on the end-of-instruction tests and
19 any business and industry-recognized endorsements attained on the
20 student's high school transcript. Any student at the middle school
21 level who completes the instruction in a secondary course specified
22 in this paragraph shall be administered the appropriate end-of-
23 instruction test.

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

- 17 a. serves the dual purposes of accountability and
18 instructional improvement,
- 19 b. is aligned to the Priority Academic Student Skills and
20 the K-12 Common Core State Standards,
- 21 c. provides components of the longitudinal data system
22 needed to track student growth over multiple years,
- 23 d. contributes to Oklahoma's compliance with the America
24 COMPETES Act,

- 1 e. provides data to enable measurement of student growth
2 over multiple years and over the course of the school
3 year through multiple test administrations, and
4 f. utilizes a dynamic, computer-based test format, which
5 may be adaptive in design.

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

14 C. 1. All criterion-referenced tests required by this section
15 shall measure academic competencies in correlation with the state
16 academic content standards adopted by the Board pursuant to Section
17 11-103.6 of this title and known as the Priority Academic Student
18 Skills Curriculum. The State Board of Education shall evaluate the
19 academic content standards to ensure the competencies reflect high
20 standards, are specific, well-defined, measurable, challenging, and
21 will prepare elementary students for next-grade-level course work
22 and secondary students for postsecondary studies at institutions of
23 higher education or technology center schools without the need for
24 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 in coordination with the
17 Educational Quality and Accountability Board shall review, realign,
18 and recalibrate, as necessary, the tests in reading and mathematics
19 in third through eighth grade and the end-of-instruction tests. The
20 State Board of Education shall determine the cut scores for the
21 performance levels on the end-of-instruction tests developed
22 pursuant to paragraph 6 of subsection A of this section, which shall
23 be phased in over a multi-year period. The State Board of Education
24 shall conduct an ongoing review to compare the end-of-instruction

1 test content and performance descriptors with those of other states.
2 Upon receipt of the review, the State Board of Education may adjust
3 the cut scores as necessary.

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

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

22 2. State, district, and site level results of all tests
23 required in this section shall be disaggregated by gender, race
24 ethnicity, disability status, migrant status, English proficiency,

1 and status as economically disadvantaged, except that such
2 disaggregation shall not be required in a case in which the number
3 of students in a category is insufficient to yield statistically
4 reliable information or the results would reveal personally
5 identifiable information about an individual student. Each school
6 site shall notify the student's parents of the school's performance
7 levels in the Oklahoma School Testing Program as reported in the
8 Oklahoma Educational Indicators Program at the end of each school
9 year.

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

18 ~~E.~~ F. The State Board of Education shall develop, administer,
19 and incorporate as a part of the Oklahoma School Testing Program,
20 other testing programs or procedures, including appropriate
21 accommodations for the testing of students with disabilities as
22 required by the Individuals with Disabilities Education Act (IDEA),
23 20 USC, Section 1400 et seq.

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1 SECTION 3. REPEALER Section 5, Chapter 456, O.S.L. 2009
2 (70 O.S. Supp. 2010, Section 3-165), is hereby repealed.

3 SECTION 4. It being immediately necessary for the preservation
4 of the public peace, health and safety, an emergency is hereby
5 declared to exist, by reason whereof this act shall take effect and
6 be in full force from and after its passage and approval.

7 Passed the Senate the 14th day of March, 2011.

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9 _____
10 Presiding Officer of the Senate

11 Passed the House of Representatives the ____ day of _____,
12 2011.

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15 Presiding Officer of the House
16 of Representatives

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