

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 SENATE BILL 447

By: Jolley

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6 AS INTRODUCED

7 An Act relating to the Oklahoma School Testing
8 Program Act; amending 70 O.S. 2011, Section 1210.508,
9 as last amended by Section 8, Chapter 354, O.S.L.
10 2012 (70 O.S. Supp. 2012, Section 1210.508), which
11 relates to criterion-referenced tests; directing the
12 State Board of Education to develop and administer
13 formative assessments; providing definition;
14 providing an effective date; and declaring an
15 emergency.

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

17 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.508, as
18 last amended by Section 8, Chapter 354, O.S.L. 2012 (70 O.S. Supp.
19 2012, Section 1210.508), is amended to read as follows:

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

1 ~~referenced test~~ formative assessment in any subject not required by
2 federal law, contingent upon the availability of funding. Students
3 who do not perform at least at the proficient level on tests shall
4 be remediated, subject to the availability of 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~~ a series of formative assessments, the
8 last of which shall be the summative assessment, for grades three
9 and four in:

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

12 3. Contingent upon the availability of funds, the Board shall
13 administer ~~criterion-referenced tests~~ a series of formative
14 assessments, the last of which shall be the summative assessment,
15 for grade five in:

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

23 4. Contingent upon the availability of state and federal funds,
24 the Board, in accordance with federal law, shall administer

1 ~~critierion-referenced tests~~ a series of formative assessments, the
2 last of which shall be the summative assessment, for grades six and
3 seven in:

- 4 a. reading, and
- 5 b. mathematics.

6 In addition, the Board shall administer a ~~critierion-referenced~~
7 ~~test~~ a series of formative assessments, the last of which shall be
8 the summative assessment, in geography in grade seven.

9 5. Contingent upon the availability of funds, the Board shall
10 administer ~~critierion-referenced tests~~ a series of formative
11 assessments, the last of which shall be the summative assessment,
12 for grade eight in:

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

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

23 6. Each student who completes the instruction for English II,
24 English III, United States History, Biology I, Algebra I, Geometry,

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

15 The end-of-instruction tests shall serve the purpose of the
16 ~~critierion-referenced tests~~ summative assessments as provided in
17 paragraph 1 of this subsection. The English II and English III end-
18 of-instruction tests shall include a writing component. Students
19 who do not score at least at the proficient level shall be afforded
20 the opportunity to retake each test up to three (3) times each
21 calendar year until at least achieving at the proficient level. In
22 order to provide an indication of the levels of competency attained
23 by the student in a permanent record for potential future employers
24 and institutions of higher education, for students who enter the

1 ninth grade in or prior to the 2007-08 school year, school districts
2 shall report the highest-achieved state test performance level on
3 the end-of-instruction tests on the student's high school
4 transcript. Beginning with students who enter the ninth grade in
5 the 2008-09 school year, school districts shall report the highest-
6 achieved state test performance level on the end-of-instruction
7 tests and any business and industry-recognized endorsements attained
8 on the student's high school transcript. Any student at the middle
9 school level who completes the instruction in a secondary course
10 specified in this paragraph shall be administered the appropriate
11 end-of-instruction test.

12 7. a. Each school district shall administer to each student
13 in the school district in grades three through eight
14 ~~an~~ a formative assessment designed to assess the
15 student in the fine arts area in which the student has
16 received 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 ~~critierion-referenced tests~~ formative assessments
24 required by this section shall measure academic competencies in

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

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

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1 remediation by requiring school districts to develop and implement a
2 specific program of improvement based on the test results.

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

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

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1 administered pursuant to this section. Validity studies shall
2 include studies of decision validity and concurrent validity.

3 C. For the purposes of this section, "formative assessment"
4 shall mean an assessment of a student's educational development
5 within a particular subject area that provides information necessary
6 to adjust teaching to ensure students achieve targeted, standards-
7 based learning goals.

8 D. 1. The State Board of Education shall set the testing
9 window dates for each ~~riterion-referenced test~~ formative assessment
10 required in paragraphs 1 through 5 of subsection A of this section
11 for grades three through eight so that, with the exception of the
12 writing assessments, the tests are administered to students no
13 earlier than April 10 each year and so that the test results are
14 reported back to school districts in a timely manner. Each
15 ~~riterion-referenced test~~ summative assessment required in paragraph
16 6 of subsection A of this section may be administered to students at
17 a time set by the State Board of Education as near as possible to
18 the end of the course; provided, if a school district is unable to
19 administer the tests online to all students taking the test for the
20 first time and all students retaking the test during the testing
21 window time set by the Board, the school district may elect to
22 administer any of the tests to students retaking the test at any
23 time not more than two (2) weeks prior to the start of the testing
24 window time set by the Board. All results and reports of the

1 ~~criterion-referenced test~~ formative assessment series required in
2 paragraphs 1 through 5 of subsection A of this section for grades
3 three through eight shall be returned to each school district prior
4 to the beginning of the next school year. The vendor shall provide
5 a final electronic data file of all school site, school district,
6 and state results to the State Department of Education and the
7 Office of Educational Quality and Accountability prior to September
8 1 of each year. The Department shall forward the final data files
9 for each school district and each school site in that district to
10 the school district. The Board shall ensure the contract with the
11 testing vendor includes a provision that the vendor report test
12 results directly to the Office of Educational Quality and
13 Accountability at the same time it is reported to the Board.

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

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

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

18 SECTION 2. This act shall become effective July 1, 2013.

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

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