

1 ENGROSSED HOUSE
2 BILL NO. 2814

By: Key, Coody, Tibbs and
Nelson of the House

3 and

4 Brogdon of the Senate
5
6

7 An Act relating to schools; requiring State Board of
8 Education to adopt social studies core curriculum
9 with courses of instruction that include certain
10 textbooks incorporating certain subjects; amending 70
11 O.S. 2001, Section 1210.508, as last amended by
12 Section 8, Chapter 456, O.S.L. 2009 (70 O.S. Supp.
13 2009, Section 1210.508), which relates to certain
14 criterion-referenced tests; including certain
15 subjects in end-of-instruction test for United States
16 history; providing for codification; providing for
17 noncodification; and providing an effective date.

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

19 SECTION 1. NEW LAW A new section of law not to be
20 codified in the Oklahoma Statutes reads as follows:

21 Section 2 and Section 3 of this act shall be known and may be
22 cited as the "Bill of Rights Education Act of 2010".

23 SECTION 2. NEW LAW A new section of law to be codified
24 in the Oklahoma Statutes as Section 11-103.6i of Title 70, unless
there is created a duplication in numbering, reads as follows:

1 A. The State Board of Education shall adopt a social studies
2 core curriculum with instruction for all students enrolled in the
3 public schools that includes the following subjects:

4 1. The Declaration of Independence;

5 2. The United States Constitution, including the Bill of
6 Rights;

7 3. Substantive selections from the Federalist Papers;

8 4. The Emancipation Proclamation;

9 5. The Articles of Confederation;

10 6. The Gettysburg Address; and

11 7. George Washington's Farewell Address.

12 B. The State Textbook Committee, when adopting textbooks, shall
13 incorporate the provisions of subsection A of this section into the
14 criteria used to evaluate United States government, United States
15 history, and Oklahoma history textbooks.

16 SECTION 3. AMENDATORY 70 O.S. 2001, Section 1210.508, as
17 last amended by Section 8, Chapter 456, O.S.L. 2009 (70 O.S. Supp.
18 2009, Section 1210.508), is amended to read as follows:

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

1 and administer any criterion-referenced test in any subject not
2 required by federal law, contingent upon the availability of
3 funding. Students who do not perform at least at the proficient
4 level on tests shall be remediated, subject to the availability of
5 funding.

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

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

11 3. Contingent upon the availability of funds, the Board shall
12 administer criterion-referenced tests for grade five 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 geography, and
- 19 e. writing of English.

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

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

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. The United States History end-
11 of-instruction test shall include multiple questions containing
12 fundamental principles in each of the following subjects: the
13 Declaration of Independence, the United States Constitution,
14 including the Bill of Rights, substantive selections from the
15 Federalist Papers, the Emancipation Proclamation, the Articles of
16 Confederation, the Gettysburg Address, and George Washington's
17 Farewell Address. Students who do not score at least at the
18 proficient level shall be afforded the opportunity to retake each
19 test up to three (3) times each calendar year until at least
20 achieving at the proficient level. In order to provide an
21 indication of the levels of competency attained by the student in a
22 permanent record for potential future employers and institutions of
23 higher education, for students who enter the ninth grade in or prior
24 to the 2007-08 school year, school districts shall report the

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

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

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

22 B. 1. All criterion-referenced tests required by this section
23 shall measure academic competencies in correlation with the state
24 academic content standards adopted by the Board pursuant to Section

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

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

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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 each year and so that the test results are reported back to
9 school districts in a timely manner. Each criterion-referenced test
10 required in paragraph 6 of subsection A of this section may be
11 administered to students at a time set by the State Board of
12 Education as near as possible to the end of the course. All results
13 and reports of the criterion-referenced test series required in
14 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
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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. 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 4. This act shall become effective November 1, 2010.

6 Passed the House of Representatives the 11th day of March, 2010.

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9 Presiding Officer of the House of
Representatives

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11 Passed the Senate the ____ day of _____, 2010.

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14 Presiding Officer of the Senate

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