

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1511 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Gus Blackwell

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 52nd Legislature (2009)

FLOOR SUBSTITUTE
FOR

HOUSE BILL NO. 1511

By: Blackwell

FLOOR SUBSTITUTE

An Act relating to schools; amending 70 O.S. 2001, Section 1210.508, as last amended by Section 4, Chapter 289, O.S.L. 2006 (70 O.S. Supp. 2008, Section 1210.508), which relates to the Oklahoma School Testing Program Act; adding an end-of-instruction test students are required to take; adding additional tests that students may take instead of the end-of-instruction tests; directing school districts to design and administer a certain end-of-instruction test; providing option for online testing; providing for reporting of certain test scores on a high school transcript; amending Section 6, Chapter 432, O.S.L. 2005, as amended by Section 6, Chapter 289, O.S.L. 2006 (70 O.S. Supp. 2008, Section 1210.523), which relates to the Achieving Classroom Excellence Act of 2005; modifying requirements for demonstrating mastery of state academic content; adding a subject area and certain tests which students may demonstrate mastery of; providing for remediation that shall be provided to students not attaining a satisfactory score of any end-of-instruction test taken after any attempt; providing for alternative methods for testing for certain students; authorizing technology center schools to provide intervention and remediation in additional subject areas to students enrolled in technology center schools; requiring alternative testing to include certain examinations; providing an effective date; and declaring an emergency.

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

2 SECTION 1. AMENDATORY 70 O.S. 2001, Section 1210.508, as
3 last amended by Section 4, Chapter 289, O.S.L. 2006 (70 O.S. Supp.
4 2008, Section 1210.508), is amended to read as follows:

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

15 2. 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 three and four in:

- 18 a. reading, and
19 b. mathematics.

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

- 22 a. reading,
23 b. mathematics,
24 c. science,

1 d. social studies, which shall consist of the history,
2 Constitution and government of the United States, and
3 geography, and

4 e. writing of English.

5 4. 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 six and seven in:

8 a. reading, and

9 b. mathematics.

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

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

14 a. reading,

15 b. mathematics,

16 c. science,

17 d. social studies, which shall consist of the history,

18 Constitution, and government of the United States, and

19 e. writing of English.

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

6. Each student who completes the instruction for English II, English III, United States History, Biology I, Algebra I, Geometry, ~~and~~ Algebra II, and Computer Science at the secondary level shall either complete an end-of-instruction test, when implemented, to measure for attainment in the appropriate state academic content standards or shall take the American College Testing Program (ACT), the SAT Reasoning Test, or the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT) in order to graduate from a public high school with a standard diploma. All students shall take the tests prior to graduation, unless otherwise exempt by law. ~~The~~ Except for the Computer Science test, the State Board of Education shall administer the criterion-referenced tests. The Board shall develop and field test the end-of-instruction tests in English III, Geometry, and Algebra II during the 2006-07 school year, implement the tests during the 2007-08 school year, and administer them each year thereafter. Each school district shall design and administer a Computer Science end-of-instruction assessment designed to measure the attainment of the student in the appropriated state academic content standard in Computer Science. ~~The~~ Beginning in the 2008-2009 school year, the Board shall administer the multiple choice portion of the end-of-instruction tests online ~~with~~ in school districts that elect to offer the tests online. For tests administered online the raw score test results shall be 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 satisfactory 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 satisfactory 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 satisfactory and above on the end-of-instruction tests on
19 the student's high school transcript. For students that take the
20 ACT, SAT Reasoning Test, or PSAT instead of the end-of-instruction
21 tests, school districts shall report the student's scores in each
22 subject area on the student's high school transcript. Any student
23 at the middle school level who completes the instruction in a
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secondary course specified in this paragraph shall be administered the appropriate end-of-instruction test.

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

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

B. 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 will prepare elementary students for next-grade-level course work and secondary students for postsecondary studies at institutions of higher education or technology center schools without the need for remediation in core curriculum areas. All state academic content

standards shall reflect the benchmarks of the American Diploma Project and the goal of improving the state average ACT score.

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

3. The State Board of Education shall review, realign, and recalibrate, as necessary, the tests in reading and mathematics in third through eighth grade and the end-of-instruction tests. The Board shall determine the cut scores for the performance levels on the end-of-instruction tests developed pursuant to paragraph 6 of subsection A of this section, which shall be phased in over a multi-year period. The Board shall conduct an ongoing review to compare the end-of-instruction test content and performance descriptors with

1 those of other states. Upon receipt of the review, the Board may
2 adjust the cut scores as necessary.

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

16 C. 1. The State Board of Education shall set the testing
17 window dates for each criterion-referenced test required in
18 paragraphs 1 through 5 of subsection A of this section for grades
19 three through eight so that, with the exception of the writing
20 assessments, the tests are administered to students no earlier than
21 April 10 each year and so that the test results are reported back to
22 school districts in a timely manner. Each criterion-referenced test
23 required in paragraph 6 of subsection A of this section may be
24 administered to students at a time set by the State Board of

1 Education as near as possible to the end of the course. All results
2 and reports of the criterion-referenced test series required in
3 paragraphs 1 through 5 of subsection A of this section for grades
4 three through eight shall be returned to each school district prior
5 to the beginning of the next school year. The vendor shall provide
6 a final electronic data file of all school site, school district,
7 and state results to the Department and the Office of Accountability
8 prior to September 1 of each year. The Department shall forward the
9 final data files for each school district and each school site in
10 that district to the school district. The Board shall ensure the
11 contract with the testing vendor includes a provision that the
12 vendor report test results directly to the Office of Accountability
13 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. The State Board of Education shall be responsible for the
4 development, field-testing, and validation of the criterion-
5 referenced test series required in subsection A of this section. In
6 the interest of economy the Board shall adapt criterion-referenced
7 tests that have been developed by or in collaboration with other
8 states or are otherwise commercially available, or portions of such
9 tests, to the extent that such tests are appropriate for use in the
10 testing program to be administered to Oklahoma students.

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

16 SECTION 2. AMENDATORY Section 6, Chapter 432, O.S.L.
17 2005, as amended by Section 6, Chapter 289, O.S.L. 2006 (70 O.S.
18 Supp. 2008, Section 1210.523), is amended to read as follows:

19 Section 1210.523 A. Except as provided in subsections D and E
20 of this section, beginning with students entering the ninth grade in
21 the 2008-2009 school year, every student shall demonstrate mastery
22 of the state academic content standards ~~in the following subject~~
23 ~~areas~~ in order to graduate from a public high school with a standard
24 diploma.

- ~~1. Algebra I,~~
- ~~2. English II, and~~
- ~~3. Two of the following five:~~
 - ~~a. Algebra II,~~
 - ~~b. Biology I,~~
 - ~~c. English III,~~
 - ~~d. Geometry, and~~
 - ~~e. United States History.~~

B. To demonstrate mastery, the student shall ~~attain~~ either:

1. Attain at least a satisfactory score on four of the following eight end-of-instruction criterion-referenced tests administered pursuant to Section 1210.508 of this title:

- a. English II,
- b. English III,
- c. United States History,
- d. Biology I,
- e. Algebra I,
- f. Geometry,
- g. Algebra II, and
- h. Computer Science; or

2. Achieve a satisfactory score as determined by the State Board of Education in each subject area of the American College Testing Program (ACT), the SAT Reasoning Test, or the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT).

1 C. Notwithstanding any other provision of law, students who do
2 not attain at least a satisfactory score on any end-of-instruction
3 test taken after the first attempt and after any subsequent attempt,
4 shall ~~be~~, as determined by local board policy:

5 1. Be provided remediation and the opportunity to retake the
6 test until at least a satisfactory score is attained on four of the
7 eight tests of Algebra I, English II and two of the tests required
8 listed in paragraph 3 1 of subsection A B of this section; or ~~an~~
9 ~~approved~~

10 2. Be provided alternative test methods for testing as set
11 forth in subsection E of this section.

12 D. Technology center schools shall be authorized to provide
13 intervention and remediation in Algebra I, Algebra II, Geometry,
14 English II, English III, United States History, and Biology I to
15 students enrolled in technology center schools, with the approval of
16 the independent school district board.

17 ~~D. E.~~ 1. Students who do not ~~meet the requirements of~~
18 demonstrate mastery of state academic content as set forth in
19 subsection A B of this section may graduate from a public high
20 school with a standard diploma by demonstrating mastery of state
21 academic and/or technical content standards by alternative methods
22 as approved by the State Board of Education. Alternative methods
23 for testing shall include WorkKeys and the examinations recommended
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1 without reservation by the Southern Regional Education Board in
2 their review of career and technology education tests.

3 2. The State Board of Education shall adopt rules providing for
4 necessary student exceptions and exemptions to the requirements of
5 this section. The Board shall collect data by school site and
6 district on the number of students provided and categories of
7 exceptions and exemptions granted. Beginning October 1, 2012, the
8 Board shall provide an annual report of this data to the Governor,
9 President Pro Tempore of the State Senate and Speaker of the House
10 of Representatives.

11 ~~E.~~ F. 1. Students who have individualized education programs
12 pursuant to the Individuals with Disabilities Education Act (IDEA)
13 shall have an appropriate statement on the student's individualized
14 education program requiring administration of the assessment with or
15 without accommodations or an alternate assessment. Any
16 accommodations normally employed for the assessment shall be
17 approved by the State Board of Education and be provided for in the
18 individualized education program. All documentation for each
19 student shall be on file in the school prior to administration of
20 the assessment.

21 2. Students identified as English language learners shall be
22 assessed in a valid and reliable manner with the state academic
23 assessments with acceptable accommodations as necessary or, to the
24 extent practicable, with alternate assessments aligned to the state

1 assessment provided by the school district in the language and form
2 most likely to yield accurate data of the student's knowledge of the
3 content areas.

4 ~~F.~~ G. The State Board of Education shall be authorized to
5 contract with an entity to develop and advise on the implementation
6 of a communications campaign to build public understanding of and
7 support for the testing requirements of this section.

8 SECTION 3. This act shall become effective July 1, 2009.

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

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14 52-1-7289 KB 03/04/09

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