

STATE OF OKLAHOMA

1st Session of the 52nd Legislature (2009)

HOUSE BILL 1511

By: Blackwell

AS INTRODUCED

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; directing the State Board of Education to develop, field test, and implement a certain end-of-instruction test; 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; adding a subject area which students are to demonstrate mastery of; allowing school districts to develop alternative methods to demonstrate mastery; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 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), is amended to read as follows:

Section 1210.508 A. 1. The State Board of Education shall develop and administer a series of criterion-referenced tests designed to indicate whether the state academic content standards,

1 as defined by the State Board of Education in the Priority Academic
2 Student Skills Curriculum, which Oklahoma public school students are
3 expected to have attained have been achieved. The Board may develop
4 and administer any criterion-referenced test in any subject not
5 required by federal law, contingent upon the availability of
6 funding. Students who do not perform satisfactorily on tests shall
7 be remediated, subject to the availability of funding.

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

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

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

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

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

1 a. reading, and

2 b. mathematics.

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

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

7 a. reading,

8 b. mathematics,

9 c. science,

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

11 Constitution, and government of the United States, and

12 e. writing of English.

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

17 6. Each student who completes the instruction for English II,
18 English III, United States History, Biology I, Algebra I, Geometry,
19 ~~and~~ Algebra II, and Computer Science at the secondary level shall
20 complete an end-of-instruction test, when implemented, to measure
21 for attainment in the appropriate state academic content standards
22 in order to graduate from a public high school with a standard
23 diploma. All students shall take the tests prior to graduation,
24 unless otherwise exempt by law. The State Board of Education shall

1 administer the criterion-referenced tests. The Board shall develop
2 and field test the end-of-instruction tests in English III,
3 Geometry, and Algebra II during the 2006-07 school year, implement
4 the tests during the 2007-08 school year, and administer them each
5 year thereafter. The Board shall develop and field test the end-of-
6 instruction test in Computer Science during the 2009-2010 school
7 year, implement the tests during the 2010-2011 school year, and
8 administer the test each year thereafter. The Board shall
9 administer the multiple choice portion of the end-of-instruction
10 tests online with raw score test results reported immediately and
11 complete results reported in less than two (2) weeks beginning in
12 the 2008-09 school year.

13 The end-of-instruction tests shall serve the purpose of the
14 criterion-referenced tests as provided in paragraph 1 of this
15 subsection. The English II and English III end-of-instruction tests
16 shall include a writing component. Students who do not score at
17 least at the satisfactory level shall be afforded the opportunity to
18 retake each test up to three (3) times each calendar year until at
19 least achieving at the satisfactory level. In order to provide an
20 indication of the levels of competency attained by the student in a
21 permanent record for potential future employers and institutions of
22 higher education, for students who enter the ninth grade in or prior
23 to the 2007-08 school year, school districts shall report the
24 highest achieved state test performance level on the end-of-

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

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

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

20 B. 1. All criterion-referenced tests required by this section
21 shall measure academic competencies in correlation with the state
22 academic content standards adopted by the Board pursuant to Section
23 11-103.6 of this title and known as the Priority Academic Student
24 Skills Curriculum. The State Board of Education shall evaluate the

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

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

22 3. The State Board of Education shall review, realign, and
23 recalibrate, as necessary, the tests in reading and mathematics in
24 third through eighth grade and the end-of-instruction tests. The

1 Board shall determine the cut scores for the performance levels on
2 the end-of-instruction tests developed pursuant to paragraph 6 of
3 subsection A of this section, which shall be phased in over a multi-
4 year period. The Board shall conduct an ongoing review to compare
5 the end-of-instruction test content and performance descriptors with
6 those of other states. Upon receipt of the review, the Board may
7 adjust 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. 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. All results
7 and reports of the criterion-referenced test series required in
8 paragraphs 1 through 5 of subsection A of this section for grades
9 three through eight shall be returned to each school district prior
10 to the beginning of the next school year. The vendor shall provide
11 a final electronic data file of all school site, school district,
12 and state results to the Department and the Office of Accountability
13 prior to September 1 of each year. The Department shall forward the
14 final data files for each school district and each school site in
15 that district to the school district. The Board shall ensure the
16 contract with the testing vendor includes a provision that the
17 vendor report test results directly to the Office of Accountability
18 at the same time it is reported to the Board.

19 2. State, district, and site level results of all tests
20 required in this section shall be disaggregated by gender, race
21 ethnicity, disability status, migrant status, English proficiency,
22 and status as economically disadvantaged, except that such
23 disaggregation shall not be required in a case in which the number
24 of students in a category is insufficient to yield statistically

1 reliable information or the results would reveal personally
2 identifiable information about an individual student. Each school
3 site shall notify the student's parents of the school's performance
4 levels in the Oklahoma School Testing Program as reported in the
5 Oklahoma Educational Indicators Program at the end of each school
6 year.

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

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

20 SECTION 2. AMENDATORY Section 6, Chapter 432, O.S.L.
21 2005, as amended by Section 6, Chapter 289, O.S.L. 2006 (70 O.S.
22 Supp. 2008, Section 1210.523), is amended to read as follows:

23 Section 1210.523 A. Except as provided in subsections D and E
24 of this section, beginning with students entering the ninth grade in

1 the 2008-2009 school year, every student shall demonstrate mastery
2 of the state academic content standards in the following subject
3 areas in order to graduate from a public high school with a standard
4 diploma:

- 5 1. Algebra I;
- 6 2. English II; and
- 7 3. Two of the following ~~five~~ six:
 - 8 a. Algebra II,
 - 9 b. Biology I,
 - 10 c. English III,
 - 11 d. Geometry, ~~and~~
 - 12 e. United States History, and
 - 13 f. computer science.

14 B. To demonstrate mastery, the student shall attain at least a
15 satisfactory score on the end-of-instruction criterion-referenced
16 tests administered pursuant to Section 1210.508 of this title.

17 C. Notwithstanding any other provision of law, students who do
18 not attain at least a satisfactory score on any end-of-instruction
19 test shall be provided remediation and the opportunity to retake the
20 test until at least a satisfactory score is attained on the tests of
21 Algebra I, English II and two of the tests required in paragraph 3
22 of subsection A of this section or an approved alternative test.
23 Technology center schools shall be authorized to provide
24 intervention and remediation in Algebra I and Biology I to students

1 enrolled in technology center schools, with the approval of the
2 independent school district board.

3 D. 1. Students who do not meet the requirements of subsection
4 A of this section may graduate from a public high school with a
5 standard diploma by demonstrating mastery of state academic content
6 standards by alternative methods as developed by the school district
7 and approved by the State Board of Education.

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

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

3 2. Students identified as English language learners shall be
4 assessed in a valid and reliable manner with the state academic
5 assessments with acceptable accommodations as necessary or, to the
6 extent practicable, with alternate assessments aligned to the state
7 assessment provided by the school district in the language and form
8 most likely to yield accurate data of the student's knowledge of the
9 content areas.

10 F. The State Board of Education shall be authorized to contract
11 with an entity to develop and advise on the implementation of a
12 communications campaign to build public understanding of and support
13 for the testing requirements of this section.

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

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

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