

1 ENGROSSED SENATE
2 BILL NO. 1654

By: Ford of the Senate

3 and

4 Casey of the House

5
6 An Act relating to student testing; amending 70 O.S.
7 2011, Section 1210.508, as last amended by Section 1,
8 Chapter 403, O.S.L. 2013 (70 O.S. Supp. 2013, Section
9 1210.508), which relates to criterion-referenced
10 tests; prohibiting the State Board of Education from
11 developing and administering tests for grades three
12 through eight not required by federal law; removing
13 requirement for testing in certain subjects and
14 certain grades; removing a requirement for a fine
15 arts assessment and report; providing an effective
16 date; and declaring an emergency.

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

18 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.508, as
19 last amended by Section 1, Chapter 403, O.S.L. 2013 (70 O.S. Supp.
20 2013, Section 1210.508), is amended to read as follows:

21 Section 1210.508. A. 1. The State Board of Education shall
22 develop and administer a series of criterion-referenced tests
23 designed to indicate whether the state academic content standards,
24 as defined by the State Board of Education in the Priority Academic
Student Skills Curriculum, which Oklahoma public school students are
expected to have attained have been achieved. The Beginning with
the 2014-2015 school year, the Board may shall not develop and or

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

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. Except as otherwise provided for in Section 1210.523 of this
16 title, each student who completes the instruction for English II,
17 English III, United States History, Biology I, Algebra I, Geometry,
18 and Algebra II at the secondary level shall complete an end-of-
19 instruction test, when implemented, to measure for attainment in the
20 appropriate state academic content standards in order to graduate
21 from a public high school with a standard diploma. All students
22 shall take the tests prior to graduation, unless otherwise exempt by
23 law. The State Board of Education shall administer the criterion-
24 referenced tests. The Board shall develop and field test the end-

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

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

21 Beginning with students who enter the ninth grade in the 2008-09
22 school year, school districts shall report the highest-achieved
23 state test performance level on the end-of-instruction tests and any
24 business and industry-recognized endorsements attained on the

1 student's high school transcript. Any student at the middle school
2 level who completes the instruction in a secondary course specified
3 in this paragraph shall be administered the appropriate end-of-
4 instruction test.

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

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

16 B. 1. All criterion-referenced tests required by this section
17 shall measure academic competencies in correlation with the state
18 academic content standards adopted by the Board pursuant to Section
19 11-103.6 of this title and known as the Priority Academic Student
20 Skills Curriculum. The State Board of Education shall evaluate the
21 academic content standards to ensure the competencies reflect high
22 standards, are specific, well-defined, measurable, challenging, and
23 will prepare elementary students for next-grade-level course work
24 and secondary students for postsecondary studies at institutions of

1 higher education or technology center schools without the need for
2 remediation in core curriculum areas. All state academic content
3 standards shall reflect the benchmarks of the American Diploma
4 Project and the goal of improving the state average ACT score.

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

18 3. The State Board of Education in coordination with the Office
19 of Educational Quality and Accountability shall review, realign, and
20 recalibrate, as necessary, the tests in reading and mathematics in
21 third through eighth grade and the end-of-instruction tests. The
22 Commission for Educational Quality and Accountability shall
23 determine the cut scores for the performance levels on the end-of-
24 instruction tests developed pursuant to paragraph 6 of subsection A

1 of this section. The Commission shall conduct an ongoing review to
2 compare the end-of-instruction test content and performance
3 descriptors with those of other states. Upon receipt of the review,
4 the Commission may adjust the cut scores as necessary.

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

17 C. 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 (2) weeks
8 prior 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 Educational Quality and Accountability prior to September
16 1 of each year. The Department shall forward the final data files
17 for each school district and each school site in that district to
18 the school district. The Board shall ensure the contract with the
19 testing vendor includes a provision that the vendor report test
20 results directly to the Office of Educational Quality and
21 Accountability at the same time it is 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. 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. The State Board of Education shall develop, administer, and
19 incorporate as a part of the Oklahoma School Testing Program, other
20 testing programs or procedures, including appropriate accommodations
21 for the testing of students with disabilities as required by the
22 Individuals with Disabilities Education Act (IDEA), 20 USC, Section
23 1400 et seq.

24 SECTION 2. This act shall become effective July 1, 2014.

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

Passed the Senate the 25th day of February, 2014.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2014.

Presiding Officer of the House
of Representatives