

1 **SENATE FLOOR VERSION**

2 February 17, 2014

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 1654

By: Ford of the Senate

and

Casey of the House

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

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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

1 Student Skills Curriculum, which Oklahoma public school students are  
2 expected to have attained have been achieved. ~~The Beginning with~~  
3 ~~the 2014-2015 school year, the Board may shall not develop and or~~  
4 administer any criterion-referenced test for grades three through  
5 eight in any subject not required by federal law, ~~contingent upon~~  
6 ~~the availability of funding~~. Students who do not perform at least  
7 at the proficient level on tests shall be remediated, subject to the  
8 availability of funding.

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

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

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

- 16 a. reading,
- 17 b. mathematics, and
- 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.~~

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

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

6       ~~In addition, the Board shall administer a criterion-referenced~~  
7 ~~test in geography in grade seven.~~

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

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

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

20       6. Except as otherwise provided for in Section 1210.523 of this  
21 title, each student who completes the instruction for English II,  
22 English III, United States History, Biology I, Algebra I, Geometry,  
23 and Algebra II at the secondary level shall complete an end-of-  
24 instruction test, when implemented, to measure for attainment in the

1 appropriate state academic content standards in order to graduate  
2 from a public high school with a standard diploma. All students  
3 shall take the tests prior to graduation, unless otherwise exempt by  
4 law. The State Board of Education shall administer the criterion-  
5 referenced tests. The Board shall develop and field test the end-  
6 of-instruction tests in English III, Geometry, and Algebra II during  
7 the 2006-07 school year, implement the tests during the 2007-08  
8 school year, and administer them each year thereafter. The Board  
9 shall administer the multiple choice portion of the end-of-  
10 instruction tests online with raw score test results reported  
11 immediately and complete results reported in less than two (2) weeks  
12 beginning in 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 proficient 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 proficient 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 highest-achieved  
4 state test performance level on the end-of-instruction tests and any  
5 business and industry-recognized endorsements attained on the  
6 student's high school transcript. Any student at the middle school  
7 level who completes the instruction in a secondary course specified  
8 in this paragraph shall be administered the appropriate end-of-  
9 instruction test.

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

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

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

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

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

23 3. The State Board of Education in coordination with the Office  
24 of Educational Quality and Accountability shall review, realign, and

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

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

22 C. 1. The State Board of Education shall set the testing  
23 window dates for each criterion-referenced test required in  
24 paragraphs 1 through 5 of subsection A of this section for grades

1 | three through eight so that, ~~with the exception of the writing~~  
2 | ~~assessments,~~ the tests are administered to students no earlier than  
3 | April 10 each year and so that the test results are reported back to  
4 | school districts in a timely manner. Each criterion-referenced test  
5 | required in paragraph 6 of subsection A of this section may be  
6 | administered to students at a time set by the State Board of  
7 | Education as near as possible to the end of the course; provided, if  
8 | a school district is unable to administer the tests online to all  
9 | students taking the test for the first time and all students  
10 | retaking the test during the testing window time set by the Board,  
11 | the school district may elect to administer any of the tests to  
12 | students retaking the test at any time not more than two (2) weeks  
13 | prior to the start of the testing window time set by the Board. All  
14 | results and reports of the criterion-referenced test series required  
15 | in paragraphs 1 through 5 of subsection A of this section for grades  
16 | three through eight shall be returned to each school district prior  
17 | to the beginning of the next school year. The vendor shall provide  
18 | a final electronic data file of all school site, school district,  
19 | and state results to the State Department of Education and the  
20 | Office of Educational Quality and Accountability prior to September  
21 | 1 of each year. The Department shall forward the final data files  
22 | for each school district and each school site in that district to  
23 | the school district. The Board shall ensure the contract with the  
24 | testing vendor includes a provision that the vendor report test



1 results directly to the Office of Educational Quality and  
2 Accountability at the same time it is 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 2. This act shall become effective July 1, 2014.

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

10 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION  
11 February 17, 2014 - DO PASS AS AMENDED  
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