

1 ENGROSSED SENATE
2 BILL NO. 708

By: Ford and Mazzei of the
Senate

3 and

4 Casey of the House

5
6
7 An Act relating to student testing; amending 70 O.S.
8 2011, Section 1210.508, as last amended by Section 8,
9 Chapter 430, O.S.L. 2014 (70 O.S. Supp. 2014, Section
10 1210.508), which relates to criterion-referenced
11 tests; prohibiting the State Board of Education from
12 developing and administering tests for grades three
13 through eight not required by federal law; removing
14 requirement for testing in certain subjects and
15 certain grades; changing reference to certain tests;
16 removing a requirement for a fine arts assessment and
17 report; providing an effective date; and declaring an
18 emergency.

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

20 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.508, as
21 last amended by Section 8, Chapter 430, O.S.L. 2014 (70 O.S. Supp.
22 2014, Section 1210.508), is amended to read as follows:

23 Section 1210.508. A. 1. The State Board of Education shall
24 develop and administer a series of criterion-referenced tests
designed to indicate whether the subject matter standards, as
defined by the State Board of Education, which Oklahoma public
school students are expected to have attained have been achieved.

1 ~~The~~ Beginning with the 2015-2016 school year, the Board ~~may~~ shall
2 not develop and or administer any criterion-referenced test for
3 grades three through eight in any subject not required by federal
4 law, ~~contingent upon the availability of funding.~~ Students who do
5 not perform at least at the proficient level on tests shall be
6 remediated, subject to the availability of funding.

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

- 10 a. reading/English language arts, and
- 11 b. mathematics.

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

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

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

- 24 a. reading/English language arts, and

1 b. mathematics.

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

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

6 a. reading/English language arts,

7 b. mathematics, and

8 c. science,

9 ~~d. social studies, which shall consist of the history,~~

10 ~~Constitution, and government of the United States, and~~

11 ~~e. writing of English.~~

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

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

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

9 The end-of-instruction tests shall serve the purpose of the
10 criterion-referenced tests as provided in paragraph 1 of this
11 subsection. The English II and English III end-of-instruction tests
12 shall include a writing component. Students who do not score at
13 least at the proficient level shall be afforded the opportunity to
14 retake each test up to three (3) times each calendar year until at
15 least achieving at the proficient level. In order to provide an
16 indication of the levels of competency attained by the student in a
17 permanent record for potential future employers and institutions of
18 higher education, for students who enter the ninth grade in or prior
19 to the 2007-08 school year, school districts shall report the
20 highest-achieved state test performance level on the end-of-
21 instruction tests on the student's high school transcript.
22 Beginning with students who enter the ninth grade in the 2008-09
23 school year, school districts shall report the highest-achieved
24 state test performance level on the end-of-instruction tests and any

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

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

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

17 B. 1. All criterion-referenced tests required by this section
18 shall measure academic competencies in correlation with the subject
19 matter standards adopted by the Board pursuant to Sections 11-103.6
20 and 11-103.6a of this title. The State Board of Education shall
21 evaluate the subject matter standards to ensure the competencies
22 reflect high standards, are specific, well-defined, measurable,
23 challenging, and will prepare elementary students for next-grade-
24 level course work and secondary students for postsecondary studies

1 at institutions of higher education or technology center schools
2 without the need for remediation. All subject matter standards
3 shall reflect the goals as set forth in Section 11-103.6 of this
4 title and 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/English language
21 arts and mathematics in third through eighth grade and the end-of-
22 instruction tests. The Commission for Educational Quality and
23 Accountability shall determine the cut scores for the performance
24 levels on the end-of-instruction tests developed pursuant to

1 paragraph 6 of subsection A of this section. The Commission shall
2 conduct an ongoing review to compare the end-of-instruction test
3 content and performance descriptors with those of other states.
4 Upon receipt of the review, the Commission may adjust the cut scores
5 as necessary.

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

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

1 required in paragraph 6 of subsection A of this section may be
2 administered to students at a time set by the State Board of
3 Education as near as possible to the end of the course; provided, if
4 a school district is unable to administer the tests online to all
5 students taking the test for the first time and all students
6 retaking the test during the testing window time set by the Board,
7 the school district may elect to administer any of the tests to
8 students retaking the test at any time not more than two (2) weeks
9 prior to the start of the testing window time set by the Board. All
10 results and reports of the criterion-referenced test series required
11 in paragraphs 1 through 5 of subsection A of this section for grades
12 three through eight shall be returned to each school district prior
13 to the beginning of the next school year. The vendor shall provide
14 a final electronic data file of all school site, school district,
15 and state results to the State Department of Education and the
16 Office of Educational Quality and Accountability prior to September
17 1 of each year. The Department shall forward the final data files
18 for each school district and each school site in that district to
19 the school district. The Board shall ensure the contract with the
20 testing vendor includes a provision that the vendor report test
21 results directly to the Office of Educational Quality and
22 Accountability at the same time it is reported to the Board.

23 2. State, district, and site level results of all tests
24 required in this section shall be disaggregated by gender, race,

1 ethnicity, disability status, migrant status, English proficiency,
2 and status as economically disadvantaged, except that such
3 disaggregation shall not be required in a case in which the number
4 of students in a category is insufficient to yield statistically
5 reliable information or the results would reveal personally
6 identifiable information about an individual student. Each school
7 site shall notify the student's parents of the school's performance
8 levels in the Oklahoma School Testing Program as reported in the
9 Oklahoma Educational Indicators Program at the end of each school
10 year.

11 D. The State Board of Education shall be responsible for the
12 development, field-testing, and validation of the criterion-
13 referenced test series required in subsection A of this section. In
14 the interest of economy the Board may participate in a multistate or
15 multigovernmental cooperative pursuant to the requirements of The
16 Oklahoma Central Purchasing Act, but shall not bind the state,
17 contractually or otherwise, to the authority of any other state,
18 organization or entity which may supersede the authority of the
19 Board, for the purpose of adapting criterion-referenced tests, to
20 the extent that such tests are appropriate for use in the testing
21 program to be administered to Oklahoma students.

22 E. The State Board of Education shall develop, administer, and
23 incorporate as a part of the Oklahoma School Testing Program, other
24 testing programs or procedures, including appropriate accommodations

1 for the testing of students with disabilities as required by the
2 Individuals with Disabilities Education Act (IDEA), 20 USC, Section
3 1400 et seq.

4 F. For purposes of developing and administering alternate
5 assessments for students with the most significant cognitive
6 disabilities, the State Board of Education shall not be subject to
7 subsections D and E of Section 11-103.6a of this title.

8 SECTION 2. This act shall become effective July 1, 2015.

9 SECTION 3. 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.

13 Passed the Senate the 9th day of March, 2015.

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Presiding Officer of the Senate

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17 Passed the House of Representatives the ____ day of _____,
18 2015.

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Presiding Officer of the House
of Representatives

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