

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 708

By: Ford and Mazzei of the  
Senate

6 and

7 Casey of the House

8  
9  
10 COMMITTEE SUBSTITUTE

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

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

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

1 Section 1210.508. A. 1. The State Board of Education shall  
2 develop and administer a series of criterion-referenced tests  
3 designed to indicate whether the subject matter standards, as  
4 defined by the State Board of Education, which Oklahoma public  
5 school students are expected to have attained have been achieved.  
6 ~~The Beginning with the 2015-2016 school year, the Board may shall~~  
7 not develop ~~and~~ or administer any criterion-referenced test for  
8 grades three through eight in any subject not required by federal  
9 law, ~~contingent upon the availability of funding.~~ Students who do  
10 not perform at least at the proficient level on tests shall be  
11 remediated, subject to the availability of funding.

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

- 15 a. reading/English language arts, and
- 16 b. mathematics.

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

- 19 a. reading/English language arts,
- 20 b. mathematics, and
- 21 c. science,
- 22 ~~d. social studies, which shall consist of the history,~~  
23 ~~Constitution and government of the United States, and~~  
24 ~~geography, and~~

1           e. ~~writing of English.~~

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

5           a. reading/English language arts, and

6           b. mathematics.

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

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

11           a. reading/English language arts,

12           b. mathematics, and

13           c. science,

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

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

16           ~~e. writing of English.~~

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

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

1 instruction test, when implemented, to measure for attainment in the  
2 appropriate subject matter standards in order to graduate from a  
3 public high school with a standard diploma. All students shall take  
4 the tests prior to graduation, unless otherwise exempt by law. The  
5 State Board of Education shall administer the criterion-referenced  
6 tests. The Board shall develop and field test the end-of-  
7 instruction tests in English III, Geometry, and Algebra II during  
8 the 2006-07 school year, implement the tests during the 2007-08  
9 school year, and administer them each year thereafter. The Board  
10 shall administer the multiple choice portion of the end-of-  
11 instruction tests online with raw score test results reported  
12 immediately and complete results reported in less than two (2) weeks  
13 beginning in the 2008-09 school year.

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

1 highest-achieved state test performance level on the end-of-  
2 instruction tests on the student's high school transcript.  
3 Beginning with students who enter the ninth grade in the 2008-09  
4 school year, school districts shall report the highest-achieved  
5 state test performance level on the end-of-instruction tests and any  
6 business and industry-recognized endorsements attained on the  
7 student's high school transcript. Any student at the middle school  
8 level who completes the instruction in a secondary course specified  
9 in this paragraph shall be administered the appropriate end-of-  
10 instruction test.

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

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

22 B. 1. All criterion-referenced tests required by this section  
23 shall measure academic competencies in correlation with the subject  
24 matter standards adopted by the Board pursuant to Sections 11-103.6

1 and 11-103.6a of this title. The State Board of Education shall  
2 evaluate the subject matter standards to ensure the competencies  
3 reflect high standards, are specific, well-defined, measurable,  
4 challenging, and will prepare elementary students for next-grade-  
5 level course work and secondary students for postsecondary studies  
6 at institutions of higher education or technology center schools  
7 without the need for remediation. All subject matter standards  
8 shall reflect the goals as set forth in Section 11-103.6 of this  
9 title and 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/English language  
2 arts and mathematics in third through eighth grade and the end-of-  
3 instruction tests. The Commission for Educational Quality and  
4 Accountability shall determine the cut scores for the performance  
5 levels on the end-of-instruction tests developed pursuant to  
6 paragraph 6 of subsection A of this section. The Commission shall  
7 conduct an ongoing review to compare the end-of-instruction test  
8 content and performance descriptors with those of other states.  
9 Upon receipt of the review, the Commission may adjust the cut scores  
10 as necessary.

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

23 C. 1. The State Board of Education shall set the testing  
24 window dates for each criterion-referenced test required in

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



1 testing vendor includes a provision that the vendor report test  
2 results directly to the Office of Educational Quality and  
3 Accountability at the same time it is reported to the Board.

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

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

1 the extent that such tests are appropriate for use in the testing  
2 program to be administered to Oklahoma students.

3 E. The State Board of Education shall develop, administer, and  
4 incorporate as a part of the Oklahoma School Testing Program, other  
5 testing programs or procedures, including appropriate accommodations  
6 for the testing of students with disabilities as required by the  
7 Individuals with Disabilities Education Act (IDEA), 20 USC, Section  
8 1400 et seq.

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

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

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

18

19 55-1-7152 KB 03/17/15

20

21

22

23

24