

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL 1170

By: Ford of the Senate

and

Casey of the House

6  
7  
8  
9 COMMITTEE SUBSTITUTE

10 An Act relating to student assessments; amending 70  
11 O.S. 2011, Section 1210.508, as last amended by  
12 Section 8, Chapter 430, O.S.L. 2014 (70 O.S. Supp.  
13 2015, Section 1210.508), which relates to criterion-  
14 referenced tests; removing language referencing end-  
15 of-instruction tests; updating reference to certain  
16 assessments; directing a standard diploma to be  
17 administered to students who have received certain  
18 certification by school districts; directing students  
19 to be administered certain assessment prior to  
20 completion of twelfth grade; requiring assessments to  
21 meet certain criteria; directing the State Board of  
22 Education, in certain consultation, to publish a list  
23 of assessments that meet certain criteria; directing  
24 districts to choose an assessment from the approved  
list; providing for assessment of students who have  
an individualized education program; providing for a  
diploma to be issued to students with a certain IEP;  
providing for the Oklahoma School for the Deaf and  
the Oklahoma School for the Blind to be considered  
certain agencies for certain purpose; providing for  
assessment of English language learners; requiring  
certain performance level to be noted on high school  
transcripts; requiring school districts to report  
certain information to the State Department of  
Education; requiring the State Department of  
Education to submit certain report; providing for  
promulgation of rules; repealing 70 O.S. 2011,  
Section 1210.523, as last amended by Section 26,

Chapter 4, O.S.L. 2014 (70 O.S. Supp. 2015, Section 1210.523), which relates to end-of-instruction criterion-referenced tests; providing for codification; and providing an effective date.

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

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. 2015, 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 subject matter standards, as defined by the State Board of Education, which Oklahoma public school students are expected to have attained have been achieved. The Board may develop and administer any criterion-referenced test in any subject not required by federal law, contingent upon the availability of funding. Students who do not perform at least at the proficient level on tests shall be remediated, subject to the availability of funding.

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

- a. reading, and
- b. mathematics.

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

- a. reading,
- b. mathematics,
- c. science,
- d. social studies, which shall consist of the history,  
Constitution and government of the United States, and  
geography, and
- e. writing of English.

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

- a. reading, and
- b. mathematics.

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

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

- a. reading,
- b. mathematics,
- c. science,
- d. social studies, which shall consist of the history,  
Constitution, and government of the United States, and
- e. writing of English.

The Board shall administer the tests for grade eight in reading and mathematics online with raw score test results reported

1 immediately and complete results reported in less than two (2) weeks  
2 beginning in the 2007-08 school year.

3       6. ~~Except as otherwise provided for in Section 1210.523 of this~~  
4 ~~title, each student who completes the instruction for English II,~~  
5 ~~English III, United States History, Biology I, Algebra I, Geometry,~~  
6 ~~and Algebra II at the secondary level shall complete an end-of-~~  
7 ~~instruction test, when implemented, to measure for attainment in the~~  
8 ~~appropriate subject matter standards in order to graduate from a~~  
9 ~~public high school with a standard diploma. All students shall take~~  
10 ~~the tests prior to graduation, unless otherwise exempt by law. The~~  
11 ~~State Board of Education shall administer the criterion-referenced~~  
12 ~~tests. The Board shall develop and field test the end-of-~~  
13 ~~instruction tests in English III, Geometry, and Algebra II during~~  
14 ~~the 2006-07 school year, implement the tests during the 2007-08~~  
15 ~~school year, and administer them each year thereafter. The Board~~  
16 ~~shall administer the multiple choice portion of the end-of-~~  
17 ~~instruction tests online with raw score test results reported~~  
18 ~~immediately and complete results reported in less than two (2) weeks~~  
19 ~~beginning in the 2008-09 school year.~~

20       ~~The end-of-instruction tests shall serve the purpose of the~~  
21 ~~criterion-referenced tests as provided in paragraph 1 of this~~  
22 ~~subsection. The English II and English III end-of-instruction tests~~  
23 ~~shall include a writing component. Students who do not score at~~  
24 ~~least at the proficient level shall be afforded the opportunity to~~

~~retake each test up to three (3) times each calendar year until at least achieving at the proficient level. In order to provide an indication of the levels of competency attained by the student in a permanent record for potential future employers and institutions of higher education, for students who enter the ninth grade in or prior to the 2007-08 school year, school districts shall report the highest-achieved state test performance level on the end-of-instruction tests on the student's high school transcript.~~

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

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

b. Each school district shall prepare an annual report for approval by the State Board of Education outlining the fine arts assessment strategies used by the

1 district, when the assessments were administered, how  
2 many students were assessed during the previous year,  
3 and the results of the assessments.

4 B. 1. All criterion-referenced tests required by this section  
5 shall measure academic competencies in correlation with the subject  
6 matter standards adopted by the Board pursuant to Sections 11-103.6  
7 and 11-103.6a of this title. The State Board of Education shall  
8 evaluate the subject matter standards to ensure the competencies  
9 reflect high standards, are specific, well-defined, measurable,  
10 challenging, and will prepare elementary students for next-grade-  
11 level course work and secondary students for postsecondary studies  
12 at institutions of higher education or technology center schools  
13 without the need for remediation. All subject matter standards  
14 shall reflect the goals as set forth in Section 11-103.6 of this  
15 title and of improving the state average ACT score.

16 2. The State Department of Education shall annually evaluate  
17 the results of the criterion-referenced tests. The State Board of  
18 Education shall ensure that test results are reported to districts  
19 in a manner that yields detailed, diagnostic information for the  
20 purpose of guiding instruction and student remediation. As  
21 improvements are made to the criterion-referenced tests required by  
22 this section, the Board shall seek to increase the depth of  
23 knowledge assessed for each subject. The State Board of Education  
24 shall seek to ensure that data yielded from the tests required in

1 this section are utilized at the school district level to prescribe  
2 reinforcement and/or remediation by requiring school districts to  
3 develop and implement a specific program of improvement based on the  
4 test results.

5 3. The State Board of Education in coordination with the Office  
6 of Educational Quality and Accountability shall review, realign<sup>7</sup> and  
7 recalibrate, as necessary, the tests in reading and mathematics in  
8 third through eighth grade and the ~~end-of-instruction tests~~  
9 assessments administered pursuant to Section 1210.528 of this title.

10 The Commission for Educational Quality and Accountability shall  
11 determine the cut scores for the performance levels on the ~~end-of-~~  
12 ~~instruction tests developed pursuant to paragraph 6 of subsection A~~  
13 ~~of this section~~ assessments administered pursuant to Section  
14 1210.528 of this title. The Commission shall conduct an ongoing  
15 review to compare the ~~end-of-instruction test~~ assessment content and  
16 performance descriptors with those of other states. Upon receipt of  
17 the review, the Commission may adjust the cut scores as necessary.

18 4. The State Board of Education, for the purposes of conducting  
19 reliability and validity studies, monitoring contractor adherence to  
20 professionally accepted testing standards<sup>7</sup> and providing  
21 recommendations for testing program improvement, shall retain the  
22 services of an established, independent agency or organization that  
23 is nationally recognized for its technical expertise in educational  
24 testing but is not engaged in the development of aptitude or

1 achievement tests for elementary or secondary level grades. These  
2 national assessment experts shall annually conduct studies of the  
3 reliability and validity of the ~~end-of-instruction tests~~  
4 ~~administered pursuant to this section~~ assessments administered  
5 pursuant to Section 1210.528 of this title. Validity studies shall  
6 include studies of decision validity and concurrent validity.

7 C. 1. The State Board of Education shall set the testing  
8 window dates for each criterion-referenced test required in  
9 paragraphs 1 through 5 of subsection A of this section for grades  
10 three through eight so that, with the exception of the writing  
11 assessments, the tests are administered to students no earlier than  
12 April 10 each year and so that the test results are reported back to  
13 school districts in a timely manner. Each ~~criterion-referenced test~~  
14 ~~required in paragraph 6 of subsection A of this section~~ assessment  
15 administered pursuant to Section 1210.528 of this title may be  
16 administered to students at a time set by the State Board of  
17 Education as near as possible to the end of the course; provided, if  
18 a school district is unable to administer the tests online to all  
19 students taking the test for the first time and all students  
20 retaking the test during the testing window time set by the Board,  
21 the school district may elect to administer any of the tests to  
22 students retaking the test at any time not more than two (2) weeks  
23 prior to the start of the testing window time set by the Board. All  
24 results and reports of the criterion-referenced test series required



1 in paragraphs 1 through 5 of subsection A of this section for grades  
2 three through eight shall be returned to each school district prior  
3 to the beginning of the next school year. The vendor shall provide  
4 a final electronic data file of all school site, school district,  
5 and state results to the State Department of Education and the  
6 Office of Educational Quality and Accountability prior to September  
7 1 of each year. The Department shall forward the final data files  
8 for each school district and each school site in that district to  
9 the school district. The Board shall ensure the contract with the  
10 testing vendor includes a provision that the vendor report test  
11 results directly to the Office of Educational Quality and  
12 Accountability at the same time it is reported to the Board.

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

1       D. The State Board of Education shall be responsible for the  
2 development, field-testing, and validation of the criterion-  
3 referenced test series required in subsection A of this section. In  
4 the interest of economy the Board may participate in a multistate or  
5 multigovernmental cooperative pursuant to the requirements of The  
6 Oklahoma Central Purchasing Act, but shall not bind the state,  
7 contractually or otherwise, to the authority of any other state,  
8 organization or entity which may supersede the authority of the  
9 Board, for the purpose of adapting criterion-referenced tests, to  
10 the extent that such tests are appropriate for use in the testing  
11 program to be administered to Oklahoma students.

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

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

22       SECTION 2.       NEW LAW       A new section of law to be codified  
23 in the Oklahoma Statutes as Section 1210.528 of Title 70, unless  
24 there is created a duplication in numbering, reads as follows:

1       A. A standard diploma shall be awarded to each student that has  
2 been certified by the local school district as having mastered the  
3 curriculum requirements set forth in Section 11-103.6 of Title 70 of  
4 the Oklahoma Statutes.

5       B. Prior to the completion of the twelfth grade, every student  
6 shall be given a nationally recognized assessment that is approved  
7 by the State Board of Education to:

8       1. Measure mastery of the subject matter standards adopted  
9 pursuant to Section 11-103.6 of Title 70 of the Oklahoma Statutes;  
10 and

11       2. Comply with the requirements of the Elementary and Secondary  
12 Education Act of 1965 (ESEA), as reauthorized and amended by the  
13 Every Student Succeeds Act (ESSA), P.L. No. 114-95.

14       C. The State Board of Education, in consultation with the  
15 Oklahoma State Regents for Higher Education, the Commission for  
16 Educational Quality and Accountability, the State Board of Career  
17 and Technology Education and the Oklahoma Department of Commerce,  
18 shall publish a list of approved assessments that meet the criteria  
19 of subsection B of this section.

20       D. Each school district in the state shall choose an assessment  
21 from the list published pursuant to subsection C of this section.  
22 The assessment chosen by the district shall be administered to every  
23 student at least once before completion of the twelfth grade.  
24

1       E. 1. Students who have an individualized education program  
2 (IEP) pursuant to the Individuals with Disabilities Education Act  
3 shall have an appropriate statement on the student's IEP requiring  
4 administration of the assessment with or without accommodations or  
5 an alternate assessment. Any accommodations normally employed for  
6 the assessment shall be approved by the State Board of Education and  
7 be provided for in the IEP. All documentation for each student  
8 shall be on file in the school prior to administration of the  
9 assessment.

10       2. Students with disabilities whose IEP indicates that the  
11 student is to be assessed with alternate achievement standards  
12 through the Oklahoma Alternate Assessment Program (OAAP) may be  
13 eligible to graduate from a public high school with a standard  
14 diploma if the student meets all other graduation requirements of  
15 the school district in which the student is enrolled.

16       3. The Oklahoma School for the Blind and the Oklahoma School  
17 for the Deaf shall be considered local education agencies solely for  
18 the purposes of purchasing, administering and obtaining test results  
19 under this section for the students attending their schools.

20       4. Students identified as English language learners shall be  
21 assessed in a valid and reliable manner with the assessment chosen  
22 by the district pursuant to subsection D of this section with  
23 acceptable accommodations as necessary or, to the extent  
24 practicable, with alternate assessments provided by the district in

1 the language and form most likely to yield accurate data of the  
2 student's knowledge of the content areas.

3 F. Each school district in the state shall provide on each  
4 student's high school transcript the highest achieved performance  
5 level on the assessment chosen and administered by the district  
6 pursuant to subsection D of this section.

7 G. Each school district shall report annually to the State  
8 Department of Education information regarding the assessments  
9 administered pursuant to this section, including but not limited to:

10 1. The number and percent of students who graduated with a  
11 standard diploma; and

12 2. The performance achieved by students on the assessment  
13 chosen and administered by the district pursuant to subsection D of  
14 this section.

15 H. The State Department of Education shall provide an annual  
16 report to the Governor, President Pro Tempore of the Senate and  
17 Speaker of the House of Representatives with district-level data  
18 reported pursuant to subsection G of this section as well as a  
19 ranking of districts by performance level on the assessments chosen  
20 and administered pursuant to subsection D of this section. The  
21 report shall be posted on the State Department of Education's  
22 website.

1 I. The State Board of Education shall promulgate rules  
2 necessary to implement the provisions of this section, including a  
3 timeline to implement the provisions of this section.

4 SECTION 3. REPEALER 70 O.S. 2011, Section 1210.523, as  
5 last amended by Section 26, Chapter 4, O.S.L. 2014 (70 O.S. Supp.  
6 2015, Section 1210.523), is hereby repealed.

7 SECTION 4. This act shall become effective July 1, 2017.

8  
9 55-2-3150 EB 2/22/2016 11:42:57 AM

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24