

1 ENGROSSED SENATE  
2 BILL NO. 1170

By: Ford, Dossett, Smalley,  
Newberry and Fields of the  
Senate

3  
4 and

Casey, Bennett and Nollan  
of the House

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6  
7  
8 An Act relating to student assessments; amending 70  
9 O.S. 2011, Section 1210.508, as last amended by  
10 Section 8, Chapter 430, O.S.L. 2014 (70 O.S. Supp.  
11 2015, Section 1210.508), which relates to criterion-  
12 referenced tests; removing language referencing end-  
13 of-instruction tests; updating reference to certain  
14 assessments; directing a standard diploma to be  
15 administered to students who have received certain  
16 certification by school districts; directing the  
17 State Board of Education, in certain consultation, to  
18 adopt an assessment or assessments that measure  
19 mastery of certain subjects; directing districts to  
20 administer certain assessment; allowing school  
21 districts to apply to the State Board of Education  
22 for certain approval; providing for assessment of  
23 students who have an individualized education  
24 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; and  
providing for codification.

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

2 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.508, as  
3 last amended by Section 8, Chapter 430, O.S.L. 2014 (70 O.S. Supp.  
4 2015, Section 1210.508), is amended to read as follows:

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

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

- 18 a. reading, and  
19 b. mathematics.

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

- 22 a. reading,  
23 b. mathematics,  
24 c. science,

1           d.    social studies, which shall consist of the history,  
2                Constitution and government of the United States, and  
3                geography, and

4           e.    writing of English.

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

8           a.    reading, and

9           b.    mathematics.

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

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

14          a.    reading,

15          b.    mathematics,

16          c.    science,

17          d.    social studies, which shall consist of the history,

18                Constitution, and government of the United States, and

19          e.    writing of English.

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

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

18       ~~The end-of-instruction tests shall serve the purpose of the~~  
19 ~~criterion-referenced tests as provided in paragraph 1 of this~~  
20 ~~subsection. The English II and English III end-of-instruction tests~~  
21 ~~shall include a writing component. Students who do not score at~~  
22 ~~least at the proficient level shall be afforded the opportunity to~~  
23 ~~retake each test up to three (3) times each calendar year until at~~  
24 ~~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 district, when the assessments were administered, how

1           many students were assessed during the previous year,  
2           and the results of the assessments.

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

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

1 reinforcement and/or remediation by requiring school districts to  
2 develop and implement a specific program of improvement based on the  
3 test results.

4 3. The State Board of Education in coordination with the Office  
5 of Educational Quality and Accountability shall review, realign<sup>7</sup> and  
6 recalibrate, as necessary, the tests in reading and mathematics in  
7 third through eighth grade and the ~~end-of-instruction tests~~  
8 assessments administered pursuant to Section 2 of this act. The  
9 Commission for Educational Quality and Accountability shall  
10 determine the cut scores for the performance levels on the ~~end-of-~~  
11 ~~instruction tests developed pursuant to paragraph 6 of subsection A~~  
12 ~~of this section~~ assessments administered pursuant to Section 2 of  
13 this act. The Commission shall conduct an ongoing review to compare  
14 the ~~end-of-instruction test~~ assessment content and performance  
15 descriptors with those of other states. Upon receipt of the review,  
16 the Commission may adjust the cut scores as necessary.

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

1 national assessment experts shall annually conduct studies of the  
2 reliability and validity of the ~~end-of-instruction tests~~  
3 ~~administered pursuant to this section~~ assessments administered  
4 pursuant to Section 2 of this act. Validity studies shall include  
5 studies of decision validity and concurrent validity.

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



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

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

24

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. The State Board of Education, in consultation with the  
6 Oklahoma State Regents for Higher Education and the State Board of  
7 Career and Technology Education, shall adopt an assessment or  
8 assessments that measure mastery of English, mathematics and  
9 science.

10       C. 1. Each school district in the state shall administer the  
11 assessment or assessments adopted pursuant to subsection B of this  
12 section to every student at least once before completion of the  
13 twelfth grade.

14       2. School districts may apply to the State Board of Education  
15 for approval to administer an assessment or assessments other than  
16 the assessment or assessments adopted pursuant to subsection B of  
17 this section.

18       D. 1. Students who have an individualized education program  
19 (IEP) pursuant to the Individuals with Disabilities Education Act  
20 shall have an appropriate statement on the student's IEP requiring  
21 administration of the assessment or assessments with or without  
22 accommodations or an alternate assessment. Any accommodations  
23 normally employed for the assessment or assessments shall be  
24 approved by the State Board of Education and be provided for in the

1 IEP. All documentation for each student shall be on file in the  
2 school prior to administration of the assessment or assessments.

3 2. Students with disabilities whose IEP indicates that the  
4 student is to be assessed with alternate achievement standards  
5 through the Oklahoma Alternate Assessment Program (OAAP) may be  
6 eligible to graduate from a public high school with a standard  
7 diploma if the student meets all other graduation requirements of  
8 the school district in which the student is enrolled.

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

13 4. Students identified as English language learners shall be  
14 assessed in a valid and reliable manner with the assessment or  
15 assessments administered by the district pursuant to subsection C of  
16 this section with acceptable accommodations as necessary or, to the  
17 extent practicable, with alternate assessments provided by the  
18 district in the language and form most likely to yield accurate data  
19 of the student's knowledge of the content areas.

20 E. Each school district in the state shall provide on each  
21 student's high school transcript the highest achieved performance  
22 level on the assessment or assessments administered by the district  
23 pursuant to subsection C of this section.

1 F. Each school district shall report annually to the State  
2 Department of Education information regarding the assessment or  
3 assessments administered pursuant to this section, including but not  
4 limited to:

5 1. The number and percent of students who graduated with a  
6 standard diploma; and

7 2. The performance achieved by students on the assessment or  
8 assessments administered by the district pursuant to subsection C of  
9 this section.

10 G. The State Department of Education shall provide an annual  
11 report to the Governor, President Pro Tempore of the Senate and  
12 Speaker of the House of Representatives with district-level data  
13 reported pursuant to subsection F of this section as well as a  
14 ranking of districts by performance level on the assessment or  
15 assessments administered pursuant to subsection C of this section.  
16 The report shall be posted on the State Department of Education's  
17 website.

18 H. The State Board of Education shall promulgate rules  
19 necessary to implement the provisions of this section, including a  
20 timeline to implement the provisions of this section.

21 SECTION 3. REPEALER 70 O.S. 2011, Section 1210.523, as  
22 last amended by Section 26, Chapter 4, O.S.L. 2014 (70 O.S. Supp.  
23 2015, Section 1210.523), is hereby repealed.

1 Passed the Senate the 2nd day of March, 2016.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2016.

7  
8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives