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February 22, 2016

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 1170

By: Ford and Dossett of the
Senate

and

Casey of the House

An Act relating to student assessments; amending 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), which relates to criterion-referenced tests; removing language referencing end-of-instruction tests; updating reference to certain assessments; directing a standard diploma to be administered to students who have received certain certification by school districts; directing students to be administered certain assessment prior to completion of twelfth grade; requiring assessments to meet certain criteria; directing the State Board of Education, in certain consultation, to publish a list of assessments that meet certain criteria; directing 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

1 criterion-referenced tests; providing for
2 codification; and providing an effective date.

3
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.508, as
6 last amended by Section 8, Chapter 430, O.S.L. 2014 (70 O.S. Supp.
7 2015, Section 1210.508), is amended to read as follows:

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

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

- 21 a. reading, and
22 b. mathematics.

23 3. Contingent upon the availability of funds, the Board shall
24 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, 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, 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~~7~~ 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~~7~~
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 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
9 February 22, 2016 - DO PASS AS AMENDED
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