

<DateSubmitted>

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB1622

By: Derby of the House and Stanislawski of the Senate

Title: Schools; relating to the School Testing Program Act; modifying testing.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendment; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

SENATE CONFEREES

Allen _____
 Anderson _____
 Barrington _____
 Bass _____
 Bice _____
 Boggs _____
 Brecheen _____
 Brooks _____
 Brown _____
 Crain _____
 Dahm _____
 David _____
 Dossett _____
 Fields _____
 Floyd _____
 Ford _____
 Fry _____
 Garrison _____
 Griffin _____
 Halligan _____
 Holt _____
 Jech _____
 Jolley _____
 Justice _____

Loveless _____
 Marlatt _____
 Matthews _____
 Mazzei _____
 Newberry _____
 Paddock _____
 Pittman _____
 Quinn _____
 Sharp _____
 Shaw _____
 Shortey _____
 Silk _____
 Simpson _____
 Smalley _____
 Sparks _____
 Standridge _____
 Stanislawski _____
 Sykes _____
 Thompson _____
 Treat _____
 Wyrick _____
 Yen _____

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1622

By: Derby, Brumbaugh, Denney,
Condit, Newell, Nelson,
Cannaday, Caldwell,
McCullough, Thomsen, Henke,
Nollan and Johnson of the
House

and

Stanislawski, Brecheen and
Bice of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 2011, Section 1-116, as amended by Section 1, Chapter 124, O.S.L. 2014 (70 O.S. Supp. 2015, Section 1-116), which relates to definitions of positions in a school system; modifying definitions; deleting definition; amending 70 O.S. 2011, Section 6-101.3, as last amended by Section 1, Chapter 365, O.S.L. 2015 (70 O.S. Supp. 2015, Section 6-101.3), which relates to teacher definitions; modifying certain definition; 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 the Oklahoma School Testing Program Act; changing type of test required to be administered to students; deleting option for additional tests; directing the State Board of Education to administer certain assessments in certain grades during certain year; requiring certain performance levels to be calculated and reported for certain purposes; requiring the State Board of Education to issue a request for proposals for certain assessments; specifying scope of requests for proposals; defining terms; directing the State Board of Education to administer certain

1 assessments in certain grades during certain years;
2 requiring administration of assessments for certain
3 period; deleting certain subject tests; deleting end-
4 of-instruction test administration requirements and
5 purpose; deleting fine arts assessment requirements;
6 directing the State Board to adopt and develop
7 certain assessments to be administered by a certain
8 school year; specifying the assessment subject areas
9 and grades; requiring certain students to take
10 certain assessments by a certain grade in order to
11 graduate; requiring school districts to report
12 assessment scores on student transcripts; directing
13 the State Board to develop high school graduation
14 requirements in consultation with other entities;
15 listing criteria for the recommendations; requiring
16 public hearings and input; requiring a report by a
17 certain date; requiring adoption of requirements by a
18 certain date; making requirements subject to
19 legislative review; prohibiting implementation until
20 completion of the review; requiring submission within
21 certain time period; authorizing the Legislature to
22 approve or disapprove the requirements; providing for
23 adoption of new requirements or revisions upon
24 disapproval; considering final requirements to be
agency rules; specifying certain procedures; deleting
references to criterion-referenced tests; modifying
testing window requirements; expanding responsibility
of the State Board over assessments; repealing 70
O.S. 2011, Sections 1210.521, 1210.522, 1210.523, as
last amended by Section 26, Chapter 4, O.S.L. 2014,
1210.525 and 1210.526, as amended by Section 2,
Chapter 367, O.S.L. 2013 (70 O.S. Supp. 2015,
Sections 1210.523 and 1210.526), which relate to the
Achieving Classroom Excellence Act of 2005; providing
an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 1-116, as
amended by Section 1, Chapter 124, O.S.L. 2014 (70 O.S. Supp. 2015,
Section 1-116), is amended to read as follows:

1 Section 1-116. As used in this ~~act~~ title:

2 1. "Teacher" means any person who is employed to serve as
3 ~~district superintendent, principal, supervisor, a~~ counselor,
4 librarian, ~~school nurse~~ or classroom teacher, or in any other
5 instructional, ~~supervisory, or administrative~~ capacity, ~~is defined~~
6 ~~as a teacher. Such~~ The person shall not be deemed qualified unless
7 the person holds a valid certificate issued by and in accordance
8 with the rules of the State Board of Education, to perform the
9 particular services for which the person is employed;

10 2. "Superintendent" or "superintendent of schools" means the
11 executive officer of the board of education and the administrative
12 head of the school system of a district maintaining an accredited
13 school, provided the person holds an administrator's certificate
14 recognized by the State Board of Education;

15 3. "Principal" means any person other than a district
16 superintendent of schools having supervisory or administrative
17 authority over any school or school building having two or more
18 teachers. A teaching principal shall be a principal who devotes at
19 least one-half the time school is in session to classroom teaching.
20 Teaching principals shall be required to hold administrative
21 certificates;

22 4. ~~"Teachers" means, for purposes of complying with the State~~
23 ~~Aid Law and other statutes which apportion money on the basis of~~
24 ~~teaching units or the number of teachers employed or qualified, all~~

1 ~~persons holding proper certificates and connected in any capacity~~
2 ~~with the instruction of pupils;~~

3 ~~5.~~ "Resident teacher" means any certified teacher who is
4 employed in a local school to serve as a classroom teacher under the
5 guidance and assistance of a mentor teacher or teachers and
6 residency committee. ~~Any such person~~ A resident teacher shall have
7 completed ~~the program of~~ the college or school of education program
8 of the accredited institution of higher learning from which the
9 ~~person has been~~ resident teacher graduated;

10 ~~6.~~ 5. "Student teacher" means any student who is enrolled in an
11 institution of higher learning approved by the State Board of
12 Education for teacher training and who is jointly assigned by ~~such~~
13 the institution of higher learning and a ~~school district's~~ board of
14 education of a school district to perform practice teaching under
15 the direction of a regularly employed and certified teacher. A
16 student teacher, while serving a nonsalaried internship under the
17 supervision of a certified teacher, shall be accorded the same
18 protection of the laws as that accorded the certified teacher;

19 ~~7.~~ 6. "School nurse" means a person employed full time by a
20 board of education who is a registered nurse licensed by the
21 Oklahoma State Board of Nurse Registration and Nursing Education~~7~~
22 and is certified the same as a teacher by the State ~~Department~~ Board
23 of Education. Provided, that any person who is employed as a full-
24 time school nurse in any school district in Oklahoma~~7~~ ~~but~~ who is not

1 registered on the effective date of this act, may continue to serve
2 in the same capacity; however, such person shall, under rules
3 adopted by the State Board of Education, attend classes in nursing
4 and prepare to become registered.

5 A school nurse employed by a board of education shall be
6 accorded the same protection of laws and all other benefits accorded
7 a certified teacher; and

8 ~~8.~~ 7. "Support employee" means an employee who provides those
9 services which are not performed by certified teachers, principals,
10 superintendents or administrators and which are necessary for the
11 efficient and satisfactory functioning of a school district.

12 SECTION 2. AMENDATORY 70 O.S. 2011, Section 6-101.3, as
13 last amended by Section 1, Chapter 365, O.S.L. 2015 (70 O.S. Supp.
14 2015, Section 6-101.3), is amended to read as follows:

15 Section 6-101.3 As used in Section 6-101 et seq. of this title:

16 1. "Administrator" means a duly certified person who devotes a
17 majority of time to service as a superintendent, elementary
18 superintendent, principal, supervisor, vice principal or in any
19 other administrative or supervisory capacity in the school district;

20 2. "Dismissal" means the discontinuance of the teaching service
21 of an administrator or teacher during the term of a written
22 contract, as provided by law;

23 3. "Nonreemployment" means the nonrenewal of the contract of an
24 administrator or teacher upon expiration of the contract;

1 4. "Career teacher" means a teacher who:

2 a. for teachers employed by a school district prior to
3 full implementation of the Oklahoma Teacher and Leader
4 Effectiveness Evaluation System (TLE) as set forth in
5 Section 6-101.10 of this title, has completed three
6 (3) or more consecutive complete school years as a
7 teacher in one school district under a written
8 continuing or temporary teaching contract, or

9 b. for teachers employed for the first time by a school
10 district under a written continuing or temporary
11 teaching contract after full implementation of the
12 Oklahoma Teacher and Leader Effectiveness Evaluation
13 System (TLE) as set forth in Section 6-101.10 of this
14 title:

15 (1) has completed three (3) consecutive complete
16 school years as a teacher in one school district
17 under a written continuing or temporary teaching
18 contract and has achieved qualitative and
19 quantitative ratings of "superior" as measured
20 pursuant to the TLE as set forth in Section 6-
21 101.16 of this title for at least two (2) of the
22 three (3) school years, with no rating below
23 "effective",
24

1 (2) has completed four (4) consecutive complete
2 school years as a teacher in one school district
3 under a written continuing or temporary teaching
4 contract, has averaged qualitative and
5 quantitative ratings of at least "effective" as
6 measured pursuant to the TLE for the four-year
7 period, and has received qualitative and
8 quantitative ratings of at least "effective" for
9 the last two (2) years of the four-year period,
10 or

11 (3) has completed four (4) or more consecutive
12 complete school years in one school district
13 under a written continuing or temporary teaching
14 contract and has not met the requirements of
15 subparagraph a or b of this paragraph, only if
16 the principal of the school at which the teacher
17 is employed submits a petition to the
18 superintendent of the school district requesting
19 that the teacher be granted career status, the
20 superintendent agrees with the petition, and the
21 school district board of education approves the
22 petition. The principal shall specify in the
23 petition the underlying facts supporting the
24 granting of career status to the teacher;

1 5. "Teacher hearing" means the hearing before a school district
2 board of education after a recommendation for dismissal or
3 nonreemployment of a teacher has been made but before any final
4 action is taken on the recommendation, held for the purpose of
5 affording the teacher all rights guaranteed by the United States
6 Constitution and the Constitution of Oklahoma under circumstances
7 and for enabling the board to determine whether to approve or
8 disapprove the recommendation;

9 6. "Probationary teacher" means a teacher who:

- 10 a. for teachers employed by a school district prior to
11 full implementation of the Oklahoma Teacher and Leader
12 Effectiveness Evaluation System (TLE) as set forth in
13 Section 6-101.10 of this title, has completed fewer
14 than three (3) consecutive complete school years as a
15 teacher in one school district under a written
16 teaching contract, or
- 17 b. for teachers employed for the first time by a school
18 district under a written teaching contract after full
19 implementation of the Oklahoma Teacher and Leader
20 Effectiveness Evaluation System (TLE) as set forth in
21 Section 6-101.10 of this title, has not met the
22 requirements for career teacher as provided in
23 paragraph 4 of this section;

1 7. "Suspension" or "suspended" means the temporary
2 discontinuance of the services of an administrator or teacher, as
3 provided by law; and

4 8. "Teacher" means a ~~duly certified person who is employed to~~
5 ~~serve as a counselor, librarian or school nurse or in any~~
6 ~~instructional capacity; an administrator shall be considered a~~
7 ~~teacher only with regard to service in an instructional,~~
8 ~~nonadministrative capacity~~ defined as a teacher in Section 1-116 of
9 this title.

10 SECTION 3. AMENDATORY 70 O.S. 2011, Section 1210.508, as
11 last amended by Section 8, Chapter 430, O.S.L. 2014 (70 O.S. Supp.
12 2015, Section 1210.508), is amended to read as follows:

13 Section 1210.508 A. 1. ~~The~~ Until the 2016-2017 school year,
14 the State Board of Education shall ~~develop~~ adopt and administer a
15 series of criterion-referenced ~~tests~~ assessments designed to
16 indicate whether the subject matter standards, as defined by the
17 State Board of Education, which Oklahoma public school students are
18 expected to have attained have been achieved. ~~The Board may develop~~
19 ~~and administer any criterion-referenced test in any subject not~~
20 ~~required by federal law, contingent upon the availability of~~
21 ~~funding.~~

22 2. In order to transition from the criterion-referenced
23 assessments for grades three through eight as administered by the
24 Board during the 2015-2016 school year to nationally recognized

1 assessments as provided for in subsection B of this section, during
2 the 2016-2017 school year the Board shall continue to administer the
3 criterion-referenced assessments for grades three through eight in:

4 a. reading/English language arts,

5 b. mathematics, and

6 c. science in grade five and grade eight only.

7 3. In order to transition from the end-of-instruction
8 criterion-referenced assessments for grades nine through twelve as
9 administered by the Board during the 2015-2016 school year to a
10 nationally recognized assessment or assessments as provided for in
11 subsection C of this section, during the 2016-2017 school year the
12 Board shall continue to administer the end-of-instruction criterion-
13 referenced assessments to students in grades nine through twelve
14 who complete instruction in a course in the following subjects:

15 a. Algebra I,

16 b. English II,

17 c. Biology I, and

18 d. United States History.

19 During the 2016-2017 school year, the performance level on the end-
20 of-instruction criterion-referenced assessments shall be calculated
21 in the final course grade of the student and shall constitute not
22 less than twenty percent (20%) of the final course grade. School
23 districts shall report the performance level on the end-of-

1 instruction criterion-referenced assessments on the high school
2 transcript of the student.

3 4. Students who do not perform at least at the proficient level
4 on ~~tests~~ assessments required pursuant to this section shall be
5 remediated, subject to the availability of funding.

6 2. B. 1. The State Board of Education in consultation with the
7 Commission for Educational Quality and Accountability shall issue a
8 request for proposals for the selection of assessments to be
9 administered for grades three through eight. The request for
10 proposals shall solicit for nationally recognized assessments that:

- 11 a. are aligned with the Oklahoma subject matter standards
12 as adopted by the Board,
- 13 b. yield both norm-referenced scores and criterion-
14 referenced scores,
- 15 c. yield both formative results throughout the school
16 year and summative results at the end of the school
17 year,
- 18 d. are predictive of future academic performance,
- 19 e. have a track record of statistical reliability and
20 accuracy,
- 21 f. allow for adaptive assessments, and
- 22 g. provide summative results to school districts no later
23 than July 1 of each year.

24 2. For purposes of this subsection:

1 a. "formative results" means diagnostic results from
2 assessments given periodically during a specified
3 instructional period that are used by educators to
4 improve instruction and student learning, and

5 b. "summative results" means results from assessments
6 given at the conclusion of a specified instructional
7 period that are used to evaluate student learning and
8 achievement.

9 3. The State Board of Education in consultation with the
10 Commission for Educational Quality and Accountability shall adopt
11 assessments from the selected proposals that were submitted pursuant
12 to paragraph 1 of this subsection for grades three through eight
13 that are aligned with the Oklahoma subject matter standards as
14 adopted by the Board and which yield both norm-referenced scores and
15 criterion-referenced scores. The adopted assessments shall be
16 administered by the Board for a period of not less than eight (8)
17 consecutive years unless the vendor does not comply with or violates
18 the terms of the contract. The Board shall administer the
19 assessments beginning with the 2017-2018 school year.

20 4. Contingent upon the availability of ~~state and federal~~ funds,
21 the Board, ~~in accordance with federal law,~~ shall administer
22 ~~criterion-referenced tests~~ the assessments adopted pursuant to
23 paragraph 3 of this subsection for grades three and four in:

24 a. reading/English language arts, and

1 b. mathematics.

2 ~~3.~~ 5. Contingent upon the availability of funds, the Board
3 shall administer ~~riterion-referenced tests~~ the assessments adopted
4 pursuant to paragraph 3 of this subsection for grade five in:

5 a. reading/English language arts,

6 b. mathematics, and

7 c. science,

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

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

10 ~~geography, and~~

11 ~~e. writing of English.~~

12 ~~4.~~ 6. Contingent upon the availability of ~~state and federal~~
13 funds, the Board, ~~in accordance with federal law,~~ shall administer
14 ~~riterion-referenced tests~~ the assessments adopted pursuant to
15 paragraph 3 of this subsection for grades six and seven in:

16 a. reading/English language arts, and

17 b. mathematics.

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

20 ~~5.~~ 7. Contingent upon the availability of funds, the Board
21 shall administer ~~riterion-referenced tests~~ the assessments adopted
22 pursuant to paragraph 3 of this subsection for grade eight in:

23 a. reading/English language arts,

24 b. mathematics,

1 c. science, and

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

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

4 ~~e. writing of English.~~

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

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

1 ~~immediately and complete results reported in less than two (2) weeks~~
2 ~~beginning in the 2008-09 school year.~~

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

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

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

12 B. C. 1. The State Board of Education in consultation with the
13 Oklahoma State Regents for Higher Education, the Commission for
14 Educational Quality and Accountability, the State Board of Career
15 and Technology Education and the Oklahoma Department of Commerce
16 shall issue a request for proposals for the selection of an
17 assessment or assessments to be administered for grades nine through
18 twelve. The request for proposals shall solicit for a nationally
19 recognized assessment or assessments that:

20 a. align with the Oklahoma subject matter standards for
21 English language arts, mathematics, science and United
22 States history as adopted by the Board,
23 b. yield both norm-referenced scores and criterion-
24 referenced scores, and

1 c. are predictive of college- and career-readiness.

2 2. The State Board of Education in consultation with the
3 Oklahoma State Regents for Higher Education, the Commission for
4 Educational Quality and Accountability, the State Board of Career
5 and Technology Education and the Oklahoma Department of Commerce
6 shall adopt an assessment or assessments from the selected proposals
7 that were submitted pursuant to paragraph 1 of this subsection for
8 grades nine through twelve that are aligned with the Oklahoma
9 subject matter standards as adopted by the Board and which yield
10 both norm-referenced scores and criterion-referenced scores. The
11 adopted assessment or assessments shall be administered by the Board
12 for a period of not less than eight (8) consecutive years unless the
13 vendor of the assessment or assessments does not comply with or
14 violates the terms of the contract. The Board shall administer the
15 assessment beginning with the 2017-2018 school year.

16 3. Beginning with students entering the ninth grade in the
17 2017-2018 school year, each student by the end of the eleventh grade
18 shall take the assessment or assessments adopted by the Board
19 pursuant to paragraph 1 of this subsection to measure for attainment
20 in the appropriate subject matter standards in order to graduate
21 from a public high school with a standard diploma. All students
22 shall take the assessment or assessments prior to graduation, unless
23 otherwise exempt by law.

1 4. Beginning with students entering the ninth grade in the
2 2017-2018 school year, each student, in addition to taking the
3 assessment or assessments as required pursuant to this subsection,
4 shall meet any other assessment requirements adopted by the Board
5 pursuant to subsection D of this section in order to graduate from a
6 public high school with a standard diploma.

7 5. In order to provide an indication of the levels of
8 competency attained by the student in a permanent record for
9 potential future employers and institutions of higher education,
10 school districts shall report on the high school transcript of the
11 student the highest-achieved composite score on the assessment or
12 assessments and any business- and industry-recognized endorsements
13 attained.

14 D. 1. 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 develop assessment requirements students shall meet in order
19 to graduate from a public high school with a standard diploma. In
20 developing the high school graduation assessment requirements, the
21 State Board of Education in consultation with the Oklahoma State
22 Regents for Higher Education, the Commission for Educational Quality
23 and Accountability, the State Board of Career and Technology
24 Education and the Oklahoma Department of Commerce shall:

- a. consider other criteria to be used in conjunction with the assessment or assessments adopted pursuant to subsection C of this section,
- b. consider alternative assessments that may be used in place of the adopted assessment,
- c. determine the performance level on the assessments at which students will be provided remediation or intervention and the type of remediation or intervention to be offered,
- d. ensure that assessment results are included in the accountability measures for school districts and teachers,
- e. ensure that the adopted assessment meets the requirements of the Elementary and Secondary Education Act of 1965, as reauthorized by P.L. No. 114-95, also known as the Every Student Succeeds Act,
- f. determine when a student is eligible to take and retake the assessment or assessments, and
- g. consider means for ensuring student accountability on the assessments including, but not limited to, calculating assessment scores in the final grade or grade-point average of a student.

1 2. In developing the high school graduation assessment
2 requirements, the Board shall hold public meetings and solicit
3 public input.

4 3. The Board shall make a report of the requirements by October
5 31, 2016.

6 4. By January 1, 2017, the Board shall adopt high school
7 graduation assessment requirements as recommended pursuant to this
8 subsection. The requirements shall be subject to legislative review
9 as set forth in this subsection. The requirements shall not be
10 implemented by the Board until the legislative review process is
11 completed as provided for in this subsection.

12 5. After adoption of the requirements, the Board shall submit
13 the adopted standards to the Speaker of the House of Representatives
14 or a designee and the President Pro Tempore of the Senate or a
15 designee prior to the last thirty (30) days of the legislative
16 session.

17 6. By adoption of a joint resolution, the Legislature shall
18 approve the requirements in whole or in part and with or without
19 instructions, disapprove the requirements in whole or in part and
20 with or without instructions or amend the requirements in whole or
21 in part, provided that such joint resolution becomes law in
22 accordance with Section 11 of Article VI of the Oklahoma
23 Constitution. If the joint resolution is vetoed by the Governor in
24 accordance with Section 11 of Article VI of the Oklahoma

1 Constitution and the veto has not been overridden, the requirements
2 shall be deemed disapproved. If the Legislature fails to adopt a
3 joint resolution within thirty (30) legislative days following
4 submission of the requirements, the requirements shall be deemed
5 disapproved.

6 7. If the requirements are disapproved in whole and with or
7 without instructions as provided for in this subsection, the Board
8 may adopt new requirements and submit the new requirements for
9 legislative review pursuant to this subsection. If the requirements
10 are approved in part with instructions, disapproved in whole or in
11 part with instructions or are amended, the State Board of Education
12 may revise the requirements in accordance with the legislative
13 instructions or changes and implement the requirements.

14 8. If the requirements are disapproved in whole or in part and
15 the Board does not act to resubmit new requirements or revise the
16 requirements in accordance with the legislative instructions, the
17 assessment or assessments adopted pursuant to subsection C of this
18 section shall be administered by the Board beginning with the 2017-
19 2018 school year, and the performance level on the assessment or
20 assessments shall be calculated in the final grade or grade point
21 average of the student until otherwise provided for by law.

22 9. Upon final approval of the requirements, the requirements
23 shall be considered final agency rules. The Board shall submit a
24 copy of the requirements to the Secretary of State, who shall

1 include the requirements in the publication known as the "Oklahoma
2 Administrative Code" in the same manner as agency rules are
3 published in the Code as provided for in the Administrative
4 Procedures Act. All requirements approved and published as provided
5 for in this subsection shall have the same force and effect of law
6 as agency rules promulgated pursuant to the Administrative
7 Procedures Act.

8 10. Unless otherwise provided by specific vote of the
9 Legislature, joint resolutions introduced for purposes of approving,
10 disapproving or amending the requirements shall not be subject to
11 regular legislative cutoff dates, shall be limited to such
12 provisions as may be necessary for approving, disapproving or
13 amending the requirements and any such other direction or mandate
14 regarding the requirements deemed necessary by the Legislature. The
15 joint resolution shall contain no other provisions.

16 E. All ~~criteria-referenced tests~~ assessments required by this
17 section shall measure academic competencies in correlation with the
18 subject matter standards adopted by the Board pursuant to Sections
19 11-103.6 and 11-103.6a of this title and shall not include standards
20 or assessment questions as proscribed in subsection H of Section 11-
21 103.6a of this title. The State Board of Education shall evaluate
22 the subject matter standards to ensure the competencies reflect high
23 standards, are specific, well-defined, measurable, challenging, and
24 will prepare elementary students for next-grade-level course work

1 and secondary students for postsecondary studies at institutions of
2 higher education or technology center schools without the need for
3 remediation. All subject matter standards shall reflect the goals
4 as set forth in Section 11-103.6 of this title, prepare secondary
5 students for taking and achieving high scores on any assessment used
6 by institutions of higher education to determine college readiness
7 and ~~of improving~~ improve the state average ACT score.

8 ~~2.~~ F. The State Department of Education shall annually evaluate
9 the results of the ~~criterion-referenced tests~~ assessments required
10 by this section. The State Board of Education shall ensure that
11 ~~test~~ the results of assessments required by this section are
12 reported to districts in a manner that yields detailed, diagnostic
13 information for the purpose of guiding instruction and student
14 remediation. As improvements are made to the ~~criterion-referenced~~
15 ~~tests~~ assessments required by this section, the Board shall seek to
16 increase the depth of knowledge assessed for each subject. The
17 State Board of Education shall seek to ensure that data yielded from
18 the ~~tests~~ assessments required in this section are utilized at the
19 school district level to prescribe reinforcement ~~and/or~~ or
20 remediation by requiring school districts to develop and implement a
21 specific program of improvement based on the ~~test~~ assessment
22 results.

23 ~~3.~~ G. The State Board of Education in coordination with the
24 Office of Educational Quality and Accountability shall review,

1 realign, and recalibrate, as necessary, the ~~tests~~ assessments in
2 reading and mathematics ~~in third through eighth grade and the end-~~
3 ~~of instruction tests~~ as required in this section. The Commission
4 for Educational Quality and Accountability shall determine the cut
5 scores for the performance levels on the ~~end-of-instruction tests~~
6 ~~developed~~ criterion-referenced assessment portion and scores of the
7 assessments administered pursuant to ~~paragraph 6 of subsection A of~~
8 this section. The Commission shall conduct an ongoing review to
9 compare the ~~end-of-instruction test~~ content and performance
10 descriptors of the assessments required in this section with those
11 of other states. Upon receipt of the review, the Commission may
12 adjust the cut scores as necessary.

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

1 studies shall include studies of decision validity and concurrent
2 validity.

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

1 Department of Education and the Office of Educational Quality and
2 Accountability prior to September 1 of each year. The Department
3 shall forward the final data files for each school district and each
4 school site in that district to the school district. The Board
5 shall ensure the contract with the ~~testing~~ vendor includes a
6 provision that the vendor report ~~test~~ assessment results directly to
7 the Office of Educational Quality and Accountability at the same
8 time it is reported to the Board.

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

21 ~~D.~~ J. The State Board of Education shall be solely responsible
22 for and shall control and have discretion over the ~~development,~~
23 ~~field-testing, and validation~~ adoption and administration of the
24 ~~criterion-referenced test series~~ assessments required in ~~subsection~~

1 ~~A~~ of this section. In the interest of economy the Board may
2 participate in a multistate or multigovernmental cooperative
3 pursuant to the requirements of The Oklahoma Central Purchasing Act,
4 but shall not bind the state, contractually or otherwise, to the
5 authority of any other state, organization or entity which may
6 supersede the authority of the Board, for the purpose of adapting
7 ~~criterion-referenced tests~~ or augmenting assessments, to the extent
8 that such ~~tests~~ assessments are appropriate for use in the ~~testing~~
9 ~~program~~ Oklahoma School Testing Program to be administered to
10 Oklahoma students.

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

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

21 SECTION 4. REPEALER 70 O.S. 2011, Sections 1210.521,
22 1210.522, 1210.523, as last amended by Section 26, Chapter 4, O.S.L.
23 2014, 1210.525 and 1210.526, as amended by Section 2, Chapter 367,
24

1 O.S.L. 2013 (70 O.S. Supp. 2015, Sections 1210.523 and 1210.526),
2 are hereby repealed.

3 SECTION 5. This act shall become effective July 1, 2016.

4 SECTION 6. It being immediately necessary for the preservation
5 of the public peace, health and safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

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