

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 HOUSE BILL 1667

 By: Thomsen

7 AS INTRODUCED

8 An Act relating to schools; amending Section 4,
9 Chapter 430, O.S.L. 2014 (70 O.S. Supp. 2016, Section
10 11-103.6a-1) and 70 O.S. 2011, Section 11-103.6d,
11 which relate to subject matter standards; removing
12 requirement that Secretary of State publishes
13 standards in same manner as agency rules published in
14 certain code and under certain act; updating
15 statutory language; amending 70 O.S. 2011, Section
16 1210.508, as last amended by Section 4, Chapter 360,
17 O.S.L. 2016 (70 O.S. Supp. 2016, Section 1210.508),
18 which relates to the statewide student assessment
19 system; requiring State Department of Education to
20 issue certain request for proposals and requiring
21 Department to award contracts based on proposals;
22 requiring assessments to be reviewed based on certain
23 alignment during certain time period; requiring
24 certain textbook adoption cycle to align with subject
 matter standards adoption cycle; updating statutory
 references; permitting certain deadlines to be waived
 under certain circumstances; and providing an
 effective date.

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

1 SECTION 1. AMENDATORY Section 4, Chapter 430, O.S.L.
2 2014 (70 O.S. Supp. 2016, Section 11-103.6a-1), is amended to read
3 as follows:

4 Section 11-103.6a-1 A. All subject matter standards and
5 revisions to the standards adopted by the State Board of Education
6 pursuant to Section 11-103.6a of ~~Title 70 of the Oklahoma Statutes~~
7 this title shall be subject to legislative review as set forth in
8 this section. The standards shall not be implemented by the State
9 Board of Education until the legislative review process is completed
10 as provided for in this section.

11 B. Upon adoption of any subject matter standards, the State
12 Board of Education shall submit the adopted standards to the Speaker
13 of the House of Representatives or a designee and the President Pro
14 Tempore of the Senate or a designee prior to the last thirty (30)
15 days of the legislative session.

16 C. By adoption of a joint resolution, the Legislature shall
17 approve the standards, disapprove the standards in whole or in part,
18 amend the standards in whole or in part or disapprove the standards
19 in whole or in part with instructions to the State Board of
20 Education, provided that such joint resolution becomes law in
21 accordance with Section 11 of Article VI of the Oklahoma
22 Constitution. If the joint resolution is vetoed by the Governor in
23 accordance with Section 11 of Article VI of the Oklahoma
24 Constitution and the veto has not been overridden, the standards

1 shall be deemed approved. If the Legislature fails to adopt a joint
2 resolution within thirty (30) legislative days following submission
3 of the standards, the standards shall be deemed approved.

4 D. If the subject matter standards are disapproved in whole or
5 are disapproved in whole with instructions as provided for in this
6 section, the State Board of Education may adopt new standards and
7 submit the new standards for legislative review pursuant to this
8 section. The State Board of Education shall continue to implement
9 current standards in place until the new standards have been
10 reviewed by the Legislature and approved as provided for in this
11 section. If the subject matter standards are amended, approved in
12 part or are disapproved in part with instructions, the State Board
13 of Education may revise the standards in accordance with the
14 legislative changes and implement the standards.

15 E. Upon final approval of the standards, the standards shall be
16 considered final agency rules. The Board shall submit a copy of the
17 standards to the Secretary of State, who shall include the standards
18 in the publication known as the "Oklahoma Administrative Code" ~~in~~
19 ~~the same manner as agency rules are published in the "Code" as~~
20 ~~provided for in the Administrative Procedures Act.~~ All standards
21 approved and published as provided for in this subsection shall have
22 the same force and effect of law as agency rules promulgated
23 pursuant to the Administrative Procedures Act.

1 F. Unless otherwise provided by specific vote of the
2 Legislature, joint resolutions introduced for purposes of approving,
3 disapproving, amending or disapproving with instructions any subject
4 matter standards shall not be subject to regular legislative cutoff
5 dates, shall be limited to such provisions as may be necessary for
6 approving, disapproving, amending or disapproving with instructions
7 any subject matter standards and any such other direction or mandate
8 regarding the standards deemed necessary by the Legislature. The
9 joint resolution shall contain no other provisions.

10 SECTION 2. AMENDATORY 70 O.S. 2011, Section 11-103.6d,
11 is amended to read as follows:

12 Section 11-103.6d A. District boards of education may develop
13 and issue a certificate of distinction that is to be awarded to
14 students, beginning with students in the 2000-2001 high school
15 graduating class who have met or exceeded the following criteria by
16 the end of their senior year in high school with at least a 3.25
17 grade point average on a 4.0 scale:

18 1. Earned four units each in English, mathematics, social
19 studies, and science;

20 2. Earned two additional units in the area of technology, the
21 humanities, or the arts;

22 3. Earned two units in a foreign language; and
23
24

1 4. Achieved a proficient or advanced score on all ~~end-of-~~
2 ~~instruction tests~~ assessments as required pursuant to Section
3 1210.508 of this title, as those tests are implemented.

4 B. For purposes of this section, applicable vocational-
5 technical classes offered by comprehensive high school vocational-
6 technical programs shall qualify for technology, science, and
7 mathematics units. Students enrolled in the programs may use one
8 unit of their six concentrated vocational-technical curriculum units
9 for one unit of mathematics required by this section and one unit of
10 their six concentrated vocational-technical curriculum units for one
11 unit of science required by this section. Advanced placement
12 classes in the subject areas listed in paragraphs 1, 2, and 3 of
13 subsection A of this section may be substituted on a course-by-
14 course basis to satisfy the academic units required for a
15 certificate of distinction.

16 C. For purposes of this section, "unit" means a Carnegie Unit
17 as defined by the North Central Association's Commission on Schools.

18 SECTION 3. AMENDATORY 70 O.S. 2011, Section 1210.508, as
19 last amended by Section 4, Chapter 360, O.S.L. 2016 (70 O.S. Supp.
20 2016, Section 1210.508), is amended to read as follows:

21 Section 1210.508 A. 1. By no later than December 31, 2016,
22 the State Board of Education shall adopt a statewide system of
23 student assessments in compliance with the Elementary and Secondary
24

1 Education Act of 1965 (ESEA), as reauthorized and amended by P.L.
2 No. 114-95, also known as the Every Student Succeeds Act (ESSA).

3 2. The statewide student assessment system adopted by the Board
4 pursuant to this subsection shall be aligned with the Oklahoma
5 Academic Standards as adopted by the Board and which prepare
6 students for college and careers.

7 B. 1. The ~~Board~~ State Department of Education shall issue a
8 request for proposals for the selection of assessments to be
9 administered to students in grades three through twelve as a part of
10 the statewide student assessment system adopted by the Board
11 pursuant to this section.

12 2. The ~~Board~~ Department shall ~~adopt assessments from award~~
13 contracts based on the selected proposals that were submitted
14 pursuant to paragraph 1 of this subsection. ~~The adopted assessments~~
15 ~~shall be administered by the Board for a period that is in~~
16 ~~coordination with the six-year subject area textbook adoption cycle~~
17 ~~unless the vendor does not fulfill the terms of the contract or~~
18 ~~fails to comply with or violates the terms of the contract.~~ The
19 ~~Board~~ Department shall administer the assessments beginning with the
20 2017-2018 school year.

21 3. The assessments shall be reviewed for alignment to the
22 subject matter standards required in Sections 11-103.6 and 11-103.6a
23 of this title following the year such subject matter standards are
24 adopted.

1 4. The six-year subject area textbook adoption cycle shall
2 align to the subject matter standards adoption cycle.

3 C. The statewide student assessment system adopted by the Board
4 pursuant to this section shall include assessments that:

5 1. Are aligned with the Oklahoma subject matter standards as
6 adopted by the Board;

7 2. Provide a measure of comparability among other states;

8 3. Yield both norm-referenced scores and criterion-referenced
9 scores;

10 4. Have a track record of statistical reliability and accuracy;
11 and

12 5. For assessments administered in high school, provide a
13 measure of future academic performance.

14 D. For the 2016-2017 school year, the Board shall administer
15 assessments in:

16 1. English Language Arts or Reading and Mathematics in grades
17 three through eight and at least once in high school, during the
18 grade span of nine through twelve;

19 2. Science not less than once during each grade span of three
20 through five, six through nine and ten through twelve; and

21 3. United States History not less than once during the grade
22 span of nine through twelve.

23 E. 1. Beginning with the 2017-2018 school year, the statewide
24 student assessment system shall include assessments in:

- a. English Language Arts and Mathematics in grades three through eight and at least once in high school, during the grade span of nine through twelve,
- b. Science not less than once during each grade span of three through five, six through nine and ten through twelve, and
- c. United States History not less than once during the grade span of nine through twelve.

2. Beginning with the 2017-2018 school year, the statewide student assessment system may include:

- a. assessments in Reading and Writing in certain grades as determined by the Board, and
- b. contingent upon the availability of funds, an additional nationally recognized college- and career-readiness assessment or assessments as recommended by the State Department of Education which will be administered to students in high school at no cost to the student.

F. 1. Beginning with students entering the ninth grade in the 2017-2018 school year, each student shall take the assessment or assessments included in the statewide student assessment system adopted by the Board pursuant to subsection A of this section in order to graduate from a public high school with a standard diploma.

1 All students shall take the assessment or assessments prior to
2 graduation, unless otherwise exempt by law.

3 2. Beginning with students entering the ninth grade in the
4 2017-2018 school year, each student, in addition to taking the
5 assessment or assessments included in the statewide student
6 assessment system adopted by the Board pursuant to subsection A of
7 this subsection, shall meet any other high school graduation
8 requirements adopted by the Board pursuant to Section 5, Chapter
9 360, O.S.L. 2016 of this act in order to graduate from a public high
10 school with a standard diploma.

11 3. For students who start the ninth grade prior to or during
12 the 2016-2017 school year, school districts shall adopt a plan that
13 establishes the assessment or assessments those students are
14 required to take in order to graduate from a public high school with
15 a standard diploma. The plan may also include any or all of the
16 other high school graduation requirements adopted by the Board
17 pursuant to Section 5, Chapter 360, O.S.L. 2016 of this act that
18 those students will be required to meet in order to graduate from a
19 public high school with a standard diploma.

20 4. The Board shall promulgate rules to ensure that students who
21 transfer into an Oklahoma school district from out-of-state after
22 the junior year of high school shall not be denied the opportunity
23 to be awarded a standard diploma due to differing testing
24 requirements.

1 G. In order to provide an indication of the levels of
2 competency attained by the student in a permanent record for
3 potential future employers and institutions of higher education,
4 school districts shall report on the high school transcript of the
5 student the highest-achieved score on the assessment or assessments
6 included in the statewide student assessment system adopted by the
7 Board pursuant to subsection A of this subsection and any business-
8 and industry-recognized endorsements attained.

9 H. Students who do not perform at ~~a proficiency~~ the proficient
10 level on assessments shall be remediated as established in the
11 assessment requirements adopted by the Board pursuant to Section 5,
12 Chapter 360, O.S.L. 2016 of this act, subject to the availability of
13 funding.

14 I. 1. All assessments required by this section shall measure
15 academic competencies in correlation with the subject matter
16 standards adopted by the Board pursuant to Sections 11-103.6 and 11-
17 103.6a of this title and referred to as the Oklahoma Academic
18 Standards. The State Board of Education shall evaluate the subject
19 matter standards to ensure the competencies reflect high standards,
20 are specific, well-defined, measurable, challenging, and will
21 prepare elementary students for next-grade-level course work and
22 secondary students for postsecondary studies at institutions of
23 higher education or technology center schools without the need for
24 remediation. All subject matter standards shall reflect the goals

1 as set forth in Section 11-103.6 of this title and of improving the
2 state average ACT score.

3 2. The State Department of Education shall annually evaluate
4 the results of the assessments. ~~The~~ Except as otherwise provided in
5 this section, the State Board of Education shall ensure that
6 preliminary results for all statewide assessments are reported to
7 districts no later than June 1 of each year and are presented in a
8 manner that yields detailed, diagnostic information for the purpose
9 of guiding instruction and student remediation. As improvements are
10 made to the assessments required by this section, the Board shall
11 seek to increase the depth of knowledge assessed for each subject.
12 The State Board of Education shall seek to ensure that data yielded
13 from the assessments required in this section are utilized at the
14 school district level to inform instruction, professional
15 development, school improvement and remediation for students.

16 3. The Commission for Educational Quality and Accountability
17 shall determine the cut scores for the performance levels on all
18 statewide assessments. The Commission shall conduct an ongoing
19 review to compare the statewide assessment content and performance
20 descriptors with those of other states. Upon receipt of the review,
21 the Commission may adjust the cut scores as necessary.

22 4. The State Board of Education, for the purposes of conducting
23 reliability and validity studies, monitoring contractor adherence to
24 professionally accepted testing standards, and providing

1 recommendations for testing program improvement, shall retain the
2 services of an established, independent agency or organization that
3 is nationally recognized for its technical expertise in educational
4 testing but is not engaged in the development of aptitude or
5 achievement tests for elementary or secondary level grades. These
6 national assessment experts shall annually conduct studies of the
7 reliability and validity of the statewide assessments administered
8 pursuant to this section. Validity studies shall include studies of
9 decision validity and concurrent validity.

10 J. 1. The State Board of Education shall promulgate rules
11 setting the assessment window dates for each statewide assessment so
12 that the assessments are administered according to recommended
13 testing protocols, and so that the assessment results are reported
14 back to school districts in a timely manner. ~~The~~ Except as
15 otherwise provided in this section, the vendor shall provide a final
16 electronic data file of all school site, school district, and state
17 results to the State Department of Education and the Office of
18 Educational Quality and Accountability prior to August 1 of each
19 year. The Department shall forward the final data files for each
20 school district and each school site in that district to the school
21 district. The Board shall ensure the contract with the vendor
22 includes a provision that the vendor report assessment results
23 directly to the Office of Educational Quality and Accountability at
24 the same time it is reported to the Board.

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

13 K. In years where new cut scores shall be determined by the
14 Commission for Educational Quality and Accountability, the
15 prescribed deadlines in subsections I and J of this section shall be
16 waived.

17 L. The State Board of Education shall be responsible for the
18 field-testing and validation of the statewide assessment system
19 required in subsection A of this section.

20 ~~L.~~ M. The State Board of Education shall develop, administer,
21 and incorporate as a part of the Oklahoma School Testing Program,
22 other assessment programs or procedures, including appropriate
23 accommodations for the assessment of students with disabilities as
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1 required by the Individuals with Disabilities Education Act (IDEA),
2 20 U.S.C., Section 1400 et seq.

3 ~~M.~~ N. For purposes of developing and administering alternate
4 assessments for students with the most significant cognitive
5 disabilities, the State Board of Education shall not be subject to
6 subsections D and E of Section 11-103.6a of this title.

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

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9 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02/21/2017
10 - DO PASS.

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