

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 1667

By: Thomsen

AS INTRODUCED

An Act relating to schools; amending Section 4, Chapter 430, O.S.L. 2014 (70 O.S. Supp. 2016, Section 11-103.6a-1) and 70 O.S. 2011, Section 11-103.6d, which relate to subject matter standards; removing requirement that Secretary of State publishes standards in same manner as agency rules published in certain code and under certain act; updating statutory language; amending 70 O.S. 2011, Section 1210.508, as last amended by Section 4, Chapter 360, O.S.L. 2016 (70 O.S. Supp. 2016, Section 1210.508), which relates to the statewide student assessment system; requiring State Department of Education to issue certain request for proposals and requiring Department to award contracts based on proposals; requiring assessments to be reviewed based on certain alignment during certain time period; requiring 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.

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

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

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

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

13 C. By adoption of a joint resolution, the Legislature shall
14 approve the standards, disapprove the standards in whole or in part,
15 amend the standards in whole or in part or disapprove the standards
16 in whole or in part with instructions to the State Board of
17 Education, provided that such joint resolution becomes law in
18 accordance with Section 11 of Article VI of the Oklahoma
19 Constitution. If the joint resolution is vetoed by the Governor in
20 accordance with Section 11 of Article VI of the Oklahoma
21 Constitution and the veto has not been overridden, the standards
22 shall be deemed approved. If the Legislature fails to adopt a joint
23 resolution within thirty (30) legislative days following submission
24 of the standards, the standards shall be deemed approved.

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

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

21 F. Unless otherwise provided by specific vote of the
22 Legislature, joint resolutions introduced for purposes of approving,
23 disapproving, amending or disapproving with instructions any subject
24 matter standards shall not be subject to regular legislative cutoff

1 dates, shall be limited to such provisions as may be necessary for
2 approving, disapproving, amending or disapproving with instructions
3 any subject matter standards and any such other direction or mandate
4 regarding the standards deemed necessary by the Legislature. The
5 joint resolution shall contain no other provisions.

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

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

14 1. Earned four units each in English, mathematics, social
15 studies, and science;

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

18 3. Earned two units in a foreign language; and

19 4. Achieved a proficient or advanced score on all ~~end-of-~~
20 ~~instruction tests~~ assessments as required pursuant to Section
21 1210.508 of this title, as those tests are implemented.

22 B. For purposes of this section, applicable vocational-
23 technical classes offered by comprehensive high school vocational-
24 technical programs shall qualify for technology, science, and

1 mathematics units. Students enrolled in the programs may use one
2 unit of their six concentrated vocational-technical curriculum units
3 for one unit of mathematics required by this section and one unit of
4 their six concentrated vocational-technical curriculum units for one
5 unit of science required by this section. Advanced placement
6 classes in the subject areas listed in paragraphs 1, 2, and 3 of
7 subsection A of this section may be substituted on a course-by-
8 course basis to satisfy the academic units required for a
9 certificate of distinction.

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

12 SECTION 3. AMENDATORY 70 O.S. 2011, Section 1210.508, as
13 last amended by Section 4, Chapter 360, O.S.L. 2016 (70 O.S. Supp.
14 2016, Section 1210.508), is amended to read as follows:

15 Section 1210.508 A. 1. By no later than December 31, 2016,
16 the State Board of Education shall adopt a statewide system of
17 student assessments in compliance with the Elementary and Secondary
18 Education Act of 1965 (ESEA), as reauthorized and amended by P.L.
19 No. 114-95, also known as the Every Student Succeeds Act (ESSA).

20 2. The statewide student assessment system adopted by the Board
21 pursuant to this subsection shall be aligned with the Oklahoma
22 Academic Standards as adopted by the Board and which prepare
23 students for college and careers.

24

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

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

15 3. The assessments shall be reviewed for alignment to the
16 subject matter standards required in Sections 11-103.6 and 11-103.6a
17 of this title following the year such subject matter standards are
18 adopted.

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

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

23 1. Are aligned with the Oklahoma subject matter standards as
24 adopted by the Board;

2. Provide a measure of comparability among other states;

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

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

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

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

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

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

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

E. 1. Beginning with the 2017-2018 school year, the statewide 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

1 c. United States History not less than once during the
2 grade span of nine through twelve.

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

5 a. assessments in Reading and Writing in certain grades
6 as determined by the Board, and

7 b. contingent upon the availability of funds, an
8 additional nationally recognized college- and career-
9 readiness assessment or assessments as recommended by
10 the State Department of Education which will be
11 administered to students in high school at no cost to
12 the student.

13 F. 1. Beginning with students entering the ninth grade in the
14 2017-2018 school year, each student shall take the assessment or
15 assessments included in the statewide student assessment system
16 adopted by the Board pursuant to subsection A of this section in
17 order to graduate from a public high school with a standard diploma.
18 All students shall take the assessment or assessments prior to
19 graduation, unless otherwise exempt by law.

20 2. Beginning with students entering the ninth grade in the
21 2017-2018 school year, each student, in addition to taking the
22 assessment or assessments included in the statewide student
23 assessment system adopted by the Board pursuant to subsection A of
24 this subsection, shall meet any other high school graduation

1 requirements adopted by the Board pursuant to Section 5, Chapter
2 360, O.S.L. 2016 of this act in order to graduate from a public high
3 school with a standard diploma.

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

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

18 G. In order to provide an indication of the levels of
19 competency attained by the student in a permanent record for
20 potential future employers and institutions of higher education,
21 school districts shall report on the high school transcript of the
22 student the highest-achieved score on the assessment or assessments
23 included in the statewide student assessment system adopted by the
24

1 Board pursuant to subsection A of this subsection and any business-
2 and industry-recognized endorsements attained.

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

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

21 2. The State Department of Education shall annually evaluate
22 the results of the assessments. ~~The~~ Except as otherwise provided in
23 this section, the State Board of Education shall ensure that
24 preliminary results for all statewide assessments are reported to

1 districts no later than June 1 of each year and are presented in a
2 manner that yields detailed, diagnostic information for the purpose
3 of guiding instruction and student remediation. As improvements are
4 made to the assessments required by this section, the Board shall
5 seek to increase the depth of knowledge assessed for each subject.
6 The State Board of Education shall seek to ensure that data yielded
7 from the assessments required in this section are utilized at the
8 school district level to inform instruction, professional
9 development, school improvement and remediation for students.

10 3. The Commission for Educational Quality and Accountability
11 shall determine the cut scores for the performance levels on all
12 statewide assessments. The Commission shall conduct an ongoing
13 review to compare the statewide assessment content and performance
14 descriptors with those of other states. Upon receipt of the review,
15 the Commission may adjust the cut scores as necessary.

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

1 reliability and validity of the statewide assessments administered
2 pursuant to this section. Validity studies shall include studies of
3 decision validity and concurrent validity.

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

19 2. State, district, and site level results of all assessments
20 required in this section shall be disaggregated by gender, race,
21 ethnicity, disability status, migrant status, English proficiency,
22 and status as economically disadvantaged, except that such
23 disaggregation shall not be required in a case in which the number
24 of students in a category is insufficient to yield statistically

1 reliable information or the results would reveal personally
2 identifiable information about an individual student. Each school
3 site shall notify the student's parents of the school's performance
4 levels in the Oklahoma School Testing Program as reported in the
5 Oklahoma Educational Indicators Program at the end of each school
6 year.

7 K. In years where new cut scores shall be determined by the
8 Commission for Educational Quality and Accountability, the
9 prescribed deadlines in subsections I and J of this section shall be
10 waived.

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

14 ~~L.~~ M. The State Board of Education shall develop, administer,
15 and incorporate as a part of the Oklahoma School Testing Program,
16 other assessment programs or procedures, including appropriate
17 accommodations for the assessment of students with disabilities as
18 required by the Individuals with Disabilities Education Act (IDEA),
19 20 U.S.C., Section 1400 et seq.

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

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

56-1-5132 AM 01/03/17