

**SENATE CHAMBER**  
**STATE OF OKLAHOMA**

DISPOSITION

☐ FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_

☐ COMMITTEE AMENDMENT

\_\_\_\_\_  
(Date)

Mr./Madame President:

I move to amend House Bill No. 2641, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

\_\_\_\_\_  
Senator David

David-EB-FS-Req#2250  
4/24/2019 1:56 PM

(Floor Amendments Only)    Date and Time Filed: \_\_\_\_\_

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

FLOOR SUBSTITUTE  
FOR ENGROSSED

HOUSE BILL NO. 2641

By: Baker of the House

and

David of the Senate

FLOOR SUBSTITUTE

An Act relating to student assessments; amending 70 O.S. 2011, Section 1210.508, as last amended by Section 2, Chapter 67, O.S.L. 2018 (70 O.S. Supp. 2018, Section 1210.508), which relates to the statewide student assessment system; changing date by which preliminary assessment results are to be reported to school districts; changing date by which a final electronic data file of assessment results is to be provided; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.508, as last amended by Section 2, Chapter 67, O.S.L. 2018 (70 O.S. Supp. 2018, Section 1210.508), is amended to read as follows:

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

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

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

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

2. The Board shall adopt assessments from the selected proposals that were submitted pursuant to paragraph 1 of this subsection. The adopted assessments shall be administered by the Board for a period that is in coordination with the six-year subject area textbook adoption cycle unless the vendor does not fulfill the terms of the contract or fails to comply with or violates the terms of the contract. The Board shall administer the assessments beginning with the 2017-2018 school year.

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

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

2. Provide a measure of comparability among other states;

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

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

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

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

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

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

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

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

18           a. English Language Arts and Mathematics in grades three  
19 through eight and at least once in high school, during  
20 the grade span of nine through twelve,

21           b. Science not less than once during each grade span of  
22 three through five, six through nine and ten through  
23 twelve, and  
24

1           c.    United States History, with an emphasis on civics, not  
2               less than once during the grade span of nine through  
3               twelve.

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

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

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

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

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

1 this section, shall meet any other high school graduation  
2 requirements adopted by the Board pursuant to Section 5 of Enrolled  
3 House Bill No. 3218 of the 2nd Session of the 55th Oklahoma  
4 Legislature in order to graduate from a public high school with a  
5 standard diploma.

6 3. For students who start the ninth grade prior to or during  
7 the 2016-2017 school year, school districts shall adopt a plan that  
8 establishes the assessment or assessments those students are  
9 required to take in order to graduate from a public high school with  
10 a standard diploma. The plan may also include any or all of the  
11 other high school graduation requirements adopted by the Board  
12 pursuant to Section 5 of Enrolled House Bill No. 3218 of the 2nd  
13 Session of the 55th Oklahoma Legislature that those students will be  
14 required to meet in order to graduate from a public high school with  
15 a standard diploma.

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

21 G. In order to provide an indication of the levels of  
22 competency attained by the student in a permanent record for  
23 potential future employers and institutions of higher education,  
24 school districts shall report on the high school transcript of the

1 student the highest-achieved score on the assessment or assessments  
2 included in the statewide student assessment system adopted by the  
3 Board pursuant to subsection A of this section and any business- and  
4 industry-recognized endorsements attained.

5 H. Students who do not perform at a proficiency level on  
6 assessments shall be remediated as established in the assessment  
7 requirements adopted by the Board pursuant to Section 5 of Enrolled  
8 House Bill No. 3218 of the 2nd Session of the 55th Oklahoma  
9 Legislature, subject to the availability of funding.

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

23 2. The State Department of Education shall annually evaluate  
24 the results of the assessments. The State Board of Education shall

1 ensure that preliminary results for all statewide assessments are  
2 reported to districts no later than ~~June 1~~ June 20 of each year and  
3 are presented in a manner that yields detailed, diagnostic  
4 information for the purpose of guiding instruction and student  
5 remediation. As improvements are made to the assessments required  
6 by this section, the Board shall seek to increase the depth of  
7 knowledge assessed for each subject. The State Board of Education  
8 shall seek to ensure that data yielded from the assessments required  
9 in this section are utilized at the school district level to inform  
10 instruction, professional development, school improvement and  
11 remediation for students.

12 3. The Commission for Educational Quality and Accountability  
13 shall determine the cut scores for the performance levels on all  
14 statewide assessments. The Commission shall conduct an ongoing  
15 review to compare the statewide assessment content and performance  
16 descriptors with those of other states. Upon receipt of the review,  
17 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 statewide assessments administered  
4 pursuant to this section. Validity studies shall include studies of  
5 decision validity and concurrent validity.

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

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

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

8 K. The State Board of Education shall be responsible for the  
9 field-testing and validation of the statewide assessment system  
10 required in subsection A of this section.

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

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

21 SECTION 2. It being immediately necessary for the preservation  
22 of the public peace, health or safety, an emergency is hereby  
23  
24

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

3

4 57-1-2250 EB 4/24/2019 1:56:49 PM

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24