

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL NO. 738

By: Smalley

AS INTRODUCED

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; directing the State Board of Education to make certain results available within certain time period; 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 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

1 Academic Standards as adopted by the Board and which prepare  
2 students for college and careers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17           b. Science not less than once during each grade span of  
18 three through five, six through nine and ten through  
19 twelve, and

20           c. United States History, with an emphasis on civics, not  
21 less than once during the grade span of nine through  
22 twelve.

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

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

9 F. 1. Beginning with students entering the ninth grade in the  
10 2017-2018 school year, each student shall take the assessment or  
11 assessments included in the statewide student assessment system  
12 adopted by the Board pursuant to subsection A of this section in  
13 order to graduate from a public high school with a standard diploma.  
14 All students shall take the assessment or assessments prior to  
15 graduation, unless otherwise exempt by law.

16 2. Beginning with students entering the ninth grade in the  
17 2017-2018 school year, each student, in addition to taking the  
18 assessment or assessments included in the statewide student  
19 assessment system adopted by the Board pursuant to subsection A of  
20 this section, shall meet any other high school graduation  
21 requirements adopted by the Board pursuant to Section 5 of Enrolled  
22 House Bill No. 3218 of the 2nd Session of the 55th Oklahoma  
23 Legislature in order to graduate from a public high school with a  
24 standard diploma.

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

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

16           G. In order to provide an indication of the levels of  
17 competency attained by the student in a permanent record for  
18 potential future employers and institutions of higher education,  
19 school districts shall report on the high school transcript of the  
20 student the highest-achieved score on the assessment or assessments  
21 included in the statewide student assessment system adopted by the  
22 Board pursuant to subsection A of this section and any business- and  
23 industry-recognized endorsements attained.

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

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

19 2. The State Department of Education shall annually evaluate  
20 the results of the assessments. The State Board of Education shall  
21 ensure that preliminary results for all statewide assessments are  
22 reported to districts ~~no later than June 1 of each year~~ within ten  
23 (10) days of receiving the results and shall ensure that the results  
24 are presented in a manner that yields detailed, diagnostic

1 information for the purpose of guiding instruction and student  
2 remediation. As improvements are made to the assessments required  
3 by this section, the Board shall seek to increase the depth of  
4 knowledge assessed for each subject. The State Board of Education  
5 shall seek to ensure that data yielded from the assessments required  
6 in this section are utilized at the school district level to inform  
7 instruction, professional development, school improvement and  
8 remediation for students.

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

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

1 pursuant to this section. Validity studies shall include studies of  
2 decision validity and concurrent validity.

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

17 2. State, district, and site level results of all assessments  
18 required in this section shall be disaggregated by gender, race,  
19 ethnicity, disability status, migrant status, English proficiency,  
20 and status as economically disadvantaged, except that such  
21 disaggregation shall not be required in a case in which the number  
22 of students in a category is insufficient to yield statistically  
23 reliable information or the results would reveal personally  
24 identifiable information about an individual student. Each school



1 site shall notify the student's parents of the school's performance  
2 levels in the Oklahoma School Testing Program as reported in the  
3 Oklahoma Educational Indicators Program at the end of each school  
4 year.

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

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

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

18 SECTION 2. This act shall become effective July 1, 2019.

19 SECTION 3. It being immediately necessary for the preservation  
20 of the public peace, health or safety, an emergency is hereby  
21 declared to exist, by reason whereof this act shall take effect and  
22 be in full force from and after its passage and approval.

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