

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 HOUSE BILL 3585

By: Strom

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6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2021,  
8 Section 1210.508, which relates to the statewide  
9 system of student assessments; directing assessments  
10 to be administered to certain private school and  
11 homeschool students; requiring administration of  
12 assessments at a state-certified testing facility  
during the assessment window; mandating repayment of  
certain tax credit if assessments are not completed  
by the student; providing an effective date; and  
declaring an emergency.

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

16 SECTION 1. AMENDATORY 70 O.S. 2021, Section 1210.508, is  
17 amended to read as follows:

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

23 2. The statewide student assessment system adopted by the Board  
24 pursuant to this subsection shall be aligned with the Oklahoma  
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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:  
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- 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.  
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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. 1. Beginning with the 2024-2025 school year:

17 a. a student who attends a private school accredited by  
18 the State Board of Education or another accrediting  
19 association, or

20 b. a student who is educated pursuant to the other means  
21 of education exception provided for in subsection A of  
22 Section 10-105 of this title, and

23 for whom a taxpayer has successfully claimed a tax credit pursuant  
24 to the Oklahoma Parental Choice Tax Credit Act created in Section  
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1 28-100 of this title shall be administered the assessments required  
2 by subsection E of this section.

3 2. The assessments shall be administered at a state-certified  
4 testing facility during the assessment window dates as established  
5 in subsection K of this section.

6 3. If a student declines to complete the assessments required  
7 pursuant to this subsection, the taxpayer who successfully claims a  
8 tax credit pursuant to the Oklahoma Parental Choice Tax Credit Act  
9 shall repay the tax credit to the Oklahoma Tax Commission no later  
10 than sixty (60) days after the assessment window dates are  
11 concluded.

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

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

1        ~~F.~~ J. 1. All assessments required by this section shall  
2 measure academic competencies in correlation with the subject matter  
3 standards adopted by the Board pursuant to Sections 11-103.6 and 11-  
4 103.6a of this title and referred to as the Oklahoma Academic  
5 Standards. The State Board of Education shall evaluate the subject  
6 matter standards to ensure the competencies reflect high standards,  
7 are specific, well-defined, measurable, challenging, and will  
8 prepare elementary students for next-grade-level course work and  
9 secondary students for postsecondary studies at institutions of  
10 higher education or technology center schools without the need for  
11 remediation. All subject matter standards shall reflect the goals  
12 as set forth in Section 11-103.6 of this title and of improving the  
13 state average ACT score.

14        2. The State Department of Education shall annually evaluate  
15 the results of the assessments. The State Board of Education shall  
16 ensure that preliminary results for all statewide assessments are  
17 reported to districts no later than June 20 of each year and are  
18 presented in a manner that yields detailed, diagnostic information  
19 for the purpose of guiding instruction and student remediation. As  
20 improvements are made to the assessments required by this section,  
21 the Board shall seek to increase the depth of knowledge assessed for  
22 each subject. The State Board of Education shall seek to ensure  
23 that data yielded from the assessments required in this section are  
24 utilized at the school district level to inform instruction,

1 professional development, school improvement and remediation for  
2 students.

3 3. The Commission for Educational Quality and Accountability  
4 shall determine the cut scores for the performance levels on all  
5 statewide assessments. The Commission shall conduct an ongoing  
6 review to compare the statewide assessment content and performance  
7 descriptors with those of other states. Upon receipt of the review,  
8 the Commission may adjust the cut scores as necessary.

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

21 ~~J.~~ K. 1. The State Board of Education shall promulgate rules  
22 setting the assessment window dates for each statewide assessment so  
23 that the assessments are administered according to recommended  
24 testing protocols, and so that the assessment results are reported  
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1 back to school districts in a timely manner. The vendor shall  
2 provide a final electronic data file of all school site, school  
3 district, and state results to the State Department of Education and  
4 the Office of Educational Quality and Accountability prior to August  
5 20 of each year. The Department shall forward the final data files  
6 for each school district and each school site in that district to  
7 the school district. The Board shall ensure the contract with the  
8 vendor includes a provision that the vendor report assessment  
9 results directly to the Office of Educational Quality and  
10 Accountability at the same time it is reported to the Board.

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

1       ~~K.~~ L. The State Board of Education shall be responsible for the  
2 field-testing and validation of the statewide assessment system  
3 required in subsection A of this section.

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

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

14       SECTION 2. This act shall become effective July 1, 2024.

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

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20       59-2-8596       EK       01/04/24  
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