

An Act

ENROLLED SENATE
BILL NO. 419

By: Dossett (J.J.) of the
Senate

and

Waldron of the House

An Act relating to student assessments; amending 70 O.S. 2011, Section 1210.508, as last amended by Section 1, Chapter 479, O.S.L. 2019 (70 O.S. Supp. 2020, Section 1210.508), which relates to the statewide system of student assessments; and allowing a teacher beginning in certain school year to use certain assessment score to calculate a student's final grade for certain course.

SUBJECT: Student assessments

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 1, Chapter 479, O.S.L. 2019 (70 O.S. Supp. 2020, 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;

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
- c. United States History, with an emphasis on civics, not less than once during the grade span of nine through twelve. Beginning in the 2021-2022 school year, a school district shall not prohibit a teacher from using the highest-achieved score on the assessment required by this subparagraph to calculate the final grade for the applicable social studies, history or citizenship skills unit taken by the student in accordance with the provisions of Section 11-103.6 of this title in the school year the assessment is administered.

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

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

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

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

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

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

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

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

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

3. The Commission for Educational Quality and Accountability shall determine the cut scores for the performance levels on all statewide assessments. The Commission shall conduct an ongoing review to compare the statewide assessment content and performance

descriptors with those of other states. Upon receipt of the review, the Commission may adjust the cut scores as necessary.

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

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

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

Oklahoma Educational Indicators Program at the end of each school year.

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

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

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

Passed the Senate the 2nd day of March, 2021.

Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of April, 2021.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____