

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 2527

By: Casey and Bennett of the
House

4 and

5 Smalley of the Senate

6
7
8 [schools - Oklahoma School Testing Program -
9 deleting requirement for the development and
10 administration of certain criterion-referenced
11 tests in certain grades - ~~effective date~~ -
12 ~~emergency~~]

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AUTHOR: Add the following Senate Coauthor: Dossett

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AMENDMENT NO. 1. Page 1, strike the stricken title, enacting clause
and entire bill and insert

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"An Act relating to schools; amending 70 O.S. 2011,
Section 1210.508, as last amended by Section 8,
Chapter 430, O.S.L. 2014 (70 O.S. Supp. 2015,
Section 1210.508), which relates to the Oklahoma
School Testing Program; deleting requirement for
the State Board of Education to develop and
administer criterion-referenced tests in certain
grades; directing the State Board by certain date
to adopt rules for implementing a state system of
student assessments to comply with certain federal
law; directing system of assessments to include
assessments in certain subjects for certain grade
spans; directing assessments to be based on certain
standards; allowing assessments to include other

1 content areas; deleting requirement to administer
2 certain criterion-referenced tests in certain
3 grades; deleting requirement for students to
4 complete an end-of-instruction test upon completion
5 of certain subjects; deleting purpose of the end-
6 of-instruction tests; deleting requirement to
7 report results of the end-of-instruction tests on
8 student transcripts; deleting requirement for
9 school districts to administer a fine arts
10 assessment; updating references; requiring
11 assessment results to be reported to districts by a
12 certain date; deleting requirement to review,
13 realign and recalibrate certain tests; modifying
14 criteria for determining assessment window dates;
15 providing certain construction; providing for how
16 assessments are to be administered; deleting option
17 to participate in multistate or multigovernmental
18 cooperatives; directing the State Board to develop
19 high school graduation assessment requirements;
20 repealing 70 O.S. 2011, Section 1210.523, as last
21 amended by Section 26, Chapter 4, O.S.L. 2014 (70
22 O.S. Supp. 2015, Section 1210.523), which relates
23 to mastery of state academic content standards in
24 designated subjects; 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 8, Chapter 430, O.S.L. 2014 (70 O.S. Supp.
2015, Section 1210.508), is amended to read as follows:

Section 1210.508 A. ~~1. The~~ By no later than December 31,
2016, the State Board of Education shall ~~develop and administer a~~
~~series of criterion-referenced tests designed to indicate whether~~
~~the subject matter standards, as defined by the State Board of~~
~~Education, which Oklahoma public school students are expected to~~
~~have attained have been achieved. The Board may develop and~~

1 ~~administer any criterion-referenced test in any subject not required~~
2 ~~by federal law, contingent upon the availability of funding~~ adopt
3 rules providing for the adoption, proper implementation and
4 administration of a statewide system of student assessments in
5 compliance with the Elementary and Secondary Education Act of 1965
6 (ESEA), as reauthorized and amended by P.L. No. 114-95, also known
7 as the Every Student Succeeds Act (ESSA).

8 B. The statewide student assessment system shall include
9 assessments in English Language Arts or Reading and Mathematics each
10 year in grades three through eight and at least once in high school,
11 during the grade span of nine through twelve. In addition the
12 statewide student assessment system shall include assessments in
13 Science not less than once during each grade span of three through
14 five, six through nine and ten through twelve.

15 C. 1. The statewide student assessment system shall be based
16 on the Oklahoma Academic Standards as adopted by the Board and which
17 prepare students for college and careers.

18 2. Beginning with the 2016-2017 school year, the statewide
19 student assessment system shall assess the mastery level of the
20 Oklahoma Academic Standards in English Language Arts and Mathematics
21 of students in grades three through eight and in Science as
22 described in subsection B of this section. The statewide student
23 assessment system may include assessments in Reading and Writing in
24 certain grades as determined by the Board. The statewide student

1 assessment system may include assessments in other content areas
2 including but not limited to History if funding is available.

3 3. Beginning with the 2016-2017 school year, the statewide
4 student assessment system shall assess the mastery level of the
5 Oklahoma Academic Standards in English Language Arts, Mathematics
6 and Science of students at least once during the grade span of nine
7 through twelve.

8 D. Students who do not perform at least at the proficient level
9 on ~~tests~~ assessments shall be remediated, subject to the
10 availability of funding.

11 ~~2. Contingent upon the availability of state and federal funds,~~
12 ~~the Board, in accordance with federal law, shall administer~~
13 ~~criterion-referenced tests for grades three and four in:~~

- 14 a. ~~reading, and~~
- 15 b. ~~mathematics.~~

16 ~~3. Contingent upon the availability of funds, the Board shall~~
17 ~~administer criterion-referenced tests for grade five in:~~

- 18 a. ~~reading,~~
- 19 b. ~~mathematics,~~
- 20 c. ~~science,~~
- 21 d. ~~social studies, which shall consist of the history,~~
22 ~~Constitution and government of the United States, and~~
23 ~~geography, and~~
- 24 e. ~~writing of English.~~

1 ~~4. Contingent upon the availability of state and federal funds,~~
2 ~~the Board, in accordance with federal law, shall administer~~
3 ~~criterion-referenced tests for grades six and seven in:~~

- 4 ~~a. reading, and~~
- 5 ~~b. mathematics.~~

6 ~~In addition, the Board shall administer a criterion-referenced~~
7 ~~test in geography in grade seven.~~

8 ~~5. Contingent upon the availability of funds, the Board shall~~
9 ~~administer criterion-referenced tests for grade eight in:~~

- 10 ~~a. reading,~~
- 11 ~~b. mathematics,~~
- 12 ~~c. science,~~
- 13 ~~d. social studies, which shall consist of the history,~~
14 ~~Constitution, and government of the United States, and~~
- 15 ~~e. writing of English.~~

16 ~~The Board shall administer the tests for grade eight in reading~~
17 ~~and mathematics online with raw score test results reported~~
18 ~~immediately and complete results reported in less than two (2) weeks~~
19 ~~beginning in the 2007-08 school year.~~

20 ~~6. Except as otherwise provided for in Section 1210.523 of this~~
21 ~~title, each student who completes the instruction for English II,~~
22 ~~English III, United States History, Biology I, Algebra I, Geometry,~~
23 ~~and Algebra II at the secondary level shall complete an end-of-~~
24 ~~instruction test, when implemented, to measure for attainment in the~~

1 ~~appropriate subject matter standards in order to graduate from a~~
2 ~~public high school with a standard diploma. All students shall take~~
3 ~~the tests prior to graduation, unless otherwise exempt by law. The~~
4 ~~State Board of Education shall administer the criterion-referenced~~
5 ~~tests. The Board shall develop and field test the end-of-~~
6 ~~instruction tests in English III, Geometry, and Algebra II during~~
7 ~~the 2006-07 school year, implement the tests during the 2007-08~~
8 ~~school year, and administer them each year thereafter. The Board~~
9 ~~shall administer the multiple choice portion of the end-of-~~
10 ~~instruction tests online with raw score test results reported~~
11 ~~immediately and complete results reported in less than two (2) weeks~~
12 ~~beginning in the 2008-09 school year.~~

13 ~~The end-of-instruction tests shall serve the purpose of the~~
14 ~~criterion-referenced tests as provided in paragraph 1 of this~~
15 ~~subsection. The English II and English III end-of-instruction tests~~
16 ~~shall include a writing component. Students who do not score at~~
17 ~~least at the proficient level shall be afforded the opportunity to~~
18 ~~retake each test up to three (3) times each calendar year until at~~
19 ~~least achieving at the proficient level. In order to provide an~~
20 ~~indication of the levels of competency attained by the student in a~~
21 ~~permanent record for potential future employers and institutions of~~
22 ~~higher education, for students who enter the ninth grade in or prior~~
23 ~~to the 2007-08 school year, school districts shall report the~~
24 ~~highest-achieved state test performance level on the end-of-~~

1 ~~instruction tests on the student's high school transcript.~~
2 ~~Beginning with students who enter the ninth grade in the 2008-09~~
3 ~~school year, school districts shall report the highest-achieved~~
4 ~~state test performance level on the end-of-instruction tests and any~~
5 ~~business and industry-recognized endorsements attained on the~~
6 ~~student's high school transcript. Any student at the middle school~~
7 ~~level who completes the instruction in a secondary course specified~~
8 ~~in this paragraph shall be administered the appropriate end-of-~~
9 ~~instruction test.~~

10 7. a. ~~Each school district shall administer to each student~~
11 ~~in the school district in grades three through eight~~
12 ~~an assessment designed to assess the student in the~~
13 ~~fine arts area in which the student has received~~
14 ~~instruction.~~

15 b. ~~Each school district shall prepare an annual report~~
16 ~~for approval by the State Board of Education outlining~~
17 ~~the fine arts assessment strategies used by the~~
18 ~~district, when the assessments were administered, how~~
19 ~~many students were assessed during the previous year,~~
20 ~~and the results of the assessments.~~

21 B. E. 1. All ~~critierion-referenced tests~~ assessments required
22 by this section shall measure academic competencies in correlation
23 with the subject matter standards adopted by the Board pursuant to
24 Sections 11-103.6 and 11-103.6a of this title and referred to as the

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

10 2. The State Department of Education shall annually evaluate
11 the results of the ~~critierion-referenced tests~~ assessments. The
12 State Board of Education shall ensure that ~~test~~ results for all
13 statewide assessments are reported to districts no later than June 1
14 of each year and are presented in a manner that yields detailed,
15 diagnostic information for the purpose of guiding instruction and
16 student remediation. As improvements are made to the ~~critierion-~~
17 ~~referenced tests~~ assessments required by this section, the Board
18 shall seek to increase the depth of knowledge assessed for each
19 subject. The State Board of Education shall seek to ensure that
20 data yielded from the ~~tests~~ assessments required in this section are
21 utilized at the school district level to prescribe reinforcement
22 and/or remediation by requiring school districts to develop and
23 implement a specific program of improvement based on the ~~test~~
24 assessment results.

1 3. ~~The State Board of Education in coordination with the Office~~
2 ~~of Educational Quality and Accountability shall review, realign, and~~
3 ~~recalibrate, as necessary, the tests in reading and mathematics in~~
4 ~~third through eighth grade and the end-of-instruction tests.~~ The
5 Commission for Educational Quality and Accountability shall
6 determine the cut scores for the performance levels on ~~the end-of-~~
7 ~~instruction tests developed pursuant to paragraph 6 of subsection A~~
8 ~~of this section~~ all statewide assessments. The Commission shall
9 conduct an ongoing review to compare the ~~end-of-instruction test~~
10 statewide assessment content and performance descriptors with those
11 of other states. Upon receipt of the review, the Commission may
12 adjust the cut scores as necessary.

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

1 ~~C. F.~~ 1. The State Board of Education shall set the ~~testing~~
2 assessment window dates for each ~~criterion-referenced test~~ required
3 ~~in paragraphs 1 through 5 of subsection A of this section for grades~~
4 ~~three through eight~~ statewide assessment so that, ~~with the exception~~
5 ~~of the writing assessments,~~ the ~~tests~~ assessments are administered
6 ~~to students no earlier than April 10 each year~~ according to
7 recommended testing protocols and so that the ~~test~~ assessment
8 results are reported back to school districts in a timely manner.
9 ~~Each criterion-referenced test required in paragraph 6 of subsection~~
10 ~~A of this section may be administered to students at a time set by~~
11 ~~the State Board of Education as near as possible to the end of the~~
12 ~~course; provided, if a school district is unable to administer the~~
13 ~~tests online to all students taking the test for the first time and~~
14 ~~all students retaking the test during the testing window time set by~~
15 ~~the Board,~~ the Nothing in this subsection shall be construed to
16 require a single administration of the statewide assessments or that
17 assessments be done in a summative format. A school district may
18 elect to administer any of the ~~tests~~ assessments to students
19 retaking the ~~test~~ assessment at any time not more than two (2) weeks
20 prior to the start of the ~~testing~~ assessment window time set by the
21 Board. ~~All results and reports of the criterion-referenced test~~
22 ~~series required in paragraphs 1 through 5 of subsection A of this~~
23 ~~section for grades three through eight shall be returned to each~~
24 ~~school district prior to the beginning of the next school year.~~ The

1 vendor shall provide a final electronic data file of all school
2 site, school district, and state results to the State Department of
3 Education and the Office of Educational Quality and Accountability
4 prior to September 1 of each year. The Department shall forward the
5 final data files for each school district and each school site in
6 that district to the school district. The Board shall ensure the
7 contract with the ~~testing~~ vendor includes a provision that the
8 vendor report ~~test~~ assessment results directly to the Office of
9 Educational Quality and Accountability at the same time it is
10 reported to the Board.

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

23 ~~D. G.~~ G. The State Board of Education shall be responsible for the
24 ~~development,~~ field-testing, and validation of the ~~criteria-~~

1 ~~referenced test series~~ statewide assessment system required in
2 subsection A of this section. ~~In the interest of economy the Board~~
3 ~~may participate in a multistate or multigovernmental cooperative~~
4 ~~pursuant to the requirements of The Oklahoma Central Purchasing Act,~~
5 ~~but shall not bind the state, contractually or otherwise, to the~~
6 ~~authority of any other state, organization or entity which may~~
7 ~~supersede the authority of the Board, for the purpose of adapting~~
8 ~~criterion-referenced tests, to the extent that such tests are~~
9 ~~appropriate for use in the testing program to be administered to~~
10 ~~Oklahoma students.~~

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

17 ~~F.~~ I. 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 J. The State Board of Education shall develop high school
22 graduation assessment requirements which students shall meet in
23 order to graduate from a public high school with a standard diploma.
24

1 The assessment requirements may include the use of nationally
2 recognized assessments.

3 SECTION 2. REPEALER 70 O.S. 2011, Section 1210.523, as
4 last amended by Section 26, Chapter 4, O.S.L. 2014 (70 O.S. Supp.
5 2015, Section 1210.523), is hereby repealed.

6 SECTION 3. This act shall become effective July 1, 2016.

7 SECTION 4. It being immediately necessary for the preservation
8 of the public peace, health and safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval."

11 Passed the Senate the 19th day of April, 2016.

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Presiding Officer of the Senate

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15 Passed the House of Representatives the ____ day of _____,
16 2016.

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Presiding Officer of the House
of Representatives

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1 ENGROSSED HOUSE
2 BILL NO. 2527

By: Casey and Bennett of the
House

3 and

4 Smalley of the Senate

5
6
7
8 [schools - Oklahoma School Testing Program -
9 deleting requirement for the development and
10 administration of certain criterion-referenced
11 tests in certain grades - ~~effective date~~ -
12 ~~emergency~~]

13
14
15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 5. AMENDATORY 70 O.S. 2011, Section 1210.508, as
17 last amended by Section 8, Chapter 430, O.S.L. 2014 (70 O.S. Supp.
18 2015, Section 1210.508), is amended to read as follows:

19 Section 1210.508 A. ~~1. The~~ By no later than December 31,
20 2016, the State Board of Education shall ~~develop and administer a~~
21 ~~series of criterion-referenced tests designed to indicate whether~~
22 ~~the subject matter standards, as defined by the State Board of~~
23 ~~Education, which Oklahoma public school students are expected to~~
24 ~~have attained have been achieved. The Board may develop and~~

1 ~~administer any criterion-referenced test in any subject not required~~
2 ~~by federal law, contingent upon the availability of funding~~ adopt
3 rules providing for the adoption, proper implementation and
4 administration of a statewide system of student assessments in
5 compliance with the Elementary and Secondary Education Act of 1965
6 (ESEA), as reauthorized and amended by P.L. No. 114-95, also known
7 as the Every Student Succeeds Act (ESSA).

8 B. The statewide student assessment system shall include
9 assessments in English Language Arts or Reading and Mathematics each
10 year in grades three through eight and at least once in high school,
11 during the grade span of nine through twelve. In addition the
12 statewide student assessment system shall include assessments in
13 Science not less than once during each grade span of three through
14 five, six through nine and ten through twelve.

15 C. 1. The statewide student assessment system shall be based
16 on the Oklahoma Academic Standards as adopted by the Board and which
17 prepare students for college and careers.

18 2. Beginning with the 2016-2017 school year, the statewide
19 student assessment system shall assess the mastery level of the
20 Oklahoma Academic Standards in English Language Arts and Mathematics
21 of students in grades three through eight and in Science of students
22 in grade five and in grade eight. The statewide student assessment
23 system may include assessments in Reading and Writing in certain
24 grades as determined by the Board. The statewide student assessment

1 system may include assessments in other content areas including but
2 not limited to History if funding is available.

3 3. Beginning with the 2016-2017 school year, the statewide
4 student assessment system shall assess the mastery level of the
5 Oklahoma Academic Standards in English Language Arts, Mathematics
6 and Science of students at least once during the grade span of nine
7 through twelve.

8 D. The rules adopted by the Board providing for a statewide
9 system of student assessment may allow boards of education of school
10 districts to use local assessments, which are nationally recognized,
11 for students at the secondary level in place of the statewide
12 assessments, upon approval of the Board. Local assessments approved
13 by the Board and used in place of statewide student assessments
14 shall be considered statewide assessments.

15 E. Students who do not perform at least at the proficient level
16 on ~~tests~~ assessments shall be remediated, subject to the
17 availability of funding.

18 ~~2. Contingent upon the availability of state and federal funds,~~
19 ~~the Board, in accordance with federal law, shall administer~~
20 ~~criterion-referenced tests for grades three and four in:~~

21 ~~a. reading, and~~

22 ~~b. mathematics.~~

23 ~~3. Contingent upon the availability of funds, the Board shall~~
24 ~~administer criterion-referenced tests for grade five in:~~

- 1 a. ~~reading,~~
- 2 b. ~~mathematics,~~
- 3 c. ~~science,~~
- 4 d. ~~social studies, which shall consist of the history,~~
- 5 ~~Constitution and government of the United States, and~~
- 6 ~~geography, and~~
- 7 e. ~~writing of English.~~

8 ~~4. Contingent upon the availability of state and federal funds,~~
9 ~~the Board, in accordance with federal law, shall administer~~
10 ~~criterion-referenced tests for grades six and seven in:~~

- 11 a. ~~reading, and~~
- 12 b. ~~mathematics.~~

13 ~~In addition, the Board shall administer a criterion-referenced~~
14 ~~test in geography in grade seven.~~

15 ~~5. Contingent upon the availability of funds, the Board shall~~
16 ~~administer criterion-referenced tests for grade eight in:~~

- 17 a. ~~reading,~~
- 18 b. ~~mathematics,~~
- 19 c. ~~science,~~
- 20 d. ~~social studies, which shall consist of the history,~~
- 21 ~~Constitution, and government of the United States, and~~
- 22 e. ~~writing of English.~~

23 ~~The Board shall administer the tests for grade eight in reading~~
24 ~~and mathematics online with raw score test results reported~~

1 ~~immediately and complete results reported in less than two (2) weeks~~
2 ~~beginning in the 2007-08 school year.~~

3 ~~6. Except as otherwise provided for in Section 1210.523 of this~~
4 ~~title, each student who completes the instruction for English II,~~
5 ~~English III, United States History, Biology I, Algebra I, Geometry,~~
6 ~~and Algebra II at the secondary level shall complete an end-of-~~
7 ~~instruction test, when implemented, to measure for attainment in the~~
8 ~~appropriate subject matter standards in order to graduate from a~~
9 ~~public high school with a standard diploma. All students shall take~~
10 ~~the tests prior to graduation, unless otherwise exempt by law. The~~
11 ~~State Board of Education shall administer the criterion-referenced~~
12 ~~tests. The Board shall develop and field test the end-of-~~
13 ~~instruction tests in English III, Geometry, and Algebra II during~~
14 ~~the 2006-07 school year, implement the tests during the 2007-08~~
15 ~~school year, and administer them each year thereafter. The Board~~
16 ~~shall administer the multiple choice portion of the end-of-~~
17 ~~instruction tests online with raw score test results reported~~
18 ~~immediately and complete results reported in less than two (2) weeks~~
19 ~~beginning in the 2008-09 school year.~~

20 ~~The end-of-instruction tests shall serve the purpose of the~~
21 ~~criterion-referenced tests as provided in paragraph 1 of this~~
22 ~~subsection. The English II and English III end-of-instruction tests~~
23 ~~shall include a writing component. Students who do not score at~~
24 ~~least at the proficient level shall be afforded the opportunity to~~

1 ~~retake each test up to three (3) times each calendar year until at~~
2 ~~least achieving at the proficient level. In order to provide an~~
3 ~~indication of the levels of competency attained by the student in a~~
4 ~~permanent record for potential future employers and institutions of~~
5 ~~higher education, for students who enter the ninth grade in or prior~~
6 ~~to the 2007-08 school year, school districts shall report the~~
7 ~~highest-achieved state test performance level on the end-of-~~
8 ~~instruction tests on the student's high school transcript.~~

9 ~~Beginning with students who enter the ninth grade in the 2008-09~~
10 ~~school year, school districts shall report the highest-achieved~~
11 ~~state test performance level on the end-of-instruction tests and any~~
12 ~~business and industry-recognized endorsements attained on the~~
13 ~~student's high school transcript. Any student at the middle school~~
14 ~~level who completes the instruction in a secondary course specified~~
15 ~~in this paragraph shall be administered the appropriate end-of-~~
16 ~~instruction test.~~

17 ~~7. a. Each school district shall administer to each student~~
18 ~~in the school district in grades three through eight~~
19 ~~an assessment designed to assess the student in the~~
20 ~~fine arts area in which the student has received~~
21 ~~instruction.~~

22 ~~b. Each school district shall prepare an annual report~~
23 ~~for approval by the State Board of Education outlining~~
24 ~~the fine arts assessment strategies used by the~~

1 ~~district, when the assessments were administered, how~~
2 ~~many students were assessed during the previous year,~~
3 ~~and the results of the assessments.~~

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

17 2. The State Department of Education shall annually evaluate
18 the results of the ~~critierion-referenced tests~~ assessments. The
19 State Board of Education shall ensure that ~~test~~ results for all
20 statewide assessments are reported to districts no later than June 1
21 of each year and are presented in a manner that yields detailed,
22 diagnostic information for the purpose of guiding instruction and
23 student remediation. As improvements are made to the ~~critierion-~~
24 ~~referenced tests~~ assessments required by this section, the Board

1 shall seek to increase the depth of knowledge assessed for each
2 subject. The State Board of Education shall seek to ensure that
3 data yielded from the ~~tests~~ assessments required in this section are
4 utilized at the school district level to prescribe reinforcement
5 and/or remediation by requiring school districts to develop and
6 implement a specific program of improvement based on the ~~test~~
7 assessment results.

8 3. ~~The State Board of Education in coordination with the Office~~
9 ~~of Educational Quality and Accountability shall review, realign, and~~
10 ~~recalibrate, as necessary, the tests in reading and mathematics in~~
11 ~~third through eighth grade and the end-of-instruction tests.~~ The
12 Commission for Educational Quality and Accountability shall
13 determine the cut scores for the performance levels on ~~the end-of-~~
14 ~~instruction tests developed pursuant to paragraph 6 of subsection A~~
15 ~~of this section~~ all statewide assessments. The Commission shall
16 conduct an ongoing review to compare the ~~end-of-instruction test~~
17 statewide assessment content and performance descriptors with those
18 of other states. Upon receipt of the review, the Commission may
19 adjust the cut scores as necessary.

20 4. The State Board of Education, for the purposes of conducting
21 reliability and validity studies, monitoring contractor adherence to
22 professionally accepted testing standards, and providing
23 recommendations for testing program improvement, shall retain the
24 services of an established, independent agency or organization that

1 is nationally recognized for its technical expertise in educational
2 testing but is not engaged in the development of aptitude or
3 achievement tests for elementary or secondary level grades. These
4 national assessment experts shall annually conduct studies of the
5 reliability and validity of the ~~end-of-instruction tests~~ statewide
6 assessments administered pursuant to this section. Validity studies
7 shall include studies of decision validity and concurrent validity.

8 ~~C. G.~~ 1. The State Board of Education shall set the ~~testing~~
9 assessment window dates for each ~~riterion-referenced test~~ required
10 ~~in paragraphs 1 through 5 of subsection A of this section for grades~~
11 ~~three through eight~~ statewide assessment so that, ~~with the exception~~
12 ~~of the writing assessments,~~ the ~~tests~~ assessments are administered
13 ~~to students no earlier than April 10 each year~~ according to
14 recommended testing protocols and so that the ~~test~~ assessment
15 results are reported back to school districts in a timely manner.
16 ~~Each criterion-referenced test required in paragraph 6 of subsection~~
17 ~~A of this section may be administered to students at a time set by~~
18 ~~the State Board of Education as near as possible to the end of the~~
19 ~~course; provided, if a school district is unable to administer the~~
20 ~~tests online to all students taking the test for the first time and~~
21 ~~all students retaking the test during the testing window time set by~~
22 ~~the Board,~~ the Nothing in this subsection shall be construed to
23 require a single administration of the statewide assessments or that
24 assessments be done in a summative format. A school district may

1 elect to administer any of the ~~tests~~ assessments to students
2 retaking the ~~test~~ assessment at any time not more than two (2) weeks
3 prior to the start of the ~~testing~~ assessment window time set by the
4 Board. ~~All results and reports of the criterion-referenced test~~
5 ~~series required in paragraphs 1 through 5 of subsection A of this~~
6 ~~section for grades three through eight shall be returned to each~~
7 ~~school district prior to the beginning of the next school year.~~ The
8 vendor shall provide a final electronic data file of all school
9 site, school district, and state results to the State Department of
10 Education and the Office of Educational Quality and Accountability
11 prior to September 1 of each year. The Department shall forward the
12 final data files for each school district and each school site in
13 that district to the school district. The Board shall ensure the
14 contract with the ~~testing~~ vendor includes a provision that the
15 vendor report ~~test~~ assessment results directly to the Office of
16 Educational Quality and Accountability at the same time it is
17 reported to the Board.

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

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

6 ~~D. H.~~ H. The State Board of Education shall be responsible for the
7 ~~development,~~ field-testing, and validation of the ~~critierion-~~
8 ~~referenced test series~~ statewide assessment system required in
9 subsection A of this section. ~~In the interest of economy the Board~~
10 ~~may participate in a multistate or multigovernmental cooperative~~
11 ~~pursuant to the requirements of The Oklahoma Central Purchasing Act,~~
12 ~~but shall not bind the state, contractually or otherwise, to the~~
13 ~~authority of any other state, organization or entity which may~~
14 ~~supersede the authority of the Board, for the purpose of adapting~~
15 ~~critierion-referenced tests, to the extent that such tests are~~
16 ~~appropriate for use in the testing program to be administered to~~
17 ~~Oklahoma students.~~

18 ~~E. I.~~ I. The State Board of Education shall develop, administer,
19 and incorporate as a part of the Oklahoma School Testing Program,
20 other ~~testing~~ assessment programs or procedures, including
21 appropriate accommodations for the ~~testing~~ assessment of students
22 with disabilities as required by the Individuals with Disabilities
23 Education Act (IDEA), 20 USC, Section 1400 et seq.

24

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

5 K. The State Board of Education shall develop high school
6 graduation assessment requirements which students shall meet in
7 order to graduate from a public high school with a standard diploma.
8 The assessment requirements may include the use of nationally
9 recognized assessments.

10 SECTION 6. AMENDATORY 70 O.S. 2011, Section 1210.523, as
11 last amended by Section 26, Chapter 4, O.S.L. 2014 (70 O.S. Supp.
12 2015, Section 1210.523), is amended to read as follows:

13 Section 1210.523 A. 1. Except as otherwise provided for in
14 ~~subsections D and E of this section, beginning with~~ for students
15 entering the ninth grade ~~in~~ prior to the ~~2008-2009~~ 2016-2017 school
16 year, every student shall demonstrate mastery of the state academic
17 content standards in the following subject areas in order to
18 graduate from a public high school with a standard diploma:

- 19 ~~1.~~ a. Algebra I~~+~~,
20 ~~2.~~ b. English II~~+~~, and
21 ~~3.~~ c. ~~Two~~ two of the following five:
22 ~~a.~~ (1) Algebra II,
23 ~~b.~~ (2) Biology I,
24 ~~c.~~ (3) English III,

1 ~~d.~~ (4) Geometry, and

2 ~~e.~~ (5) United States History.

3 ~~B.~~ 2. To demonstrate mastery, the student shall attain at least
4 a proficient score on the end-of-instruction criterion-referenced
5 tests administered pursuant to Section 1210.508 of this title. The
6 Board shall continue to administer the end-of-instruction criterion-
7 referenced assessments to the cohort of students who started the
8 ninth grade prior to the 2016-2017 school year until that cohort of
9 students has graduated or is no longer enrolled in a public high
10 school.

11 B. 1. Except as otherwise provided for in this section,
12 beginning with students entering the ninth grade in the 2016-2017
13 school year, every student shall demonstrate mastery of academic
14 content standards in the following subject areas in order to
15 graduate from a public high school with a standard diploma:

16 a. Algebra I,

17 b. English II, and

18 c. two of the following five:

19 (1) Algebra II,

20 (2) Biology I,

21 (3) English III,

22 (4) Geometry, and

23 (5) United States History.

24

1 2. To demonstrate mastery, the student shall attain at least a
2 proficient score on the statewide assessment administered pursuant
3 to Section 1210.508 of this title.

4 C. Notwithstanding any other provision of law, students who do
5 not attain at least a proficient score on any end-of-instruction
6 test as provided for in subsection A of this section or statewide
7 assessment as provided for in subsection B of this section shall be
8 provided remediation or intervention and the opportunity to retake
9 the ~~test~~ assessment until at least a proficient score is attained ~~on~~
10 ~~the tests of Algebra I, English II and two of the tests required in~~
11 ~~paragraph 3 of subsection A of this section or an approved~~
12 ~~alternative test.~~ Technology center schools shall be authorized to
13 provide intervention and remediation in Algebra I, Algebra II,
14 Geometry, English II, English III, United States History, and
15 Biology I to students enrolled in technology center schools, with
16 the approval of the independent school district board.

17 D. 1. Students who do not meet the requirements of subsection
18 A or subsection B of this section may graduate from a public high
19 school with a standard diploma by demonstrating mastery of ~~state~~
20 academic content standards by alternative methods as approved by the
21 State Board of Education.

22 2. The State Board of Education shall adopt rules providing for
23 necessary student exceptions and exemptions to the requirements of
24 this section. The Board shall collect data by school site and

1 district on the number of students provided and categories of
2 exceptions and exemptions granted. ~~Beginning October 1, 2012, the~~
3 The Board shall provide an annual report of this data to the
4 Governor, President Pro Tempore of the Senate and Speaker of the
5 House of Representatives.

6 3. Students who score ten percent (10%) above the cut scores
7 approved by the State Board of Education for the American College
8 Testing Program (ACT), the Scholastic Aptitude Test (SAT), ACT Plan
9 or Preliminary Scholastic Aptitude Test/National Merit Scholarship
10 Qualifying Test (PSAT/NMSQT) ~~alternate tests~~ alternative assessments
11 shall be deemed to have satisfactorily demonstrated mastery of ~~state~~
12 academic content standards in the subject areas for which
13 alternative ~~tests~~ assessments have been approved and shall be exempt
14 from taking the end-of-instruction criterion-referenced tests as
15 provided for in subsection A of this section or the statewide
16 assessments as provided for in subsection B of this section in the
17 subject areas of Algebra II, English III, Geometry or United States
18 History ~~as listed in paragraph 3 of subsection A of this section.~~

19 4. Students who have a score that is equal to or above the cut
20 scores approved by the State Board of Education for the Advanced
21 Placement course exams, ACT Workkeys job skills assessment, College-
22 Level Examination Program (CLEP) or International Baccalaureate (IB)
23 alternate ~~tests~~ assessments shall be deemed to have satisfactorily
24 demonstrated mastery of ~~state~~ academic content standards in the

1 subject areas for which ~~alternate tests~~ alternative assessments have
2 been approved and shall be exempt from taking the end-of-instruction
3 criterion-referenced tests as provided for in subsection A of this
4 section or the statewide assessments as provided for in subsection B
5 of this section in the subject areas of Algebra II, English III,
6 Geometry or United States History ~~as listed in paragraph 3 of~~
7 ~~subsection A of this section.~~

8 5. The State Board of Education shall adopt rules providing for
9 implementation of paragraphs 3 and 4 of this subsection. The rules
10 shall provide for the designation of students as proficient or
11 advanced based on the scores obtained pursuant to paragraphs 3 and 4
12 of this subsection for the purposes of calculating the grade of a
13 school as part of the accountability system developed pursuant to
14 Section 1210.545 of this title, evaluating teachers and
15 administrators as part of the Teacher and Leader Effectiveness
16 Evaluation System developed pursuant to Section 6-101.16 of this
17 title and for any other purpose provided for by law.

18 E. 1. The State Board of Education shall adopt rules
19 establishing an appeal process for students who have been denied a
20 standard diploma by the school district in which the student is or
21 was enrolled for failing to meet the requirements of this section.
22 A student who has been denied a standard diploma by the school
23 district in which the student is enrolled shall have thirty (30)
24 days after denial of the standard diploma in which to file a

1 petition for an appeal to the State Board of Education. The State
2 Board of Education shall take action on a petition for an appeal no
3 later than forty-five (45) days after receiving the petition.

4 2. The State Board of Education shall collect data by school
5 site and school district on the number of students petitioning for
6 an appeal and the number of appeals approved by the State Board of
7 Education pursuant to this subsection. ~~Beginning October 1, 2012,~~
8 ~~the~~ The State Board of Education shall provide an annual report of
9 this data to the Governor, President Pro Tempore of the Senate and
10 Speaker of the House of Representatives.

11 F. 1. Students who have individualized education programs
12 pursuant to the Individuals with Disabilities Education Act (IDEA)
13 shall have an appropriate statement on the student's individualized
14 education program requiring administration of the assessment with or
15 without accommodations or an alternate assessment. Any
16 accommodations normally employed for the assessment shall be
17 approved by the State Board of Education and be provided for in the
18 individualized education program. All documentation for each
19 student shall be on file in the school prior to administration of
20 the assessment.

21 2. Students with disabilities whose individualized education
22 program (IEP) pursuant to the Individuals with Disabilities
23 Education Act (IDEA) indicates that the student is to be assessed
24 with alternate achievement standards through the Oklahoma Alternate

1 Assessment Program (OAAP) may be eligible to graduate from a public
2 high school with a standard diploma after failing to meet the
3 requirements of subsection A or B of this section upon the
4 determination of the school district that the student meets the
5 following criteria:

- 6 a. obtains a written recommendation from the student's
7 teacher of record in consultation with the teacher in
8 each subject in which the student failed to meet the
9 requirements of subsection A or B of this section.
10 The recommendation shall be supported by the principal
11 and by documentation demonstrating the acquired
12 knowledge of the student by alternate measures as
13 required by the individualized education program
14 (IEP),
- 15 b. completes remediation opportunities to the extent
16 required by the individualized education program
17 (IEP),
- 18 c. retakes the ~~exam~~ assessment in each subject in which
19 the student failed to meet the requirements of
20 subsection A or B of this section if the
21 individualized education program (IEP) requires retake
22 opportunities,

23
24

- 1 d. maintains at least a C average or the equivalent in
2 each subject in which the student failed to meet the
3 requirements of subsection A or B of this section, and
4 e. meets all other graduation requirements of the school
5 district in which the student is enrolled.

6 3. The Oklahoma School for the Blind and the Oklahoma School
7 for the Deaf shall be considered local education agencies solely for
8 the purposes of purchasing, and administering assessments and
9 obtaining ~~test~~ assessment results under this section for the
10 students attending their schools.

11 4. Students identified as English language learners shall be
12 assessed in a valid and reliable manner with the state academic
13 assessments with acceptable accommodations as necessary or, to the
14 extent practicable, with alternate assessments aligned to the state
15 assessment provided by the school district in the language and form
16 most likely to yield accurate data of the student's knowledge of the
17 content areas.

18 G. Students who have been denied a standard diploma by the
19 school district in which the student is or was enrolled for failing
20 to meet the requirements of this section may re-enroll in the school
21 district that denied the student a standard diploma following the
22 denial of a standard diploma. The student shall be provided
23 remediation or intervention and the opportunity to retake the ~~test~~
24 assessment until at least a proficient score is attained on the ~~test~~

1 assessment or ~~tests~~ assessments necessary to obtain a standard
2 diploma. Students who re-enroll in the school district to meet the
3 graduation requirements of this section shall be exempt from the
4 hourly instructional requirements of Section 1-111 of this title and
5 the six-period enrollment requirements of Section 11-103.6 of this
6 title.

7 H. The State Board of Education shall be authorized to contract
8 with an entity to develop and advise on the implementation of a
9 communications campaign to build public understanding of and support
10 for the ~~testing~~ assessment requirements of this section.

11 ~~SECTION 7. This act shall become effective July 1, 2016.~~

12 ~~SECTION 8. It being immediately necessary for the preservation~~
13 ~~of the public peace, health and safety, an emergency is hereby~~
14 ~~declared to exist, by reason whereof this act shall take effect and~~
15 ~~be in full force from and after its passage and approval.~~

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1 Passed the House of Representatives the 10th day of March, 2016.

2
3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2016.

6
7
8 _____
9 Presiding Officer of the Senate