

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
BILL NO. 3221

By: Nollan of the House

and

Stanislawski of the Senate

7 An Act relating to schools; amending 70 O.S. 2011,
8 Section 1210.541, as last amended by Section 1,
9 Chapter 131, O.S.L. 2017 (70 O.S. Supp. 2017, Section
10 1210.541), which relates to student performance
11 levels; modifying performance level labels; updating
12 definitions of levels; and providing an effective
13 date.

13 AUTHORS: Add the following Senate Coauthors: Pittman, Bergstrom,
14 Ikley-Freeman and Matthews

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

17 "An Act relating to schools; amending 70 O.S. 2011,
18 Section 11-103.6b, which relates to diversity of
19 social studies core curriculum; requiring inclusion
20 of information about Juneteenth in social studies
21 curriculum; defining term; updating statutory
22 references; amending 70 O.S. 2011, Section 1210.507,
23 as last amended by Section 3, Chapter 360, O.S.L.
24 2016 (70 O.S. Supp. 2017, Section 1210.507), which
relates to rules and regulations for assessments;
requiring rather than allowing administration of
certain assessments electronically; removing language
requiring the State Board of Education to administer
all assessments by another means; directing the State
Board of Education to adopt a timeline for certain
transition; allowing a school district to offer

1 printed assessments if certain request for approval
2 is made; directing the State Department of Education
3 to publish certain date; providing an effective date;
4 and declaring an emergency.

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

6 SECTION 1. AMENDATORY 70 O.S. 2011, Section 11-103.6b,
7 is amended to read as follows:

8 Section 11-103.6b A. The State Board of Education shall adopt
9 a social studies core curriculum with courses of instruction for all
10 students enrolled in the public schools that reflect the racial,
11 ethnic, religious, and cultural diversity of the United States of
12 America. The United States history and Oklahoma history components
13 required in the social studies curriculum for all students shall
14 include, but not be limited to, African Americans, Native Americans,
15 and Hispanic Americans. The United States history component
16 required in the social studies curriculum for all students shall
17 include information about Juneteenth commemorating emancipation of
18 enslaved African Americans.

19 B. The State Textbook Committee, when adopting textbooks, shall
20 incorporate the provisions of subsection A of this section into the
21 criteria used to evaluate United States history and Oklahoma history
22 textbooks. Any United States history or Oklahoma history textbook
23 on the state adopted textbook list shall conform to the purposes of
24 this ~~act~~ section. The State Textbook Committee shall ensure that

1 all social studies textbooks and supplementary materials selected to
2 be purchased with state funds for use in Oklahoma classrooms reflect
3 the racial, ethnic, religious, and cultural diversity of the United
4 States.

5 C. It is the intent of the Legislature that a portion of the
6 state funds appropriated for professional development in local
7 school districts be used for workshops, seminars, guest lecturers,
8 and other methods which further the purposes of this ~~act~~ section.

9 D. As used in this section, "curriculum" means the subject
10 matter standards adopted by the State Board of Education pursuant to
11 Section 11-103.6 of this title. School districts shall exclusively
12 determine instruction, specific course curricula, reading lists and
13 instructional materials pursuant to subsection F of Section 11-
14 103.6a of this title.

15 SECTION 2. AMENDATORY 70 O.S. 2011, Section 1210.507, as
16 last amended by Section 3, Chapter 360, O.S.L. 2016 (70 O.S. Supp.
17 2017, Section 1210.507), is amended to read as follows:

18 Section 1210.507. A. The State Board of Education shall
19 promulgate rules necessary for the implementation and administration
20 of the provisions of the Oklahoma School Testing Program Act.

21 B. The State Board of Education shall require school district
22 boards of education to annually provide information to the
23 district's students, parents of students, and the public at large
24 about the proper meaning and use of assessments administered

1 pursuant to the provisions of the Oklahoma School Testing Program
2 Act. The Department shall develop materials and make them available
3 to school districts regarding the Oklahoma School Testing Program.

4 C. 1. Students enrolled in an online course or program that is
5 offered by a school district or charter school that is not the
6 district of residence or is not located in the district of residence
7 of the student shall be provided the opportunity to take any
8 assessment required pursuant to the Oklahoma School Testing Program
9 Act or any other assessment generally required of students by the
10 school district in which the student is enrolled at an alternative
11 testing location approved by the State Board of Education. The
12 alternative testing locations may be at sites that are not in the
13 school district that is offering the online course or program or the
14 district of residence. Alternative testing locations may include
15 technology center school sites or any other testing location
16 selected by the school district or charter school offering the
17 online course or program. All alternative testing locations shall
18 be subject to testing location rules promulgated by the State Board
19 of Education. The school district or charter school offering the
20 online course or program shall be responsible for any cost incurred
21 in providing an alternative testing location and any additional cost
22 of administering an assessment at an alternative testing location.
23 In order to provide alternative testing locations at geographically
24 dispersed sites, the school district or charter school offering the

1 online course or program shall, at a minimum, provide not less than
2 six alternative testing locations, with at least one location in
3 each quadrant of the state and in each of the two metropolitan areas
4 in the state. Additional alternative testing locations may be
5 provided by the school district or charter school offering the
6 online course or program.

7 2. The performance of students on any assessment required
8 pursuant to the Oklahoma School Testing Program Act or any other
9 assessments generally required of students by the school district
10 who are enrolled full-time in an online program that is offered by a
11 school district or charter school that is not the district of
12 residence or is not located in the district of residence of the
13 student shall be reported separately by the school district or
14 charter school and shall not be included when determining the
15 performance levels of the school district or charter school in the
16 Oklahoma School Testing Program as reported in the Oklahoma
17 Educational Indicators Program.

18 D. The State Board of Education shall seek to establish and
19 post on the Internet a sample assessment item bank that will be made
20 available to teachers and will allow them to create and deliver
21 classroom assessments throughout the school year to check for
22 student mastery of key concepts assessed by the assessments
23 administered to students pursuant to the Oklahoma School Testing
24 Program Act. Subject to the availability of funds, the Board shall

1 annually release assessment items and make them available to the
2 public.

3 E. The State Board of Education shall post on the Internet
4 sample assessments for each grade level and subject matter
5 assessment administered to students pursuant to the Oklahoma School
6 Testing Program Act for the purpose of communicating expectation
7 concerning the difficulty level and format to teacher, parents and
8 students. The Board shall maintain the sample assessments on the
9 Internet throughout the year and, as changes are made in the state
10 academic content standards, shall update the sample assessments.
11 The Board shall seek to expand the number of sample assessments
12 items each year and to revise items as needed. The sample
13 assessments shall reflect the actual assessments administered to
14 students and may contain questions used on actual assessments given
15 in previous years.

16 F. The State Board of Education ~~may~~ shall implement an
17 electronic delivery system for all assessments administered pursuant
18 to the Oklahoma School Testing Program Act that will allow students
19 to participate in computer-based assessments in order to expedite
20 the delivery and use of the results. ~~If the Board implements an~~
21 ~~electronic delivery system for assessments, the Board shall continue~~
22 ~~to administer all assessments by another means, including but not~~
23 ~~limited to printed assessments. If options are available, school~~
24 ~~districts shall have the authority to select the means of~~

1 ~~administration of all assessments administered in that district~~ The
2 State Board of Education shall adopt a timeline for transition to
3 the electronic delivery system. A school district may choose to
4 offer printed assessments by providing a request for approval and
5 justification to the State Board of Education. The State Department
6 of Education shall publish and make known the date by which
7 districts choosing to offer printed assessments must make such
8 request. In circumstances where the administration or delivery of
9 an online or computer-based assessment has been or will be
10 disrupted, delayed or cause problems with student participation, the
11 Board may stop or cancel the online or computer-based assessment and
12 administer the assessment by another means.

13 SECTION 3. This act shall become effective July 1, 2018.

14 SECTION 4. It being immediately necessary for the preservation
15 of the public peace, health or safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval."
18
19
20
21
22
23
24

1 ENGROSSED HOUSE
2 BILL NO. 3221

By: Nollan of the House

3 and

4 Stanislawski of the Senate

5
6
7 An Act relating to schools; amending 70 O.S. 2011,
8 Section 1210.541, as last amended by Section 1,
9 Chapter 131, O.S.L. 2017 (70 O.S. Supp. 2017, Section
10 1210.541), which relates to student performance
11 levels; modifying performance level labels; updating
12 definitions of levels; and providing an effective
13 date.

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

15 SECTION 5. AMENDATORY 70 O.S. 2011, Section 1210.541, as
16 last amended by Section 1, Chapter 131, O.S.L. 2017 (70 O.S. Supp.
17 2017, Section 1210.541), is amended to read as follows:

18 Section 1210.541 A. The Commission for Educational Quality and
19 Accountability shall determine and adopt a series of student
20 performance levels and the corresponding cut scores pursuant to the
21 Oklahoma School Testing Program Act.

22 B. The Commission for Educational Quality and Accountability
23 shall have the authority to set cut scores using any method which
24 the State Board of Education was authorized to use in setting cut
scores prior to July 1, 2013.

1 C. The performance levels shall be set by a method that
2 indicates students are ready for the next grade, course, or level of
3 education, as applicable. The Commission for Educational Quality
4 and Accountability shall establish panels to review and revise the
5 performance level descriptors for each subject and grade level. The
6 Commission shall ensure that the assessments developed and
7 administered by the State Board of Education pursuant to the
8 Oklahoma School Testing Program Act in grades three through eight
9 and at the secondary level are vertically aligned by content across
10 grade levels to ensure consistency, continuity, alignment and
11 clarity. The Commission shall adopt performance levels that are
12 labeled and defined as follows:

13 1. Advanced, which shall indicate that students demonstrate
14 superior performance on challenging subject matter;

15 2. Proficient, which shall indicate that students demonstrate
16 mastery over ~~appropriate grade-level~~ challenging subject matter and,
17 can analyze and apply such knowledge to real-world situations, that
18 students are ready for the next grade, course, or level of
19 education, ~~as applicable~~ and that students are on track to be ready
20 for college or career;

21 3. ~~Limited knowledge~~ Basic, which shall indicate that students
22 demonstrate partial mastery of the essential knowledge and skills
23 ~~appropriate to~~ that are foundational for proficient work at their
24 grade level or course; and

1 4. ~~Unsatisfactory~~ Below Basic, which shall indicate that
2 students have not performed at least at the ~~limited knowledge~~ Basic
3 level.

4 D. The State Board of Education shall develop and implement in
5 accordance 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), an accountability system
8 as provided for in 20 U.S.C., Section 6311 and any related federal
9 regulations. The accountability system shall be implemented
10 beginning with the 2002-2003 school year and shall be based on the
11 data as established pursuant to Section 1210.545 of this title and
12 as modified to meet the mandates of the ESEA. For the 2002-2003
13 school year and every year thereafter the State Board of Education
14 shall publish and ensure that each local education agency is
15 provided with data annually by site so that the local education
16 agency can make determinations to identify schools for rewards, and
17 supports and interventions. The State Board of Education shall
18 establish a system of recognition, rewards, interventions and
19 technical assistance, as required by state law and the Elementary
20 and Secondary Education Act of 1965 (ESEA) as reauthorized and
21 amended by P.L. No. 114-95, also known as the Every Student Succeeds
22 Act (ESSA).

23 E. A school that is identified as in need of improvement by the
24 State Board of Education pursuant to this section, because of

1 failure to meet either an academic performance target or an
2 attendance or graduation performance target, or both, and is
3 identified as in need of improvement pursuant to the Elementary and
4 Secondary Education Act of 1965 (ESEA), as reauthorized and amended
5 by P.L. No. 114-95, also known as the Every Student Succeeds Act
6 (ESSA), shall utilize the assistance of a school support team or
7 other similar team formed by the State Department of Education to
8 provide support for schools in need of improvement, subject to
9 school support team capacity. The school support team shall review
10 and analyze all facets of operation of the school including the
11 design and operation of the instructional program. The school
12 support team shall assist the school in:

13 1. Incorporating strategies based on scientifically based
14 research that will strengthen the core academic subjects in the
15 school and address the specific academic issues that caused the
16 school to be identified for school improvement;

17 2. Incorporating strategies to promote high quality
18 professional development; and

19 3. Training teachers to analyze classroom and school-level data
20 and use the data to inform instruction.

21 SECTION 6. This act shall become effective November 1, 2018.
22
23
24

1 Passed the House of Representatives the 5th day of March, 2018.

2
3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2018.

6
7
8 _____
9 Presiding Officer of the Senate