

1 **SENATE FLOOR VERSION**

2 February 23, 2021

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 419

6 By: Dossett (J.J.)

7 An Act relating to student assessments; amending 70
8 O.S. 2011, Section 1210.508, as last amended by
9 Section 1, Chapter 479, O.S.L. 2019 (70 O.S. Supp.
10 2020, Section 1210.508), which relates to the
11 statewide system of student assessments; allowing a
12 teacher beginning in certain school year to use
13 certain assessment score to calculate a student's
14 final grade for certain course; providing an
15 effective date; and declaring an emergency.

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

17 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.508, as
18 last amended by Section 1, Chapter 479, O.S.L. 2019 (70 O.S. Supp.
19 2020, Section 1210.508), is amended to read as follows:

20 Section 1210.508. A. 1. By no later than December 31, 2016,
21 the State Board of Education shall adopt a statewide system of
22 student assessments in compliance with the Elementary and Secondary
23 Education Act of 1965 (ESEA), as reauthorized and amended by P.L.
24 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

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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. Beginning in the 2021-2022 school year, a
23 school district shall not prohibit a teacher from
24 using the highest-achieved score on the assessment

1 required by this subparagraph to calculate the final
2 grade for the applicable social studies, history or
3 citizenship skills unit taken by the student in
4 accordance with the provisions of Section 11-103.6 of
5 this title in the school year the assessment is
6 administered.

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

9 a. assessments in Reading and Writing in certain grades
10 as determined by the Board, and

11 b. contingent upon the availability of funds, an
12 additional nationally recognized college- and career-
13 readiness assessment or assessments as recommended by
14 the State Department of Education which will be
15 administered to students in high school at no cost to
16 the student.

17 F. 1. Beginning with students entering the ninth grade in the
18 2017-2018 school year, each student shall take the assessment or
19 assessments included in the statewide student assessment system
20 adopted by the Board pursuant to subsection A of this section in
21 order to graduate from a public high school with a standard diploma.
22 All students shall take the assessment or assessments prior to
23 graduation, unless otherwise exempt by law.

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

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

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

1 G. In order to provide an indication of the levels of
2 competency attained by the student in a permanent record for
3 potential future employers and institutions of higher education,
4 school districts shall report on the high school transcript of the
5 student the highest-achieved score on the assessment or assessments
6 included in the statewide student assessment system adopted by the
7 Board pursuant to subsection A of this section and any business- and
8 industry-recognized endorsements attained.

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

14 I. 1. All assessments required by this section shall measure
15 academic competencies in correlation with the subject matter
16 standards adopted by the Board pursuant to Sections 11-103.6 and 11-
17 103.6a of this title and referred to as the Oklahoma Academic
18 Standards. The State Board of Education shall evaluate the subject
19 matter standards to ensure the competencies reflect high standards,
20 are specific, well-defined, measurable, challenging, and will
21 prepare elementary students for next-grade-level course work and
22 secondary students for postsecondary studies at institutions of
23 higher education or technology center schools without the need for
24 remediation. All subject matter standards shall reflect the goals

1 as set forth in Section 11-103.6 of this title and of improving the
2 state average ACT score.

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

16 3. The Commission for Educational Quality and Accountability
17 shall determine the cut scores for the performance levels on all
18 statewide assessments. The Commission shall conduct an ongoing
19 review to compare the statewide assessment content and performance
20 descriptors with those of other states. Upon receipt of the review,
21 the Commission may adjust the cut scores as necessary.

22 4. The State Board of Education, for the purposes of conducting
23 reliability and validity studies, monitoring contractor adherence to
24 professionally accepted testing standards, and providing

1 recommendations for testing program improvement, shall retain the
2 services of an established, independent agency or organization that
3 is nationally recognized for its technical expertise in educational
4 testing but is not engaged in the development of aptitude or
5 achievement tests for elementary or secondary level grades. These
6 national assessment experts shall annually conduct studies of the
7 reliability and validity of the statewide assessments administered
8 pursuant to this section. Validity studies shall include studies of
9 decision validity and concurrent validity.

10 J. 1. The State Board of Education shall promulgate rules
11 setting the assessment window dates for each statewide assessment so
12 that the assessments are administered according to recommended
13 testing protocols, and so that the assessment results are reported
14 back to school districts in a timely manner. The vendor shall
15 provide a final electronic data file of all school site, school
16 district, and state results to the State Department of Education and
17 the Office of Educational Quality and Accountability prior to August
18 20 of each year. The Department shall forward the final data files
19 for each school district and each school site in that district to
20 the school district. The Board shall ensure the contract with the
21 vendor includes a provision that the vendor report assessment
22 results directly to the Office of Educational Quality and
23 Accountability at the same time it is reported to the Board.

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

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

16 L. The State Board of Education shall develop, administer, and
17 incorporate as a part of the Oklahoma School Testing Program, other
18 assessment programs or procedures, including appropriate
19 accommodations for the assessment of students with disabilities as
20 required by the Individuals with Disabilities Education Act (IDEA),
21 20 U.S.C., Section 1400 et seq.

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

3 SECTION 2. This act shall become effective July 1, 2021.

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

8 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
9 February 23, 2021 - DO PASS AS AMENDED

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