

An Act

ENROLLED HOUSE
BILL NO. 1667

By: Thomsen of the House

and

Fields of the Senate

An Act relating to schools; amending Section 4, Chapter 430, O.S.L. 2014 (70 O.S. Supp. 2016, Section 11-103.6a-1) and 70 O.S. 2011, Section 11-103.6d, which relate to subject matter standards; removing requirement that Secretary of State publishes standards in same manner as agency rules published in certain code and under certain act; updating statutory language; amending 70 O.S. 2011, Section 1210.508, as last amended by Section 4, Chapter 360, O.S.L. 2016 (70 O.S. Supp. 2016, Section 1210.508), which relates to the statewide student assessment system; modifying entity responsible for administering certain assessments; requiring assessments to be reviewed based on certain alignment during certain time period; requiring certain textbook adoption cycle to align with subject matter standards adoption cycle; updating statutory references; permitting certain deadlines to be waived under certain circumstances; and providing an effective date.

SUBJECT: Education standards

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

SECTION 1. AMENDATORY Section 4, Chapter 430, O.S.L. 2014 (70 O.S. Supp. 2016, Section 11-103.6a-1), is amended to read as follows:

Section 11-103.6a-1 A. All subject matter standards and revisions to the standards adopted by the State Board of Education pursuant to Section 11-103.6a of ~~Title 70 of the Oklahoma Statutes~~ this title shall be subject to legislative review as set forth in this section. The standards shall not be implemented by the State Board of Education until the legislative review process is completed as provided for in this section.

B. Upon adoption of any subject matter standards, the State Board of Education shall submit the adopted standards to the Speaker of the House of Representatives or a designee and the President Pro Tempore of the Senate or a designee prior to the last thirty (30) days of the legislative session.

C. By adoption of a joint resolution, the Legislature shall approve the standards, disapprove the standards in whole or in part, amend the standards in whole or in part or disapprove the standards in whole or in part with instructions to the State Board of Education, provided that such joint resolution becomes law in accordance with Section 11 of Article VI of the Oklahoma Constitution. If the joint resolution is vetoed by the Governor in accordance with Section 11 of Article VI of the Oklahoma Constitution and the veto has not been overridden, the standards shall be deemed approved. If the Legislature fails to adopt a joint resolution within thirty (30) legislative days following submission of the standards, the standards shall be deemed approved.

D. If the subject matter standards are disapproved in whole or are disapproved in whole with instructions as provided for in this section, the State Board of Education may adopt new standards and submit the new standards for legislative review pursuant to this section. The State Board of Education shall continue to implement current standards in place until the new standards have been reviewed by the Legislature and approved as provided for in this section. If the subject matter standards are amended, approved in part or are disapproved in part with instructions, the State Board of Education may revise the standards in accordance with the legislative changes and implement the standards.

E. Upon final approval of the standards, the standards shall be considered final agency rules. The Board shall submit a copy of the standards to the Secretary of State, who shall include the standards in the publication known as the "Oklahoma Administrative Code" ~~in the same manner as agency rules are published in the "Code" as provided for in the Administrative Procedures Act.~~ All standards

approved and published as provided for in this subsection shall have the same force and effect of law as agency rules promulgated pursuant to the Administrative Procedures Act.

F. Unless otherwise provided by specific vote of the Legislature, joint resolutions introduced for purposes of approving, disapproving, amending or disapproving with instructions any subject matter standards shall not be subject to regular legislative cutoff dates, shall be limited to such provisions as may be necessary for approving, disapproving, amending or disapproving with instructions any subject matter standards and any such other direction or mandate regarding the standards deemed necessary by the Legislature. The joint resolution shall contain no other provisions.

SECTION 2. AMENDATORY 70 O.S. 2011, Section 11-103.6d, is amended to read as follows:

Section 11-103.6d A. District boards of education may develop and issue a certificate of distinction that is to be awarded to students, beginning with students in the 2000-2001 high school graduating class who have met or exceeded the following criteria by the end of their senior year in high school with at least a 3.25 grade point average on a 4.0 scale:

1. Earned four units each in English, mathematics, social studies, and science;
2. Earned two additional units in the area of technology, the humanities, or the arts;
3. Earned two units in a foreign language; and
4. Achieved a proficient or advanced score on all ~~end-of-instruction tests~~ assessments as required pursuant to Section 1210.508 of this title, as those tests are implemented.

B. For purposes of this section, applicable vocational-technical classes offered by comprehensive high school vocational-technical programs shall qualify for technology, science, and mathematics units. Students enrolled in the programs may use one unit of their six concentrated vocational-technical curriculum units for one unit of mathematics required by this section and one unit of their six concentrated vocational-technical curriculum units for one unit of science required by this section. Advanced placement classes in the subject areas listed in paragraphs 1, 2, and 3 of

subsection A of this section may be substituted on a course-by-course basis to satisfy the academic units required for a certificate of distinction.

C. For purposes of this section, "unit" means a Carnegie Unit as defined by the North Central Association's Commission on Schools.

SECTION 3. AMENDATORY 70 O.S. 2011, Section 1210.508, as last amended by Section 4, Chapter 360, O.S.L. 2016 (70 O.S. Supp. 2016, 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~~ State Department of Education 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 Department shall administer the assessments beginning with the 2017-2018 school year.

3. The assessments shall be reviewed for alignment to the subject matter standards required in Sections 11-103.6 and 11-103.6a of this title following the year such subject matter standards are adopted.

4. The six-year subject area textbook adoption cycle shall align to the subject matter standards adoption cycle.

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 not less than once during the grade span of nine through twelve.

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 ~~subsection~~ section, shall meet any other high school graduation requirements adopted by the Board pursuant to Section 5 of this act, Chapter 360, O.S.L. 2016 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 this act, Chapter 360, O.S.L. 2016 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 ~~subsection~~ section and any business- and industry-recognized endorsements attained.

H. Students who do not perform at a ~~proficiency~~ the proficient level on assessments shall be remediated as established in the assessment requirements adopted by the Board pursuant to Section 5 ~~of this act~~, Chapter 360, O.S.L. 2016, 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~~ Except as otherwise provided in this section, the State Board of Education shall ensure that preliminary results for all statewide assessments are reported to districts no later than June 1 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 Except as otherwise provided in this section, 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 1 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. In years where new cut scores shall be determined by the Commission for Educational Quality and Accountability, the prescribed deadlines in subsections I and J of this section shall be waived.

L. 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.~~ M. 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.~~ N. 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.

SECTION 4. This act shall become effective November 1, 2017.

Passed the House of Representatives the 3rd day of May, 2017.

Presiding Officer of the House
of Representatives

Passed the Senate the 26th day of April, 2017.

Presiding Officer of the Senate

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: _____