



ROSENSTEIN, FIST & RINGOLD

---

## RED BANNER UPDATE

**Date:** May 2, 2024

**Re:** SB 1904

**Signed:** April 26, 2024

**Effective:** 90 days after the legislature adjourns  
(currently adjournment is scheduled for 5/31/24)

**Topic:** Student Assessments

**Summary:** This bill creates a new law (70 O.S. § 3-145.11) concerning school districts which operate a full-time virtual education program. The new law provides that such districts may administer, in a virtual setting, to enrolled students in 3<sup>rd</sup> through 8<sup>th</sup> grades the statewide system of student assessments. The law specifies that assessments for 9<sup>th</sup> through 12<sup>th</sup> grade shall **not** be administered in a virtual setting. The SBOE may promulgate rules to implement the provisions regarding this new law.

Districts choosing to administer the assessments in a virtual setting must ensure the following requirements are met:

1. The student to whom the statewide student assessment is administered takes the assessment on an assigned date and time;
2. The student to whom the statewide student assessment is administered attends a synchronous assessment session initiated and managed by designated personnel of the statewide virtual charter school or the school district that operates a full-time virtual education program;
3. a. If the statewide student assessment platform does not allow integrated camera proctoring, the student to whom the statewide student assessment is administered shall use two devices for the duration of the administration. One device shall be used by the student to take the statewide student assessment, and one device shall be used by an assessment proctor to monitor the student for the duration of the administration of the statewide student assessment using the camera on the required device, or



- b. If the statewide student assessment platform does allow for an assessment proctor to view the student and the student's background environment, a secondary device shall not be required;
4. The device on which a student is administered a statewide student assessment has audio capabilities accessible by the assessment administrator for purposes of monitoring the student;
5. The statewide virtual charter school or school district that operates a full-time virtual education program that administers a statewide student assessment to a student in a virtual setting seeks to maintain a student assessment taker to assessment proctor ratio of ten-to-one or lower;
6. The student to whom the statewide student assessment is administered does not exit the assessment administration until instructed to do so by the assigned assessment proctor; and
7. The submission of a statewide student assessment administered pursuant to the provisions of this section is verified by the assessment administrator.

The new law stipulates that a district operating a full-time virtual education program administering student assessments in a virtual setting shall take into account a student's IEP in determining whether a virtual setting best meets the educational needs of such a student.

Legal counsel at the firm is currently reviewing this legislation and will be advising clients as to any recommended changes to existing district policies.