

CS for SB 676

THE STATE SENATE
Thursday, February 19, 2009

Committee Substitute for
Senate Bill No. 676

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 676 - By: Paddock of the Senate and Coody of the House.

[schools - curricular standards for high school graduation
- Oklahoma School Testing Program Act - effective date -
emergency]

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

SECTION 1. AMENDATORY 70 O.S. 2001, Section 11-103.6, as last amended by Section 3, Chapter 173, O.S.L. 2007 (70 O.S. Supp. 2008, Section 11-103.6), is amended to read as follows:

Section 11-103.6 A. The State Board of Education shall adopt curricular standards for instruction of students in the public schools of this state that are necessary to ensure there is attainment of desired levels of competencies in a variety of areas to include language, mathematics, science, social studies and communication. All students shall gain literacy at the elementary and secondary levels through a core curriculum. Students must develop skills in reading, writing, speaking, computing and critical thinking. They also must learn about cultures and environments - their own and those of others with whom they share the earth. Students, therefore, must study social studies, literature, languages, the arts, mathematics and science. Such curricula shall

1 provide for the teaching of a hands-on career exploration program in
2 cooperation with technology center schools. The core curriculum
3 shall be designed to teach the competencies for which students shall
4 be tested as provided in Section 1210.508 of this title, and shall
5 be designed to prepare all students for employment and/or
6 postsecondary education.

7 B. Beginning with students entering the ninth grade in the
8 2006-07 school year and subject to the provisions of subsection C of
9 this section, in order to graduate from a public high school
10 accredited by the State Board of Education with a standard diploma,
11 students shall complete the following college preparatory/work ready
12 curriculum units or sets of competencies at the secondary level:

13 1. Four units of English to include Grammar, Composition,
14 Literature, or any English course approved for college admission
15 requirements;

16 2. Three units of mathematics, limited to Algebra I, Algebra
17 II, Geometry, Trigonometry, Math Analysis, Calculus, Advanced
18 Placement Statistics, or any mathematics course with content and/or
19 rigor above Algebra I and approved for college admission
20 requirements;

21 3. Three units of laboratory science, limited to Biology,
22 Chemistry, Physics, or any laboratory science course with content

1 and/or rigor equal to or above Biology and approved for college
2 admission requirements;

3 4. Three units of history and citizenship skills, including one
4 unit of American History, 1/2 unit of Oklahoma History, 1/2 unit of
5 United States Government and one unit from the subjects of History,
6 Government, Geography, Economics, Civics, or Non-Western culture and
7 approved for college admission requirements;

8 5. Two units of the same foreign or non-English language or two
9 units of computer technology approved for college admission
10 requirements, whether taught at a high school or a technology center
11 school, including computer programming, hardware, and business
12 computer applications, such as word processing, databases,
13 spreadsheets, and graphics, excluding keyboarding or typing courses;

14 6. One additional unit selected from paragraphs 1 through 5 of
15 this subsection or career and technology education courses approved
16 for college admission requirements; and

17 7. One unit or set of competencies of fine arts, such as music,
18 art, or drama, or one unit or set of competencies of speech.

19 C. Beginning with students entering the ninth grade in the
20 2006-07 school year, in lieu of the requirements of subsection B of
21 this section which requires a college preparatory/work ready
22 curriculum, a student may enroll in the core curriculum as provided
23 in subsection D of this section upon written approval of the parent

1 or legal guardian of the student. School districts may require a
2 parent or legal guardian of the student to meet with a designee of
3 the school prior to enrollment in the core curriculum. The State
4 Department of Education shall develop and distribute to school
5 districts a form suitable for this purpose, which shall include
6 information on the benefits to students of completing the college
7 preparatory/work ready curriculum as provided for in subsection B of
8 this section.

9 D. For students who entered the ninth grade prior to the 2006-
10 07 school year and for those students subject to the requirements of
11 subsection C of this section, in order to graduate from a public
12 high school accredited by the State Board of Education with a
13 standard diploma, students shall complete the following core
14 curriculum units or sets of competencies at the secondary level:

15 1. Language Arts - 4 units or sets of competencies, to consist
16 of 1 unit or set of competencies of grammar and composition, and 3
17 units or sets of competencies which may include, but are not limited
18 to, the following courses:

- 19 a. American Literature,
- 20 b. English Literature,
- 21 c. World Literature,
- 22 d. Advanced English Courses, or

1 e. other English courses with content and/or rigor equal
2 to or above grammar and composition;

3 2. Mathematics - 3 units or sets of competencies, to consist of
4 1 unit or set of competencies of Algebra I or Algebra I taught in a
5 contextual methodology, and 2 units or sets of competencies which
6 may include, but are not limited to, the following courses:

7 a. Algebra II,
8 b. Geometry or Geometry taught in a contextual
9 methodology,
10 c. Trigonometry,
11 d. Math Analysis or Precalculus,
12 e. Calculus,
13 f. Statistics and/or Probability,
14 g. Computer Science,
15 h. contextual mathematics courses which enhance
16 technology preparation whether taught at a:
17 (1) comprehensive high school, or
18 (2) technology center school when taken in the
19 eleventh or twelfth grade, taught by a certified
20 teacher, and approved by the State Board of
21 Education and the independent district board of
22 education,

- 1 i. mathematics courses taught at a technology center
2 school by a teacher certified in the secondary subject
3 area when taken in the eleventh or twelfth grade upon
4 approval of the State Board of Education and the
5 independent district board of education, or
6 j. equal to or above Algebra I;
- 7 3. Science - 3 units or sets of competencies, to consist of 1
8 unit or set of competencies of Biology I or Biology I taught in a
9 contextual methodology, and 2 units or sets of competencies in the
10 areas of life, physical, or earth science or technology which may
11 include, but are not limited to, the following courses:
- 12 a. Chemistry I,
13 b. Physics,
14 c. Biology II,
15 d. Chemistry II,
16 e. Physical Science,
17 f. Earth Science,
18 g. Botany,
19 h. Zoology,
20 i. Physiology,
21 j. Astronomy,
22 k. Applied Biology/Chemistry,
23 l. Applied Physics,

- 1 m. Principles of Technology,
2 n. qualified agricultural education courses,
3 o. contextual science courses which enhance technology
4 preparation whether taught at a:
5 (1) comprehensive high school, or
6 (2) technology center school when taken in the
7 eleventh or twelfth grade, taught by a certified
8 teacher, and approved by the State Board of
9 Education and the independent district board of
10 education,
11 p. science courses taught at a technology center school
12 by a teacher certified in the secondary subject area
13 when taken in the eleventh or twelfth grade upon
14 approval of the State Board of Education and the
15 independent district board of education, or
16 q. other science courses with content and/or rigor equal
17 to or above Biology I;

18 4. Social Studies - 3 units or sets of competencies, to consist
19 of 1 unit or set of competencies of United States History, 1/2 to 1
20 unit or set of competencies of United States Government, 1/2 unit or
21 set of competencies of Oklahoma History, and 1/2 to 1 unit or set of
22 competencies which may include, but are not limited to, the
23 following courses:

- 1 a. World History,
- 2 b. Geography,
- 3 c. Economics,
- 4 d. Anthropology, or
- 5 e. other social studies courses with content and/or rigor
- 6 equal to or above United States History, United States
- 7 Government, and Oklahoma History; and

8 5. Arts - 2 units or sets of competencies which may include,
9 but are not limited to, courses in Visual Arts and General Music.

10 E. 1. In addition to the curriculum requirements of either
11 subsection B or D of this section, in order to graduate from a
12 public high school accredited by the State Board of Education
13 students shall complete the requirements for a personal financial
14 literacy passport as set forth in the Passport to Financial Literacy
15 Act and any additional course requirements or recommended elective
16 courses as may be established by the State Board of Education and
17 the district school board. School districts shall strongly
18 encourage students to complete two units or sets of competencies of
19 foreign languages and two units or sets of competencies of physical
20 and health education.

21 2. No student shall receive credit for high school graduation
22 more than once for completion of the same unit or set of
23 competencies to satisfy the curriculum requirements of this section.

1 3. A school district shall not be required to offer every
2 course listed in subsections B and D of this section, but shall
3 offer sufficient courses to allow a student to meet the graduation
4 requirements during the secondary grade years of the student.

5 F. For purposes of this section:

6 1. "Contextual methodology" means academic content and skills
7 taught by utilizing real-world problems and projects in a way that
8 helps students understand the application of that knowledge;

9 2. "Qualified agricultural education courses" means courses
10 that have been determined by the State Board of Education to offer
11 the sets of competencies in the Priority Academic Student Skills
12 (PASS), as adopted by the Board, for one or more science content
13 areas and which correspond to academic science courses. Qualified
14 agricultural education courses shall include, but are not limited
15 to, Horticulture, Plant and Soil Science, Natural Resources and
16 Environmental Science, and Animal Science. The courses shall be
17 taught by teachers certified in agricultural education and comply
18 with all rules of the Oklahoma Department of Career and Technology
19 Education;

20 3. "Rigor" means a level of difficulty that is appropriate for
21 the grade level and that meets state and/or national standards;

22 4. "Sets of competencies" means those skills and competencies
23 that are specified in the Priority Academic Student Skills (PASS),

1 as adopted by the State Board of Education, subchapter 5, Chapter
2 15, Title 210 of the Oklahoma Administrative Code, and other skills
3 and competencies adopted by the Board; and

4 5. "Unit" means a Carnegie Unit as defined by the North Central
5 Association's Commission on Schools.

6 G. 1. The State Board of Education shall adopt a plan to
7 ensure that rigor is maintained in the content, teaching
8 methodology, level of expectations for student achievement, and
9 application of learning in all the courses taught to meet the
10 graduation requirements as specified in this section.

11 2. The State Board of Education shall allow as much flexibility
12 at the district level as is possible without diminishing the rigor
13 or undermining the intent of providing these courses. To accomplish
14 this purpose, the State Department of Education shall work with
15 school districts in reviewing and approving courses taught by
16 districts that are not specifically listed in subsections B and D of
17 this section. Options may include, but shall not be limited to,
18 courses taken by concurrent enrollment, advanced placement, or
19 correspondence, or courses bearing different titles.

20 3. Technology center school districts may offer programs
21 designed in cooperation with institutions of higher education which
22 have an emphasis on a focused field of career study upon approval of
23 the State Board of Education and the independent district board of

1 education. Students in the tenth grade may be allowed to attend
2 these programs for up to one-half (1/2) of a school day and credit
3 for the units or sets of competencies required in paragraphs 2 and 3
4 of subsection B or D of this section shall be given if the courses
5 are taught by a teacher certified in the secondary subject area;
6 provided, credit for units or sets of competencies pursuant to
7 subsection B of this section shall be approved for college admission
8 requirements.

9 4. If a student enrolls in a concurrent course, the school
10 district shall not be responsible for any costs incurred for that
11 course, unless the school district does not offer enough course
12 selection during the student's secondary grade years to allow the
13 student to receive the courses needed to meet the graduation
14 requirements of this section. If the school district does not offer
15 the necessary course selection during the student's secondary grade
16 years, it shall be responsible for the cost of resident tuition at
17 an institution in The Oklahoma State System of Higher Education,
18 fees, and books for the concurrent enrollment course, and providing
19 for transportation to and from the institution to the school site.

20 It is the intent of the Legislature that for students enrolled
21 in a concurrent enrollment course which is paid for by the school
22 district pursuant to this paragraph, the institution charge only the
23 supplementary and special service fees that are directly related to

1 the concurrent enrollment course and enrollment procedures for that
2 student. It is further the intent of the Legislature that fees for
3 student activities and student service facilities, including the
4 student health care and cultural and recreational service fees, not
5 be charged to such students.

6 5. Credit for the units or sets of competencies required in
7 subsection B or D of this section shall be given when such units or
8 sets of competencies are taken in the seventh or eighth grades if
9 the teachers are certified or authorized to teach the subjects for
10 high school credit and the required rigor is maintained.

11 6. Beginning with ninth-grade students enrolled in the 2008-
12 2009 school year, the three units or sets of competencies in
13 mathematics required in subsection B or D of this section shall be
14 completed in the ninth through twelfth grades; provided, if a
15 student completes any required courses in mathematics prior to ninth
16 grade, the student may take any other mathematics courses to fulfill
17 the requirement to complete three units in grades nine through
18 twelve after the student has satisfied the requirements of
19 subsection B or D of this section.

20 7. All units or sets of competencies required for graduation
21 may be taken in any sequence recommended by the school district.

22 H. As a condition of receiving accreditation from the State
23 Board of Education, all students in grades nine through twelve shall

1 enroll in a minimum of six periods, or the equivalent in block
2 scheduling, of rigorous academic and/or rigorous vocational courses
3 each day, which may include arts, vocal and instrumental music,
4 speech classes, and physical education classes.

5 I. 1. Academic and vocational-technical courses designed to
6 offer sets of competencies integrated or embedded within the course
7 that provide for the teaching and learning of the appropriate skills
8 and knowledge in the Priority Academic Student Skills (PASS), as
9 adopted by the State Board of Education, may upon approval of the
10 Board be counted for academic credit and toward meeting the
11 graduation requirements of this section.

12 2. Internet-based courses offered by a technology center school
13 that are taught by a certified teacher and provide for the teaching
14 and learning of the appropriate skills and knowledge in the PASS
15 may, upon approval of the State Board of Education and the
16 independent district board of education, be counted for academic
17 credit and toward meeting the graduation requirements of this
18 section.

19 3. Internet-based courses or vocational-technical courses
20 utilizing integrated or embedded skills for which no Priority
21 Academic Student Skills have been adopted by the State Board of
22 Education may be approved by the Board if such courses incorporate

1 standards of nationally recognized professional organizations and
2 are taught by certified teachers.

3 4. Courses offered by a supplemental education organization
4 that is accredited by a national accrediting body and that are
5 taught by a certified teacher and provide for the teaching and
6 learning of the appropriate skills and knowledge in the PASS may,
7 upon approval of the State Board of Education and the school
8 district board of education, be counted for academic credit and
9 toward meeting the graduation requirements of this section.

10 J. The State Board of Education shall provide an option for
11 high school graduation based upon attainment of the desired levels
12 of competencies as required in tests pursuant to the provisions of
13 Section 1210.508 of this title. Such option shall be in lieu of the
14 amount of course credits earned.

15 K. The State Board of Education shall prescribe, adopt and
16 approve a promotion system based on the attainment by students of
17 specified levels of competencies in each area of the core
18 curriculum.

19 L. Children who have individualized education programs pursuant
20 to the Individuals with Disabilities Education Act (IDEA), and who
21 satisfy the graduation requirements through the individualized
22 education program for that student shall be awarded a standard
23 diploma.

1 M. For students who enter the ninth grade in or prior to the
2 2007-08 school year who are enrolled in an alternative education
3 program and meet the requirements of their plans leading to high
4 school graduation developed pursuant to Section 1210.568 of this
5 title shall be awarded a standard diploma.

6 N. Any student who completes the curriculum requirements of the
7 International Baccalaureate Diploma Program shall be awarded a
8 standard diploma.

9 O. Any student who successfully completes an advanced
10 mathematics or science course offered pursuant to Section 1210.404
11 of this title shall be granted academic credit toward meeting the
12 graduation requirements pursuant to paragraph 2 or 3, as
13 appropriate, of subsection B or D of this section.

14 P. For purposes of this section, the courses approved for
15 college admission requirements shall be courses which are approved
16 by the Oklahoma State Regents for Higher Education for admission to
17 an institution within The Oklahoma State System of Higher Education.

18 Q. The State Department of Education shall collect and report
19 data by school site and district on the number of students who
20 enroll in the core curriculum as provided in subsection D of this
21 section. The Department shall issue a deficiency on the
22 accreditation report for any district with a percentage of ninth-
23 grade students who opt out of the college preparatory/work ready

1 curriculum that exceeds twenty percent (20%) of the total enrollment
2 of ninth-grade students.

3 SECTION 2. AMENDATORY 70 O.S. 2001, Section 1210.508, as
4 last amended by Section 4, Chapter 289, O.S.L. 2006 (70 O.S. Supp.
5 2008, Section 1210.508), is amended to read as follows:

6 Section 1210.508 A. 1. The State Board of Education shall
7 develop and administer a series of criterion-referenced tests
8 designed to indicate whether the state academic content standards,
9 as defined by the State Board of Education in the Priority Academic
10 Student Skills Curriculum, which Oklahoma public school students are
11 expected to have attained have been achieved. The Board may develop
12 and administer any criterion-referenced test in any subject not
13 required by federal law, contingent upon the availability of
14 funding. Students who do not perform satisfactorily on tests shall
15 be remediated, subject to the availability of funding.

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

- 19 a. reading, and
20 b. mathematics.

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

- 23 a. reading,

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

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

- 10 a. reading, and
- 11 b. mathematics.

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

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

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

22 The Board shall administer the tests for grade eight in reading
23 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. a. Each student who completes the instruction for English
4 II, English III, United States History, Biology I,
5 Algebra I, Geometry, and Algebra II at the secondary
6 level shall complete an end-of-instruction test, when
7 implemented, to measure for attainment in the
8 appropriate state academic content standards in order
9 to graduate from a public high school with a standard
10 diploma. All students shall take the tests prior to
11 graduation, unless otherwise exempt by law.

12 b. The State Board of Education shall administer the
13 criterion-referenced tests. The Board shall develop
14 and field test the end-of-instruction tests in English
15 III, Geometry, and Algebra II during the 2006-07
16 school year, implement the tests during the 2007-08
17 school year, and administer them each year thereafter.
18 The Board shall ~~administer~~ phase in over a five-year
19 period the administration of the multiple choice
20 portion of the end-of-instruction tests online with
21 raw score test results reported immediately and
22 complete results reported in less than two (2) weeks
23 beginning in the 2008-09 school year.

1 course specified in this paragraph shall be
2 administered the appropriate end-of-instruction test.

3 7. a. Each school district shall administer to each student
4 in the school district in grades three through eight
5 an assessment designed to assess the student in the
6 fine arts area in which the student has received
7 instruction.

8 b. Each school district shall prepare an annual report
9 for approval by the State Board of Education outlining
10 the fine arts assessment strategies used by the
11 district, when the assessments were administered, how
12 many students were assessed during the previous year,
13 and the results of the assessments.

14 B. 1. All criterion-referenced tests required by this section
15 shall measure academic competencies in correlation with the state
16 academic content standards adopted by the Board pursuant to Section
17 11-103.6 of this title and known as the Priority Academic Student
18 Skills Curriculum. The State Board of Education shall evaluate the
19 academic content standards to ensure the competencies reflect high
20 standards, are specific, well-defined, measurable, challenging, and
21 will prepare elementary students for next-grade-level course work
22 and secondary students for postsecondary studies at institutions of
23 higher education or technology center schools without the need for

1 remediation in core curriculum areas. All state academic content
2 standards shall reflect the benchmarks of the American Diploma
3 Project and the goal of improving the state average ACT score.

4 2. The State Department of Education shall annually evaluate
5 the results of the criterion-referenced tests. The State Board of
6 Education shall ensure that test results are reported to districts
7 in a manner that yields detailed, diagnostic information for the
8 purpose of guiding instruction and student remediation. As
9 improvements are made to the criterion-referenced tests required by
10 this section, the Board shall seek to increase the depth of
11 knowledge assessed for each subject. The State Board of Education
12 shall seek to ensure that data yielded from the tests required in
13 this section are utilized at the school district level to prescribe
14 reinforcement and/or remediation by requiring school districts to
15 develop and implement a specific program of improvement based on the
16 test results.

17 3. The State Board of Education shall review, realign, and
18 recalibrate, as necessary, the tests in reading and mathematics in
19 third through eighth grade and the end-of-instruction tests. The
20 Board shall determine the cut scores for the performance levels on
21 the end-of-instruction tests developed pursuant to paragraph 6 of
22 subsection A of this section, which shall be phased in over a multi-
23 year period. The Board shall conduct an ongoing review to compare

1 the end-of-instruction test content and performance descriptors with
2 those of other states. Upon receipt of the review, the Board may
3 adjust the cut scores as necessary.

4 4. The State Board of Education, for the purposes of conducting
5 reliability and validity studies, monitoring contractor adherence to
6 professionally accepted testing standards, and providing
7 recommendations for testing program improvement, shall retain the
8 services of an established, independent agency or organization that
9 is nationally recognized for its technical expertise in educational
10 testing but is not engaged in the development of aptitude or
11 achievement tests for elementary or secondary level grades. These
12 national assessment experts shall annually conduct studies of the
13 reliability and validity of the end-of-instruction tests
14 administered pursuant to this section. Validity studies shall
15 include studies of decision validity, concurrent validity and the
16 validity of performance level cut scores.

17 C. 1. The State Board of Education shall set the testing
18 window dates for each criterion-referenced test required in
19 paragraphs 1 through 5 of subsection A of this section for grades
20 three through eight so that, with the exception of the writing
21 assessments, the tests are administered to students no earlier than
22 April 10 each year and so that the test results are reported back to
23 school districts in a timely manner. Each criterion-referenced test

1 required in paragraph 6 of subsection A of this section may be
2 administered to students at a time set by the State Board of
3 Education as near as possible to the end of the course. All results
4 and reports of the criterion-referenced test series required in
5 paragraphs 1 through 5 of subsection A of this section for grades
6 three through eight shall be returned to each school district prior
7 to the beginning of the next school year. The vendor shall provide
8 a final electronic data file of all school site, school district,
9 and state results to the Department and the Office of Accountability
10 prior to September 1 of each year. The Department shall forward the
11 final data files for each school district and each school site in
12 that district to the school district. The Board shall ensure the
13 contract with the testing vendor includes a provision that the
14 vendor report test results directly to the Office of Accountability
15 at the same time it is reported to the Board.

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

1 site shall notify the student's parents of the school's performance
2 levels in the Oklahoma School Testing Program as reported in the
3 Oklahoma Educational Indicators Program at the end of each school
4 year.

5 D. The State Board of Education shall be responsible for the
6 development, field-testing, and validation of the criterion-
7 referenced test series required in subsection A of this section. In
8 the interest of economy the Board shall adapt criterion-referenced
9 tests that have been developed by or in collaboration with other
10 states or are otherwise commercially available, or portions of such
11 tests, to the extent that such tests are appropriate for use in the
12 testing program to be administered to Oklahoma students.

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

18 SECTION 3. This act shall become effective July 1, 2009.

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

23 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 2-16-09 - DO
24 PASS, As Amended and Coauthored.