STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

SENATE BILL 1044 By: Boggs

AS INTRODUCED

An Act relating to schools; directing the State Board of Education in certain consultation to adopt recommendations for requirements for high school graduation; prescribing duties of the State Board of Education in certain consultation; providing for submission of report by certain date; directing the State Board of Education to adopt requirements for high school graduation and an implementation timeline by certain date; amending 70 O.S. 2011, Section 11-103.6a, as amended by Section 3, Chapter 430, O.S.L. 2014 (70 O.S. Supp. 2015, Section 11-103.6a), which relates to review of subject matter standards; modifying the State Board of Education's authority over certain assessments; amending 70 O.S. 2011, Section 1210.523, as last amended by Section 26, Chapter 4, O.S.L. 2014 (70 O.S. Supp. 2015, Section 1210.523), which relates to mastery of standards; directing students entering certain grade by certain date to demonstrate mastery by certain method; modifying reference to certain tests; directing promulgation of rules; providing for codification; providing effective dates; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.528 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The State Board of Education, in consultation with the Oklahoma State Regents for Higher Education, the Commission for Educational Quality and Accountability, the State Board of Career and Technology Education and the Oklahoma Department of Commerce, shall develop recommendations for the requirements a student must meet to earn a diploma from an Oklahoma high school. In developing the high school graduation requirements, the State Board of Education, in consultation with the Oklahoma State Regents for Higher Education, the Commission for Educational Quality and Accountability, the State Board of Career and Technology Education and the Oklahoma Department of Commerce, shall:

1. Hold public meetings and solicit public input;

2. Designate an assessment or assessments used by institutions of higher education to determine college readiness or the need for remediation through course placement as a high school exit exam;

3. Consider other criteria to be used in conjunction with the designated assessment or assessments for high school graduation;

4. Consider alternative assessments that may be used in place of the designated assessment or assessments for high school graduation; and

5. Consider assessments required by the Elementary and Secondary Education Act of 2001, P.L. No. 107-110, also known as the No Child Left Behind Act of 2001, as amended or reauthorized.

B. A report of recommendations shall be made to the State Board of Education by March 1, 2017.

C. By May 1, 2017, the State Board of Education shall adopt the requirements for high school graduation and a timeline to implement the requirements.

SECTION 2. AMENDATORY 70 O.S. 2011, Section 11-103.6a, as amended by Section 3, Chapter 430, O.S.L. 2014 (70 O.S. Supp. 2015, Section 11-103.6a), is amended to read as follows:

Section 11-103.6a. A. Beginning with the 2014-15 school year, each area of subject matter standards, except for standards for career and technology education adopted pursuant to Section 14-103 of this title, shall be adopted by the State Board of Education and shall be subject to legislative review and approval as provided for in Section ~~4~~ 11-103.6a-1 of this ~~act~~ title. The subject matter standards shall be implemented statewide by every public school district in this state. The subject matter standards shall be thoroughly reviewed by the State Board every six (6) years according to and in coordination with the existing subject area textbook adoption cycle. After review, the State Board shall adopt any revisions in such subject matter standards deemed necessary to achieve further improvements in the quality of education for the students of this state. Any revisions adopted by the State Board of Education shall be subject to review and approval as provided for in Section ~~4~~ 11-103.6a-1 of this ~~act~~ title. The adoption of subject

matter standards or revisions to the standards by the State Board of Education pursuant to this section shall not be promulgated as rules and shall not be subject to Article I of the Administrative Procedures Act.

B. 1. In addition to the requirements set forth in subsection A of this section, on or before August 1, 2016, the State Board of Education, in consultation with the State Regents for Higher Education, the State Board of Career and Technology Education and the Oklahoma Department of Commerce, shall adopt subject matter standards for English Language Arts and Mathematics which are college- and career-ready and will replace current standards. To be considered college- and career-ready, the standards shall be evaluated by the State Department of Education, the State Regents for Higher Education, the State Board of Career and Technology Education and the Oklahoma Department of Commerce and be determined to be such that the standards will address the goals of reducing the need for remedial coursework at the postsecondary level and increasing successful completion of postsecondary education. The subject matter standards ~~and corresponding student assessments~~ for English Language Arts and Mathematics shall be solely approved and controlled by the state through the State Board of Education<u>, and the corresponding student assessments for English Language Arts and Mathematics shall be solely approved by the state through the State Board of Education</u>.

2. Upon the effective date of this act, the State Board of Education shall begin the process of adopting the English Language Arts and Mathematics standards and shall provide reasonable opportunity, consistent with best practices, for public comment on the revision of the standards, including but not limited to comments from students, parents, educators, organizations representing students with disabilities and English language learners, higher education representatives, career technology education representatives, subject matter experts, community-based organizations, Native American tribal representatives and business community representatives.

3. Until the statewide student assessments for English Language Arts and Mathematics are implemented as provided for in paragraph 1 of subsection C of this section, the State Board of Education shall implement the subject matter standards for English Language Arts and Mathematics which were in place prior to the revisions adopted by the Board in June 2010.

4. Upon the effective date of this act, the State Board of Education shall seek certification from the State Regents for Higher Education that the subject matter standards for English Language Arts and Mathematics which were in place prior to the revisions adopted by the Board in June 2010 are college- and career-ready as defined in the Federal Elementary and Secondary Education Act (ESEA) Flexibility document issued by the United States Department of

Education and referenced in Option B of Principle 1: College- and Career-Ready Expectations for All Students. The State Regents shall provide the Board a detailed description of the certification process and results, including a list of deficiencies if the State Regents conclude that the standards are not college- and career-ready. The Board shall post all documents, materials, reports, descriptions and correspondence produced by the State Regents or used by the State Regents in the certification process on the website for the State Department of Education.

C. 1. On or before the 2017-18 school year, the State Board of Education, in consultation with the State Regents for Higher Education, the State Board of Career and Technology Education and the Oklahoma Department of Commerce, shall direct the process of the development of annual high-quality statewide student assessments for English Language Arts and Mathematics as provided for in Section 1210.508 of this title that align with the college- and career-ready subject matter standards developed pursuant to subsection B of this section.

2. The statewide student assessments for English Language Arts and Mathematics shall continue to assess standards and objectives found in the subject matter standards for English Language Arts and Mathematics which were in place prior to the revisions adopted by the Board in June 2010 and the test blueprints shall continue to align to the standards and objectives found in such subject matter

standards for English Language Arts and Mathematics until the new assessments are implemented as provided for in paragraph 1 of this subsection.

D. 1. The State Board of Education shall not enter into any agreement, memorandum of understanding or contract with any federal agency or private entity which in any way cedes or limits state discretion or control over the process of development, adoption or revision of subject matter standards ~~and~~ or state discretion over the process of development, adoption or revision of corresponding student assessments in the public school system, including~~,~~ but not limited to~~,~~ agreements, memoranda of understanding and contracts in exchange for funding for public schools and programs. If the State Board of Education is a party to such an agreement, memorandum of understanding or contract on the effective date of this act, the State Board of Education shall initiate necessary efforts to amend the agreement, memorandum of understanding or contract to comply with the requirements of this subsection.

2. Nothing in this section shall be construed to prohibit the State Board of Education from seeking and being granted a waiver from federal law, provided that the conditions for the waiver do not require the state to cede or limit its discretion or control over the process of development, adoption or revision of subject matter standards ~~and~~ or discretion over the process of development,

adoption, or revision of corresponding statewide student assessments.

3. The State Department of Education may participate in a multistate or multigovernmental cooperative pursuant to the requirements of the Oklahoma Central Purchasing Act, but shall not bind the state, contractually or otherwise, to the authority of any other state, organization or entity which may supersede the authority of the State Board of Education.

E. The content of all subject matter standards ~~and corresponding student assessments~~ shall be solely approved and controlled by the state through the State Board of Education, and corresponding student assessments shall be solely approved by the state through the State Board of Education. The State Board of Education shall maintain independence of all subject matter standards referenced in Section 11-103.6 of this title and corresponding statewide student assessments and shall not relinquish authority over Oklahoma subject matter standards and corresponding statewide student assessments. Nothing in this section shall prohibit benchmarking the state subject matter standards and corresponding student assessments with those of other states or nations to allow comparison of Oklahoma subject matter standards and corresponding student assessments with those of other states and nations.

F. School districts shall exclusively determine the instruction, curriculum, reading lists and instructional materials and textbooks, subject to any applicable provisions or requirements as set forth in law, to be used in meeting the subject matter standards. School districts may, at their discretion, adopt supplementary student assessments which are in addition to the statewide student assessments.

G. 1. Upon completion of the adoption of English Language Arts and Mathematics subject matter standards pursuant to subsection B of this section, the State Board of Education shall compare such English Language Arts and Mathematics standards with the English Language Arts and Mathematics standards that were adopted by the State Board of Education prior to implementation of this act. The State Board of Education shall consider public comments, the use of best practices, evidence and research in the evaluation of both sets of standards. The State Board of Education shall compare the standards in the areas of:

a. effective preparation for active citizenship and postsecondary education or the workforce,

b. subject matter content,

c. sequencing of subject matter content and relationship to measurement of student performance and the application of subject matter standards,

d. developmental appropriateness of grade-level expectations, academic content and instructional rigor,

e. clarity for educators and parents,

f. exemplars tied to the standards,

g. measurability of student proficiency in the subject matter,

h. pedagogy,

i. development of critical thinking skills, and

j. demonstration of application of acquired knowledge and skills.

2. Upon completion of the comparison of the English Language Arts and Mathematics subject matter standards, the State Board of Education shall submit to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Minority Leader of the House of Representatives and the Minority Leader of the Senate a report outlining the results of the comparison of the standards.

H. All subject matter standards and corresponding statewide student assessments adopted by the State Board of Education shall be carefully circumscribed to reflect direct application to subject matter proficiency and shall not include standards or assessment questions that are designed to collect or measure noncognitive,

emotional or psychological characteristics, attributes or skills of students.

I. Any rule, including but not limited to Rules 210:15-4-1 through 210:15-4-3 of the Oklahoma Administrative Code, which conflicts with the requirements of this section, shall be amended or repealed by the State Board of Education as necessary to comply with the requirements of this section.

SECTION 3. AMENDATORY 70 O.S. 2011, Section 1210.523, as last amended by Section 26, Chapter 4, O.S.L. 2014 (70 O.S. Supp. 2015, Section 1210.523), is amended to read as follows:

Section 1210.523. A. Except as provided in subsections D and E of this section, beginning with students entering the ninth grade in the 2008-2009 school year, every student shall demonstrate mastery of the state academic content standards in the following subject areas in order to graduate from a public high school with a standard diploma:

1. Algebra I;

2. English II; and

3. Two of the following five:

a. Algebra II,

b. Biology I,

c. English III,

d. Geometry, and

e. United States History.

B. To demonstrate mastery, the student shall ~~attain at least a proficient score on the end-of-instruction criterion-referenced tests administered pursuant to Section 1210.508 of this title~~ meet the requirements adopted by the State Board of Education in Section 1 of this act.

C. Notwithstanding any other provision of law, students who do not ~~attain at least a proficient score on any end-of-instruction test~~ meet the requirements adopted by the State Board of Education shall be provided remediation or intervention and ~~the opportunity~~ additional opportunities to ~~retake the test until at least a proficient score is attained on the tests of Algebra I, English II and two of the tests required in paragraph 3 of subsection A of this section or an approved alternative test~~ meet the requirements adopted by the State Board of Education. Technology center schools shall be authorized to provide intervention and remediation in Algebra I, Algebra II, Geometry, English II, English III, United States History, and Biology I to students enrolled in technology center schools, with the approval of the independent school district board.

D. 1. Students who do not meet the requirements of subsection A of this section may graduate from a public high school with a standard diploma by demonstrating mastery of state academic content standards by alternative methods as approved by the State Board of Education.

2. The State Board of Education shall adopt rules providing for necessary student exceptions and exemptions to the requirements of this section. The Board shall collect data by school site and district on the number of students provided and categories of exceptions and exemptions granted. Beginning October 1, 2012, the Board shall provide an annual report of this data to the Governor, President Pro Tempore of the Senate and Speaker of the House of Representatives.

3. Students who score ten percent (10%) above the cut scores approved by the State Board of Education for the American College Testing Program (ACT), the Scholastic Aptitude Test (SAT), ACT Plan or Preliminary Scholastic Aptitude Test/National Merit Scholarship Qualifying Test (PSAT/NMSQT) alternate tests shall be deemed to have satisfactorily demonstrated mastery of state academic content standards in the subject areas for which alternative tests have been approved and shall be exempt from ~~taking the end-of-instruction criterion-referenced tests in the subject areas of Algebra II, English III, Geometry or United States History as listed in paragraph 3 of subsection A of this section~~ meeting the corresponding requirements adopted by the State Board of Education.

4. Students who have a score that is equal to or above the cut scores approved by the State Board of Education for the Advanced Placement course exams, ACT Workkeys job skills assessment, College-Level Examination Program (CLEP) or International Baccalaureate (IB)

alternate tests shall be deemed to have satisfactorily demonstrated mastery of state academic content standards in the subject areas for which alternate tests have been approved and shall be exempt from ~~taking the end-of-instruction criterion-referenced tests in the subject areas of Algebra II, English III, Geometry or United States History as listed in paragraph 3 of subsection A of this section~~ meeting the corresponding requirements adopted by the State Board of Education.

5. The State Board of Education shall adopt rules providing for implementation of paragraphs 3 and 4 of this subsection. The rules shall provide for the designation of students as proficient or advanced based on the scores obtained pursuant to paragraphs 3 and 4 of this subsection for the purposes of calculating the grade of a school as part of the accountability system developed pursuant to Section 1210.545 of this title, evaluating teachers and administrators as part of the Teacher and Leader Effectiveness Evaluation System developed pursuant to Section 6-101.16 of this title and for any other purpose provided for by law.

E. 1. The State Board of Education shall adopt rules establishing an appeal process for students who have been denied a standard diploma by the school district in which the student is or was enrolled for failing to meet the requirements of this section. A student who has been denied a standard diploma by the school district in which the student is enrolled shall have thirty (30)

days after denial of the standard diploma in which to file a petition for an appeal to the State Board of Education. The State Board of Education shall take action on a petition for an appeal no later than forty-five (45) days after receiving the petition.

2. The State Board of Education shall collect data by school site and school district on the number of students petitioning for an appeal and the number of appeals approved by the State Board of Education pursuant to this subsection. Beginning October 1, 2012, the State Board of Education shall provide an annual report of this data to the Governor, President Pro Tempore of the Senate and Speaker of the House of Representatives.

F. 1. Students who have individualized education programs (IEP) pursuant to the Individuals with Disabilities Education Act (IDEA) shall have an appropriate statement on the student's individualized education program ~~requiring administration of the assessment~~ regarding administration of the requirements adopted by the State Board of Education with or without accommodations or an alternate assessment. Any accommodations ~~normally employed for the assessment~~ shall be approved by the State Board of Education and be provided for in the individualized education program. All documentation for each student shall be on file in the school prior to administration of the ~~assessment~~ requirements adopted by the State Board of Education.

2. Students with disabilities whose individualized education program (IEP) pursuant to the Individuals with Disabilities Education Act (IDEA) indicates that the student is to be assessed with alternate achievement standards through the Oklahoma Alternate Assessment Program (OAAP) may be eligible to graduate from a public high school with a standard diploma after failing to meet the requirements of subsection A of this section upon the determination of the school district that the student meets the following criteria:

a. obtains a written recommendation from the student's teacher of record in consultation with the teacher in each subject in which the student failed to meet the requirements of subsection A of this section. The recommendation shall be supported by the principal and by documentation demonstrating the acquired knowledge of the student by alternate measures as required by the ~~individualized education program (IEP)~~ IEP,

b. completes remediation opportunities to the extent required by the ~~individualized education program (IEP)~~ IEP,

c. retakes ~~the exam in each subject in which the student failed to meet the requirements of subsection A of this section~~ any assessment or assessments designated by the State Board of Education if the ~~individualized~~

~~education program (IEP)~~ IEP requires retake opportunities,

d. maintains at least a C average or the equivalent in each subject in which the student failed to meet the requirements of subsection A of this section, and

e. meets all other graduation requirements of the school district in which the student is enrolled.

3. The Oklahoma School for the Blind and the Oklahoma School for the Deaf shall be considered local education agencies solely for the purposes of purchasing, administering and obtaining test results under this section for the students attending their schools.

4. Students identified as English language learners shall be assessed in a valid and reliable manner with the state academic assessments with acceptable accommodations as necessary or, to the extent practicable, with alternate assessments aligned to the state assessment provided by the school district in the language and form most likely to yield accurate data of the student's knowledge of the content areas.

G. Students who have been denied a standard diploma by the school district in which the student is or was enrolled for failing to meet the requirements of this section may re-enroll in the school district that denied the student a standard diploma following the denial of a standard diploma. The student shall be provided remediation or intervention and ~~the opportunity to retake the test~~

additional opportunities to meet the requirements adopted by the State Board of Education until ~~at least a proficient score is attained on the test or tests~~ the requirements or alternative criteria adopted by the State Board of Education necessary to obtain a standard diploma are met. Students who re-enroll in the school district to meet the graduation requirements of this section shall be exempt from the hourly instructional requirements of Section 1-111 of this title and the six-period enrollment requirements of Section 11-103.6 of this title.

H. The State Board of Education shall be authorized to contract with an entity to develop and advise on the implementation of a communications campaign to build public understanding of and support for the testing requirements of this section.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.529 of Title 70, unless there is created a duplication in numbering, reads as follows:

The State Board of Education shall promulgate rules necessary to implement the provisions of this act.

SECTION 5. Section 3 of this act shall become effective July 1, 2017.

SECTION 6. Sections 1, 2 and 4 of this act shall become effective July 1, 2016.

SECTION 7. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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