

SENATE FLOOR VERSION

February 25, 2015

AS AMENDED

SENATE BILL NO. 707

By: Ford, Mazzei and Brinkley

[schools - recommendations for requirements for high
school graduation - report - requirements for high
school graduation and an implementation timeline -
subject matter standards - certain assessments -
mastery of standards - demonstrate mastery by certain
method - codification - ~~effective dates~~ -
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

1 Accountability, the State Board of Career and Technology Education,
2 and the Oklahoma Department of Commerce shall:

3 1. Hold public meetings and solicit public input;

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

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

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

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

15 B. A report of recommendations shall be made to the State Board
16 of Education by March 1, 2016.

17 C. By May 1, 2016, the State Board of Education shall adopt the
18 requirements for high school graduation and a timeline to implement
19 the requirements.

20 SECTION 2. AMENDATORY 70 O.S. 2011, Section 11-103.6a,
21 as amended by Section 3, Chapter 430, O.S.L. 2014 (70 O.S. Supp.
22 2014, Section 11-103.6a), is amended to read as follows:

23 Section 11-103.6a. A. Beginning with the 2014-15 school year,
24 each area of subject matter standards, except for standards for

1 career and technology education adopted pursuant to Section 14-103
2 of this title, shall be adopted by the State Board of Education and
3 shall be subject to legislative review and approval as provided for
4 in Section 4 11-103.6a-1 of this ~~act~~ title. The subject matter
5 standards shall be implemented statewide by every public school
6 district in this state. The subject matter standards shall be
7 thoroughly reviewed by the State Board every six (6) years according
8 to and in coordination with the existing subject area textbook
9 adoption cycle. After review, the State Board shall adopt any
10 revisions in such subject matter standards deemed necessary to
11 achieve further improvements in the quality of education for the
12 students of this state. Any revisions adopted by the State Board of
13 Education shall be subject to review and approval as provided for in
14 Section 4 11-103.6a-1 of this ~~act~~ title. The adoption of subject
15 matter standards or revisions to the standards by the State Board of
16 Education pursuant to this section shall not be promulgated as rules
17 and shall not be subject to Article I of the Administrative
18 Procedures Act.

19 B. 1. In addition to the requirements set forth in subsection
20 A of this section, on or before August 1, 2016, the State Board of
21 Education, in consultation with the State Regents for Higher
22 Education, the State Board of Career and Technology Education and
23 the Oklahoma Department of Commerce, shall adopt subject matter
24 standards for English Language Arts and Mathematics which are

1 college- and career-ready and will replace current standards. To be
2 considered college- and career-ready, the standards shall be
3 evaluated by the State Department of Education, the State Regents
4 for Higher Education, the State Board of Career and Technology
5 Education and the Oklahoma Department of Commerce and be determined
6 to be such that the standards will address the goals of reducing the
7 need for remedial coursework at the postsecondary level and
8 increasing successful completion of postsecondary education. The
9 subject matter standards ~~and corresponding student assessments~~ for
10 English Language Arts and Mathematics shall be solely approved and
11 controlled by the state through the State Board of Education, and
12 the corresponding student assessments for English Language Arts and
13 Mathematics shall be solely approved by the state through the State
14 Board of Education.

15 2. Upon the effective date of this act, the State Board of
16 Education shall begin the process of adopting the English Language
17 Arts and Mathematics standards and shall provide reasonable
18 opportunity, consistent with best practices, for public comment on
19 the revision of the standards, including but not limited to comments
20 from students, parents, educators, organizations representing
21 students with disabilities and English language learners, higher
22 education representatives, career technology education
23 representatives, subject matter experts, community-based
24

1 organizations, Native American tribal representatives and business
2 community representatives.

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

9 4. Upon the effective date of this act, the State Board of
10 Education shall seek certification from the State Regents for Higher
11 Education that the subject matter standards for English Language
12 Arts and Mathematics which were in place prior to the revisions
13 adopted by the Board in June 2010 are college- and career-ready as
14 defined in the Federal Elementary and Secondary Education Act (ESEA)
15 Flexibility document issued by the United States Department of
16 Education and referenced in Option B of Principle 1: College and
17 Career-Ready Expectations for All Students. The State Regents shall
18 provide the Board a detailed description of the certification
19 process and results, including a list of deficiencies if the State
20 Regents conclude that the standards are not college- and career-
21 ready. The Board shall post all documents, materials, reports,
22 descriptions and correspondence produced by the State Regents or
23 used by the State Regents in the certification process on the
24 website for the State Department of Education.

1 C. 1. On or before the 2017-18 school year, the State Board of
2 Education, in consultation with the State Regents for Higher
3 Education, the State Board of Career and Technology Education and
4 the Oklahoma Department of Commerce, shall direct the process of the
5 development of annual high-quality statewide student assessments for
6 English Language Arts and Mathematics as provided for in Section
7 1210.508 of this title that align with the college- and career-ready
8 subject matter standards developed pursuant to subsection B of this
9 section.

10 2. The statewide student assessments for English Language Arts
11 and Mathematics shall continue to assess standards and objectives
12 found in the subject matter standards for English Language Arts and
13 Mathematics which were in place prior to the revisions adopted by
14 the Board in June 2010 and the test blueprints shall continue to
15 align to the standards and objectives found in such subject matter
16 standards for English Language Arts and Mathematics until the new
17 assessments are implemented as provided for in paragraph 1 of this
18 subsection.

19 D. 1. The State Board of Education shall not enter into any
20 agreement, memorandum of understanding or contract with any federal
21 agency or private entity which in any way cedes or limits state
22 discretion or control over the process of development, adoption or
23 revision of subject matter standards ~~and~~ or state discretion over
24 the process of development, adoption or revision of corresponding

1 student assessments in the public school system, including, but not
2 limited to, agreements, memoranda of understanding and contracts in
3 exchange for funding for public schools and programs. If the State
4 Board of Education is a party to such an agreement, memorandum of
5 understanding or contract on the effective date of this act, the
6 State Board of Education shall initiate necessary efforts to amend
7 the agreement, memorandum of understanding or contract to comply
8 with the requirements of this subsection.

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

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

22 E. The content of all subject matter standards ~~and~~
23 ~~corresponding student assessments~~ shall be solely approved and
24 controlled by the state through the State Board of Education, and

1 corresponding student assessments shall be solely approved by the
2 state through the State Board of Education. The State Board of
3 Education shall maintain independence of all subject matter
4 standards referenced in Section 11-103.6 of this title and
5 corresponding statewide student assessments and shall not relinquish
6 authority over Oklahoma subject matter standards and corresponding
7 statewide student assessments. Nothing in this section shall
8 prohibit benchmarking the state subject matter standards and
9 corresponding student assessments with those of other states or
10 nations to allow comparison of Oklahoma subject matter standards and
11 corresponding student assessments with those of other states and
12 nations.

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

20 G. 1. Upon completion of the adoption of English Language Arts
21 and Mathematics subject matter standards pursuant to subsection B of
22 this section, the State Board of Education shall compare such
23 English Language Arts and Mathematics standards with the English
24 Language Arts and Mathematics standards that were adopted by the

1 State Board of Education prior to implementation of this act. The
2 State Board of Education shall consider public comments, the use of
3 best practices, evidence and research in the evaluation of both sets
4 of standards. The State Board of Education shall compare the
5 standards in the areas of:

- 6 a. effective preparation for active citizenship and
7 postsecondary education or the workforce,
- 8 b. subject matter content,
- 9 c. sequencing of subject matter content and relationship
10 to measurement of student performance and the
11 application of subject matter standards,
- 12 d. developmental appropriateness of grade-level
13 expectations, academic content and instructional
14 rigor,
- 15 e. clarity for educators and parents,
- 16 f. exemplars tied to the standards,
- 17 g. measurability of student proficiency in the subject
18 matter,
- 19 h. pedagogy,
- 20 i. development of critical thinking skills, and
21 j. demonstration of application of acquired knowledge and
22 skills.

23 2. Upon completion of the comparison of the English Language
24 Arts and Mathematics subject matter standards, the State Board of

1 Education shall submit to the Governor, the Speaker of the House of
2 Representatives, the President Pro Tempore of the Senate, the
3 Minority Leader of the House of Representatives and the Minority
4 Leader of the Senate a report outlining the results of the
5 comparison of the standards.

6 H. All subject matter standards and corresponding statewide
7 student assessments adopted by the State Board of Education shall be
8 carefully circumscribed to reflect direct application to subject
9 matter proficiency and shall not include standards or assessment
10 questions that are designed to collect or measure noncognitive,
11 emotional or psychological characteristics, attributes or skills of
12 students.

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

18 SECTION 3. AMENDATORY 70 O.S. 2011, Section 1210.523, as
19 last amended by Section 26, Chapter 4, O.S.L. 2014 (70 O.S. Supp.
20 2014, Section 1210.523), is amended to read as follows:

21 Section 1210.523. A. Except as provided in subsections D and E
22 of this section, beginning with students entering the ninth grade in
23 the 2008-2009 school year, every student shall demonstrate mastery
24 of the state academic content standards in the following subject

1 areas in order to graduate from a public high school with a standard
2 diploma:

- 3 1. Algebra I;
- 4 2. English II; and
- 5 3. Two of the following five:
 - 6 a. Algebra II,
 - 7 b. Biology I,
 - 8 c. English III,
 - 9 d. Geometry, and
 - 10 e. United States History.

11 B. To demonstrate mastery, the student shall ~~attain at least a~~
12 ~~proficient score on the end-of-instruction criterion-referenced~~
13 ~~tests administered pursuant to Section 1210.508 of this title~~ meet
14 the requirements adopted by the State Board of Education in Section
15 1 of this act.

16 C. Notwithstanding any other provision of law, students who do
17 not ~~attain at least a proficient score on any end-of-instruction~~
18 ~~test~~ meet the requirements adopted by the State Board of Education
19 shall be provided remediation or intervention and ~~the opportunity~~
20 additional opportunities to ~~retake the test until at least a~~
21 ~~proficient score is attained on the tests of Algebra I, English II~~
22 ~~and two of the tests required in paragraph 3 of subsection A of this~~
23 ~~section or an approved alternative test~~ meet the requirements
24 adopted by the State Board of Education. Technology center schools

1 shall be authorized to provide intervention and remediation in
2 Algebra I, Algebra II, Geometry, English II, English III, United
3 States History, and Biology I to students enrolled in technology
4 center schools, with the approval of the independent school district
5 board.

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

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

19 3. Students who score ten percent (10%) above the cut scores
20 approved by the State Board of Education for the American College
21 Testing Program (ACT), the Scholastic Aptitude Test (SAT), ACT Plan
22 or Preliminary Scholastic Aptitude Test/National Merit Scholarship
23 Qualifying Test (PSAT/NMSQT) alternate tests shall be deemed to have
24 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 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 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

1 administrators as part of the Teacher and Leader Effectiveness
2 Evaluation System developed pursuant to Section 6-101.16 of this
3 title and for any other purpose provided for by law.

4 E. 1. The State Board of Education shall adopt rules
5 establishing an appeal process for students who have been denied a
6 standard diploma by the school district in which the student is or
7 was enrolled for failing to meet the requirements of this section.
8 A student who has been denied a standard diploma by the school
9 district in which the student is enrolled shall have thirty (30)
10 days after denial of the standard diploma in which to file a
11 petition for an appeal to the State Board of Education. The State
12 Board of Education shall take action on a petition for an appeal no
13 later than forty-five (45) days after receiving the petition.

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

21 F. 1. Students who have individualized education programs
22 pursuant to the Individuals with Disabilities Education Act (IDEA)
23 shall have an appropriate statement on the student's individualized
24 education program ~~requiring administration of the assessment~~

1 regarding administration of the requirements adopted by the State
2 Board of Education with or without accommodations or an alternate
3 assessment. Any accommodations normally ~~employed for the assessment~~
4 shall be approved by the State Board of Education and be provided
5 for in the individualized education program. All documentation for
6 each student shall be on file in the school prior to administration
7 of the ~~assessment~~ requirements adopted by the State Board of
8 Education.

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

- 18 a. obtains a written recommendation from the student's
19 teacher of record in consultation with the teacher in
20 each subject in which the student failed to meet the
21 requirements of subsection A of this section. The
22 recommendation shall be supported by the principal and
23 by documentation demonstrating the acquired knowledge
24

- of the student by alternate measures as required by the individualized education program (IEP),
- b. completes remediation opportunities to the extent required by the individualized education program (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) 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

1 most likely to yield accurate data of the student's knowledge of the
2 content areas.

3 G. Students who have been denied a standard diploma by the
4 school district in which the student is or was enrolled for failing
5 to meet the requirements of this section may re-enroll in the school
6 district that denied the student a standard diploma following the
7 denial of a standard diploma. The student shall be provided
8 remediation or intervention and ~~the opportunity to retake the test~~
9 additional opportunities to meet the requirements adopted by the
10 State Board of Education until ~~at least a proficient score is~~
11 ~~attained on the test or tests~~ the requirements or alternative
12 criteria adopted by the State Board of Education necessary to obtain
13 a standard diploma are met. Students who re-enroll in the school
14 district to meet the graduation requirements of this section shall
15 be exempt from the hourly instructional requirements of Section 1-
16 111 of this title and the six-period enrollment requirements of
17 Section 11-103.6 of this title.

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

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

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

3 ~~SECTION 5. Section 3 of this act shall become effective July 1,~~
4 ~~2016.~~

5 ~~SECTION 6. Sections 1, 2 and 4 of this act shall become~~
6 ~~effective July 1, 2015.~~

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

11 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
February 25, 2015 - DO PASS AS AMENDED
12
13
14
15
16
17
18
19
20
21
22
23
24