

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 707

By: Ford

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. 2014, 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. 2014, 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:

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

12 1. Hold public meetings and solicit public input;

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

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

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

21 5. Consider assessments required by the Elementary and
22 Secondary Education Act of 2001, P.L. No. 107-110, also known as the
23 No Child Left Behind Act of 2001, as amended or reauthorized.
24

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

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

6 SECTION 2. AMENDATORY 70 O.S. 2011, Section 11-103.6a,
7 as amended by Section 3, Chapter 430, O.S.L. 2014 (70 O.S. Supp.
8 2014, Section 11-103.6a), is amended to read as follows:

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

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

5 B. 1. In addition to the requirements set forth in subsection
6 A of this section, on or before August 1, 2016, the State Board of
7 Education, in consultation with the State Regents for Higher
8 Education, the State Board of Career and Technology Education and
9 the Oklahoma Department of Commerce, shall adopt subject matter
10 standards for English Language Arts and Mathematics which are
11 college- and career-ready and will replace current standards. To be
12 considered college- and career-ready, the standards shall be
13 evaluated by the State Department of Education, the State Regents
14 for Higher Education, the State Board of Career and Technology
15 Education and the Oklahoma Department of Commerce and be determined
16 to be such that the standards will address the goals of reducing the
17 need for remedial coursework at the postsecondary level and
18 increasing successful completion of postsecondary education. The
19 subject matter standards ~~and corresponding student assessments~~ for
20 English Language Arts and Mathematics shall be solely approved and
21 controlled by the state through the State Board of Education, and
22 the corresponding student assessments for English Language Arts and
23 Mathematics shall be solely approved by the state through the State
24 Board of Education.

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

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

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

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

10 C. 1. On or before the 2017-18 school year, the State Board of
11 Education, in consultation with the State Regents for Higher
12 Education, the State Board of Career and Technology Education and
13 the Oklahoma Department of Commerce, shall direct the process of the
14 development of annual high-quality statewide student assessments for
15 English Language Arts and Mathematics as provided for in Section
16 1210.508 of this title that align with the college- and career-ready
17 subject matter standards developed pursuant to subsection B of this
18 section.

19 2. The statewide student assessments for English Language Arts
20 and Mathematics shall continue to assess standards and objectives
21 found in the subject matter standards for English Language Arts and
22 Mathematics which were in place prior to the revisions adopted by
23 the Board in June 2010 and the test blueprints shall continue to
24 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.

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

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

22 F. School districts shall exclusively determine the
23 instruction, curriculum, reading lists and instructional materials
24 and textbooks, subject to any applicable provisions or requirements

1 as set forth in law, to be used in meeting the subject matter
2 standards. School districts may, at their discretion, adopt
3 supplementary student assessments which are in addition to the
4 statewide student assessments.

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

- 15 a. effective preparation for active citizenship and
16 postsecondary education or the workforce,
- 17 b. subject matter content,
- 18 c. sequencing of subject matter content and relationship
19 to measurement of student performance and the
20 application of subject matter standards,
- 21 d. developmental appropriateness of grade-level
22 expectations, academic content and instructional
23 rigor,
- 24 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

1 repealed by the State Board of Education as necessary to comply with
2 the requirements of this section.

3 SECTION 3. AMENDATORY 70 O.S. 2011, Section 1210.523, as
4 last amended by Section 26, Chapter 4, O.S.L. 2014 (70 O.S. Supp.
5 2014, Section 1210.523), is amended to read as follows:

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

- 12 1. Algebra I;
- 13 2. English II; and
- 14 3. Two of the following five:
 - 15 a. Algebra II,
 - 16 b. Biology I,
 - 17 c. English III,
 - 18 d. Geometry, and
 - 19 e. United States History.

20 B. To demonstrate mastery, the student shall ~~attain at least a~~
21 ~~proficient score on the end-of-instruction criterion-referenced~~
22 ~~tests administered pursuant to Section 1210.508 of this title~~ meet
23 the requirements adopted by the State Board of Education in Section
24 1 of this act.

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

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

20 2. The State Board of Education shall adopt rules providing for
21 necessary student exceptions and exemptions to the requirements of
22 this section. The Board shall collect data by school site and
23 district on the number of students provided and categories of
24 exceptions and exemptions granted. Beginning October 1, 2012, the

1 Board shall provide an annual report of this data to the Governor,
2 President Pro Tempore of the Senate and Speaker of the House of
3 Representatives.

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

16 4. Students who have a score that is equal to or above the cut
17 scores approved by the State Board of Education for the Advanced
18 Placement course exams, ACT Workkeys job skills assessment, College-
19 Level Examination Program (CLEP) or International Baccalaureate (IB)
20 alternate tests shall be deemed to have satisfactorily demonstrated
21 mastery of state academic content standards in the subject areas for
22 which alternate tests have been approved and shall be exempt from
23 ~~taking the end-of-instruction criterion-referenced tests in the~~
24 ~~subject areas of Algebra II, English III, Geometry or United States~~

1 ~~History as listed in paragraph 3 of subsection A of this section~~
2 meeting the requirements adopted by the State Board of Education.

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

13 E. 1. The State Board of Education shall adopt rules
14 establishing an appeal process for students who have been denied a
15 standard diploma by the school district in which the student is or
16 was enrolled for failing to meet the requirements of this section.
17 A student who has been denied a standard diploma by the school
18 district in which the student is enrolled shall have thirty (30)
19 days after denial of the standard diploma in which to file a
20 petition for an appeal to the State Board of Education. The State
21 Board of Education shall take action on a petition for an appeal no
22 later than forty-five (45) days after receiving the petition.

23 2. The State Board of Education shall collect data by school
24 site and school district on the number of students petitioning for

1 an appeal and the number of appeals approved by the State Board of
2 Education pursuant to this subsection. Beginning October 1, 2012,
3 the State Board of Education shall provide an annual report of this
4 data to the Governor, President Pro Tempore of the Senate and
5 Speaker of the House of Representatives.

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

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

1 of the school district that the student meets the following
2 criteria:

- 3 a. obtains a written recommendation from the student's
4 teacher of record in consultation with the teacher in
5 each subject in which the student failed to meet the
6 requirements of subsection A of this section. The
7 recommendation shall be supported by the principal and
8 by documentation demonstrating the acquired knowledge
9 of the student by alternate measures as required by
10 the individualized education program (IEP),
- 11 b. completes remediation opportunities to the extent
12 required by the individualized education program
13 (IEP),
- 14 c. ~~retakes the exam in each subject in which the student~~
15 ~~failed to meet the requirements of subsection A of~~
16 ~~this section~~ any assessment or assessments designated
17 by the State Board of Education if the individualized
18 education program (IEP) requires retake opportunities,
- 19 d. maintains at least a C average or the equivalent in
20 each subject in which the student failed to meet the
21 requirements of subsection A of this section, and
- 22 e. meets all other graduation requirements of the school
23 district in which the student is enrolled.

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

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

12 G. Students who have been denied a standard diploma by the
13 school district in which the student is or was enrolled for failing
14 to meet the requirements of this section may re-enroll in the school
15 district that denied the student a standard diploma following the
16 denial of a standard diploma. The student shall be provided
17 remediation or intervention and ~~the opportunity to retake the test~~
18 additional opportunities to meet the requirements adopted by the
19 State Board of Education until at least a proficient score is
20 ~~attained on the test or tests~~ the requirements or alternative
21 criteria adopted by the State Board of Education necessary to obtain
22 a standard diploma are met. Students who re-enroll in the school
23 district to meet the graduation requirements of this section shall
24 be exempt from the hourly instructional requirements of Section 1-

1 111 of this title and the six-period enrollment requirements of
2 Section 11-103.6 of this title.

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

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

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

12 SECTION 5. Section 3 of this act shall become effective July 1,
13 2016.

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

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

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