

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 707

By: Ford and Mazzei of the
Senate

7 and

8 Denney of the House

9
10 COMMITTEE SUBSTITUTE

11 [schools - recommendations for requirements for high
12 school graduation - report - requirements for high
13 school graduation and an implementation timeline -
14 subject matter standards - certain assessments -
15 mastery of standards - demonstrate mastery by
16 certain method - codification - ~~effective dates~~ -
17 emergency]

18
19
20 ~~BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:~~

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

22 2. Upon the effective date of this act, the State Board of
23 Education shall begin the process of adopting the English Language
24 Arts and Mathematics standards and shall provide reasonable

1 opportunity, consistent with best practices, for public comment on
2 the revision of the standards, including but not limited to comments
3 from students, parents, educators, organizations representing
4 students with disabilities and English language learners, higher
5 education representatives, career technology education
6 representatives, subject matter experts, community-based
7 organizations, Native American tribal representatives and business
8 community representatives.

9 3. Until the statewide student assessments for English Language
10 Arts and Mathematics are implemented as provided for in paragraph 1
11 of subsection C of this section, the State Board of Education shall
12 implement 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.

15 4. Upon the effective date of this act, the State Board of
16 Education shall seek certification from the State Regents for Higher
17 Education that the subject matter standards for English Language
18 Arts and Mathematics which were in place prior to the revisions
19 adopted by the Board in June 2010 are college- and career-ready as
20 defined in the Federal Elementary and Secondary Education Act (ESEA)
21 Flexibility document issued by the United States Department of
22 Education and referenced in Option B of Principle 1: College and
23 Career-Ready Expectations for All Students. The State Regents shall
24 provide the Board a detailed description of the certification

1 process and results, including a list of deficiencies if the State
2 Regents conclude that the standards are not college- and career-
3 ready. The Board shall post all documents, materials, reports,
4 descriptions and correspondence produced by the State Regents or
5 used by the State Regents in the certification process on the
6 website for the State Department of Education.

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

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

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

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

20 3. The State Department of Education may participate in a
21 multistate or multigovernmental cooperative pursuant to the
22 requirements of the Oklahoma Central Purchasing Act, but shall not
23 bind the state, contractually or otherwise, to the authority of any
24

1 other state, organization or entity which may supersede the
2 authority of the State Board of Education.

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

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

23 G. 1. Upon completion of the adoption of English Language Arts
24 and Mathematics subject matter standards pursuant to subsection B of

1 this section, the State Board of Education shall compare such
2 English Language Arts and Mathematics standards with the English
3 Language Arts and Mathematics standards that were adopted by the
4 State Board of Education prior to implementation of this act. The
5 State Board of Education shall consider public comments, the use of
6 best practices, evidence and research in the evaluation of both sets
7 of standards. The State Board of Education shall compare the
8 standards in the areas of:

- 9 a. effective preparation for active citizenship and
10 postsecondary education or the workforce,
- 11 b. subject matter content,
- 12 c. sequencing of subject matter content and relationship
13 to measurement of student performance and the
14 application of subject matter standards,
- 15 d. developmental appropriateness of grade-level
16 expectations, academic content and instructional
17 rigor,
- 18 e. clarity for educators and parents,
- 19 f. exemplars tied to the standards,
- 20 g. measurability of student proficiency in the subject
21 matter,
- 22 h. pedagogy,
- 23 i. development of critical thinking skills, and
24

1 j. demonstration of application of acquired knowledge and
2 skills.

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

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

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

22 SECTION 3. AMENDATORY 70 O.S. 2011, Section 1210.523, as
23 last amended by Section 26, Chapter 4, O.S.L. 2014 (70 O.S. Supp.
24 2014, Section 1210.523), is amended to read as follows:

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

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

15 B. To demonstrate mastery, the student shall ~~attain at least a~~
16 ~~proficient score on the end-of-instruction criterion-referenced~~
17 ~~tests administered pursuant to Section 1210.508 of this title~~ meet
18 the requirements adopted by the State Board of Education in Section
19 1 of this act.

20 C. Notwithstanding any other provision of law, students who do
21 not ~~attain at least a proficient score on any end-of-instruction~~
22 ~~test~~ meet the requirements adopted by the State Board of Education
23 shall be provided remediation or intervention and ~~the opportunity~~
24 additional opportunities to retake the test until at least a

1 ~~proficient score is attained on the tests of Algebra I, English II~~
2 ~~and two of the tests required in paragraph 3 of subsection A of this~~
3 ~~section or an approved alternative test~~ meet the requirements
4 adopted by the State Board of Education. Technology center schools
5 shall be authorized to provide intervention and remediation in
6 Algebra I, Algebra II, Geometry, English II, English III, United
7 States History, and Biology I to students enrolled in technology
8 center schools, with the approval of the independent school district
9 board.

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

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

23 3. Students who score ten percent (10%) above the cut scores
24 approved by the State Board of Education for the American College

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

11 4. Students who have a score that is equal to or above the cut
12 scores approved by the State Board of Education for the Advanced
13 Placement course exams, ACT Workkeys job skills assessment, College-
14 Level Examination Program (CLEP) or International Baccalaureate (IB)
15 alternate tests shall be deemed to have satisfactorily demonstrated
16 mastery of state academic content standards in the subject areas for
17 which alternate tests have been approved and shall be exempt from
18 ~~taking the end-of-instruction criterion-referenced tests in the~~
19 ~~subject areas of Algebra II, English III, Geometry or United States~~
20 ~~History as listed in paragraph 3 of subsection A of this section~~
21 meeting the requirements adopted by the State Board of Education.

22 5. The State Board of Education shall adopt rules providing for
23 implementation of paragraphs 3 and 4 of this subsection. The rules
24 shall provide for the designation of students as proficient or

1 advanced based on the scores obtained pursuant to paragraphs 3 and 4
2 of this subsection for the purposes of calculating the grade of a
3 school as part of the accountability system developed pursuant to
4 Section 1210.545 of this title, evaluating teachers and
5 administrators as part of the Teacher and Leader Effectiveness
6 Evaluation System developed pursuant to Section 6-101.16 of this
7 title and for any other purpose provided for by law.

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

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

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

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

22 a. obtains a written recommendation from the student's
23 teacher of record in consultation with the teacher in
24 each subject in which the student failed to meet the

1 requirements of subsection A of this section. The
2 recommendation shall be supported by the principal and
3 by documentation demonstrating the acquired knowledge
4 of the student by alternate measures as required by
5 the individualized education program (IEP),

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

9 c. ~~retakes the exam in each subject in which the student~~
10 ~~failed to meet the requirements of subsection A of~~
11 ~~this section~~ any assessment or assessments designated
12 by the State Board of Education if the individualized
13 education program (IEP) requires retake opportunities,

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

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

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

23 4. Students identified as English language learners shall be
24 assessed in a valid and reliable manner with the state academic

1 assessments with acceptable accommodations as necessary or, to the
2 extent practicable, with alternate assessments aligned to the state
3 assessment provided by the school district in the language and form
4 most likely to yield accurate data of the student's knowledge of the
5 content areas.

6 G. Students who have been denied a standard diploma by the
7 school district in which the student is or was enrolled for failing
8 to meet the requirements of this section may re-enroll in the school
9 district that denied the student a standard diploma following the
10 denial of a standard diploma. The student shall be provided
11 remediation or intervention and ~~the opportunity to retake the test~~
12 additional opportunities to meet the requirements adopted by the
13 State Board of Education until at least a proficient score is
14 attained on the test or tests the requirements or alternative
15 criteria adopted by the State Board of Education necessary to obtain
16 a standard diploma are met. Students who re-enroll in the school
17 district to meet the graduation requirements of this section shall
18 be exempt from the hourly instructional requirements of Section 1-
19 111 of this title and the six-period enrollment requirements of
20 Section 11-103.6 of this title.

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

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

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

6 ~~SECTION 5. Section 3 of this act shall become effective July 1,~~
7 ~~2016.~~

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

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

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15 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 03/17/2015
16 - DO PASS, As Amended.

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UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.