

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

HOUSE JOINT

RESOLUTION NO. 1030____

By: Gray

AS INTRODUCED

A Joint Resolution relating to an emergency rule of the State Department of Education; disapproving emergency rule OAC 210:35-9-31(d), regarding additional standards for secondary schools; and directing distribution.

WHEREAS, pursuant to Sections 250.2 and 308 of Title 75 of the Oklahoma Statutes, the Legislature reserves the right to designate the method for rule promulgation, establish policy, determine that a rule is not consistent with legislative intent and disapprove any rule or any portion thereof at any time; and

WHEREAS, on May 3, 1999, the Governor approved emergency rule OAC 210:35-9-31(d), regarding additional standards for secondary schools, relating to high school graduation requirements required for students graduating in the academic school year 2003-2004 and thereafter; and

WHEREAS, the effect of emergency rule OAC 210:35-9-31(d) is to require every student, except for those who have individualized education plans, to take certain specified courses which include four years of English, three years of Social Studies, three years of Science, including Chemistry, and three years of Mathematics, including Algebra I, Algebra II and Geometry; and

WHEREAS, because the emergency rule will not affect students until the academic school year 2003-2004, the Legislature does not believe the requirements for an emergency rule, set forth in Section 253 of Title 75 of the Oklahoma Statutes, that an imminent peril exists to the preservation of the public health, safety, or welfare,

or that a compelling public interest requires an emergency rule, are met; and

WHEREAS, the Legislature believes that the permanent rulemaking process allows greater opportunities for the affected public to have a voice in discussions on raising graduation requirements and is therefore, the preferred method in this instance; and

WHEREAS, the Legislature believes that certain issues, such as the availability of qualified teachers for specified courses and needed laboratory and specialized equipment, and whether the imposition of a bureaucratic and inflexible approach to the education of our students that denies parents and students the choice of education best fitted for their career choices, need to be addressed before imposing an unfunded mandate upon our schools; and

WHEREAS, the Legislature believes that decisions regarding student education should be made by students, parents, educators and school board officials elected at the local level; and

WHEREAS, for the above reasons the Legislature finds that the promulgation of OAC 210:35-9-31(d) as an emergency rule is not consistent with legislative intent.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 47TH OKLAHOMA LEGISLATURE:

SECTION 1. The Legislature hereby disapproves emergency rule OAC 210:35-9-31(d), which reads as follows:

(d) High school graduation requirements required for students graduating in the academic school year 2003-2004 and thereafter:

(1) English: Four (4) units or sets of competencies

(2) Mathematics: Three (3) units or sets of competencies

One (1) unit or set of competencies for each: Algebra I, Algebra II, Geometry

(3) Social Studies: Three (3) units or sets of

competencies including Oklahoma History, as required

by law, 70 O.S. § 11-103.6: United States History, World History, or American Government (Oklahoma History competencies can be integrated and taught in one of the above units.)

- (4) Science: Three (3) units or sets of competencies
One (1) unit or set of competencies from three (3) of the following four (4): General/Physical/Earth Science, Biology, Chemistry, or Physics.
- (5) In addition, as required by law, "The Arts" 70 O.S. § 11-103.6: The Arts: Two (2) units or sets of competencies (visual art and general music)
- (6) Total Minimum Core Curriculum: Fifteen (15) units or sets of competencies
- (7) Total Minimum Electives Courses: Eight (8) units or sets of competencies
- (8) Total Minimum Graduation Requirements: Twenty-three (23) units or sets of competencies
- (9) Advanced Placement and concurrent enrollment courses count toward the core curriculum
- (10) Applied academic courses approved by the Regents for Higher Education qualify for a mathematics and/or science requirement each year a high school student is enrolled and successfully completes such a program.
- (11) Require each incoming (2000-2001 school year) high school student to have counseling regarding curriculum planning with a high school counselor, teacher or administrator, such counseling to include the parent or guardian of the student.
- (12) Students who have Individualized Education Programs (I.E.P.) pursuant to the Individuals With Disabilities Education Act (I.D.E.A.) as amended, may be exempted from the minimum high school graduation standards.

SECTION 2. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the State Superintendent of Public Instruction and the Editor of "The Oklahoma Register".

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