

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 1502

By: McDaniel (Curtis)

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7 COMMITTEE SUBSTITUTE

8 An Act relating to schools; amending 70 O.S. 2011,  
9 Section 1210.523, as amended by Section 1, Chapter  
10 96, O.S.L. 2012 (70 O.S. Supp. 2012, Section  
11 1210.523), which relates to the Achieving Classroom  
12 Excellence Act of 2005; allowing certain boards of  
13 education of a school district to provide an appeal  
14 process under certain circumstance; specifying  
15 circumstances; allowing certain students to file an  
16 appeal with a board of education of a school  
17 district; providing process for an appeal; providing  
18 for certain students to file an appeal with the State  
19 Board of Education; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.523, as  
amended by Section 1, Chapter 96, O.S.L. 2012 (70 O.S. Supp. 2012,  
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

1 of the state academic content standards in the following subject  
2 areas in order to graduate from a public high school with a standard  
3 diploma:

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

12 B. To demonstrate mastery, the student shall attain at least a  
13 proficient score on the end-of-instruction criterion-referenced  
14 tests administered pursuant to Section 1210.508 of this title.

15 C. Notwithstanding any other provision of law, students who do  
16 not attain at least a proficient score on any end-of-instruction  
17 test shall be provided remediation or intervention and the  
18 opportunity to retake the test until at least a proficient score is  
19 attained on the tests of Algebra I, English II and two of the tests  
20 required in paragraph 3 of subsection A of this section or an  
21 approved alternative test. Technology center schools shall be  
22 authorized to provide intervention and remediation in Algebra I,  
23 Algebra II, Geometry, English II, English III, United States  
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1 History, and Biology I to students enrolled in technology center  
2 schools, with the approval of the independent school district board.

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

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

16 E. 1. The board of education of a school district may  
17 establish and provide an appeal process for students who have been  
18 denied a standard diploma by the school district only if more than  
19 ninety-five percent (95%) of the last graduating class for the  
20 school district demonstrated mastery of the state academic content  
21 standards as provided for in this section. Only students who have  
22 demonstrated mastery of the state academic content standards on at  
23 least two of the subject areas listed in paragraphs 1, 2 and 3 of  
24 subsection A of this section and who have completed the curriculum

1 requirements set forth in Section 11-103.6 of this title may file an  
2 appeal with the school district board of education. A student who  
3 has been denied a standard diploma by the school district in which  
4 the student is enrolled shall have thirty (30) days after denial of  
5 the standard diploma in which to file a petition for an appeal to  
6 the school district board of education. The school district board  
7 of education shall take action on a petition for an appeal no later  
8 than forty-five (45) days after receiving the petition.

9 2. Students who are not able to file an appeal with the school  
10 district board of education as provided for in paragraph 1 of this  
11 subsection may file an appeal with the State Board of Education as  
12 provided for in this paragraph. The State Board of Education shall  
13 adopt rules establishing an appeal process for students who have  
14 been denied a standard diploma by the school district in which the  
15 student is or was enrolled for failing to meet the requirements of  
16 this section. A student who has been denied a standard diploma by  
17 the school district in which the student is enrolled shall have  
18 thirty (30) days after denial of the standard diploma in which to  
19 file a petition for an appeal to the State Board of Education. The  
20 State Board of Education shall take action on a petition for an  
21 appeal no later than forty-five (45) days after receiving the  
22 petition.

23 ~~2.~~ 3. 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 Board~~ pursuant  
2 to this subsection. Beginning October 1, 2012, the Board shall  
3 provide an annual report of this data to the Governor, President Pro  
4 Tempore of the State Senate and Speaker of the House of  
5 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 with or  
10 without accommodations or an alternate assessment. Any  
11 accommodations normally employed for the assessment shall be  
12 approved by the State Board of Education and be provided for in the  
13 individualized education program. All documentation for each  
14 student shall be on file in the school prior to administration of  
15 the assessment.

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

23 G. The State Board of Education shall be authorized to contract  
24 with an entity to develop and advise on the implementation of a

1 communications campaign to build public understanding of and support  
2 for the testing requirements of this section.

3 SECTION 2. It being immediately necessary for the preservation  
4 of the public peace, health and safety, an emergency is hereby  
5 declared to exist, by reason whereof this act shall take effect and  
6 be in full force from and after its passage and approval.

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