

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 1756

By: Nollan

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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; clarifying statutory
13 language; allowing certain students with an
14 individualized education program to graduate with a
15 standard diploma under certain circumstances;
16 specifying criteria for graduation with a standard
17 diploma; and declaring an emergency.

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

19 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.523, as
20 amended by Section 1, Chapter 96, O.S.L. 2012 (70 O.S. Supp. 2012,
21 Section 1210.523), is amended to read as follows:

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

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

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

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

14 E. 1. The State Board of Education shall adopt rules
15 establishing an appeal process for students who have been denied a
16 standard diploma by the school district in which the student is or
17 was enrolled for failing to meet the requirements of this section.
18 A student who has been denied a standard diploma by the school
19 district in which the student is enrolled shall have thirty (30)
20 days after denial of the standard diploma in which to file a
21 petition for an appeal to the State Board of Education. The State
22 Board of Education shall take action on a petition for an appeal no
23 later than forty-five (45) days after receiving the petition.
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1 2. The State Board of Education shall collect data by school
2 site and school district on the number of students petitioning for
3 an appeal and the number of appeals approved by the State Board of
4 Education pursuant to this subsection. Beginning October 1, 2012,
5 the State Board of Education shall provide an annual report of this
6 data to the Governor, President Pro Tempore of the State Senate and
7 Speaker of the House of Representatives.

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

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 their teacher of
4 record in consultation with their teacher in each
5 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 if the individualized education program
17 (IEP) requires retake opportunities,
- 18 d. maintains at least a C average or the equivalent in
19 each subject in which the student failed to meet the
20 requirements of subsection A of this section, and
- 21 e. meets all other graduation requirements of the school
22 district in which the student is enrolled.

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

10 SECTION 2. 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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