

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1502

By: McDaniel (Curtis) of the
House

7 and

8 Sharp of the Senate

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10 COMMITTEE SUBSTITUTE

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

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

24 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:

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.

18 C. Notwithstanding any other provision of law, students who do
19 not attain at least a proficient score on any end-of-instruction
20 test shall be provided remediation or intervention and the
21 opportunity to retake the test until at least a proficient score is
22 attained on the tests of Algebra I, English II and two of the tests
23 required in paragraph 3 of subsection A of this section or an

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1 approved alternative test. Technology center schools shall be
2 authorized to provide intervention and remediation in Algebra I,
3 Algebra II, Geometry, English II, English III, United States
4 History, and Biology I to students enrolled in technology center
5 schools, with the approval of the independent school district board.

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

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

19 E. 1. The board of education of a school district may
20 establish and provide an appeal process for students who have been
21 denied a standard diploma by the school district only if more than
22 ninety-five percent (95%) of the last graduating class for the
23 school district demonstrated mastery of the state academic content

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1 standards as provided for in this section. Only students who have
2 demonstrated mastery of the state academic content standards on at
3 least two of the subject areas listed in paragraphs 1, 2 and 3 of
4 subsection A of this section and who have completed the curriculum
5 requirements set forth in Section 11-103.6 of this title may file an
6 appeal with the school district board of education. A student who
7 has been denied a standard diploma by the school district in which
8 the student is enrolled shall have thirty (30) days after denial of
9 the standard diploma in which to file a petition for an appeal to
10 the school district board of education. The school district board
11 of education shall take action on a petition for an appeal no later
12 than forty-five (45) days after receiving the petition.

13 2. Students who are not able to file an appeal with the school
14 district board of education as provided for in paragraph 1 of this
15 subsection may file an appeal with the State Board of Education as
16 provided for in this paragraph. The State Board of Education shall
17 adopt rules establishing an appeal process for students who have
18 been denied a standard diploma by the school district in which the
19 student is or was enrolled for failing to meet the requirements of
20 this section. A student who has been denied a standard diploma by
21 the school district in which the student is enrolled shall have
22 thirty (30) days after denial of the standard diploma in which to
23 file a petition for an appeal to the State Board of Education. The

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1 State Board of Education shall take action on a petition for an
2 appeal no later than forty-five (45) days after receiving the
3 petition.

4 ~~2.~~ 3. The State Board of Education shall collect data by school
5 site and school district on the number of students petitioning for
6 an appeal and the number of appeals approved ~~by the Board~~ pursuant
7 to this subsection. Beginning October 1, 2012, the Board shall
8 provide an annual report of this data to the Governor, President Pro
9 Tempore of the State Senate and Speaker of the House of
10 Representatives.

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

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

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

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

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14 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02/27/2013
15 - DO PASS, As Amended and Coauthored.

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