SENATE FLOOR VERSION
February 20, 2013
AS AMENDED

SENATE BILL NO. 226 By: Ford of the Senate

and

Coody of the House

[state academic content standards - Achieving Classroom Excellence Act of 2005 - effective date - emergency]

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

1. Algebra I;

2. English II; and

3. Two of the following five:

a. Algebra II,

b. Biology I,

c. English III,

d. Geometry, and

e. United States History.

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

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

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

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

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

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

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

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

G. Students who have been denied a standard diploma by the school district in which the student is or was enrolled for failing to meet the requirements of this section may re-enroll in the school district that denied the student a standard diploma following the denial of a standard diploma. The student shall be provided remediation or intervention and the opportunity to retake the test until at least a proficient score is attained on the test or tests

necessary to obtain a standard diploma. Students who remain enrolled in the school district to meet the academic requirements of this section shall be exempt from the hourly instructional requirements of Section 1-111 of this title.

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

SECTION 2. AMENDATORY 70 O.S. 2011, Section 1210.526, is amended to read as follows:

Section 1210.526. A. Contingent on the provision of appropriated funds designated for the Achieving Classroom Excellence Act of 2005, school districts shall be eligible for funding as follows:

1. A maximum of Two Hundred Forty Dollars ($240.00) for remediation or intervention for each subject-specific test by a student that resulted in a score at the unsatisfactory level and for which the student has been found to be in need of remediation or intervention pursuant to Sections 1210.522 and 1210.523 of ~~Title 70 of the Oklahoma Statutes~~ this title;

2. A maximum of One Hundred Eighty Dollars ($180.00) for remediation or intervention for each subject-specific test by a student that resulted in a score at the limited knowledge level and for which the student has been found to be in need of remediation or

intervention pursuant to Sections 1210.522 and 1210.523 of ~~Title 70 of the Oklahoma Statutes~~ this title;

3. Funds for remediation or intervention as provided for in paragraphs 1 and 2 of this subsection shall be disbursed by the State Department of Education by September 1 of each year and shall be based on the most recent test results available from the previous school year or summer test administration; and

4. Claims for reimbursement for costs associated with administration of alternative assessments as required by Section 1210.523 of ~~Title 70 of the Oklahoma Statutes~~ this title shall be filed with the State Department of Education at the end of each school semester or prior to the end of the fiscal year in which the alternative assessment is provided. Claims from summer alternative assessment administration provided in July or August shall be filed with the first semester claim of the subsequent school year. Claims shall be reimbursed in a timely manner.

B. Funds for remediation or intervention as provided for in subsection A of this section may be used to provide remediation or intervention to any student in grade 6 through grade 12 or any student under the age of twenty-one (21) who enrolls in a school district to meet the graduation requirements of Section 1210.523 of this title who has been determined to be in need of remediation or intervention, including but not limited to those students who have scored at the unsatisfactory or limited knowledge level.

C. Remediation and intervention provided pursuant to this section by school districts shall be for the purpose of assisting students in performing at least at the satisfactory level on the applicable criterion-referenced tests in reading and mathematics at the eighth-grade level, or the applicable end-of-instruction tests as required in Section 1210.523 of ~~Title 70 of the Oklahoma Statutes~~ this title, or an alternative assessment if eligible. Remediation and intervention may be provided by means which may include, but are not limited to, tutoring, additional help during the school day, extended-day programs, Saturday programs, summer programs, online coursework, or other supplementary services which are provided on an individual basis or in a classroom setting.

D. Funding for students enrolling in a school district pursuant to subsection G of Section 1 of this act shall be calculated based upon the percentage of the total school day in which the student is enrolled multiplied by the appropriate grade level weight pursuant to Section 18-201.1 of this title.

E. School districts shall report on their use of funds for remediation and intervention as provided for in this section to the State Board of Education in a manner prescribed by the Board.

~~E.~~ F. The State Board of Education shall promulgate rules to implement the provisions of this section.

SECTION 3. This act shall become effective July 1, 2013.

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

COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
February 20, 2013 - DO PASS AS AMENDED