

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 HOUSE BILL 2795

By: McCullough

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2011,
8 Section 1210.523, as last amended by Section 2,
9 Chapter 403, O.S.L. 2013 (70 O.S. Supp. 2013, Section
10 1210.523), which relates to the requirement for
11 master of state academic content standards in
12 designated subjects; allowing school districts to
13 implement a waiver process from certain requirements
14 for certain percentage of certain students; requiring
15 school districts to submit a written explanation
16 prior to implementation; requiring school districts
17 to submit an annual report; allowing exempted
18 students to graduate with a standard diploma;
19 providing an effective date; and declaring an
20 emergency.

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

22 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.523, as
23 last amended by Section 2, Chapter 403, O.S.L. 2013 (70 O.S. Supp.
24 2013, 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

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 Senate and Speaker of the House of
13 Representatives.

14 3. Students who score ten percent (10%) above the cut scores
15 approved by the State Board of Education for the American College
16 Testing Program (ACT), the Scholastic Aptitude Test (SAT), ACT Plan
17 or Preliminary Scholastic Aptitude Test/National Merit Scholarship
18 Qualifying Test (PSAT/NMSQT) alternate tests shall be deemed to have
19 satisfactorily demonstrated mastery of state academic content
20 standards in the subject areas for which alternative tests have been
21 approved and shall be exempt from taking the end-of-instruction
22 criterion-referenced tests in the subject areas of Algebra II,
23 English III, Geometry or United States History as listed in
24 paragraph 3 of subsection A of this section.

1 4. Students who have a score that is equal to or above the cut
2 scores approved by the State Board of Education for the Advanced
3 Placement course exams, ACT Workkeys job skills assessment, College-
4 Level Examination Program (CLEP) or International Baccalaureate (IB)
5 alternate tests shall be deemed to have satisfactorily demonstrated
6 mastery of state academic content standards in the subject areas for
7 which alternate tests have been approved and shall be exempt from
8 taking the end-of-instruction criterion-referenced tests in the
9 subject areas of Algebra II, English III, Geometry or United States
10 History as listed in paragraph 3 of subsection A of this section.

11 5. The State Board of Education shall adopt rules providing for
12 implementation of paragraphs 3 and 4 of this subsection. The rules
13 shall provide for the designation of students as proficient or
14 advanced based on the scores obtained pursuant to paragraphs 3 and 4
15 of this subsection for the purposes of calculating the grade of a
16 school as part of the accountability system developed pursuant to
17 Section 1210.545 of this title, evaluating teachers and
18 administrators as part of the Teacher and Leader Effectiveness
19 Evaluation System developed pursuant to Section 6-101.16 of this
20 title and for any other purpose provided for by law.

21 E. 1. The State Board of Education shall adopt rules
22 establishing an appeal process for students who have been denied a
23 standard diploma by the school district in which the student is or
24 was enrolled for failing to meet the requirements of this section.

1 A student who has been denied a standard diploma by the school
2 district in which the student is enrolled shall have thirty (30)
3 days after denial of the standard diploma in which to file a
4 petition for an appeal to the Board. The Board shall take action on
5 a petition for an appeal no later than forty-five (45) days after
6 receiving the petition.

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

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

23 2. The Oklahoma School for the Blind and the Oklahoma School
24 for the Deaf shall be considered local education agencies solely for

1 the purposes of purchasing, administering and obtaining test results
2 under this section for the students attending their schools.

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

10 G. A school district may implement a waiver process in which
11 each year not more than two percent (2%) of the students enrolled in
12 the school district who are in the twelfth grade and who do not meet
13 the requirements of subsection A of this section shall be exempted
14 from the provisions of this section. Prior to implementation, the
15 school district shall submit a written explanation of the reasons
16 the waiver process is necessary. After implementation, the school
17 district shall submit an annual report to the State Board of
18 Education of the number of students exempted from the provisions of
19 this section under the waiver process. The students who are
20 exempted from the requirements of this section pursuant to a waiver
21 as provided for in this subsection may graduate from high school
22 with a standard diploma.

23 H. 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. This act shall become effective July 1, 2014.

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

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