

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3170

By: Blackwell

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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 mastery of state academic  
11 content standards in designated subjects  
12 requirements; exempting students from demonstrating  
13 mastery on certain tests after certain conditions are  
14 met; expanding certain exemption from certain subject  
15 area tests; providing an effective date; and  
16 declaring an emergency.

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

18 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.523, as  
19 last amended by Section 2, Chapter 403, O.S.L. 2013 (70 O.S. Supp.  
20 2013, Section 1210.523), is amended to read as follows:

21 Section 1210.523 A. Except as provided in subsections D and E  
22 of this section, beginning with students entering the ninth grade in  
23 the 2008-2009 school year, every student shall demonstrate mastery  
24 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 1. Algebra I;
- 2 2. English II; and
- 3 3. Two of the following five:
  - 4 a. Algebra II,
  - 5 b. Biology I,
  - 6 c. English III,
  - 7 d. Geometry, and
  - 8 e. United States History.

9 B. To demonstrate mastery, the student shall attain at least a  
10 proficient score on the end-of-instruction criterion-referenced  
11 tests administered pursuant to Section 1210.508 of this title.  
12 After a student has attained at least a proficient score on the  
13 Algebra I, English II and two of the tests required in paragraph 3  
14 of subsection A of this section, the student shall be exempt from  
15 taking any of the remaining end-of-instruction tests listed in  
16 paragraph 3 of subsection A of this section.

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

1 Algebra II, Geometry, English II, English III, United States  
2 History, and Biology I to students enrolled in technology center  
3 schools, with the approval of the independent school district board.

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

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

17 3. Students who score ten percent (10%) above the cut scores  
18 approved by the State Board of Education for the American College  
19 Testing Program (ACT), the Scholastic Aptitude Test (SAT), ACT Plan  
20 or Preliminary Scholastic Aptitude Test/National Merit Scholarship  
21 Qualifying Test (PSAT/NMSQT) alternate tests shall be deemed to have  
22 satisfactorily demonstrated mastery of state academic content  
23 standards in the subject areas for which alternative tests have been  
24 approved and shall be exempt from taking the end-of-instruction

1 criterion-referenced tests in the subject areas of Algebra II,  
2 English III, Geometry or United States History as listed in  
3 paragraph 3 of subsection A of this section.

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

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

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

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

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

1 student shall be on file in the school prior to administration of  
2 the assessment.

3 2. The Oklahoma School for the Blind and the Oklahoma School  
4 for the Deaf shall be considered local education agencies solely for  
5 the purposes of purchasing, administering and obtaining test results  
6 under this section for the students attending their schools.

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

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

18 SECTION 2. This act shall become effective July 1, 2014.

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

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24 54-2-8853 KB 01/14/14