

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 COMMITTEE SUBSTITUTE  
4 FOR  
5 HOUSE BILL NO. 1499

By: Casey

6  
7 COMMITTEE SUBSTITUTE

8 An Act relating to schools; amending 70 O.S. 2011,  
9 Section 1210.523, as last amended by Section 26,  
10 Chapter 4, O.S.L. 2014 (70 O.S. Supp. 2014, Section  
11 1210.523), which relates to mastery of state academic  
12 content standards in designated subject areas;  
13 allowing school districts to adopt a policy exempting  
14 students from taking certain tests after certain  
15 conditions are met; expanding certain exemption from  
16 certain subject area tests; providing an effective  
17 date; 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 last amended by Section 26, Chapter 4, O.S.L. 2014 (70 O.S. Supp.  
21 2014, 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, the board of  
15 education of a school district may adopt a policy which exempts  
16 students who have attained at least a proficient score on the  
17 Algebra I, English II and two of the tests required in paragraph 3  
18 of subsection A of this section from taking any of the remaining  
19 end-of-instruction criterion-referenced tests in the subject areas  
20 of Algebra II, English III, Geometry or United States History as  
21 listed in paragraph 3 of subsection A of this section.

22 D. Notwithstanding any other provision of law, students who do  
23 not attain at least a proficient score on any end-of-instruction  
24 test shall be provided remediation or intervention and the

1 opportunity to retake the test until at least a proficient score is  
2 attained on the tests of Algebra I, English II and two of the tests  
3 required in paragraph 3 of subsection A of this section or an  
4 approved alternative test. Technology center schools shall be  
5 authorized to provide intervention and remediation in Algebra I,  
6 Algebra II, Geometry, English II, English III, United States  
7 History, and Biology I to students enrolled in technology center  
8 schools, with the approval of the independent school district board.

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

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

22 3. Students who score ten percent (10%) above the cut scores  
23 approved by the State Board of Education for the American College  
24 Testing Program (ACT), the Scholastic Aptitude Test (SAT), ACT Plan

1 or Preliminary Scholastic Aptitude Test/National Merit Scholarship  
2 Qualifying Test (PSAT/NMSQT) alternate tests shall be deemed to have  
3 satisfactorily demonstrated mastery of state academic content  
4 standards in the subject areas for which alternative tests have been  
5 approved and shall be exempt from taking the end-of-instruction  
6 criterion-referenced tests in the subject areas of Algebra II,  
7 English III, Geometry or United States History as listed in  
8 paragraph 3 of subsection A of this section.

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

20 5. The State Board of Education shall adopt rules providing for  
21 implementation of paragraphs 3 and 4 of this subsection. The rules  
22 shall provide for the designation of students as proficient or  
23 advanced based on the scores obtained pursuant to paragraphs 3 and 4  
24 of this subsection for the purposes of calculating the grade of a

1 school as part of the accountability system developed pursuant to  
2 Section 1210.545 of this title, evaluating teachers and  
3 administrators as part of the Teacher and Leader Effectiveness  
4 Evaluation System developed pursuant to Section 6-101.16 of this  
5 title and for any other purpose provided for by law.

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

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

23 ~~F.~~ G. 1. Students who have individualized education programs  
24 pursuant to the Individuals with Disabilities Education Act (IDEA)

1 shall have an appropriate statement on the student's individualized  
2 education program requiring administration of the assessment with or  
3 without accommodations or an alternate assessment. Any  
4 accommodations normally employed for the assessment shall be  
5 approved by the State Board of Education and be provided for in the  
6 individualized education program. All documentation for each  
7 student shall be on file in the school prior to administration of  
8 the assessment.

9 2. Students with disabilities whose individualized education  
10 program (IEP) pursuant to the Individuals with Disabilities  
11 Education Act (IDEA) indicates that the student is to be assessed  
12 with alternate achievement standards through the Oklahoma Alternate  
13 Assessment Program (OAAP) may be eligible to graduate from a public  
14 high school with a standard diploma after failing to meet the  
15 requirements of subsection A of this section upon the determination  
16 of the school district that the student meets the following  
17 criteria:

- 18 a. obtains a written recommendation from the student's  
19 teacher of record in consultation with the teacher in  
20 each subject in which the student failed to meet the  
21 requirements of subsection A of this section. The  
22 recommendation shall be supported by the principal and  
23 by documentation demonstrating the acquired knowledge  
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1 of the student by alternate measures as required by  
2 the individualized education program (IEP),

3 b. completes remediation opportunities to the extent  
4 required by the individualized education program  
5 (IEP),

6 c. retakes the exam in each subject in which the student  
7 failed to meet the requirements of subsection A of  
8 this section if the individualized education program  
9 (IEP) requires retake opportunities,

10 d. maintains at least a C average or the equivalent in  
11 each subject in which the student failed to meet the  
12 requirements of subsection A of this section, and

13 e. meets all other graduation requirements of the school  
14 district in which the student is enrolled.

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

19 4. Students identified as English language learners shall be  
20 assessed in a valid and reliable manner with the state academic  
21 assessments with acceptable accommodations as necessary or, to the  
22 extent practicable, with alternate assessments aligned to the state  
23 assessment provided by the school district in the language and form  
24

1 most likely to yield accurate data of the student's knowledge of the  
2 content areas.

3 ~~G.~~ H. Students who have been denied a standard diploma by the  
4 school district in which the student is or was enrolled for failing  
5 to meet the requirements of this section may re-enroll in the school  
6 district that denied the student a standard diploma following the  
7 denial of a standard diploma. The student shall be provided  
8 remediation or intervention and the opportunity to retake the test  
9 until at least a proficient score is attained on the test or tests  
10 necessary to obtain a standard diploma. Students who re-enroll in  
11 the school district to meet the graduation requirements of this  
12 section shall be exempt from the hourly instructional requirements  
13 of Section 1-111 of this title and the six-period enrollment  
14 requirements of Section 11-103.6 of this title.

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

19 SECTION 2. This act shall become effective July 1, 2015.

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

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