ENGROSSED HOUSE
BILL NO. 2729 By: Coody (Ann) of the House

and

Barrington of the Senate

An Act relating to schools; amending 70 O.S. 2011, Section 1210.523, as last amended by Section 26, Chapter 4, O.S.L. 2014 (70 O.S. Supp. 2015, Section 1210.523), which relates to end-of-instruction criterion-referenced tests; adding an alternative method for demonstrating mastery of state academic content standards for certain students; directing the State Board of Education to determine the subject areas for each test; requiring certain rules to provide for including certain students in the number used to calculate school grades; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.523, as last amended by Section 26, Chapter 4, O.S.L. 2014 (70 O.S. Supp. 2015, 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 Senate and Speaker of the House of Representatives.

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

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

5. Students who attain at least a proficient score on an end-of-instruction criterion-referenced test or tests intended to demonstrate mastery of academic content standards at a school in another state or at a Department of Defense school shall be deemed to have satisfactorily demonstrated mastery of the state academic content standards in one or more of the subject areas listed in subsection A of this section and shall be exempt from taking the end-of-instruction criterion-referenced tests in that subject area or areas. The State Board of Education shall determine which subject area or areas each test may be used in lieu of the end-of-instruction criterion-referenced test for that subject as listed in subsection A of this section.

6. The State Board of Education shall adopt rules providing for implementation of paragraphs 3 ~~and~~, 4 and 5 of this subsection. The

rules shall provide for the designation of students as proficient or advanced based on the scores obtained pursuant to paragraphs 3 ~~and~~, 4 and 5 of this subsection for the purposes of calculating the grade of a school as part of the accountability system developed pursuant to Section 1210.545 of this title, evaluating teachers and administrators as part of the Teacher and Leader Effectiveness Evaluation System developed pursuant to Section 6-101.16 of this title and for any other purpose provided for by law. The rules shall also provide for including the students taking tests pursuant to paragraph 5 of this subsection in the number of students which is used for the purpose of calculating the grade of a school as part of the accountability system developed pursuant to Section 1210.545 of this title.

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

2. The State Board of Education 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 State Board of Education pursuant to this subsection. Beginning October 1, 2012, the State Board of Education shall provide an annual report of this data to the Governor, President Pro Tempore of the 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 with disabilities whose individualized education program (IEP) pursuant to the Individuals with Disabilities Education Act (IDEA) indicates that the student is to be assessed with alternate achievement standards through the Oklahoma Alternate Assessment Program (OAAP) may be eligible to graduate from a public high school with a standard diploma after failing to meet the requirements of subsection A of this section upon the determination

of the school district that the student meets the following criteria:

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

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

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

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

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

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

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

4. 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 re-enroll in the school district to meet the graduation requirements of this section shall be exempt from the hourly instructional requirements of Section 1-111 of this title and the six-period enrollment requirements of Section 11-103.6 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. This act shall become effective July 1, 2016.

SECTION 3. 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.

Passed the House of Representatives the 17th day of February, 2016.

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Presiding Officer of the House of Representatives

Passed the Senate the ___ day of _____, 2016.

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Presiding Officer of the Senate