

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 55th Legislature (2016)

4 HOUSE BILL 2729

                                  By: Coody (Ann)

7                                   AS INTRODUCED

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. 2015, Section  
11                  1210.523), which relates to end-of-instruction  
12                  criterion-referenced tests; adding an alternative  
13                  method for demonstrating mastery of state academic  
14                  content standards for certain students; directing the  
15                  State Board of Education to determine the subject  
16                  areas for each test; requiring certain rules to  
17                  provide for including certain students in the number  
18                  used to calculate school grades; providing an  
19                  effective date; and declaring an emergency.

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

21                  SECTION 1.            AMENDATORY            70 O.S. 2011, Section 1210.523, as  
22                  last amended by Section 26, Chapter 4, O.S.L. 2014 (70 O.S. Supp.  
23                  2015, Section 1210.523), is amended to read as follows:

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

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

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

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

24

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

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

18           2. Students with disabilities whose individualized education  
19 program (IEP) pursuant to the Individuals with Disabilities  
20 Education Act (IDEA) indicates that the student is to be assessed  
21 with alternate achievement standards through the Oklahoma Alternate  
22 Assessment Program (OAAP) may be eligible to graduate from a public  
23 high school with a standard diploma after failing to meet the  
24 requirements of subsection A of this section upon the determination

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

- 3 a. obtains a written recommendation from the student's  
4 teacher of record in consultation with the teacher in  
5 each subject in which the student failed to meet the  
6 requirements of subsection A of this section. The  
7 recommendation shall be supported by the principal and  
8 by documentation demonstrating the acquired knowledge  
9 of the student by alternate measures as required by  
10 the individualized education program (IEP),
- 11 b. completes remediation opportunities to the extent  
12 required by the individualized education program  
13 (IEP),
- 14 c. retakes the exam in each subject in which the student  
15 failed to meet the requirements of subsection A of  
16 this section if the individualized education program  
17 (IEP) requires retake opportunities,
- 18 d. maintains at least a C average or the equivalent in  
19 each subject in which the student failed to meet the  
20 requirements of subsection A of this section, and
- 21 e. meets all other graduation requirements of the school  
22 district in which the student is enrolled.

23 3. 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 4. 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. Students who have been denied a standard diploma by the  
11 school district in which the student is or was enrolled for failing  
12 to meet the requirements of this section may re-enroll in the school  
13 district that denied the student a standard diploma following the  
14 denial of a standard diploma. The student shall be provided  
15 remediation or intervention and the opportunity to retake the test  
16 until at least a proficient score is attained on the test or tests  
17 necessary to obtain a standard diploma. Students who re-enroll in  
18 the school district to meet the graduation requirements of this  
19 section shall be exempt from the hourly instructional requirements  
20 of Section 1-111 of this title and the six-period enrollment  
21 requirements of Section 11-103.6 of this title.

22 H. The State Board of Education shall be authorized to contract  
23 with an entity to develop and advise on the implementation of a  
24



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, 2016.

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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9 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02/09/2016  
10 - DO PASS.

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