

1 ENGROSSED SENATE AMENDMENTS
TO

2 ENGROSSED HOUSE
3 BILL NO. 2729

By: Coody (Ann) of the House

and

Barrington of the Senate

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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.

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AMENDMENT NO. 1. Page 5, line 8, delete the underlined language
that begins with the word "The" through the period
on line 13

AMENDMENT NO. 2. Page 1, line 11, after the semi-colon and before
the word "providing" on line 12, amend the title
to conform by deleting all language

1 Passed the Senate the 13th day of April, 2016.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2016.

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8 _____
9 Presiding Officer of the House
10 of Representatives

1 ENGROSSED HOUSE
2 BILL NO. 2729

By: Coody (Ann) of the House

3 and

4 Barrington of the Senate

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7 An Act relating to schools; amending 70 O.S. 2011,
8 Section 1210.523, as last amended by Section 26,
9 Chapter 4, O.S.L. 2014 (70 O.S. Supp. 2015, Section
10 1210.523), which relates to end-of-instruction
11 criterion-referenced tests; adding an alternative
12 method for demonstrating mastery of state academic
13 content standards for certain students; directing the
14 State Board of Education to determine the subject
15 areas for each test; requiring certain rules to
16 provide for including certain students in the number
17 used to calculate school grades; providing an
18 effective date; and declaring an emergency.

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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

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.

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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
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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.

8 Passed the House of Representatives the 17th day of February,
9 2016.

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11 _____
12 Presiding Officer of the House
of Representatives

13 Passed the Senate the ____ day of _____, 2016.

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15 _____
16 Presiding Officer of the Senate

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