

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1321

By: Nollan

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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 26,
9 Chapter 4, O.S.L. 2014 (70 O.S. Supp. 2014, Section
10 1210.523), which relates to the end-of-instruction
11 criterion-referenced tests; adding alternative
12 methods for demonstrating mastery of state academic
13 content standards in certain subject areas; providing
14 an effective date; and declaring an emergency.

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

16 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.523, as
17 last amended by Section 26, Chapter 4, O.S.L. 2014 (70 O.S. Supp.
18 2014, Section 1210.523), is amended to read as follows:

19 Section 1210.523 A. Except as provided in subsections D and E
20 of this section, beginning with students entering the ninth grade in
21 the 2008-2009 school year, every student shall demonstrate mastery
22 of the state academic content standards in the following subject
23 areas in order to graduate from a public high school with a standard
24 diploma:

1. Algebra I;

1 2. English II; and

2 3. Two of the following five:

3 a. Algebra II,

4 b. Biology I,

5 c. English III,

6 d. Geometry, and

7 e. United States History.

8 B. To demonstrate mastery, the student shall attain at least a
9 proficient score on the end-of-instruction criterion-referenced
10 tests administered pursuant to Section 1210.508 of this title.

11 C. Notwithstanding any other provision of law, students who do
12 not attain at least a proficient score on any end-of-instruction
13 test shall be provided remediation or intervention and the
14 opportunity to retake the test until at least a proficient score is
15 attained on the tests of Algebra I, English II and two of the tests
16 required in paragraph 3 of subsection A of this section or an
17 approved alternative test. Technology center schools shall be
18 authorized to provide intervention and remediation in Algebra I,
19 Algebra II, Geometry, English II, English III, United States
20 History, and Biology I to students enrolled in technology center
21 schools, with the approval of the independent school district board.

22 D. 1. Students who do not meet the requirements of subsection
23 A of this section may graduate from a public high school with a
24 standard diploma by demonstrating mastery of state academic content

1 standards by alternative methods as approved by the State Board of
2 Education.

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

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

22 4. Students who have a score that is equal to or above the cut
23 scores approved by the State Board of Education for the Advanced
24 Placement course exams, ACT Workkeys job skills assessment, College-

1 Level Examination Program (CLEP) or International Baccalaureate (IB)
2 alternate tests shall be deemed to have satisfactorily demonstrated
3 mastery of state academic content standards in the subject areas for
4 which alternate tests have been approved and shall be exempt from
5 taking the end-of-instruction criterion-referenced tests in the
6 subject areas of Algebra II, English III, Geometry or United States
7 History as listed in paragraph 3 of subsection A of this section.

8 5. Students who take the Armed Forces Vocational Aptitude
9 Battery (ASVAB) and have a score that is equal to or above the
10 minimum Armed Forces Qualification Test (AFQT) score required for
11 enlistment in a branch of the armed forces shall be deemed to have
12 satisfactorily demonstrated mastery of state academic content
13 standards in the subject areas for which alternative tests have been
14 approved and shall be exempt from taking the end-of-instruction
15 criterion-referenced tests in the subject areas of Algebra II,
16 English III, Geometry or United States History as listed in
17 paragraph 3 of subsection A of this section.

18 6. Students who earn business and industry-recognized
19 endorsements approved by the Oklahoma Department of Career and
20 Technology Education which meet the following criteria:

- 21 a. standardized,
- 22 b. independently graded,
- 23 c. knowledge-based,
- 24 d. proctored, and

1 e. recognized or endorsed industry organization,
2 association or government agency,

3 shall be deemed to have satisfactorily demonstrated mastery of state
4 academic content standards in the subject areas for which
5 alternative tests have been approved and shall be exempt from taking
6 the end-of-instruction criterion-referenced tests in the subject
7 areas of Algebra II, English III, Geometry or United States History
8 as listed in paragraph 3 of subsection A of this section.

9 7. Students who earn college credits by dual or concurrent
10 enrollment in college or university Composition I and Composition II
11 courses shall be deemed to have satisfactorily demonstrated mastery
12 of state academic content standards in the subject areas for which
13 alternative tests have been approved and shall be exempt from taking
14 the end-of-instruction criterion-referenced test in the subject area
15 of English III as listed in paragraph 3 of subsection A of this
16 section.

17 8. Students who earn college credits by dual or concurrent
18 enrollment in a college or university Algebra course shall be deemed
19 to have satisfactorily demonstrated mastery of state academic
20 content standards in the subject areas for which alternative tests
21 have been approved and shall be exempt from taking the end-of-
22 instruction criterion-referenced tests in the subject areas of
23 Algebra II and Geometry as listed in paragraph 3 of subsection A of
24 this section.

1 9. Students who earn college credits by dual or concurrent
2 enrollment in a college or university Post-Civil War United States
3 History course shall be deemed to have satisfactorily demonstrated
4 mastery of state academic content standards in the subject areas for
5 which alternative tests have been approved and shall be exempt from
6 taking the end-of-instruction criterion-referenced test in the
7 subject area of United States History as listed in paragraph 3 of
8 subsection A of this section.

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

19 E. 1. The State Board of Education shall adopt rules
20 establishing an appeal process for students who have been denied a
21 standard diploma by the school district in which the student is or
22 was enrolled for failing to meet the requirements of this section.
23 A student who has been denied a standard diploma by the school
24 district in which the student is enrolled shall have thirty (30)

1 days after denial of the standard diploma in which to file a
2 petition for an appeal to the State Board of Education. The State
3 Board of Education shall take action on a petition for an appeal no
4 later than forty-five (45) days after receiving the petition.

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

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

22 2. Students with disabilities whose individualized education
23 program (IEP) pursuant to the Individuals with Disabilities
24 Education Act (IDEA) indicates that the student is to be assessed

1 with alternate achievement standards through the Oklahoma Alternate
2 Assessment Program (OAAP) may be eligible to graduate from a public
3 high school with a standard diploma after failing to meet the
4 requirements of subsection A of this section upon the determination
5 of the school district that the student meets the following
6 criteria:

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

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

3 3. 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 4. 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. Students who have been denied a standard diploma by the
15 school district in which the student is or was enrolled for failing
16 to meet the requirements of this section may re-enroll in the school
17 district that denied the student a standard diploma following the
18 denial of a standard diploma. The student shall be provided
19 remediation or intervention and the opportunity to retake the test
20 until at least a proficient score is attained on the test or tests
21 necessary to obtain a standard diploma. Students who re-enroll in
22 the school district to meet the graduation requirements of this
23 section shall be exempt from the hourly instructional requirements
24

1 of Section 1-111 of this title and the six-period enrollment
2 requirements of Section 11-103.6 of this title.

3 H. The State Board of Education shall be authorized to contract
4 with an entity to develop and advise on the implementation of a
5 communications campaign to build public understanding of and support
6 for the testing requirements of this section.

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

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

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