

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1763

6 By: Enns

7 COMMITTEE SUBSTITUTE

8 An Act relating to schools; requiring school
9 districts to adopt a grading policy; specifying
10 certain provisions; directing the State Board of
11 Education to promulgate certain rules; amending 70
12 O.S. 2011, Section 1210.523, as last amended by
13 Section 26, Chapter 4, O.S.L. 2014 (70 O.S. Supp.
14 2014, Section 1210.523), which relates to mastery of
15 state academic content standards in designated
16 subjects; allowing students who do not attain a
17 proficient score on certain tests to graduate from
18 high school with a provisional diploma; directing the
19 State Board of Education to promulgate rules;
20 providing for codification; providing an effective
21 date; and declaring an emergency.

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

23 SECTION 1. NEW LAW A new section of law to be codified
24 in the Oklahoma Statutes as Section 11-121 of Title 70, unless there
is created a duplication in numbering, reads as follows:

A. Each school district board of education shall adopt a
grading policy for all students attending public school in that
district. The policy shall include provisions for the assignment of

1 grades on class assignments, examinations and final class grades.

2 The policy:

3 1. Shall require a classroom teacher to assign a grade that
4 reflects the relative mastery of an assignment by the student;

5 2. Shall not require a classroom teacher to assign a minimum
6 grade for an assignment without regard to the quality of work by the
7 student; and

8 3. May allow a student a reasonable opportunity to make up or
9 redo a class assignment or examination for which the student
10 received a failing grade.

11 B. The State Board of Education shall promulgate rules for
12 monitoring school districts for compliance with this section and
13 providing sanctions for noncompliance with this section.

14 SECTION 2. AMENDATORY 70 O.S. 2011, Section 1210.523, as
15 last amended by Section 26, Chapter 4, O.S.L. 2014 (70 O.S. Supp.
16 2014, Section 1210.523), is amended to read as follows:

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

23 1. Algebra I;

24 2. English II; and

1 3. Two of the following five:

- 2 a. Algebra II,
- 3 b. Biology I,
- 4 c. English III,
- 5 d. Geometry, and
- 6 e. United States History.

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

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

21 D. 1. Students who do not meet the requirements of subsection
22 A of this section may graduate from a public high school with a
23 standard diploma by demonstrating mastery of state academic content
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1 standards by alternative methods as approved by the State Board of
2 Education.

3 2. Students who do not attain at least a proficient score on
4 the Algebra I and English II tests and two of the tests listed in
5 paragraph 3 of subsection A of this section after retaking each test
6 not less than three times may graduate from a public high school
7 with a provisional diploma. The State Board of Education shall
8 promulgate rules establishing the definition of a provisional
9 diploma for purposes of this section.

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

18 ~~3.~~ 4. Students who score ten percent (10%) above the cut scores
19 approved by the State Board of Education for the American College
20 Testing Program (ACT), the Scholastic Aptitude Test (SAT), ACT Plan
21 or Preliminary Scholastic Aptitude Test/National Merit Scholarship
22 Qualifying Test (PSAT/NMSQT) alternate tests shall be deemed to have
23 satisfactorily demonstrated mastery of state academic content
24 standards in the subject areas for which alternative tests have been

1 approved and shall be exempt from taking the end-of-instruction
2 criterion-referenced tests in the subject areas of Algebra II,
3 English III, Geometry or United States History as listed in
4 paragraph 3 of subsection A of this section.

5 ~~4.~~ 5. Students who have a score that is equal to or above the
6 cut scores approved by the State Board of Education for the Advanced
7 Placement course exams, ACT Workkeys job skills assessment, College-
8 Level Examination Program (CLEP) or International Baccalaureate (IB)
9 alternate tests shall be deemed to have satisfactorily demonstrated
10 mastery of state academic content standards in the subject areas for
11 which alternate tests have been approved and shall be exempt from
12 taking the end-of-instruction criterion-referenced tests in the
13 subject areas of Algebra II, English III, Geometry or United States
14 History as listed in paragraph 3 of subsection A of this section.

15 ~~5.~~ 6. The State Board of Education shall adopt rules providing
16 for implementation of paragraphs ~~3~~ 4 and ~~4~~ 5 of this subsection.
17 The rules shall provide for the designation of students as
18 proficient or advanced based on the scores obtained pursuant to
19 paragraphs ~~3~~ 4 and ~~4~~ 5 of this subsection for the purposes of
20 calculating the grade of a school as part of the accountability
21 system developed pursuant to Section 1210.545 of this title,
22 evaluating teachers and administrators as part of the Teacher and
23 Leader Effectiveness Evaluation System developed pursuant to Section
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1 6-101.16 of this title and for any other purpose provided for by
2 law.

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

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

20 F. 1. Students who have individualized education programs
21 pursuant to the Individuals with Disabilities Education Act (IDEA)
22 shall have an appropriate statement on the student's individualized
23 education program requiring administration of the assessment with or
24 without accommodations or an alternate assessment. Any

1 accommodations normally employed for the assessment shall be
2 approved by the State Board of Education and be provided for in the
3 individualized education program. All documentation for each
4 student shall be on file in the school prior to administration of
5 the assessment.

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

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

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

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

17 SECTION 3. This act shall become effective July 1, 2015.

18 SECTION 4. It being immediately necessary for the preservation
19 of the public peace, health and safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

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