

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1763

By: Enns

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5
6 AS INTRODUCED

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

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

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

24 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
grades on class assignments, examinations and final class grades.

The policy:

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

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

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

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

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

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

21 1. Algebra I;

22 2. English II; and

23 3. Two of the following five:

24 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.

1 2. Students who do not attain at least a proficient score on
2 the Algebra I and English II tests and two of the tests listed in
3 paragraph 3 of subsection A of this section after retaking each test
4 not less than three times may graduate from a public high school
5 with a provisional diploma.

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

22 E. 1. The State Board of Education shall adopt rules
23 establishing an appeal process for students who have been denied a
24 standard diploma by the school district in which the student is or

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

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

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

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

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

- 1 d. maintains at least a C average or the equivalent in
2 each subject in which the student failed to meet the
3 requirements of subsection A of this section, and
4 e. meets all other graduation requirements of the school
5 district in which the student is enrolled.

6 3. The Oklahoma School for the Blind and the Oklahoma School
7 for the Deaf shall be considered local education agencies solely for
8 the purposes of purchasing, administering and obtaining test results
9 under this section for the students attending their schools.

10 4. Students identified as English language learners shall be
11 assessed in a valid and reliable manner with the state academic
12 assessments with acceptable accommodations as necessary or, to the
13 extent practicable, with alternate assessments aligned to the state
14 assessment provided by the school district in the language and form
15 most likely to yield accurate data of the student's knowledge of the
16 content areas.

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

1 the school district to meet the graduation requirements of this
2 section shall be exempt from the hourly instructional requirements
3 of Section 1-111 of this title and the six-period enrollment
4 requirements of Section 11-103.6 of this title.

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

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

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

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