



ROSENSTEIN, FIST & RINGOLD

RED BANNER UPDATE

Date: May 3, 2023

Re: HB 1041

Signed: April 18, 2023

Effective: Immediately

Topic: **Amendment to OKLA. STAT. tit. 70, § 11-103.6 Authorizing Alternate Diplomas**

Summary: House Bill 1041 (the “Bill”) amends OKLA. STAT. tit. 70, § 11-103.6 and establishes a second type of diploma in the State of Oklahoma that may be awarded to students participating in the Oklahoma Alternate Assessment Program.

Revisions to the Statute

The revisions appear beginning in Subsection (E) of the statute, and they permit a school district, beginning in the 2023-2024 school year, to issue an alternate diploma to a student who meets the definition of a student with the most significant cognitive disabilities and who participates in the Oklahoma Alternate Assessment Program (OAAP). The alternate diploma shall be obtained by the school year in which the student turns twenty-two (22) years old.

The revisions clarify that awarding an alternate diploma **does not** terminate the Free and Appropriate Public Education (FAPE) obligation as to students with an Individualized Education Program (IEP) **unless the student reaches the maximum age of FAPE.**

Students participating in the OAAP are permitted to attempt to satisfy the requirements of a standard diploma, and the revisions prohibit the student’s participation in the OAAP from determining the student’s educational setting under the Individuals with Disabilities Act (IDEA).

Concerns regarding the alternate diploma’s effect on graduation rates are addressed in Subsection H, which permits students meeting the requirements for



an alternate diploma to be counted as having received a standard diploma for the purposes of calculating and reporting the adjusted cohort graduation rate (ACGR).

The curriculum units or sets of competencies for the award of an alternate diploma are set forth in Subsection I.

Subsection J provides some flexibility in curriculum in that courses in the core curriculum can be used as a substitute for the corresponding course required for an alternate diploma. Additional substitutions may be permissible as determined by the State Board of Education.

Subsection S retains the same language that was previously in Subsection M and permits students who have an IEP pursuant to the IDEA who satisfy the graduation requirements through that IEP to be awarded a standard diploma.

For More Information

For more information on this Act, please visit the firm's website to view the signed Act.

Legal counsel does not anticipate creating a new policy or amending any existing policy in response to this legislation.