An Act

ENROLLED HOUSE
BILL NO. 1456

By: Denney, Nelson, Kern, Condit, Hall and Derby of the House

and

Jolley, David, Brecheen, Holt and Shortey of the Senate

An Act relating to school performance; directing the State Board of Education to prepare an annual report of school achievement; specifying contents of the report; requiring individual student records to be confidential; requiring schools to be identified by grades; listing grades; requiring certain schools to receive a school grade; providing certain exceptions; establishing basis for the grade of a school; specifying criteria; specifying certain percentages; specifying criteria for high schools; listing student test data used to determine a school grade; specifying certain student data to be used to determine school grades; requiring reporting of school improvement ratings; providing for certain recognition; directing the State Department of Education to develop a school report card; requiring delivery of the school report card to parents; specifying contents of the school report card; requiring school report cards to be published on the Department website; requiring school district grades to be included on school report cards; providing for calculation of a school district grade; providing for calculation of performance-based funding; directing the Board to promulgate rules; and providing for codification.

SUBJECT: School performance

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.545 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. As part of the accountability system developed as provided for in Section 1210.541 of Title 70 of the Oklahoma Statutes, the State Board of Education shall prepare annual reports of the results of the Oklahoma School Testing Program which describe student achievement in the state, each school district, and each school site. The Board shall prescribe the design and content of the reports, which shall include, without limitation, descriptions of the performance of all schools participating in the Oklahoma School Testing Program and all of the major student populations as determined by the Board, and shall also include the median scores of all eligible students who scored at or in the lowest twenty-fifth percentile of the state in the previous school year. The confidentiality of individual student records shall be preserved as required by law.

B. The annual report as required pursuant to subsection A of this section shall identify school districts and school sites as having one of the following grades, defined according to rules of the State Board of Education:

1. "A" means schools making excellent progress;

2. "B" means schools making above average progress;

3. "C" means schools making satisfactory progress;

4. "D" means schools making less than satisfactory progress; and

5. "F" means schools failing to make adequate progress.

C. Each school that has students who are tested and included in the school grading system as provided for in this section shall receive a school grade, except as follows:

1. A school shall not receive a school grade if the number of students tested and included in the school grading system is less than the minimum sample size necessary, based on accepted professional practice, for statistical reliability and prevention of the unlawful release of personally identifiable student data; and

2. A school that serves any combination of students in kindergarten through grade three which does not receive a school grade because the students are not tested and included in the school grading system shall receive the school grade designation of a feeder pattern school identified by the State Department of Education and verified by the school district. A school feeder pattern exists if at least sixty percent (60%) of the students in the school serving a combination of students in kindergarten through grade three are scheduled to be assigned to the graded school.

D. The grade of a school shall be based on a combination of:

1. Thirty-three percent (33%) on student test scores, including achievement on all criterion-referenced tests and end-of-instruction tests administered under Section 1210.508 of Title 70 of the Oklahoma Statutes and alternative test scores administered to students pursuant to Section 1210.523 of Title 70 of the Oklahoma Statutes;

2. Seventeen percent (17%) on student learning gains in reading and mathematics as measured by criterion-referenced tests and end-of-instruction tests administered under Section 1210.508 of Title 70 of the Oklahoma Statutes;

3. Seventeen percent (17%) on improvement of the lowest twenty-fifth percentile of students in the school in reading and mathematics on the criterion-referenced tests and end-of-instruction tests administered under Section 1210.508 of Title 70 of the Oklahoma Statutes, unless these students are exhibiting satisfactory performance; and

4. Thirty-three percent (33%) on whole school improvement, which shall include:

a. for schools comprised of high school grades:

(1) the high school graduation rate of the school,

(2) the performance and participation of students in College Board Advanced Placement courses, International Baccalaureate courses, concurrent enrollment courses, Advanced International Certificate of Education courses, and the achievement of students on national industry

certification identified pursuant to rules adopted by the Board,

(3) postsecondary readiness of students as measured by the SAT tests administered by the College Board or the American College Test (ACT),

(4) the high school graduation rate of students who scored at limited knowledge or unsatisfactory on the eighth-grade criterion-referenced tests in reading and mathematics,

(5) as valid data becomes available, the performance of students on the end-of-instruction tests administered under Section 1210.508 of Title 70 of the Oklahoma Statutes, and

(6) the growth or decline in the components listed in divisions (1) through (5) of this subparagraph from year to year, and

b. for schools comprised of middle school grades and elementary school grades:

(1) the drop-out rate of the school,

(2) the percentage of students who are taking higher level coursework at a satisfactory or higher level, and

(3) any other factors selected by the State Superintendent of Public Instruction.

E. Student test data used in determining school grades shall include:

1. The aggregate scores of all eligible students enrolled in the school who have been administered the criterion-referenced tests and end-of-instruction tests administered under Section 1210.508 of Title 70 of the Oklahoma Statutes;

2. The aggregate scores of all eligible students enrolled in the school who have been administered the criterion-referenced tests and end-of-instruction tests administered under Section 1210.508 of Title 70 of the Oklahoma Statutes, and who have scored at or in the

lowest twenty-fifth percentile of students in the school in reading and mathematics, unless these students are exhibiting satisfactory performance; and

3. For schools comprised of high school grades, the data listed in paragraphs 1 through 3 of this subsection, and the following data as the State Department of Education determines the data are valid and available:

a. the high school graduation rate of the school as calculated by the Department,

b. the participation rate of all eligible students enrolled in the school in College Board Advanced Placement courses, International Baccalaureate courses, concurrent enrollment courses, Advanced International Certificate of Education courses, and courses or sequence of courses leading to national industry certification identified pursuant to rules adopted by the Board,

c. the aggregate scores of all eligible students enrolled in the school in College Board Advanced Placement courses, International Baccalaureate courses, and Advanced International Certificate of Education courses,

d. earning of college credit by all eligible students enrolled in the school in concurrent enrollment programs as provided for in Section 628.13 of Title 70 of the Oklahoma Statutes,

e. earning of a national industry certification identified pursuant to rules adopted by the Board,

f. the aggregate scores of all eligible students enrolled in the school in reading, mathematics, and other subjects as measured by the SAT test administered by the College Board and the ACT,

g. the high school graduation rate of all eligible students enrolled in the school who scored at limited knowledge or unsatisfactory on the eighth-grade criterion-referenced tests in reading and mathematics,

h. the performance of students on statewide end-of-instruction tests administered under Section 1210.508 of Title 70 of the Oklahoma Statutes, and

i. the growth or decline in the data components listed in subparagraphs a through h of this paragraph from year to year.

F. The annual report shall identify the performance of each school as having improved, remained the same, or declined. This school improvement rating shall be based on a comparison of the student and school performance data of the current year to the previous year data. Schools that improve at least one grade level are eligible for school recognition as established by the Board through the accountability system developed pursuant to Section 1210.541 of Title 70 of the Oklahoma Statutes.

G. The State Department of Education shall annually develop, in collaboration with school districts and the Office of Accountability, a school site report card to be delivered to parents throughout each school district. The report card shall include the grade for the school, information regarding school improvement, an explanation of school performance as evaluated in accordance with the Elementary and Secondary Education Act of 2001 (ESEA), P.L. No. 107-110, also known as the No Child Left Behind Act of 2001, and indicators of return on investment. The report card for each school site shall be published annually by the Department on its website, and every school district shall provide the school site report card to the parent or guardian of each student enrolled in the school site.

H. The annual school site report card required by subsection G of this section shall include school district grades, which shall consist of weighted district average grades, by level, for all school sites in the district. A weighted average grade for a school district shall be calculated by weighting individual school grades determined pursuant to this section by school enrollment.

I. The Legislature may factor in the performance of schools in calculating any performance-based funding policy that is provided to public school districts.

J. The State Board of Education shall promulgate rules to implement the provisions of this section.

Passed the House of Representatives the 2nd day of May, 2011.

Presiding Officer of the House
of Representatives

Passed the Senate the 19th day of April, 2011.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 3rd

day of May, **20** 11,

at 12:22 **o'clock** P **M.**

By: Maria Maul

Approved by the Governor of the State of Oklahoma the 4th **day of**

May, **20** 11, **at** 2:05 **o'clock** P **M.**

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this

4th **day of** May, **20** 11,

at 2:17 **o'clock** P **M.**

By: Michelle R Day