# An Act

ENROLLED SENATE
BILL NO. 1655

By: Ford of the Senate

and

Sears and Wright of the House

An Act relating to schools; amending 70 O.S. 2011, Section 1210.541, as last amended by Section 16, Chapter 83, O.S.L. 2013 (70 O.S. Supp. 2013, Section 1210.541), which relates to student performance; updating statutory reference; removing requirement to publish certain data; amending 70 O.S. 2011, Section 1210.545, as last amended by Section 1, Chapter 321, O.S.L. 2013 (70 O.S. Supp. 2013, Section 1210.545), which relates to annual reports; removing requirement to publish certain district-level data; modifying grading system; deleting obsolete language; and removing reference to certain calculation.

SUBJECT: Student performance data

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.541, as last amended by Section 16, Chapter 83, O.S.L. 2013 (70 O.S. Supp. 2013, Section 1210.541), is amended to read as follows:

Section 1210.541. A. The Commission for Educational Quality and Accountability shall determine and adopt a series of student performance levels and the corresponding cut scores pursuant to the Oklahoma School Testing Program Act.

B. The Commission for Educational Quality and Accountability shall have the authority to set cut scores using any method which

the State Board of Education was authorized to use in setting cut scores prior to July 1, 2013.

C. The performance levels shall be set by a method that indicates students are ready for the next grade, course, or level of education, as applicable. The Commission for Educational Quality and Accountability shall establish panels to review and revise the performance level descriptors for each subject and grade level. The Commission shall ensure that the criterion-referenced tests developed and administered by the State Board of Education pursuant to the Oklahoma School Testing Program Act in grades three through eight and the end-of-instruction tests administered at the secondary level are vertically aligned by content across grade levels to ensure consistency, continuity, alignment and clarity. The Commission shall adopt performance levels that are labeled and defined as follows:

1. Advanced, which shall indicate that students demonstrate superior performance on challenging subject matter;

2. Proficient, which shall indicate that students demonstrate mastery over appropriate grade-level subject matter and that students are ready for the next grade, course, or level of education, as applicable;

3. Limited knowledge, which shall indicate that students demonstrate partial mastery of the essential knowledge and skills appropriate to their grade level or course; and

4. Unsatisfactory, which shall indicate that students have not performed at least at the limited knowledge level.

D. The State Board of Education shall develop and implement 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, an accountability system as provided for in 20 U.S.C., 6311 and any related federal regulations. The accountability system shall be implemented beginning with the 2002-2003 school year and shall be based on the data as established pursuant to Section ~~3-150~~ 1210.545 of this title and as modified to meet the mandates of the ESEA. For the 2002-2003 school year and every year thereafter the State Board of Education shall publish and ensure that each local

education agency is provided with data annually by site ~~and by district~~ so that the local education agency can make determinations to identify schools for rewards and sanctions. The State Board of Education shall establish a system of recognition, rewards, sanctions and technical assistance, as required by state law and the Elementary and Secondary Education Act of 2001 (ESEA).

E. A school that is identified as in need of improvement by the State Board of Education pursuant to this section, because of failure to meet either an academic performance target or an attendance or graduation performance target, or both, and is identified as in need of improvement pursuant to the Elementary and Secondary Education Act of 1965 (ESEA), as amended, shall utilize the assistance of a school support team or other similar team formed by the State Department of Education to provide support for schools in need of improvement, subject to school support team capacity. The school support team shall review and analyze all facets of operation of the school including the design and operation of the instructional program. The school support team shall assist the school in:

1. Incorporating strategies based on scientifically based research that will strengthen the core academic subjects in the school and address the specific academic issues that caused the school to be identified for school improvement;

2. Incorporating strategies to promote high quality professional development; and

3. Training teachers to analyze classroom and school-level data and use the data to inform instruction.

SECTION 2. AMENDATORY 70 O.S. 2011, Section 1210.545, as last amended by Section 1, Chapter 321, O.S.L. 2013 (70 O.S. Supp. 2013, Section 1210.545), is amended to read as follows:

Section 1210.545. A. As part of the accountability system developed as provided for in Section 1210.541 of this title, 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 for statistical reliability and prevention of the unlawful release of personally identifiable student data. The State Board of Education is directed to establish the lowest minimum sample size necessary to meet the requirements of this paragraph;

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; and

3. The academic performance of students who are enrolled full-time in an online program that is offered by a school district or charter school that is not the district of residence or is not located in the district of residence of the student shall be reported separately by the school district or charter school and shall not be included when determining the grade of the school ~~district~~ site or charter school.

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

1. Fifty percent (50%) on whole school performance, as measured by allocating one point for each student who scores proficient or advanced on the criterion-referenced tests and end-of-instruction tests administered under Section 1210.508 of this title and alternative test scores administered to students pursuant to Section 1210.523 of this title divided by the number of students taking the tests;

2. Twenty-five percent (25%) on whole school growth, as measured by allocating one point for each student who improves proficiency levels or improves substantially within a proficiency level on criterion-referenced tests and end-of-instruction tests administered under Section 1210.508 of this title divided by the number of students taking the tests; and

3. Twenty-five percent (25%) on growth in the bottom quartile of students, as measured by allocating one point for each student in the bottom quartile who improves proficiency levels or improves substantially within a proficiency level on criterion-referenced tests and end-of-instruction tests administered under Section 1210.508 of this title divided by the number of students taking the tests.

E. In addition to the components outlined in subsection D of this section, the following bonus points shall be considered in determining the grade of a school site:

1. For schools comprised of high school grades:

   a. five points for meeting the criteria for an "A" for the high school graduation rate of the school, as defined by rules adopted by the Board,

   b. one point for meeting the criteria for an "A" for performance or participation of students in College Board Advanced Placement courses, International Baccalaureate courses, concurrent enrollment courses, Advanced International Certificate of Education courses, or the achievement of students on national industry certification, as defined by rules adopted by the Board,

   c. one point for meeting the criteria for an "A" for participation or performance in SAT tests administered by the College Board or the American College Test (ACT), as defined by rules adopted by the Board,

   d. one point for meeting the criteria for an "A" for 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,

   e. as valid data becomes available, one point for the performance of students on the end-of-instruction tests administered under Section 1210.508 of this title, as defined by rules adopted by the Board, and

   f. one point for the growth or decline in the components listed in subparagraphs a through e of this paragraph from year to year, as defined by rules adopted by the Board;

2. For schools comprised of middle school grades:

   a. two points for meeting the criteria for an "A" for the drop-out rate of the school, as defined by rules adopted by the Board,

b. two points for meeting the criteria for an "A" for the percentage of students who are taking higher level coursework at a satisfactory or higher level, as defined by rules adopted by the Board, and

c. six points for meeting the criteria for an "A" for attendance, as defined by rules adopted by the Board; and

3. For schools comprised of elementary school grades, ten points for meeting the criteria for an "A" for attendance, as defined by rules adopted by the Board.

F. 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 this title; and

2. For schools comprised of high school grades, the data listed in paragraph 1 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 whether taught at a high school, a technology center school, or a regional site of the Oklahoma School of Science and Mathematics, International Baccalaureate courses, concurrent enrollment courses, Advanced International Certificate of Education courses, courses or sequence of courses leading to national industry certification identified pursuant to rules adopted by the Board, courses or sequence of courses granted cooperative college alliance credit taken at a technology center school, and science, technology, engineering and mathematics

courses taken at a regional site of the Oklahoma School of Science and Mathematics,

c. the aggregate scores of all eligible students enrolled in the school in College Board Advanced Placement courses whether taught at a high school, a technology center school, or a regional site of the Oklahoma School of Science and Mathematics, 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 this title and in cooperative college alliance courses taken at a technology center school,

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 this title, and

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

G. Grades shall be calculated by combining the points earned for whole school performance, whole school growth and growth in the bottom quartile of students, measured pursuant to subsection D of this section, and any bonus points earned pursuant to subsection E

of this section. Grades shall be assigned based on the following scale:

1. Ninety-seven percent (97%) to one hundred percent (100%) = A+;

2. Ninety-three percent (93%) to ninety-six percent (96%) = A;

3. Ninety percent (90%) to ninety-two percent (92%) = A-;

4. Eighty-seven percent (87%) to eighty-nine percent (89%) = B+;

5. Eighty-three percent (83%) to eighty-six percent (86%) = B;

6. Eighty percent (80%) to eighty-two percent (82%) = B-;

7. Seventy-seven percent (77%) to seventy-nine percent (79%) = C+;

8. Seventy-three percent (73%) to seventy-six percent (76%) = C;

9. Seventy percent (70%) to seventy-two percent (72%) = C-;

10. Sixty-seven percent (67%) to sixty-nine percent (69%) = D+;

11. Sixty-three percent (63%) to sixty-six percent (66%) = D;

12. Sixty percent (60%) to sixty-two percent (62%) = D-; and

13. Fifty-nine percent (59%) and below = F.

H. 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 this title.

I. The State Department of Education shall annually develop, in collaboration with school districts and the ~~Office of Accountability prior to July 1, 2013, and the~~ Office of Educational Quality and Accountability ~~after July 1, 2013~~, 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.

J. ~~The annual district report card required by subsection B of this section shall be aggregated at the student level and calculated pursuant to subsection D of this section.~~

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

~~L.~~ K. The State Board of Education shall promulgate rules to implement the provisions of this section.

Passed the Senate the 5th day of March, 2014.

A. Bayce Marlatt
Presiding Officer of the Senate

Passed the House of Representatives the 16th day of April, 2014.

Dan Kirby
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 21st day of April, 2014, at 5:50 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 25th day of April, 2014, at 10:18 o'clock A M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 25th day of April, 2014, at 1:50 o'clock P. M.

By: Chris Benge