An Act

ENROLLED HOUSE
BILL NO. 1823

By: Martin, McCullough and Caldwell of the House

and

Jolley of the Senate

An Act relating to schools; amending 70 O.S. 2011, Section 1210.545, as last amended by Section 2, Chapter 163, O.S.L. 2014 (70 O.S. Supp. 2014, Section 1210.545), which relates to the annual reports for the Oklahoma School Testing Program; directing the Board to study and make recommendations for the calculation metrics of the school report cards; directing the Board to seek certain certification; directing the State Regents for Higher Education to provide certain description; requiring submission of a report by certain date; and declaring an emergency.

SUBJECT: Oklahoma School Testing Program

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.545, as last amended by Section 2, Chapter 163, O.S.L. 2014 (70 O.S. Supp. 2014, Section 1210.545), is amended to read as follows:

Section 1210.545 A. ~~As~~ 1. Except as otherwise provided, 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 and each school site.

2. The Board shall study and may recommend revisions to the Legislature to the calculation metrics of all components of the school report cards to ensure that the evaluation system is clear,

transparent, statistically trustworthy, credible, and aligned with the state assessment system. The Board shall seek certification from the Oklahoma State Regents for Higher Education that recommended revisions, if adopted, will improve the clarity, transparency, statistical trustworthiness, credibility, and alignment of the evaluation system. The State Regents shall provide the Board a detailed description of the certification process and results, including a list of any deficiencies the State Regents find with the study or the resulting recommendations. The Board shall issue a report by December 31, 2015, and submit a copy of the report to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Minority Leader of the House of Representatives, and the Minority Leader of the Senate. 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 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 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 Educational Quality and 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.

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

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

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 21st day of May, 2015.

Lee R. Denney

Presiding Officer of the House
of Representatives

Passed the Senate the 22nd day of May, 2015.

Anthony Sykes

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 22nd day of May, 2015, at 8:15 o'clock P M.

By: Audrey Lockwell

Approved by the Governor of the State of Oklahoma this 3rd day of June, 2015, at 3:13 o'clock P 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 3rd day of June, 2015, at 4:05 o'clock P. M.

By: Chris Benge