

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
BILL NO. 1658

By: Denney of the House

and

Jolley of the Senate

7 An Act relating to schools; amending 70 O.S. 2011,
8 Section 1210.545, as amended by Section 1, Chapter
9 314, O.S.L. 2012 (70 O.S. Supp. 2012, Section
10 1210.545), which relates to annual reports for the
11 Oklahoma School Testing Program; modifying exception
12 from school grading; deleting certain testing
13 improvement component used to calculate school
14 grades; deleting certain testing improvement data
15 used to determine school grades; and declaring an
16 emergency.

14 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
entire bill and insert

16 "An Act relating to schools; amending 70 O.S. 2011,
17 Section 1210.545, as amended by Section 1, Chapter
18 314, O.S.L. 2012 (70 O.S. Supp. 2012, Section
19 1210.545), which relates to annual reports for the
20 Oklahoma School Testing Program; directing the State
21 Board of Education to establish testing sample size;
22 modifying percentages of certain components used to
23 calculate school grades; providing for calculation of
24 bonus points; deleting certain testing improvement
data used to determine school grades; deleting
performance of certain students in the lowest twenty-
fifth percentile in determining school grades;
providing for calculation of grades; and declaring an
emergency.

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

1 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.545, as
2 amended by Section 1, Chapter 314, O.S.L. 2012 (70 O.S. Supp. 2012,
3 Section 1210.545), is amended to read as follows:

4 Section 1210.545. A. As part of the accountability system
5 developed as provided for in Section 1210.541 of this title, the
6 State Board of Education shall prepare annual reports of the results
7 of the Oklahoma School Testing Program which describe student
8 achievement in the state, each school district, and each school
9 site. The Board shall prescribe the design and content of the
10 reports, which shall include, without limitation, descriptions of
11 the performance of all schools participating in the Oklahoma School
12 Testing Program and all of the major student populations as
13 determined by the Board, and shall also include the median scores of
14 all eligible students who scored at or in the lowest twenty-fifth
15 percentile of the state in the previous school year. The
16 confidentiality of individual student records shall be preserved as
17 required by law.

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

- 22 1. "A" means schools making excellent progress;
- 23 2. "B" means schools making above average progress;
- 24 3. "C" means schools making satisfactory progress;

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

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

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

7 1. A school shall not receive a school grade if the number of
8 students tested and included in the school grading system is less
9 than the minimum sample size necessary, ~~based on accepted~~
10 ~~professional practice,~~ for statistical reliability and prevention of
11 the unlawful release of personally identifiable student data. The
12 State Board of Education is directed to establish the lowest minimum
13 sample size necessary to meet the requirements of this paragraph;

14 and

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

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

1 1. ~~Thirty-three percent (33%)~~ Fifty percent (50%) on student
2 ~~test scores, including achievement on all~~ whole school performance,
3 ~~as measured by allocating one point for each student who scores~~
4 ~~proficient or advanced on the~~ criterion-referenced tests and end-of-
5 ~~instruction tests administered under Section 1210.508 of this title~~
6 ~~and alternative test scores administered to students pursuant to~~
7 ~~Section 1210.523 of this title~~ divided by the number of students
8 taking the tests;

9 2. ~~Seventeen percent (17%)~~ Twenty-five percent (25%) on student
10 ~~learning gains in reading and mathematics~~ whole school growth, as
11 measured by allocating one point for each student who improves
12 proficiency levels or improves substantially within a proficiency
13 level on criterion-referenced tests and end-of-instruction tests
14 administered under Section 1210.508 of this title divided by the
15 number of students taking the tests; and

16 3. ~~Seventeen percent (17%)~~ on ~~improvement of the lowest twenty-~~
17 ~~fifth percentile of students in the school in reading and~~
18 ~~mathematics on the criterion-referenced tests and end-of-instruction~~
19 ~~tests administered under Section 1210.508 of this title, unless~~
20 ~~these students are exhibiting satisfactory performance; and~~

21 4. ~~Thirty-three percent (33%)~~ Twenty-five percent (25%) on
22 ~~whole school improvement, which shall include:~~ growth in the bottom
23 quartile of students, as measured by allocating one point for each
24 student in the bottom quartile who improves proficiency levels or

1 improves substantially within a proficiency level on criterion-
2 referenced tests and end-of-instruction tests administered under
3 Section 1210.508 of this title divided by the number of students
4 taking the tests.

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

8 a. ~~for~~

9 1. For schools comprised of high school grades:

10 ~~(1)~~

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

14 ~~(2) the~~

15 b. one point for meeting the criteria for an "A" for
16 performance ~~and~~ or participation of students in
17 College Board Advanced Placement courses,
18 International Baccalaureate courses, concurrent
19 enrollment courses, Advanced International Certificate
20 of Education courses, ~~and~~ or the achievement of
21 students on national industry certification ~~identified~~
22 ~~pursuant to,~~ as defined by rules adopted by the Board,

23 ~~(3) postsecondary readiness of students as measured~~
24 ~~by the~~

1 c. one point for meeting the criteria for an "A" for
2 participation or performance in SAT tests administered
3 by the College Board or the American College Test
4 (ACT), as defined by rules adopted by the Board,
5 ~~(4)~~

6 d. one point for meeting the criteria for an "A" for the
7 high school graduation rate of students who scored at
8 limited knowledge or unsatisfactory on the eighth-
9 grade criterion-referenced tests in reading and
10 mathematics,
11 ~~(5)~~

12 e. as valid data becomes available, one point for the
13 performance of students on the end-of-instruction
14 tests administered under Section 1210.508 of this
15 title, as defined by rules adopted by the Board, and
16 ~~(6)~~

17 f. one point for the growth or decline in the components
18 listed in ~~divisions (1)~~ subparagraphs a through (5) e
19 of this ~~subparagraph~~ paragraph from year to year, ~~and~~
20 as defined by rules adopted by the Board;

21 ~~b. for~~

22 2. For schools comprised of middle school grades ~~and elementary~~
23 ~~school grades:~~

24 ~~(1)~~

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

4 ~~(2)~~

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

9 ~~(3) any other factors selected by the State~~
10 ~~Superintendent of Public Instruction~~

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

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

17 ~~E.~~ F. Student test data used in determining school grades shall
18 include:

19 1. The aggregate scores of all eligible students enrolled in
20 the school who have been administered the criterion-referenced tests
21 and end-of-instruction tests administered under Section 1210.508 of
22 this title; and

23 2. ~~The aggregate scores of all eligible students enrolled in~~
24 ~~the school who have been administered the criterion-referenced tests~~

1 ~~and end of instruction tests administered under Section 1210.508 of~~
2 ~~this title, and who have scored at or in the lowest twenty-fifth~~
3 ~~percentile of students in the school in reading and mathematics,~~
4 ~~unless these students are exhibiting satisfactory performance; and~~

5 3. For schools comprised of high school grades, the data listed
6 in ~~paragraphs~~ paragraph 1 and 2 of this subsection, and the
7 following data as the State Department of Education determines the
8 data are valid and available:

- 9 a. the high school graduation rate of the school as
10 calculated by the Department,
- 11 b. the participation rate of all eligible students
12 enrolled in the school in College Board Advanced
13 Placement courses whether taught at a high school, a
14 technology center school, or a regional site of the
15 Oklahoma School of Science and Mathematics,
16 International Baccalaureate courses, concurrent
17 enrollment courses, Advanced International Certificate
18 of Education courses, courses or sequence of courses
19 leading to national industry certification identified
20 pursuant to rules adopted by the Board, courses or
21 sequence of courses granted cooperative college
22 alliance credit taken at a technology center school,
23 and science, technology, engineering and mathematics

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

3 c. the aggregate scores of all eligible students enrolled
4 in the school in College Board Advanced Placement
5 courses whether taught at a high school, a technology
6 center school, or a regional site of the Oklahoma
7 School of Science and Mathematics, International
8 Baccalaureate courses, and Advanced International
9 Certificate of Education courses,

10 d. earning of college credit by all eligible students
11 enrolled in the school in concurrent enrollment
12 programs as provided for in Section 628.13 of this
13 title and in cooperative college alliance courses
14 taken at a technology center school,

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

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

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

1 h. the performance of students on statewide end-of-
2 instruction tests administered under Section 1210.508
3 of this title, and

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

7 F. G. Grades shall be calculated by combining the points earned
8 for whole school performance, whole school growth and growth in the
9 bottom quartile of students, measured pursuant to subsection D of
10 this section, and any bonus points earned pursuant to subsection E
11 of this section. Grades shall be assigned based on the following
12 scale:

13 1. Ninety-seven percent (97%) to one hundred percent (100%) =

14 A+;

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

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

17 4. Eighty-seven percent (87%) to eighty-nine percent (89%) =

18 B+;

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

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

21 7. Seventy-seven percent (77%) to seventy-nine percent (79%) =

22 C+;

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

24 C;

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

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

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

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

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

6 H. The annual report shall identify the performance of each
7 school as having improved, remained the same, or declined. This
8 school improvement rating shall be based on a comparison of the
9 student and school performance data of the current year to the
10 previous year data. Schools that improve at least one grade level
11 are eligible for school recognition as established by the Board
12 through the accountability system developed pursuant to Section
13 1210.541 of this title.

14 ~~G.~~ I. The State Department of Education shall annually develop,
15 in collaboration with school districts and the Office of
16 Accountability prior to July 1, 2013, and the Office of Educational
17 Quality and Accountability after July 1, 2013, a school site report
18 card to be delivered to parents throughout each school district.
19 The report card shall include the grade for the school, information
20 regarding school improvement, an explanation of school performance
21 as evaluated in accordance with the Elementary and Secondary
22 Education Act of 2001 (ESEA), P.L. No. 107-110, also known as the No
23 Child Left Behind Act of 2001, and indicators of return on
24 investment. The report card for each school site shall be published

1 annually by the Department on its website, and every school district
2 shall provide the school site report card to the parent or guardian
3 of each student enrolled in the school site.

4 ~~H.~~ J. The annual ~~school site~~ district report card required by
5 subsection ~~G~~ B of this section shall ~~include school district grades,~~
6 ~~which shall consist of weighted district average grades, by level,~~
7 ~~for all school sites in the district. A weighted average grade for~~
8 ~~a school district shall be calculated by weighting individual school~~
9 ~~grades determined pursuant to this section by school enrollment~~ be
10 aggregated at the student level and calculated pursuant to
11 subsection D of this section.

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

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

17 SECTION 2. It being immediately necessary for the preservation
18 of the public peace, health and safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval."
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1 Passed the Senate the 23rd day of April, 2013.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2013.

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8 _____
9 Presiding Officer of the House
10 of Representatives

1 ENGROSSED HOUSE
2 BILL NO. 1658

By: Denney of the House

and

Jolley of the Senate

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7 An Act relating to schools; amending 70 O.S. 2011,
8 Section 1210.545, as amended by Section 1, Chapter
9 314, O.S.L. 2012 (70 O.S. Supp. 2012, Section
10 1210.545), which relates to annual reports for the
11 Oklahoma School Testing Program; modifying exception
12 from school grading; deleting certain testing
13 improvement component used to calculate school
14 grades; deleting certain testing improvement data
15 used to determine school grades; and declaring an
16 emergency.

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

18 SECTION 3. AMENDATORY 70 O.S. 2011, Section 1210.545, as
19 amended by Section 1, Chapter 314, O.S.L. 2012 (70 O.S. Supp. 2012,
20 Section 1210.545), is amended to read as follows:

21 Section 1210.545 A. As part of the accountability system
22 developed as provided for in Section 1210.541 of this title, the
23 State Board of Education shall prepare annual reports of the results
24 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

1 reports, which shall include, without limitation, descriptions of
2 the performance of all schools participating in the Oklahoma School
3 Testing Program and all of the major student populations as
4 determined by the Board, and shall also include the median scores of
5 all eligible students who scored at or in the lowest twenty-fifth
6 percentile of the state in the previous school year. The
7 confidentiality of individual student records shall be preserved as
8 required by law.

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

- 13 1. "A" means schools making excellent progress;
- 14 2. "B" means schools making above average progress;
- 15 3. "C" means schools making satisfactory progress;
- 16 4. "D" means schools making less than satisfactory progress;

17 and

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

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

- 22 1. A school shall not receive a school grade if the number of
23 students tested and included in the school grading system is less
24 than the minimum sample size necessary, ~~based on accepted~~

1 ~~professional practice,~~ for statistical reliability and prevention of
2 the unlawful release of personally identifiable student data. The
3 N-size of greater than or equal to thirty (30) shall be utilized
4 throughout the grading system. The N-size shall be calculated on
5 the number of students in a subgroup; and

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

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

16 1. Thirty-three percent (33%) on student test scores, including
17 achievement on all criterion-referenced tests and end-of-instruction
18 tests administered under Section 1210.508 of this title and
19 alternative test scores administered to students pursuant to Section
20 1210.523 of this title;

21 2. ~~Seventeen~~ Thirty-four percent ~~(17%)~~ (34%) on student
22 learning gains in reading and mathematics, calculated by both
23 positive and negative growth, as measured by criterion-referenced
24

1 tests and end-of-instruction tests administered under Section
2 1210.508 of this title; and

3 ~~3. Seventeen percent (17%) on improvement of the lowest twenty~~
4 ~~fifth percentile of students in the school in reading and~~
5 ~~mathematics on the criterion-referenced tests and end-of-instruction~~
6 ~~tests administered under Section 1210.508 of this title, unless~~
7 ~~these students are exhibiting satisfactory performance; and~~

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

10 a. for schools comprised of high school grades:

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

12 (2) the performance and participation of students in
13 College Board Advanced Placement courses,
14 International Baccalaureate courses, concurrent
15 enrollment courses, Advanced International
16 Certificate of Education courses, and the
17 achievement of students on national industry
18 certification identified pursuant to rules
19 adopted by the Board,

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

23 (4) the high school graduation rate of students who
24 scored at limited knowledge or unsatisfactory on

1 the eighth-grade criterion-referenced tests in
2 reading and mathematics,

3 (5) as valid data becomes available, the performance
4 of students on the end-of-instruction tests
5 administered under Section 1210.508 of this
6 title, and

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

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

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

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

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

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

20 1. The aggregate scores of all eligible students enrolled in
21 the school who have been administered the criterion-referenced tests
22 and end-of-instruction tests administered under Section 1210.508 of
23 this title; and

1 2. ~~The aggregate scores of all eligible students enrolled in~~
2 ~~the school who have been administered the criterion-referenced tests~~
3 ~~and end-of-instruction tests administered under Section 1210.508 of~~
4 ~~this title, and who have scored at or in the lowest twenty-fifth~~
5 ~~percentile of students in the school in reading and mathematics,~~
6 ~~unless these students are exhibiting satisfactory performance; and~~

7 3. For schools comprised of high school grades, the data listed
8 in ~~paragraphs~~ paragraph 1 and 2 of this subsection, and the
9 following data as the State Department of Education determines the
10 data are valid and available:

- 11 a. the high school graduation rate of the school as
12 calculated by the Department,
- 13 b. the participation rate of all eligible students
14 enrolled in the school in College Board Advanced
15 Placement courses whether taught at a high school, a
16 technology center school, or a regional site of the
17 Oklahoma School of Science and Mathematics,
18 International Baccalaureate courses, concurrent
19 enrollment courses, Advanced International Certificate
20 of Education courses, courses or sequence of courses
21 leading to national industry certification identified
22 pursuant to rules adopted by the Board, courses or
23 sequence of courses granted cooperative college
24 alliance credit taken at a technology center school,

1 and science, technology, engineering and mathematics
2 courses taken at a regional site of the Oklahoma
3 School of Science and Mathematics,

4 c. the aggregate scores of all eligible students enrolled
5 in the school in College Board Advanced Placement
6 courses whether taught at a high school, a technology
7 center school, or a regional site of the Oklahoma
8 School of Science and Mathematics, International
9 Baccalaureate courses, and Advanced International
10 Certificate of Education courses,

11 d. earning of college credit by all eligible students
12 enrolled in the school in concurrent enrollment
13 programs as provided for in Section 628.13 of this
14 title and in cooperative college alliance courses
15 taken at a technology center school,

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

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

22 g. the high school graduation rate of all eligible
23 students enrolled in the school who scored at limited
24

- 1 knowledge or unsatisfactory on the eighth-grade
2 criterion-referenced tests in reading and mathematics,
3 h. the performance of students on statewide end-of-
4 instruction tests administered under Section 1210.508
5 of this title, and
6 i. the growth or decline in the data components listed in
7 subparagraphs a through h of this paragraph from year
8 to year.

9 F. The annual report shall identify the performance of each
10 school as having improved, remained the same, or declined. This
11 school improvement rating shall be based on a comparison of the
12 student and school performance data of the current year to the
13 previous year data. Schools that improve at least one grade level
14 are eligible for school recognition as established by the Board
15 through the accountability system developed pursuant to Section
16 1210.541 of this title.

17 G. The State Department of Education shall annually develop, in
18 collaboration with school districts and the Office of Accountability
19 prior to July 1, 2013, and the Office of Educational Quality and
20 Accountability after July 1, 2013, a school site report card to be
21 delivered to parents throughout each school district. The report
22 card shall include the grade for the school, information regarding
23 school improvement, an explanation of school performance as
24 evaluated in accordance with the Elementary and Secondary Education

1 Act of 2001 (ESEA), P.L. No. 107-110, also known as the No Child
2 Left Behind Act of 2001, and indicators of return on investment.
3 The report card for each school site shall be published annually by
4 the Department on its website, and every school district shall
5 provide the school site report card to the parent or guardian of
6 each student enrolled in the school site.

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

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

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

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

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1 Passed the House of Representatives the 5th day of March, 2013.

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3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ___ day of _____, 2013.

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7 _____
8 Presiding Officer of the Senate