

1 ENGROSSED SENATE
2 BILL NO. 1655

By: Ford of the Senate

3 and

4 Sears of the House

5
6 An Act relating to schools; amending 70 O.S. 2011,
7 Section 1210.541, as last amended by Section 16,
8 Chapter 83, O.S.L. 2013 (70 O.S. Supp. 2013, Section
9 1210.541), which relates to student performance;
10 updating statutory reference; removing requirement to
11 publish certain data; amending 70 O.S. 2011, Section
12 1210.545, as last amended by Section 1, Chapter 321,
13 O.S.L. 2013 (70 O.S. Supp. 2013, Section 1210.545),
14 which relates to annual reports; removing requirement
15 to publish certain district-level data; modifying
16 grading system; deleting obsolete language; removing
17 reference to certain calculation; providing an
18 effective date; and declaring an emergency.

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

20 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.541, as
21 last amended by Section 16, Chapter 83, O.S.L. 2013 (70 O.S. Supp.
22 2013, Section 1210.541), is amended to read as follows:

23 Section 1210.541. A. The Commission for Educational Quality
24 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

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

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

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

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

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

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

3 D. The State Board of Education shall develop and implement in
4 accordance with the Elementary and Secondary Education Act of 2001
5 (ESEA), P.L. No. 107-110, also known as the No Child Left Behind Act
6 of 2001, an accountability system as provided for in 20 U.S.C., 6311
7 and any related federal regulations. The accountability system
8 shall be implemented beginning with the 2002-2003 school year and
9 shall be based on the data as established pursuant to Section ~~3-150~~
10 1210.545 of this title and as modified to meet the mandates of the
11 ESEA. For the 2002-2003 school year and every year thereafter the
12 State Board of Education shall publish and ensure that each local
13 education agency is provided with data annually by site ~~and by~~
14 ~~district~~ so that the local education agency can make determinations
15 to identify schools for rewards and sanctions. The State Board of
16 Education shall establish a system of recognition, rewards,
17 sanctions and technical assistance, as required by state law and the
18 Elementary and Secondary Education Act of 2001 (ESEA).

19 E. A school that is identified as in need of improvement by the
20 State Board of Education pursuant to this section, because of
21 failure to meet either an academic performance target or an
22 attendance or graduation performance target, or both, and is
23 identified as in need of improvement pursuant to the Elementary and
24 Secondary Education Act of 1965 (ESEA), as amended, shall utilize

1 the assistance of a school support team or other similar team formed
2 by the State Department of Education to provide support for schools
3 in need of improvement, subject to school support team capacity.
4 The school support team shall review and analyze all facets of
5 operation of the school including the design and operation of the
6 instructional program. The school support team shall assist the
7 school in:

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

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

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

16 SECTION 2. AMENDATORY 70 O.S. 2011, Section 1210.545, as
17 last amended by Section 1, Chapter 321, O.S.L. 2013 (70 O.S. Supp.
18 2013, Section 1210.545), is amended to read as follows:

19 Section 1210.545. A. As part of the accountability system
20 developed as provided for in Section 1210.541 of this title, the
21 State Board of Education shall prepare annual reports of the results
22 of the Oklahoma School Testing Program which describe student
23 achievement in the state, ~~each school district,~~ and each school
24 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 for statistical reliability

1 and prevention of the unlawful release of personally identifiable
2 student data. The State Board of Education is directed to establish
3 the lowest minimum sample size necessary to meet the requirements of
4 this paragraph;

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

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

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

22 1. Fifty percent (50%) on whole school performance, as measured
23 by allocating one point for each student who scores proficient or
24 advanced on the criterion-referenced tests and end-of-instruction

1 tests administered under Section 1210.508 of this title and
2 alternative test scores administered to students pursuant to Section
3 1210.523 of this title divided by the number of students taking the
4 tests;

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

11 3. Twenty-five percent (25%) on growth in the bottom quartile
12 of students, as measured by allocating one point for each student in
13 the bottom quartile who improves proficiency levels or improves
14 substantially within a proficiency level on criterion-referenced
15 tests and end-of-instruction tests administered under Section
16 1210.508 of this title divided by the number of students taking the
17 tests.

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

21 1. For schools comprised of high school grades:

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

- 1 b. one point for meeting the criteria for an "A" for
2 performance or participation of students in College
3 Board Advanced Placement courses, International
4 Baccalaureate courses, concurrent enrollment courses,
5 Advanced International Certificate of Education
6 courses, or the achievement of students on national
7 industry certification, as defined by rules adopted by
8 the Board,
- 9 c. one point for meeting the criteria for an "A" for
10 participation or performance in SAT tests administered
11 by the College Board or the American College Test
12 (ACT), as defined by rules adopted by the Board,
- 13 d. one point for meeting the criteria for an "A" for the
14 high school graduation rate of students who scored at
15 limited knowledge or unsatisfactory on the eighth-
16 grade criterion-referenced tests in reading and
17 mathematics,
- 18 e. as valid data becomes available, one point for the
19 performance of students on the end-of-instruction
20 tests administered under Section 1210.508 of this
21 title, as defined by rules adopted by the Board, and
- 22 f. one point for the growth or decline in the components
23 listed in subparagraphs a through e of this paragraph
24

1 from year to year, as defined by rules adopted by the
2 Board;

3 2. For schools comprised of middle school grades:

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

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

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 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. For schools comprised of high school grades, the data listed
24 in paragraph 1 of this subsection, and the following data as the

1 State Department of Education determines the data are valid and
2 available:

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

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

20 c. the aggregate scores of all eligible students enrolled
21 in the school in College Board Advanced Placement
22 courses whether taught at a high school, a technology
23 center school, or a regional site of the Oklahoma
24 School of Science and Mathematics, International

1 Baccalaureate courses, and Advanced International
2 Certificate of Education courses,

3 d. earning of college credit by all eligible students
4 enrolled in the school in concurrent enrollment
5 programs as provided for in Section 628.13 of this
6 title and in cooperative college alliance courses
7 taken at a technology center school,

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

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

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

18 h. the performance of students on statewide end-of-
19 instruction tests administered under Section 1210.508
20 of this title, and

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

1 G. Grades shall be calculated by combining the points earned
2 for whole school performance, whole school growth and growth in the
3 bottom quartile of students, measured pursuant to subsection D of
4 this section, and any bonus points earned pursuant to subsection E
5 of this section. Grades shall be assigned based on the following
6 scale:

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

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

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

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

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

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

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

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

18 C;

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

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

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

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

23 13. Fifty-nine percent (59%) and below = F.
24

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

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

23
24

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

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

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

9 SECTION 3. This act shall become effective July 1, 2014.

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

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

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Presiding Officer of the Senate

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18 Passed the House of Representatives the ____ day of _____,
19 2014.

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Presiding Officer of the House
of Representatives

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