HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

HOUSE BILL 1036 By: Casey of the House

and

Fields of the Senate

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2011, Section 1210.545, as amended by Section 1, Chapter 314, O.S.L. 2012 (70 O.S. Supp. 2012, Section 1210.545), which relates to the Oklahoma School Testing Program annual reports; creating the Oklahoma School Accountability System Validation Task Force; stating duties of the Task Force; providing for membership; requiring appointments to be made within certain time period; providing for meetings, quorum, vacancies and staff support; providing for travel reimbursement; requiring submission of a report by a certain date; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.545, as amended by Section 1, Chapter 314, O.S.L. 2012 (70 O.S. Supp. 2012, 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

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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:

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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 this title and alternative test scores administered to students pursuant to Section 1210.523 of this title;

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 this title;

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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 this title, 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,

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

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

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this title, 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 and 2 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,

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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,

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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.

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 this title.

G. 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.

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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. 1. There is hereby created until January 31, 2014, the Oklahoma School Accountability System Validation Task Force. The Task Force shall study and assess the school accountability system in the state and make recommendations to the Governor, Speaker of the House of Representatives and President Pro Tempore of the Senate of changes in law and State Board of Education rules necessary to ensure the accountability system is an accurate measure of school and student performance.

2. The Task Force shall consist of eight (8) members as follows:

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a. the Secretary of Education or designee, who shall serve as Chair of the Task Force,

b. the State Superintendent of Public Instruction or designee,

c. two public school district administrators appointed by an organization representing school administrators in the state,

d. two representatives from institutions of higher education within The Oklahoma State System of Higher Education appointed by the Chancellor of the Oklahoma State Regents for Higher Education,

e. the Chair of the Oklahoma House of Representatives Common Education Committee, and

f. the Chair of the Oklahoma Senate Education Committee.

3. Appointments to the Task Force shall be made within thirty (30) days after the effective date of this act. Meetings of the Task Force shall be held at the call of the Chair of the Task Force. Members shall serve at the pleasure of their appointing authorities. A majority of the members of the Task Force shall constitute a quorum to transact business, but no vacancy shall impair the right of the remaining members to exercise all of the powers of the Task Force. A vacancy on the Task Force shall be filled by the original appointing authority. Staff support for the Task Force shall be provided by the staff of the House of Representatives, Senate and

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State Department of Education. The Oklahoma Department of Career and Technology Education and the Oklahoma State Regents for Higher Education shall provide support and information as requested by the Task Force.

4. Members of the Task Force shall receive no compensation for serving on the Task Force, but may receive travel reimbursement, contingent on the availability of public or private funds for this purpose.

5. The Task Force shall submit a report by January 1, 2014, to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives.

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

SECTION 2. This act shall become effective July 1, 2013.

SECTION 3. 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.

COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02/19/2013 - DO PASS, As Coauthored.

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