

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 635

By: Jolley of the Senate

and

Nelson of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to schools; amending 70 O.S. 2011,
12 Section 1210.545, as amended by Section 1, Chapter
13 314, O.S.L. 2012 (70 O.S. Supp. 2012, Section
14 1210.545), which relates to annual reports for the
15 Oklahoma School Testing Program; adding certain date
16 after which school report cards shall be prepared and
17 published; directing the State Board of Education to
18 establish testing sample size; modifying percentages
19 of certain components used to calculate school
20 grades; adding component used to calculate school
21 grades; deleting certain testing improvement data
22 used to determine school grades; providing for
23 calculation of bonus points; deleting performance of
24 certain students in the lowest twenty-fifth
 percentile in determining school grades; providing
 for calculation of grades; establishing grading
 scale; deleting certain time periods for
 collaborating with certain entity; prohibiting the
 delivery or publishing of school report cards until
 after certain date; creating the School Report and
 Assessment Calculation Review Task Force; stating
 purpose; providing for membership; providing for
 appointments, meetings, travel reimbursement and
 staff assistance; specifying duties; requiring
 submission of recommendations by a certain date;
 providing for noncodification; and declaring an
 emergency.

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

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

5 Section 1210.545 A. As part of the accountability system
6 developed as provided for in Section 1210.541 of this title,
7 beginning after July 1, 2014, the State Board of Education shall
8 prepare annual reports of the results of the Oklahoma School Testing
9 Program which describe student achievement in the state, each school
10 district, and each school site. The Board shall prescribe the
11 design and content of the reports, which shall include, without
12 limitation, descriptions of the performance of all schools
13 participating in the Oklahoma School Testing Program and all of the
14 major student populations as determined by the Board, and shall also
15 include the median scores of all eligible students who scored at or
16 in the lowest twenty-fifth percentile of the state in the previous
17 school year. The confidentiality of individual student records
18 shall be preserved as required by law.

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

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

1 3. "C" means schools making satisfactory progress;

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

3 and

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

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

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

15 and

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

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

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

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

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

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

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

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

9 ~~a. for~~

10 1. For schools comprised of high school grades:

11 ~~(1)~~

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

15 ~~(2) the~~

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

24

1 ~~(3) postsecondary readiness of students as measured~~
2 ~~by the~~

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

7 ~~(4)~~

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

13 ~~(5)~~

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

18 ~~(6)~~

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

23 ~~b. for~~

24

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

3 ~~(1)~~

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 ~~(2)~~

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

12 ~~(3) any other factors selected by the State~~
13 ~~Superintendent of Public Instruction~~

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

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

20 ~~E.~~ F. Student test data used in determining school grades shall
21 include:

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

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

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

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

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

1 sequence of courses granted cooperative college
2 alliance credit taken at a technology center school,
3 and science, technology, engineering and mathematics
4 courses taken at a regional site of the Oklahoma
5 School of Science and Mathematics,

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

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

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

20 f. the aggregate scores of all eligible students enrolled
21 in the school in reading, mathematics, and other
22 subjects as measured by the SAT test administered by
23 the College Board and the ACT,
24

- 1 g. the high school graduation rate of all eligible
2 students enrolled in the school who scored at limited
3 knowledge or unsatisfactory on the eighth-grade
4 criterion-referenced tests in reading and mathematics,
5 h. the performance of students on statewide end-of-
6 instruction tests administered under Section 1210.508
7 of this title, and
8 i. the growth or decline in the data components listed in
9 subparagraphs a through h of this paragraph from year
10 to year.

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

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

18 A+;

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

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

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

22 B+;

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

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

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

2 C+;

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

4 C;

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

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

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

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

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

10 H. The annual report shall identify the performance of each
11 school as having improved, remained the same, or declined. This
12 school improvement rating shall be based on a comparison of the
13 student and school performance data of the current year to the
14 previous year data. Schools that improve at least one grade level
15 are eligible for school recognition as established by the Board
16 through the accountability system developed pursuant to Section
17 1210.541 of this title.

18 ~~G.~~ I. Beginning after July 1, 2014, the State Department
19 of Education shall annually develop, in collaboration with school
20 districts ~~and the Office of Accountability prior to July 1, 2013,~~
21 and the Office of Educational Quality and Accountability ~~after July~~
22 ~~1, 2013,~~ a school site report card to be delivered to parents
23 throughout each school district. The report card shall include the
24 grade for the school, information regarding school improvement, an

1 explanation of school performance as evaluated in accordance with
2 the Elementary and Secondary Education Act of 2001 (ESEA), P.L. No.
3 107-110, also known as the No Child Left Behind Act of 2001, and
4 indicators of return on investment. The Beginning after July 1,
5 2014, the report card for each school site shall be published
6 annually by the Department on its website, and every school district
7 shall provide the school site report card to the parent or guardian
8 of each student enrolled in the school site. After the effective
9 date of this act, the Department and school districts may calculate
10 grades for school districts and school sites as provided for in this
11 section but shall not deliver or publish any school district or
12 school site report cards or make any school district or school site
13 grades publicly available until after July 1, 2014.

14 ~~H.~~ J. The annual school site report card required by subsection
15 G of this section shall include school district grades, which shall
16 consist of weighted district average grades, by level, for all
17 school sites in the district. A weighted average grade for a school
18 district shall be calculated by weighting individual school grades
19 determined pursuant to this section by school enrollment.

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

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

1 SECTION 2. NEW LAW A new section of law not to be
2 codified in the Oklahoma Statutes reads as follows:

3 A. There is hereby created until December 31, 2013, the "School
4 Report and Assessment Calculation Review Task Force". The purpose
5 of the Task Force shall be to evaluate the calculation metrics used
6 by the State Department of Education for the annual reports of the
7 Oklahoma School Testing Program and evaluation system.

8 B. The Task Force shall consist of fifteen (15) members as
9 follows:

10 1. The Secretary of Education, or a designee, who shall serve
11 as the chair of the Task Force;

12 2. Two members appointed by the Speaker of the Oklahoma House
13 of Representatives from the membership of the House;

14 3. Two members appointed by the President Pro Tempore of the
15 Oklahoma State Senate from the membership of the Senate;

16 4. One member representing the State Department of Education
17 appointed by the Superintendent of Public Instruction;

18 5. One member who represents a statewide association of school
19 board members, selected by the Speaker of the Oklahoma House of
20 Representatives from a list of recommendations submitted by a
21 statewide association of school board members;

22 6. One member who represents a statewide organization that
23 represents public school superintendents, selected by the President
24 Pro Tempore of the State Senate from a list of recommendations

1 submitted by a statewide organization that represents public school
2 superintendents;

3 7. One member who represents a statewide organization that
4 represents parents of public school students, selected by the
5 Governor from a list of recommendations submitted by a statewide
6 organization that represents parents of public school students;

7 8. Two members who are associated with higher education
8 institutions who have knowledge of psychometrics and statistics,
9 appointed by the Chancellor of the Oklahoma State Regents for Higher
10 Education;

11 9. Two members who are administrators employed by a public
12 school district, selected by the Governor from a list of
13 recommendations submitted by a statewide organization that
14 represents public school superintendents; and

15 10. Two members who are classroom teachers employed by a public
16 school district, one selected by the Speaker of the Oklahoma House
17 of Representatives and one selected by the President Pro Tempore of
18 the State Senate from a list of recommendations submitted by a
19 statewide association of school board members.

20 C. Appointment to the Task Force shall be made within thirty
21 (30) days after the effective date of this act. The Task Force
22 shall conduct an organizational meeting not later than sixty (60)
23 days after the effective date of this act.

24

1 D. The Task Force shall investigate and make recommendations
2 regarding:

3 1. The calculation metrics of all components of the A-F annual
4 report card issued pursuant to Section 1210.545 of Title 70 of the
5 Oklahoma Statutes; and

6 2. Whether the evaluation system is clear, transparent,
7 statistically trustworthy, credible and aligned with the student
8 assessment system.

9 E. The Task Force shall be authorized to meet at such times as
10 may be required in order to fulfill the duties imposed upon the Task
11 Force by law. Members of the Task Force may be reimbursed by the
12 public or private entity which the member is employed by or
13 represents for their necessary travel expenses incurred in the
14 performance of their duties in accordance with the State Travel
15 Reimbursement Act contingent upon the availability of public or
16 private funds.

17 F. Administrative staff assistance for the Task Force shall be
18 provided by the staff of the Oklahoma House of Representatives and
19 the Oklahoma State Senate. The State Department of Education, the
20 Office of Accountability, which beginning July 1, 2013, shall be
21 known as the Office of Educational Quality and Accountability, and
22 the Secretary of Education shall provide technical assistance to the
23 Task Force.

24

1 G. The Task Force shall complete its study not later than
2 December 31, 2013. The Task Force shall submit its recommendations
3 to the State Board of Education, the Governor, the Speaker of the
4 House of Representatives and the President Pro Tempore of the
5 Senate.

6 SECTION 3. It being immediately necessary for the preservation
7 of the public peace, health and safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.

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11 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 04/09/2013
12 - DO PASS, As Amended.

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