SENATE FLOOR VERSION
April 1, 2013

ENGROSSED HOUSE
BILL NO. 1071 By: Renegar and Pittman of the House

and

Paddack and Sparks of the Senate

An Act relating to schools; amending 70 O.S. 2011, Section 3-150, which relates to the Academic Performance Index; excluding the academic performance of certain online students when determining an Academic Performance Index; amending 70 O.S. 2011, Section 1210.507, which relates to the Oklahoma School Testing Program Act; excluding the testing performance and results of certain online students for certain reporting purposes; 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; excluding certain online students when determining certain grades; 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 3-150, is amended to read as follows:

Section 3-150. A. The State Board of Education shall develop an Academic Performance Index (API) to be used to measure performance of schools, including the academic performance of

students. The index shall consist of a variety of indicators including, but not limited to:

1. Attendance rates for students;

2. Dropout rates;

3. Results of the Oklahoma School Testing Program administered pursuant to Section 1210.508 of this title;

4. Advanced Placement participation;

5. Graduation rates for secondary school students;

6. Scores of the American College Test (ACT); and

7. College remediation rates.

B. The data collected for the API shall be disaggregated, when available, by socioeconomic status and ethnic group. Oklahoma School Testing Program results shall constitute no less than sixty percent (60%) of the value of the index.

C. Based on the API, the State Board of Education shall adopt expected annual percentage growth targets for the state level, school districts, and all school sites based on their API baseline score. The minimum percentage growth target shall be five percent (5%) annually. However, the State Board of Education may set differential growth targets based on grade level of instruction.

D. 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 Academic Performance Index of the school district or charter school.

SECTION 2. AMENDATORY 70 O.S. 2011, Section 1210.507, is amended to read as follows:

Section 1210.507 A. The State Board of Education shall promulgate rules necessary for the implementation and administration of the provisions of the Oklahoma School Testing Program Act.

B. The State Board of Education shall require school district boards of education to annually provide information to the district's students, parents of students, and the public at large about the proper meaning and use of tests administered pursuant to the provisions of the Oklahoma School Testing Program Act. The Department shall develop materials and make them available to school districts regarding the Oklahoma School Testing Program.

C. 1. Students enrolled in an online course or 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 provided the opportunity to take any test required pursuant to the Oklahoma School Testing Program Act or any other test generally required of students by the school district in which the student is enrolled at an alternative testing location approved by the State Board of Education. The alternative testing locations may be at sites that are not in the school district that

is offering the online course or program or the district of residence. Alternative testing locations may include technology center school sites or any other testing location selected by the school district or charter school offering the online course or program. All alternative testing locations shall be subject to testing location rules promulgated by the State Board of Education. The school district or charter school offering the online course or program shall be responsible for any cost incurred in providing an alternative testing location and any additional cost of administering a test at an alternative testing location. In order to provide alternative testing locations at geographically dispersed sites, the school district or charter school offering the online course or program shall, at a minimum, provide not less than six alternative testing locations, with at least one location in each quadrant of the state and in each of the two metropolitan areas in the state. Additional alternative testing locations may be provided by the school district or charter school offering the online course or program.

2. The performance of students on any test required pursuant to the Oklahoma School Testing Program Act or any other test generally required of students by the school district 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 performance levels of the school district or charter school in the Oklahoma School Testing Program as reported in the Oklahoma Educational Indicators Program.

D. The State Board of Education shall seek to establish and post on the Internet a sample test item bank that will be made available to teachers and will allow them to create and deliver classroom assessments throughout the school year to check for student mastery of key concepts assessed by the criterion-referenced tests administered to students pursuant to the Oklahoma School Testing Program Act. Subject to the availability of funds, the Board shall annually release end-of-instruction test items and make them available to the public.

E. The State Board of Education shall post on the Internet criterion-referenced sample tests for each grade level and subject matter test administered to students pursuant to the Oklahoma School Testing Program Act for the purpose of communicating expectation concerning test difficulty level and format to teacher, parents and students. The Board shall maintain the sample tests on the Internet throughout the year and, as changes are made in the state academic content standards, known as the Priority Academic Student Skills Curriculum, the Board shall update the sample tests. The Board shall seek to expand the number of sample test items each year and to revise test items as needed. The sample tests shall reflect the

actual test administered to students and may contain questions used on actual tests given in previous years.

F. The State Board of Education shall seek to implement an electronic delivery system for all tests administered pursuant to the Oklahoma School Testing Program Act that will allow students to participate in computer-based assessments in order to expedite the delivery and use of the test results.

SECTION 3. 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 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:

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; 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 district or charter 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;

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,

(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 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,

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.

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.

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

SECTION 4. This act shall become effective July 1, 2013.

SECTION 5. 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 EDUCATION
April 1, 2013 - DO PASS