

1 **SENATE FLOOR VERSION**

2 April 1, 2013

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 1658

By: Denney of the House

and

Jolley of the Senate

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9 An Act relating to schools; amending 70 O.S. 2011,
10 Section 1210.545, as amended by Section 1, Chapter
11 314, O.S.L. 2012 (70 O.S. Supp. 2012, Section
12 1210.545), which relates to annual reports for the
13 Oklahoma School Testing Program; directing the State
14 Board of Education to establish testing sample size;
15 modifying percentages of certain components used to
16 calculate school grades; providing for calculation of
17 bonus points; deleting certain testing improvement
18 data used to determine school grades; deleting
19 performance of certain students in the lowest twenty-
20 fifth percentile in determining school grades;
21 providing for calculation of grades; and declaring an
22 emergency.

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

24 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

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

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

- 16 1. "A" means schools making excellent progress;
- 17 2. "B" means schools making above average progress;
- 18 3. "C" means schools making satisfactory progress;
- 19 4. "D" means schools making less than satisfactory progress;

20 and

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

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

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

8 and

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

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

19 1. ~~Thirty three percent (33%)~~ Fifty percent (50%) on ~~student~~
20 ~~test scores, including achievement on all~~ whole school performance,
21 as measured by allocating one point for each student who scores
22 proficient or advanced on the criterion-referenced tests and end-of-
23 instruction tests administered under Section 1210.508 of this title
24 and alternative test scores administered to students pursuant to

1 Section 1210.523 of this title divided by the number of students
2 taking the tests;

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

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

15 4. ~~Thirty-three percent (33%)~~ Twenty-five percent (25%) on
16 ~~whole school improvement, which shall include:~~ growth in the bottom
17 quartile of students, as measured by allocating one point for each
18 student in the bottom quartile who improves proficiency levels or
19 improves substantially within a proficiency level on criterion-
20 referenced tests and end-of-instruction tests administered under
21 Section 1210.508 of this title divided by the number of students
22 taking the tests.

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

4 a. ~~for~~

5 1. For schools comprised of high school grades:

6 ~~(1)~~

7 a. five points for meeting the criteria for an "A" for
8 the high school graduation rate of the school, as
9 defined by rules adopted by the Board,

10 ~~(2) the~~

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

19 ~~(3) postsecondary readiness of students as measured~~
20 ~~by the~~

21 c. one point for meeting the criteria for an "A" for
22 participation or performance in SAT tests administered
23 by the College Board or the American College Test
24 (ACT), as defined by rules adopted by the Board,

1 ~~(4)~~

2 d. one point for meeting the criteria for an "A" for the
3 high school graduation rate of students who scored at
4 limited knowledge or unsatisfactory on the eighth-
5 grade criterion-referenced tests in reading and
6 mathematics,

7 ~~(5)~~

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

12 ~~(6)~~

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

17 ~~b. for~~

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

20 ~~(1)~~

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

24 ~~(2)~~

1 **b.** two points for meeting the criteria for an "A" for the
2 percentage of students who are taking higher level
3 coursework at a satisfactory or higher level, as
4 defined by rules adopted by the Board, and
5 ~~(3) any other factors selected by the State~~
6 ~~Superintendent of Public Instruction~~

7 **c.** six points for meeting the criteria for an "A" for
8 attendance, as defined by rules adopted by the Board;
9 and

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

13 ~~E.~~ **F.** Student test data used in determining school grades shall
14 include:

15 1. The aggregate scores of all eligible students enrolled in
16 the school who have been administered the criterion-referenced tests
17 and end-of-instruction tests administered under Section 1210.508 of
18 this title; and

19 2. ~~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 who have scored at or in the lowest twenty-fifth~~
23 ~~percentile of students in the school in reading and mathematics,~~
24 ~~unless these students are exhibiting satisfactory performance; and~~

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

5 a. the high school graduation rate of the school as
6 calculated by the Department,

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

22 c. the aggregate scores of all eligible students enrolled
23 in the school in College Board Advanced Placement
24 courses whether taught at a high school, a technology

1 center school, or a regional site of the Oklahoma
2 School of Science and Mathematics, International
3 Baccalaureate courses, and Advanced International
4 Certificate of Education courses,

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

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

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

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

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

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1 i. the growth or decline in the data components listed in
2 subparagraphs a through h of this paragraph from year
3 to year.

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

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

11 A+;

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

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

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

15 B+;

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

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

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

19 C+;

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

21 C;

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

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

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

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

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

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

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

1 ~~H.~~ J. The annual school site report card required by subsection
2 G of this section shall include school district grades, which shall
3 consist of weighted district average grades, by level, for all
4 school sites in the district. A weighted average grade for a school
5 district shall be calculated by weighting individual school grades
6 determined pursuant to this section by school enrollment.

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

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

12 SECTION 2. It being immediately necessary for the preservation
13 of the public peace, health and safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

16 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
17 April 1, 2013 - DO PASS AS AMENDED
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