

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 1071

By: Renegar

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6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2011,  
8 Section 3-150, which relates to the Academic  
9 Performance Index; excluding the academic performance  
10 of certain online students when determining an  
11 Academic Performance Index; amending 70 O.S. 2011,  
12 Section 1210.507, which relates to the Oklahoma  
13 School Testing Program Act; excluding the testing  
14 performance and results of certain online students  
15 for certain reporting purposes; amending 70 O.S.  
16 2011, Section 1210.545, as amended by Section 1,  
17 Chapter 314, O.S.L. 2012 (70 O.S. Supp. 2012, Section  
18 1210.545), which relates to the Oklahoma School  
19 Testing Program annual reports; excluding certain  
20 online students when determining certain grades;  
21 providing an effective date; 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 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

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

- 3 1. Attendance rates for students;
- 4 2. Dropout rates;
- 5 3. Results of the Oklahoma School Testing Program administered  
6 pursuant to Section 1210.508 of this title;
- 7 4. Advanced Placement participation;
- 8 5. Graduation rates for secondary school students;
- 9 6. Scores of the American College Test (ACT); and
- 10 7. College remediation rates.

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

15 C. Based on the API, the State Board of Education shall adopt  
16 expected annual percentage growth targets for the state level,  
17 school districts, and all school sites based on their API baseline  
18 score. The minimum percentage growth target shall be five percent  
19 (5%) annually. However, the State Board of Education may set  
20 differential growth targets based on grade level of instruction.

21 D. The academic performance of students who are enrolled full-  
22 time in an online program that is offered by a school district or  
23 charter school that is not the district of residence or is not  
24 located in the district of residence of the student shall be

1 reported separately by the school district or charter school and  
2 shall not be included when determining the Academic Performance  
3 Index of the school district or charter school.

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

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

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

16 C. 1. Students enrolled in an online course or program that is  
17 offered by a school district or charter school that is not the  
18 district of residence or is not located in the district of residence  
19 of the student shall be provided the opportunity to take any test  
20 required pursuant to the Oklahoma School Testing Program Act or any  
21 other test generally required of students by the school district in  
22 which the student is enrolled at an alternative testing location  
23 approved by the State Board of Education. The alternative testing  
24 locations may be at sites that are not in the school district that

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

19 2. The performance of students on any test required pursuant to  
20 the Oklahoma School Testing Program Act or any other test generally  
21 required of students by the school district who are enrolled full-  
22 time in an online program that is offered by a school district or  
23 charter school that is not the district of residence or is not  
24 located in the district of residence of the student shall be

1 reported separately by the school district or charter school and  
2 shall not be included when determining the performance levels of the  
3 school district or charter school in the Oklahoma School Testing  
4 Program as reported in the Oklahoma Educational Indicators Program.

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

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

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

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

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

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

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

- 5 1. "A" means schools making excellent progress;
- 6 2. "B" means schools making above average progress;
- 7 3. "C" means schools making satisfactory progress;
- 8 4. "D" means schools making less than satisfactory progress;

9 and

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

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

- 14 1. A school shall not receive a school grade if the number of  
15 students tested and included in the school grading system is less  
16 than the minimum sample size necessary, based on accepted  
17 professional practice, for statistical reliability and prevention of  
18 the unlawful release of personally identifiable student data; and

- 19 2. A school that serves any combination of students in  
20 kindergarten through grade three which does not receive a school  
21 grade because the students are not tested and included in the school  
22 grading system shall receive the school grade designation of a  
23 feeder pattern school identified by the State Department of  
24 Education and verified by the school district. A school feeder

1 pattern exists if at least sixty percent (60%) of the students in  
2 the school serving a combination of students in kindergarten through  
3 grade three are scheduled to be assigned to the graded school.

4 3. The academic performance of students who are enrolled full-  
5 time in an online program that is offered by a school district or  
6 charter school that is not the district of residence or is not  
7 located in the district of residence of the student shall be  
8 reported separately by the school district or charter school and  
9 shall not be included when determining the grade of the school  
10 district or charter school.

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

12 1. Thirty-three percent (33%) on student test scores, including  
13 achievement on all criterion-referenced tests and end-of-instruction  
14 tests administered under Section 1210.508 of this title and  
15 alternative test scores administered to students pursuant to Section  
16 1210.523 of this title;

17 2. Seventeen percent (17%) on student learning gains in reading  
18 and mathematics as measured by criterion-referenced tests and end-  
19 of-instruction tests administered under Section 1210.508 of this  
20 title;

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

3 4. Thirty-three percent (33%) on whole school improvement,  
4 which shall include:

5 a. for schools comprised of high school grades:

6 (1) the high school graduation rate of the school,

7 (2) the performance and participation of students in  
8 College Board Advanced Placement courses,

9 International Baccalaureate courses, concurrent  
10 enrollment courses, Advanced International

11 Certificate of Education courses, and the

12 achievement of students on national industry  
13 certification identified pursuant to rules

14 adopted by the Board,

15 (3) postsecondary readiness of students as measured  
16 by the SAT tests administered by the College

17 Board or the American College Test (ACT),

18 (4) the high school graduation rate of students who  
19 scored at limited knowledge or unsatisfactory on

20 the eighth-grade criterion-referenced tests in  
21 reading and mathematics,

22 (5) as valid data becomes available, the performance  
23 of students on the end-of-instruction tests

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1 administered under Section 1210.508 of this  
2 title, and

3 (6) the growth or decline in the components listed in  
4 divisions (1) through (5) of this subparagraph  
5 from year to year, and

6 b. for schools comprised of middle school grades and  
7 elementary school grades:

8 (1) the drop-out rate of the school,

9 (2) the percentage of students who are taking higher  
10 level coursework at a satisfactory or higher  
11 level, and

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

14 E. Student test data used in determining school grades shall  
15 include:

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

20 2. The aggregate scores of all eligible students enrolled in  
21 the school who have been administered the criterion-referenced tests  
22 and end-of-instruction tests administered under Section 1210.508 of  
23 this title, and who have scored at or in the lowest twenty-fifth  
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1 percentile of students in the school in reading and mathematics,  
2 unless these students are exhibiting satisfactory performance; and

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

7 a. the high school graduation rate of the school as  
8 calculated by the Department,

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

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- 1           c.    the aggregate scores of all eligible students enrolled  
2                    in the school in College Board Advanced Placement  
3                    courses whether taught at a high school, a technology  
4                    center school, or a regional site of the Oklahoma  
5                    School of Science and Mathematics, International  
6                    Baccalaureate courses, and Advanced International  
7                    Certificate of Education courses,
- 8           d.    earning of college credit by all eligible students  
9                    enrolled in the school in concurrent enrollment  
10                   programs as provided for in Section 628.13 of this  
11                   title and in cooperative college alliance courses  
12                   taken at a technology center school,
- 13          e.    earning of a national industry certification  
14                    identified pursuant to rules adopted by the Board,
- 15          f.    the aggregate scores of all eligible students enrolled  
16                    in the school in reading, mathematics, and other  
17                    subjects as measured by the SAT test administered by  
18                    the College Board and the ACT,
- 19          g.    the high school graduation rate of all eligible  
20                    students enrolled in the school who scored at limited  
21                    knowledge or unsatisfactory on the eighth-grade  
22                    criterion-referenced tests in reading and mathematics,
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1           h.    the performance of students on statewide end-of-  
2               instruction tests administered under Section 1210.508  
3               of this title, and

4           i.    the growth or decline in the data components listed in  
5               subparagraphs a through h of this paragraph from year  
6               to year.

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

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

1 The report card for each school site shall be published annually by  
2 the Department on its website, and every school district shall  
3 provide the school site report card to the parent or guardian of  
4 each student enrolled in the school site.

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

11 I. The Legislature may factor in the performance of schools in  
12 calculating any performance-based funding policy that is provided to  
13 public school districts.

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

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

17 SECTION 5. It being immediately necessary for the preservation  
18 of the public peace, health and safety, an emergency is hereby  
19 declared to exist, by reason whereof this act shall take effect and  
20 be in full force from and after its passage and approval.

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