

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2044

By: Henke

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6 AS INTRODUCED

7 An Act relating to schools; creating the School
8 Report and Assessment Calculation Review Task Force;
9 providing termination date; stating purpose of the
10 Task Force; providing for membership; providing date
11 for appointments and organizational meeting;
12 providing for selection of officers; stating duties;
13 exempting the Task Force from certain acts; providing
14 for meetings; providing for travel reimbursement and
15 staff assistance; requiring completion of the study
16 by a certain date; amending 70 O.S. 2011, Section
17 1210.545, as amended by Section 1, Chapter 314,
18 O.S.L. 2012 (70 O.S. Supp. 2012, Section 1210.545),
19 which relates to the Oklahoma School Testing Program
20 annual reports; prohibiting the State Board of
21 Education from preparing and releasing reports until
22 certain actions have occurred; providing for
23 noncodification; and declaring an emergency.
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18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

3 B. The Task Force shall consist of twelve (12) members as
4 follows:

5 1. Two members appointed by the Speaker of the Oklahoma House
6 of Representatives from the membership of the House;

7 2. Two members appointed by the President Pro Tempore of the
8 Oklahoma State Senate from the membership of the Senate;

9 3. The Superintendent of Public Instruction, or a designee;

10 4. One member who represents a statewide association of school
11 board members, appointed by the Speaker of the Oklahoma House of
12 Representatives;

13 5. One member who represents a statewide organization that
14 represents public school superintendents, appointed by the President
15 Pro Tempore of the State Senate;

16 6. One member who represents a statewide organization that
17 represents parents of public school students, appointed by the
18 Governor;

19 7. Two members who are associated with higher education
20 institutions who have knowledge of psychometrics and statistics, one
21 appointed by the Speaker of the Oklahoma House of Representatives
22 and one appointed by the President Pro Tempore of the State Senate;
23 and
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1 8. Two members who are employees of a public school district
2 who oversee implementation of the Oklahoma State Testing Program in
3 the school district, appointed by the Governor.

4 C. Appointment to the Task Force shall be made within thirty
5 (30) days after the effective date of this act. The members of the
6 Task Force shall select a chair and vice-chair at the first meeting
7 of the Task Force. The Task Force shall conduct an organizational
8 meeting not later than sixty (60) days after the effective date of
9 this act.

10 D. The Task Force shall investigate and make recommendations
11 regarding:

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

15 2. Whether the evaluation system is clear, transparent,
16 statistically trustworthy, credible and aligned with the student
17 assessment system.

18 E. The Task Force shall not be subject to the Oklahoma Open
19 Meeting Act or to the Oklahoma Open Records Act.

20 F. The Task Force shall be authorized to meet at such times as
21 may be required in order to fulfill the duties imposed upon the Task
22 Force by law. Members of the Task Force shall be reimbursed for
23 their necessary travel expenses incurred in the performance of their
24 duties as follows:

1 1. Members who are state employees shall be reimbursed for
2 travel expenses in accordance with the State Travel Reimbursement
3 Act;

4 2. Legislative members shall be reimbursed in accordance with
5 Section 456 of Title 74 of the Oklahoma Statutes; and

6 3. All other members shall be reimbursed by the State
7 Department of Education in accordance with the State Travel
8 Reimbursement Act.

9 G. Staff assistance for the Task Force shall be provided by the
10 State Department of Education.

11 H. The Task Force shall complete its study not later than
12 December 31, 2013.

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

16 Section 1210.545 A. ~~As~~ Except as otherwise provided for in
17 subsection K of this section, as part of the accountability system
18 developed as provided for in Section 1210.541 of this title, the
19 State Board of Education shall prepare annual reports of the results
20 of the Oklahoma School Testing Program which describe student
21 achievement in the state, each school district, and each school
22 site. The Board shall prescribe the design and content of the
23 reports, which shall include, without limitation, descriptions of
24 the performance of all schools participating in the Oklahoma School

1 Testing Program and all of the major student populations as
2 determined by the Board, and shall also include the median scores of
3 all eligible students who scored at or in the lowest twenty-fifth
4 percentile of the state in the previous school year. The
5 confidentiality of individual student records shall be preserved as
6 required by law.

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

- 11 1. "A" means schools making excellent progress;
- 12 2. "B" means schools making above average progress;
- 13 3. "C" means schools making satisfactory progress;
- 14 4. "D" means schools making less than satisfactory progress;

15 and

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

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

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

1 2. A school that serves any combination of students in
2 kindergarten through grade three which does not receive a school
3 grade because the students are not tested and included in the school
4 grading system shall receive the school grade designation of a
5 feeder pattern school identified by the State Department of
6 Education and verified by the school district. A school feeder
7 pattern exists if at least sixty percent (60%) of the students in
8 the school serving a combination of students in kindergarten through
9 grade three are scheduled to be assigned to the graded school.

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

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

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

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

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

3 a. for schools comprised of high school grades:

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

5 (2) the performance and participation of students in

6 College Board Advanced Placement courses,

7 International Baccalaureate courses, concurrent

8 enrollment courses, Advanced International

9 Certificate of Education courses, and the

10 achievement of students on national industry

11 certification identified pursuant to rules

12 adopted by the Board,

13 (3) postsecondary readiness of students as measured

14 by the SAT tests administered by the College

15 Board or the American College Test (ACT),

16 (4) the high school graduation rate of students who

17 scored at limited knowledge or unsatisfactory on

18 the eighth-grade criterion-referenced tests in

19 reading and mathematics,

20 (5) as valid data becomes available, the performance

21 of students on the end-of-instruction tests

22 administered under Section 1210.508 of this

23 title, and

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

4 b. for schools comprised of middle school grades and
5 elementary school grades:

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

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

10 (3) any other factors selected by the State
11 Superintendent of Public Instruction.

12 E. Student test data used in determining school grades shall
13 include:

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

18 2. The aggregate scores of all eligible students enrolled in
19 the school who have been administered the criterion-referenced tests
20 and end-of-instruction tests administered under Section 1210.508 of
21 this title, and who have scored at or in the lowest twenty-fifth
22 percentile of students in the school in reading and mathematics,
23 unless these students are exhibiting satisfactory performance; and
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1 3. For schools comprised of high school grades, the data listed
2 in paragraphs 1 and 2 of this subsection, and the following data as
3 the State Department of Education determines the data are valid and
4 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. The annual report shall identify the performance of each
5 school as having improved, remained the same, or declined. This
6 school improvement rating shall be based on a comparison of the
7 student and school performance data of the current year to the
8 previous year data. Schools that improve at least one grade level
9 are eligible for school recognition as established by the Board
10 through the accountability system developed pursuant to Section
11 1210.541 of this title.

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

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

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

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

14 K. After the effective date of this act, the State Board of
15 Education shall not prepare or release any school site or school
16 district reports as provided for in this section until after the
17 School Report and Assessment Calculation Review Task Force as
18 created in Section 1 of this act has issued its report and the Board
19 has implemented the recommendation of the Task Force and, if
20 necessary, modified the calculations used to prepare the reports and
21 the school designations.

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

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