

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 HOUSE BILL 2771

By: Nollan

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5
6 AS INTRODUCED

7 An Act relating to schools; directing the State Board
8 of Education to take action to change the A-F School
9 Grading System portion of the Elementary and
10 Secondary Education Act Flexibility Request for
11 Oklahoma; specifying certain components of the
12 request; directing the Board to readopt the Academic
13 Performance Index for certain purpose; directing the
14 Board to reevaluate the A-F School Grading System;
15 amending 70 O.S. 2011, Section 1210.545, as last
16 amended by Section 1, Chapter 321, O.S.L. 2013 (70
17 O.S. Supp. 2013, Section 1210.545), which relates to
18 the Oklahoma School Testing Program annual reports;
19 directing the Board to delay implementation of the
20 annual report requirements contingent upon certain
21 approval; providing for codification; providing an
22 effective date; and declaring an emergency.

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

24 SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 3-181 of Title 70, unless there
is created a duplication in numbering, reads as follows:

A. Upon the effective date of this act, the State Board of
Education shall take action to initiate a request with the United
States Department of Education to change or amend the Elementary and

1 Secondary Education Act (ESEA) Flexibility Request for Oklahoma
2 which was approved by the United States Department of Education on
3 August 16, 2012, and as subsequently amended, to delay and modify
4 the portion of the state-based system of differentiated recognition,
5 accountability and support which was based on the A-F School Grading
6 System as defined in Section 1210.545 of Title 70 of the Oklahoma
7 Statutes. The request shall ask for not less than a three-year
8 delay in using the A-F School Grading System as the measure of
9 continuous school improvement for the state. The request shall also
10 propose using an interim measure of continuous school improvement as
11 outlined in subsection B of this section during the delay of the A-F
12 School Grading System. The request shall be submitted no later than
13 December 1, 2014, unless otherwise delayed by rules or actions of
14 the United States Department of Education.

15 B. Upon approval of the amendments to the ESEA Flexibility
16 Request, the State Board of Education shall readopt the Academic
17 Performance Index (API) which was in effect prior to July 1, 2013,
18 and which shall be used to measure the performance and improvement
19 of schools during the delay period of the A-F School Grading System.

20 C. Upon approval of the amendments to the ESEA Flexibility
21 Request, the State Board of Education shall reevaluate the design,
22 components, methodologies and formula used in the A-F School Grading
23 System. The Board shall hold public meetings, solicit comments and
24 seek input from schools, technology education schools, higher

1 education institutions and the public during the reevaluation
2 process.

3 SECTION 2. AMENDATORY 70 O.S. 2011, Section 1210.545, as
4 last amended by Section 1, Chapter 321, O.S.L. 2013 (70 O.S. Supp.
5 2013, Section 1210.545), is amended to read as follows:

6 Section 1210.545 A. 1. The State Board of Education shall
7 delay implementation of the provisions of this section upon approval
8 of the amendments to the ESEA Flexibility Request as provided for in
9 Section 1 of this act. The delay shall be for not less than three
10 (3) years or as otherwise approved by the United States Department
11 of Education in the ESEA Flexibility Request.

12 2. As part of the accountability system developed as provided
13 for in Section 1210.541 of this title, the State Board of Education
14 shall prepare annual reports of the results of the Oklahoma School
15 Testing Program which describe student achievement in the state,
16 each school district, and each school site. The Board shall
17 prescribe the design and content of the reports, which shall
18 include, without limitation, descriptions of the performance of all
19 schools participating in the Oklahoma School Testing Program and all
20 of the major student populations as determined by the Board, and
21 shall also include the median scores of all eligible students who
22 scored at or in the lowest twenty-fifth percentile of the state in
23 the previous school year. The confidentiality of individual student
24 records shall be preserved as 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 for statistical reliability
17 and prevention of the unlawful release of personally identifiable
18 student data. The State Board of Education is directed to establish
19 the lowest minimum sample size necessary to meet the requirements of
20 this paragraph;

- 21 2. A school that serves any combination of students in
22 kindergarten through grade three which does not receive a school
23 grade because the students are not tested and included in the school
24 grading system shall receive the school grade designation of a

1 feeder pattern school identified by the State Department of
2 Education and verified by the school district. A school feeder
3 pattern exists if at least sixty percent (60%) of the students in
4 the school serving a combination of students in kindergarten through
5 grade three are scheduled to be assigned to the graded school; and

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

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

14 1. Fifty percent (50%) on whole school performance, as measured
15 by allocating one point for each student who scores proficient or
16 advanced on the criterion-referenced tests and end-of-instruction
17 tests administered under Section 1210.508 of this title and
18 alternative test scores administered to students pursuant to Section
19 1210.523 of this title divided by the number of students taking the
20 tests;

21 2. Twenty-five percent (25%) on whole school growth, as
22 measured by allocating one point for each student who improves
23 proficiency levels or improves substantially within a proficiency
24 level on criterion-referenced tests and end-of-instruction tests

1 administered under Section 1210.508 of this title divided by the
2 number of students taking the tests; and

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

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

13 1. For schools comprised of high school grades:

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

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

- c. one point for meeting the criteria for an "A" for participation or performance in SAT tests administered by the College Board or the American College Test (ACT), as defined by rules adopted by the Board,
- d. one point for meeting the criteria for an "A" for 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,
- e. as valid data becomes available, one point for the performance of students on the end-of-instruction tests administered under Section 1210.508 of this title, as defined by rules adopted by the Board, and
- f. one point for the growth or decline in the components listed in subparagraphs a through e of this paragraph from year to year, as defined by rules adopted by the Board;

2. For schools comprised of middle school grades:

- a. two points for meeting the criteria for an "A" for the drop-out rate of the school, as defined by rules adopted by the Board,
- b. two points for meeting the criteria for an "A" for the percentage of students who are taking higher level

1 coursework at a satisfactory or higher level, as
2 defined by rules adopted by the Board, and

3 c. six points for meeting the criteria for an "A" for
4 attendance, as defined by rules adopted by the Board;
5 and

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

9 F. Student test data used in determining school grades shall
10 include:

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

15 2. For schools comprised of high school grades, the data listed
16 in paragraph 1 of this subsection, and the following data as the
17 State Department of Education determines the data are valid and
18 available:

19 a. the high school graduation rate of the school as
20 calculated by the Department,

21 b. the participation rate of all eligible students
22 enrolled in the school in College Board Advanced
23 Placement courses whether taught at a high school, a
24 technology center school, or a regional site of the

1 Oklahoma School of Science and Mathematics,
2 International Baccalaureate courses, concurrent
3 enrollment courses, Advanced International Certificate
4 of Education courses, courses or sequence of courses
5 leading to national industry certification identified
6 pursuant to rules adopted by the Board, courses or
7 sequence of courses granted cooperative college
8 alliance credit taken at a technology center school,
9 and science, technology, engineering and mathematics
10 courses taken at a regional site of the Oklahoma
11 School of Science and Mathematics,

12 c. the aggregate scores of all eligible students enrolled
13 in the school in College Board Advanced Placement
14 courses whether taught at a high school, a technology
15 center school, or a regional site of the Oklahoma
16 School of Science and Mathematics, International
17 Baccalaureate courses, and Advanced International
18 Certificate of Education courses,

19 d. earning of college credit by all eligible students
20 enrolled in the school in concurrent enrollment
21 programs as provided for in Section 628.13 of this
22 title and in cooperative college alliance courses
23 taken at a technology center school,
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- 1 e. earning of a national industry certification
2 identified pursuant to rules adopted by the Board,
- 3 f. the aggregate scores of all eligible students enrolled
4 in the school in reading, mathematics, and other
5 subjects as measured by the SAT test administered by
6 the College Board and the ACT,
- 7 g. the high school graduation rate of all eligible
8 students enrolled in the school who scored at limited
9 knowledge or unsatisfactory on the eighth-grade
10 criterion-referenced tests in reading and mathematics,
- 11 h. the performance of students on statewide end-of-
12 instruction tests administered under Section 1210.508
13 of this title, and
- 14 i. the growth or decline in the data components listed in
15 subparagraphs a through h of this paragraph from year
16 to year.

17 G. Grades shall be calculated by combining the points earned
18 for whole school performance, whole school growth and growth in the
19 bottom quartile of students, measured pursuant to subsection D of
20 this section, and any bonus points earned pursuant to subsection E
21 of this section. Grades shall be assigned based on the following
22 scale:

- 23 1. Ninety-seven percent (97%) to one hundred percent (100%) =
24 A+;

- 1 2. Ninety-three percent (93%) to ninety-six percent (96%) = A;
- 2 3. Ninety percent (90%) to ninety-two percent (92%) = A-;
- 3 4. Eighty-seven percent (87%) to eighty-nine percent (89%) =
- 4 B+;
- 5 5. Eighty-three percent (83%) to eighty-six percent (86%) = B;
- 6 6. Eighty percent (80%) to eighty-two percent (82%) = B-;
- 7 7. Seventy-seven percent (77%) to seventy-nine percent (79%) =
- 8 C+;
- 9 8. Seventy-three percent (73%) to seventy-six percent (76%) =
- 10 C;
- 11 9. Seventy percent (70%) to seventy-two percent (72%) = C-;
- 12 10. Sixty-seven percent (67%) to sixty-nine percent (69%) = D+;
- 13 11. Sixty-three percent (63%) to sixty-six percent (66%) = D;
- 14 12. Sixty percent (60%) to sixty-two percent (62%) = D-; and
- 15 13. Fifty-nine percent (59%) and below = F.

16 H. The annual report shall identify the performance of each
17 school as having improved, remained the same, or declined. This
18 school improvement rating shall be based on a comparison of the
19 student and school performance data of the current year to the
20 previous year data. Schools that improve at least one grade level
21 are eligible for school recognition as established by the Board
22 through the accountability system developed pursuant to Section
23 1210.541 of this title.

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

15 J. The annual district report card required by subsection B of
16 this section shall be aggregated at the student level and calculated
17 pursuant to subsection D of this section.

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

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

23 SECTION 3. This act shall become effective July 1, 2014.

24

1 SECTION 4. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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