

1 ENGROSSED SENATE
2 BILL NO. 784

By: Jolley of the Senate

and

Denney of the House

3
4
5
6 [schools - criterion-referenced tests - system of
7 assessments - standard diploma - minimum score -
8 funding for administration of certain assessment -
9 school grades - calculations - ~~effective date~~ -
10 emergency]

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

12 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.508, as
13 last amended by Section 8, Chapter 430, O.S.L. 2014 (70 O.S. Supp.
14 2014, Section 1210.508), is amended to read as follows:

15 Section 1210.508. A. ~~1.~~ The State Board of Education shall
16 develop and administer a series of criterion-referenced tests
17 designed to indicate whether the subject matter standards, as
18 defined by the State Board of Education, which Oklahoma public
19 school students are expected to have attained have been achieved.
20 The Board may develop and administer any criterion-referenced test
21 in any subject not required by federal law, contingent upon the
22 availability of funding. Students who do not perform at least at
23 the proficient level on tests shall be remediated, subject to the
24 availability of funding.

1 B. 1. Prior to the 2017-2018 school year, the State Board of
2 Education shall consider and review a standards-based system of
3 assessment that monitors progress toward college and career
4 readiness for grades three through ten. Should the system of
5 assessments align with eighty percent (80%) of the standards adopted
6 pursuant to Section 11-103.6a of this title, the State Board of
7 Education shall be authorized to use the system of assessments in
8 lieu of the assessments otherwise required by this section.

9 2. ~~Contingent~~ Unless otherwise provided by this section, the
10 State Board of Education shall, contingent upon the availability of
11 state and federal funds, the Board, in accordance with federal law,
12 shall administer criterion-referenced tests for grades three and
13 four in:

- 14 a. reading, and
- 15 b. mathematics.

16 3. Contingent upon the availability of funds, the Board shall
17 administer criterion-referenced tests for grade five in:

- 18 a. reading,
- 19 b. mathematics,
- 20 c. science,
- 21 d. social studies, which shall consist of the history,
22 Constitution and government of the United States, and
23 geography, and
- 24 e. writing of English.

1 4. Contingent upon the availability of state and federal funds,
2 the Board, in accordance with federal law, shall administer
3 criterion-referenced tests for grades six and seven in:

- 4 a. reading, and
- 5 b. mathematics.

6 In addition, the Board shall administer a criterion-referenced
7 test in geography in grade seven.

8 5. Contingent upon the availability of funds, the Board shall
9 administer criterion-referenced tests for grade eight in:

- 10 a. reading,
- 11 b. mathematics,
- 12 c. science,
- 13 d. social studies, which shall consist of the history,
14 Constitution, and government of the United States, and
- 15 e. writing of English.

16 The Board shall administer the tests for grade eight in reading
17 and mathematics online with raw score test results reported
18 immediately and complete results reported in less than two (2) weeks
19 beginning in the 2007-08 school year.

20 ~~6.~~ C. 1. Prior to the 2017-2018 school year, the State Board
21 of Education may adopt a common assessment used by institutions of
22 higher education for admissions and placement. The assessment shall
23 meet the requirements set forth in Section 1210.523 of this title.
24

1 2. Should the State Board of Education adopt a common
2 assessment as provided in paragraph 1 of this subsection, every
3 student, beginning with students entering the ninth grade in the
4 2017-2018 school year, shall demonstrate mastery of state academic
5 content standards in order to graduate from a public high school
6 with a standard diploma. Mastery shall be demonstrated by achieving
7 a composite score on the common assessment at a level set by the
8 Commission for Educational Quality and Accountability, in
9 collaboration with the State Department of Education and the
10 Oklahoma State Regents for Higher Education. Such mastery level
11 should be no less than the level required for entry into a community
12 college with minimal remediation.

13 3. Students who do not meet the requirements of paragraph 2 of
14 this subsection may graduate from a public high school with a
15 standard diploma by achieving a score on the ACT Workkeys job skills
16 assessment that is equal to or above the minimum score set by the
17 Commission for Educational Quality and Accountability, in
18 collaboration with the State Department of Career and Technology
19 Education and the Oklahoma Department of Commerce.

20 4. Should the State Board of Education adopt a common
21 assessment as provided in paragraph 1 of this subsection, the State
22 Board of Education shall provide sufficient funding to offer the
23 common assessment to each twelfth grade student during the spring
24 semester. The State Board of Education shall also provide

1 sufficient funding to provide one retake opportunity to students who
2 do not achieve the composite score set forth in paragraph 2 of this
3 subsection.

4 5. Students in ninth through twelfth grades shall have the
5 right to take the common assessment at any time at their own
6 expense.

7 6. ~~Except~~ Unless and until a common assessment is selected by
8 the State Board of Education as provided by this subsection, and
9 except as otherwise provided for in Section 1210.523 of this title,
10 each student who completes the instruction for English II, English
11 III, United States History, Biology I, Algebra I, Geometry, and
12 Algebra II at the secondary level shall complete an end-of-
13 instruction test, when implemented, to measure for attainment in the
14 appropriate subject matter standards in order to graduate from a
15 public high school with a standard diploma. All students shall take
16 the tests prior to graduation, unless otherwise exempt by law. The
17 State Board of Education shall administer the criterion-referenced
18 tests. The Board shall develop and field test the end-of-
19 instruction tests in English III, Geometry, and Algebra II during
20 the 2006-07 school year, implement the tests during the 2007-08
21 school year, and administer them each year thereafter. The Board
22 shall administer the multiple choice portion of the end-of-
23 instruction tests online with raw score test results reported
24

1 immediately and complete results reported in less than two (2) weeks
2 beginning in the 2008-09 school year.

3 The end-of-instruction tests shall serve the purpose of the
4 criterion-referenced tests as provided in paragraph 1 of this
5 subsection. The English II and English III end-of-instruction tests
6 shall include a writing component. Students who do not score at
7 least at the proficient level shall be afforded the opportunity to
8 retake each test up to three (3) times each calendar year until at
9 least achieving at the proficient level. In order to provide an
10 indication of the levels of competency attained by the student in a
11 permanent record for potential future employers and institutions of
12 higher education, for students who enter the ninth grade in or prior
13 to the 2007-08 school year, school districts shall report the
14 highest-achieved state test performance level on the end-of-
15 instruction tests on the student's high school transcript.

16 Beginning with students who enter the ninth grade in the 2008-09
17 school year, school districts shall report the highest-achieved
18 state test performance level on the end-of-instruction tests and any
19 business and industry-recognized endorsements attained on the
20 student's high school transcript. Any student at the middle school
21 level who completes the instruction in a secondary course specified
22 in this paragraph shall be administered the appropriate end-of-
23 instruction test.

1 7. a. Each school district shall administer to each student
2 in the school district in grades three through eight
3 an assessment designed to assess the student in the
4 fine arts area in which the student has received
5 instruction.

6 b. Each school district shall prepare an annual report
7 for approval by the State Board of Education outlining
8 the fine arts assessment strategies used by the
9 district, when the assessments were administered, how
10 many students were assessed during the previous year,
11 and the results of the assessments.

12 B.D. 1. All criterion-referenced tests required by this
13 section shall measure academic competencies in correlation with the
14 subject matter standards adopted by the Board pursuant to Sections
15 11-103.6 and 11-103.6a of this title. The State Board of Education
16 shall evaluate the subject matter standards to ensure the
17 competencies reflect high standards, are specific, well-defined,
18 measurable, challenging, and will prepare elementary students for
19 next-grade-level course work and secondary students for
20 postsecondary studies at institutions of higher education or
21 technology center schools without the need for remediation. All
22 subject matter standards shall reflect the goals as set forth in
23 Section 11-103.6 of this title and of improving the state average
24 ACT score.

1 2. The State Department of Education shall annually evaluate
2 the results of the criterion-referenced tests. The State Board of
3 Education shall ensure that test results are reported to districts
4 in a manner that yields detailed, diagnostic information for the
5 purpose of guiding instruction and student remediation. As
6 improvements are made to the criterion-referenced tests required by
7 this section, the Board shall seek to increase the depth of
8 knowledge assessed for each subject. The State Board of Education
9 shall seek to ensure that data yielded from the tests required in
10 this section are utilized at the school district level to prescribe
11 reinforcement and/or remediation by requiring school districts to
12 develop and implement a specific program of improvement based on the
13 test results.

14 3. The State Board of Education in coordination with the Office
15 of Educational Quality and Accountability shall review, realign, and
16 recalibrate, as necessary, the tests in reading and mathematics in
17 third through eighth grade and the end-of-instruction tests. The
18 Commission for Educational Quality and Accountability shall
19 determine the cut scores for the performance levels on the end-of-
20 instruction tests developed pursuant to paragraph 6 of subsection A
21 C of this section. The Commission shall conduct an ongoing review
22 to compare the end-of-instruction test content and performance
23 descriptors with those of other states. Upon receipt of the review,
24 the Commission may adjust the cut scores as necessary.

1 4. The State Board of Education, for the purposes of conducting
2 reliability and validity studies, monitoring contractor adherence to
3 professionally accepted testing standards, and providing
4 recommendations for testing program improvement, shall retain the
5 services of an established, independent agency or organization that
6 is nationally recognized for its technical expertise in educational
7 testing but is not engaged in the development of aptitude or
8 achievement tests for elementary or secondary level grades. These
9 national assessment experts shall annually conduct studies of the
10 reliability and validity of the end-of-instruction tests
11 administered pursuant to this section. Validity studies shall
12 include studies of decision validity and concurrent validity.

13 ~~C.E.~~ 1. The State Board of Education shall set the testing
14 window dates for each criterion-referenced test required in
15 paragraphs 1 through 5 of subsection ~~A~~ B of this section for grades
16 three through eight so that, with the exception of the writing
17 assessments, the tests are administered to students no earlier than
18 April 10 each year and so that the test results are reported back to
19 school districts in a timely manner. Each criterion-referenced test
20 required in paragraph 6 of subsection ~~A~~ C of this section may be
21 administered to students at a time set by the State Board of
22 Education as near as possible to the end of the course; provided, if
23 a school district is unable to administer the tests online to all
24 students taking the test for the first time and all students

1 retaking the test during the testing window time set by the Board,
2 the school district may elect to administer any of the tests to
3 students retaking the test at any time not more than two (2) weeks
4 prior to the start of the testing window time set by the Board. All
5 results and reports of the criterion-referenced test series required
6 in paragraphs 1 through 5 of subsection A B of this section for
7 grades three through eight shall be returned to each school district
8 prior to the beginning of the next school year. The vendor shall
9 provide a final electronic data file of all school site, school
10 district, and state results to the State Department of Education and
11 the Office of Educational Quality and Accountability prior to
12 September 1 of each year. The Department shall forward the final
13 data files for each school district and each school site in that
14 district to the school district. The Board shall ensure the
15 contract with the testing vendor includes a provision that the
16 vendor report test results directly to the Office of Educational
17 Quality and Accountability at the same time it is reported to the
18 Board.

19 2. State, district, and site level results of all tests
20 required in this section shall be disaggregated by gender, race,
21 ethnicity, disability status, migrant status, English proficiency,
22 and status as economically disadvantaged, except that such
23 disaggregation shall not be required in a case in which the number
24 of students in a category is insufficient to yield statistically

1 reliable information or the results would reveal personally
2 identifiable information about an individual student. Each school
3 site shall notify the student's parents of the school's performance
4 levels in the Oklahoma School Testing Program as reported in the
5 Oklahoma Educational Indicators Program at the end of each school
6 year.

7 D.F. The State Board of Education shall be responsible for the
8 development, field-testing, and validation of the criterion-
9 referenced test series required in ~~subsection~~ subsections A, B, and
10 C of this section. In the interest of economy the Board may
11 participate in a multistate or multigovernmental cooperative
12 pursuant to the requirements of The Oklahoma Central Purchasing Act,
13 but shall not bind the state, contractually or otherwise, to the
14 authority of any other state, organization or entity which may
15 supersede the authority of the Board, for the purpose of adapting
16 criterion-referenced tests, to the extent that such tests are
17 appropriate for use in the testing program to be administered to
18 Oklahoma students.

19 E.G. The State Board of Education shall develop, administer,
20 and incorporate as a part of the Oklahoma School Testing Program,
21 other testing programs or procedures, including appropriate
22 accommodations for the testing of students with disabilities as
23 required by the Individuals with Disabilities Education Act (IDEA),
24 20 USC, Section 1400 et seq.

1 F.H. For purposes of developing and administering alternate
2 assessments for students with the most significant cognitive
3 disabilities, the State Board of Education shall not be subject to
4 subsections D and E of Section 11-103.6a of this title.

5 I. The State Board of Education, the State Board of Career and
6 Technology Education, and the Executive Director of the Oklahoma
7 Department of Commerce shall promulgate rules as necessary to
8 implement the provisions of this act.

9 SECTION 2. AMENDATORY 70 O.S. 2011, Section 1210.545, as
10 last amended by Section 2, Chapter 163, O.S.L. 2014 (70 O.S. Supp.
11 2014, Section 1210.545), is amended to read as follows:

12 Section 1210.545. A. As part of the accountability system
13 developed as provided for in Section 1210.541 of this title, the
14 State Board of Education shall prepare annual reports of the results
15 of the Oklahoma School Testing Program which describe student
16 achievement in the state 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 sites as having one of the
3 following grades, defined according to rules of the State Board of
4 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 site
12 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~~ calculating the percentage of growth for each student from the

1 benchmark to the highest possible score on criterion-referenced
2 tests and end-of-instruction tests administered under Section
3 1210.508 of this title divided by the number of students taking the
4 tests; and

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

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

16 1. For schools comprised of high school grades:

- 17 a. five points for meeting the criteria for an "A" for
18 the high school graduation rate of the school, as
19 defined by rules adopted by the Board,
- 20 b. one point for meeting the criteria for an "A" for
21 performance or participation of students in College
22 Board Advanced Placement courses, International
23 Baccalaureate courses, concurrent enrollment courses,
24 Advanced International Certificate of Education

1 courses, or the achievement of students on national
2 industry certification, as defined by rules adopted by
3 the Board,

4 c. one point for ~~meeting the criteria for an "A" for~~
5 ~~participation or performance in SAT tests administered~~
6 ~~by the College Board or the American College Test~~
7 ~~(ACT)~~ having every student select the college
8 preparatory/work ready curriculum pursuant to Section
9 11-103.6 of this title, as defined by rules adopted by
10 the Board,

11 d. one point for meeting the criteria for an "A" for the
12 high school graduation rate of students who scored at
13 limited knowledge or unsatisfactory on the eighth-
14 grade criterion-referenced tests in reading and
15 mathematics,

16 e. ~~as valid data becomes available,~~ one point for ~~the~~
17 ~~performance of students on the end-of-instruction~~
18 ~~tests administered under Section 1210.508 of this~~
19 ~~title~~ requiring every student take the equivalent of
20 four (4) years of mathematics, English, social
21 studies, and science, as defined by rules adopted by
22 the Board, and

23 f. one point for the growth or decline in the components
24 listed in subparagraphs a through e of this paragraph

1 from year to year, as defined by rules adopted by the
2 Board;

3 2. For schools comprised of middle school grades:

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

7 b. two points for meeting the criteria for an "A" for the
8 percentage of students who are taking higher level
9 coursework at a satisfactory or higher level, as
10 defined by rules adopted by the Board, and

11 c. six points for meeting the criteria for an "A" for
12 attendance, as defined by rules adopted by the Board;
13 and

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

17 F. Student test data used in determining school grades shall
18 include:

19 1. 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

23 2. For schools comprised of high school grades, the data listed
24 in paragraph 1 of this subsection, and the following data as the

1 State Department of Education determines the data are valid and
2 available:

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

1 Baccalaureate courses, and Advanced International
2 Certificate of Education courses,

- 3 d. earning of college credit by all eligible students
4 enrolled in the school in concurrent enrollment
5 programs as provided for in Section 628.13 of this
6 title and in cooperative college alliance courses
7 taken at a technology center school,
- 8 e. earning of a national industry certification
9 identified pursuant to rules adopted by the Board,
- 10 f. the aggregate scores of all eligible students enrolled
11 in the school in reading, mathematics, and other
12 subjects as measured by the SAT test administered by
13 the College Board and the ACT,
- 14 g. the high school graduation rate of all eligible
15 students enrolled in the school who scored at limited
16 knowledge or unsatisfactory on the eighth-grade
17 criterion-referenced tests in reading and mathematics,
- 18 h. the performance of students on statewide end-of-
19 instruction tests administered under Section 1210.508
20 of this title, and
- 21 i. the growth or decline in the data components listed in
22 subparagraphs a through h of this paragraph from year
23 to year.
24

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

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

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

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

11 4. Eighty-seven percent (87%) to eighty-nine percent (89%) =
12 B+;

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

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

15 7. Seventy-seven percent (77%) to seventy-nine percent (79%) =
16 C+;

17 8. Seventy-three percent (73%) to seventy-six percent (76%) =
18 C;

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

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

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

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

23 13. Fifty-nine percent (59%) and below = F.
24

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

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

22 J. The Legislature may factor in the performance of schools in
23 calculating any performance-based funding policy that is provided to
24 public school districts.

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

3 ~~SECTION 3. This act shall become effective July 1, 2015.~~

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

8 Passed the Senate the 10th day of March, 2015.

9
10 _____
11 Presiding Officer of the Senate

12 Passed the House of Representatives the ____ day of _____,
13 2015.

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15 _____
16 Presiding Officer of the House
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