

1 the proficient level on tests shall be remediated, subject to the
2 availability of funding.

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

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

- 16 a. reading, and
- 17 b. mathematics.

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

- 20 a. reading,
- 21 b. mathematics,
- 22 c. science,

1 d. social studies, which shall consist of the history,
2 Constitution and government of the United States, and
3 geography, and

4 e. writing of English.

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

8 a. reading, and

9 b. mathematics.

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

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

14 a. reading,

15 b. mathematics,

16 c. science,

17 d. social studies, which shall consist of the history,

18 Constitution, and government of the United States, and

19 e. writing of English.

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

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

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

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

1 4. Should the State Board of Education adopt a common
2 assessment as provided in paragraph 1 of this subsection, the State
3 Board of Education shall provide sufficient funding to offer the
4 common assessment to each twelfth grade student during the spring
5 semester. The State Board of Education shall also provide
6 sufficient funding to provide one retake opportunity to students who
7 do not achieve the composite score set forth in paragraph 2 of this
8 subsection.

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

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

1 the 2006-07 school year, implement the tests during the 2007-08
2 school year, and administer them each year thereafter. The Board
3 shall administer the multiple choice portion of the end-of-
4 instruction tests online with raw score test results reported
5 immediately and complete results reported in less than two (2) weeks
6 beginning in the 2008-09 school year.

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

20 Beginning with students who enter the ninth grade in the 2008-09
21 school year, school districts shall report the highest-achieved
22 state test performance level on the end-of-instruction tests and any
23 business and industry-recognized endorsements attained on the
24 student's high school transcript. Any student at the middle school

1 level who completes the instruction in a secondary course specified
2 in this paragraph shall be administered the appropriate end-of-
3 instruction test.

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

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

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

1 subject matter standards shall reflect the goals as set forth in
2 Section 11-103.6 of this title and of improving the state average
3 ACT score.

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

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

1 to compare the end-of-instruction test content and performance
2 descriptors with those of other states. Upon receipt of the review,
3 the Commission may adjust the cut scores as necessary.

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

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

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

22 2. State, district, and site level results of all tests
23 required in this section shall be disaggregated by gender, race,
24 ethnicity, disability status, migrant status, English proficiency,

1 and status as economically disadvantaged, except that such
2 disaggregation shall not be required in a case in which the number
3 of students in a category is insufficient to yield statistically
4 reliable information or the results would reveal personally
5 identifiable information about an individual student. Each school
6 site shall notify the student's parents of the school's performance
7 levels in the Oklahoma School Testing Program as reported in the
8 Oklahoma Educational Indicators Program at the end of each school
9 year.

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

22 E.G. The State Board of Education shall develop, administer,
23 and incorporate as a part of the Oklahoma School Testing Program,
24 other testing programs or procedures, including appropriate

1 accommodations for the testing of students with disabilities as
2 required by the Individuals with Disabilities Education Act (IDEA),
3 20 USC, Section 1400 et seq.

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

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

12 SECTION 2. AMENDATORY 70 O.S. 2011, Section 1210.545, as
13 last amended by Section 2, Chapter 163, O.S.L. 2014 (70 O.S. Supp.
14 2014, Section 1210.545), is amended to read as follows:

15 Section 1210.545. A. As part of the accountability system
16 developed as provided for in Section 1210.541 of this title, the
17 State Board of Education shall prepare annual reports of the results
18 of the Oklahoma School Testing Program which describe student
19 achievement in the state and each school site. The Board shall
20 prescribe the design and content of the reports, which shall
21 include, without limitation, descriptions of the performance of all
22 schools participating in the Oklahoma School Testing Program and all
23 of the major student populations as determined by the Board, and
24 shall also include the median scores of all eligible students who

1 scored at or in the lowest twenty-fifth percentile of the state in
2 the previous school year. The confidentiality of individual student
3 records shall be preserved as required by law.

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

- 8 1. "A" means schools making excellent progress;
- 9 2. "B" means schools making above average progress;
- 10 3. "C" means schools making satisfactory progress;
- 11 4. "D" means schools making less than satisfactory progress;

12 and

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

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

- 17 1. A school shall not receive a school grade if the number of
18 students tested and included in the school grading system is less
19 than the minimum sample size necessary for statistical reliability
20 and prevention of the unlawful release of personally identifiable
21 student data. The State Board of Education is directed to establish
22 the lowest minimum sample size necessary to meet the requirements of
23 this paragraph;

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; and

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

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

18 1. Fifty percent (50%) on whole school performance, as measured
19 by allocating one point for each student who scores proficient or
20 advanced on the criterion-referenced tests and end-of-instruction
21 tests administered under Section 1210.508 of this title and
22 alternative test scores administered to students pursuant to Section
23 1210.523 of this title divided by the number of students taking the
24 tests;

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

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

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

20 1. For schools comprised of high school grades:

21 a. five points for meeting the criteria for an "A" for
22 the high school graduation rate of the school, as
23 defined by rules adopted by the Board,

1 b. one point for meeting the criteria for an "A" for
2 performance or participation of students in College
3 Board Advanced Placement courses, International
4 Baccalaureate courses, concurrent enrollment courses,
5 Advanced International Certificate of Education
6 courses, or the achievement of students on national
7 industry certification, as defined by rules adopted by
8 the Board,

9 c. one point for ~~meeting the criteria for an "A" for~~
10 ~~participation or performance in SAT tests administered~~
11 ~~by the College Board or the American College Test~~
12 ~~(ACT)~~ having every student select the college
13 preparatory/work ready curriculum pursuant to Section
14 11-103.6 of this title, as defined by rules adopted by
15 the Board,

16 d. one point for meeting the criteria for an "A" for the
17 high school graduation rate of students who scored at
18 limited knowledge or unsatisfactory on the eighth-
19 grade criterion-referenced tests in reading and
20 mathematics,

21 e. ~~as valid data becomes available,~~ one point for ~~the~~
22 ~~performance of students on the end-of-instruction~~
23 ~~tests administered under Section 1210.508 of this~~
24 title requiring every student take the equivalent of

1 four (4) years of mathematics, English, social
2 studies, and science, as defined by rules adopted by
3 the Board, and

4 f. one point for the growth or decline in the components
5 listed in subparagraphs a through e of this paragraph
6 from year to year, as defined by rules adopted by the
7 Board;

8 2. For schools comprised of middle school grades:

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

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

16 c. six points for meeting the criteria for an "A" for
17 attendance, as defined by rules adopted by the Board;
18 and

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

22 F. Student test data used in determining school grades shall
23 include:
24

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

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

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

1 courses taken at a regional site of the Oklahoma
2 School of Science and Mathematics,

3 c. the aggregate scores of all eligible students enrolled
4 in the school in College Board Advanced Placement
5 courses whether taught at a high school, a technology
6 center school, or a regional site of the Oklahoma
7 School of Science and Mathematics, International
8 Baccalaureate courses, and Advanced International
9 Certificate of Education courses,

10 d. earning of college credit by all eligible students
11 enrolled in the school in concurrent enrollment
12 programs as provided for in Section 628.13 of this
13 title and in cooperative college alliance courses
14 taken at a technology center school,

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

17 f. the aggregate scores of all eligible students enrolled
18 in the school in reading, mathematics, and other
19 subjects as measured by the SAT test administered by
20 the College Board and the ACT,

21 g. the high school graduation rate of all eligible
22 students enrolled in the school who scored at limited
23 knowledge or unsatisfactory on the eighth-grade
24 criterion-referenced tests in reading and mathematics,

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

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

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

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

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

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

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

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

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

- 1 9. Seventy percent (70%) to seventy-two percent (72%) = C-;
- 2 10. Sixty-seven percent (67%) to sixty-nine percent (69%) = D+;
- 3 11. Sixty-three percent (63%) to sixty-six percent (66%) = D;
- 4 12. Sixty percent (60%) to sixty-two percent (62%) = D-; and
- 5 13. Fifty-nine percent (59%) and below = F.

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

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

1 provide the school site report card to the parent or guardian of
2 each student enrolled in the school site.

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

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

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

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

13 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
14 February 25, 2015 - DO PASS AS AMENDED
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