

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 55th Legislature (2016)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2313

By: Nollan

7  
8                                   COMMITTEE SUBSTITUTE

9                   An Act relating to schools; amending 70 O.S. 2011,  
10                   Section 1210.541, as last amended by Section 1,  
11                   Chapter 163, O.S.L. 2014 (70 O.S. Supp. 2015, Section  
12                   1210.541), which relates to student testing  
13                   performance levels and cut scores and accountability  
14                   system; modifying description of criterion-referenced  
15                   tests to be aligned by content; changing reference to  
16                   certain federal law; deleting requirement for certain  
17                   schools to utilize school support team assistance;  
18                   amending 70 O.S. 2011, Section 1210.545, as last  
19                   amended by Section 1, Chapter 362, O.S.L. 2015 (70  
20                   O.S. Supp. 2015, Section 1210.545), which relates to  
21                   the Oklahoma School Testing Program annual reports;  
22                   requiring annual reports to be in accordance with  
23                   certain accountability system; deleting certain study  
24                   requirements; deleting grade categories; deleting  
                  exceptions to the school grading system; deleting  
                  basis for calculation of grades; deleting bonus  
                  points components; deleting student test data;  
                  deleting grading scale; deleting school recognition  
                  program authorization; deleting requirement for  
                  school site report cards; deleting authorization for  
                  including certain performance-based funding factors;  
                  providing an effective date; and declaring an  
                  emergency.

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

1 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.541, as  
2 last amended by Section 1, Chapter 163, O.S.L. 2014 (70 O.S. Supp.  
3 2015, Section 1210.541), is amended to read as follows:

4 Section 1210.541 A. The Commission for Educational Quality and  
5 Accountability shall determine and adopt a series of student  
6 performance levels and the corresponding cut scores pursuant to the  
7 Oklahoma School Testing Program Act.

8 B. The Commission for Educational Quality and Accountability  
9 shall have the authority to set cut scores using any method which  
10 the State Board of Education was authorized to use in setting cut  
11 scores prior to July 1, 2013.

12 C. The performance levels shall be set by a method that  
13 indicates students are ready for the next grade, course, or level of  
14 education, as applicable. The Commission for Educational Quality  
15 and Accountability shall establish panels to review and revise the  
16 performance level descriptors for each subject and grade level. The  
17 Commission shall ensure that the criterion-referenced tests  
18 developed or selected and administered by the State Board of  
19 Education pursuant to the Oklahoma School Testing Program Act ~~in~~  
20 ~~grades three through eight and the end-of-instruction tests~~  
21 ~~administered at the secondary level~~ and as required by federal law  
22 are vertically aligned by content across grade levels to ensure  
23 consistency, continuity, alignment and clarity. The Commission  
24

1 shall adopt performance levels that are labeled and defined as  
2 follows:

3 1. Advanced, which shall indicate that students demonstrate  
4 superior performance on challenging subject matter;

5 2. Proficient, which shall indicate that students demonstrate  
6 mastery over appropriate grade-level subject matter and that  
7 students are ready for the next grade, course, or level of  
8 education, as applicable;

9 3. Limited knowledge, which shall indicate that students  
10 demonstrate partial mastery of the essential knowledge and skills  
11 appropriate to their grade level or course; and

12 4. Unsatisfactory, which shall indicate that students have not  
13 performed at least at the limited knowledge level.

14 D. The State Board of Education shall develop and implement an  
15 accountability system in accordance with the Elementary and  
16 Secondary Education Act of ~~2001~~ 1965 (ESEA), as reauthorized by P.L.  
17 No. ~~107-110~~ 114-95, also known as the ~~No Child Left Behind Act of~~  
18 ~~2001, an accountability system as provided for in 20 U.S.C., 6311~~  
19 Every Student Succeeds Act, and any related federal regulations.

20 The accountability system shall be implemented beginning with the  
21 2002-2003 school year and shall be based on the data as established  
22 pursuant to Section 1210.545 of this title and as modified to meet  
23 the mandates of the ESEA. For the 2002-2003 school year and every  
24 year thereafter the State Board of Education shall publish and

1 ensure that each local education agency is provided with data  
2 annually by site so that the local education agency can make  
3 determinations to identify schools for rewards and sanctions. The  
4 State Board of Education shall establish a system of recognition,  
5 rewards, sanctions and technical assistance, as required by state  
6 law and the Elementary and Secondary Education Act of ~~2001~~ 1965  
7 (ESEA), as reauthorized by P.L. No. 114-95, also known as the Every  
8 Student Succeeds Act, and any related federal regulations.

9 ~~E. A school that is identified as in need of improvement by the~~  
10 ~~State Board of Education pursuant to this section, because of~~  
11 ~~failure to meet either an academic performance target or an~~  
12 ~~attendance or graduation performance target, or both, and is~~  
13 ~~identified as in need of improvement pursuant to the Elementary and~~  
14 ~~Secondary Education Act of 1965 (ESEA), as amended, shall utilize~~  
15 ~~the assistance of a school support team or other similar team formed~~  
16 ~~by the State Department of Education to provide support for schools~~  
17 ~~in need of improvement, subject to school support team capacity.~~  
18 ~~The school support team shall review and analyze all facets of~~  
19 ~~operation of the school including the design and operation of the~~  
20 ~~instructional program. The school support team shall assist the~~  
21 ~~school in:~~

22 ~~1. Incorporating strategies based on scientifically based~~  
23 ~~research that will strengthen the core academic subjects in the~~  
24

1 ~~school and address the specific academic issues that caused the~~  
2 ~~school to be identified for school improvement;~~

3 ~~2. Incorporating strategies to promote high quality~~  
4 ~~professional development; and~~

5 ~~3. Training teachers to analyze classroom and school-level data~~  
6 ~~and use the data to inform instruction.~~

7 SECTION 2. AMENDATORY 70 O.S. 2011, Section 1210.545, as  
8 last amended by Section 1, Chapter 362, O.S.L. 2015 (70 O.S. Supp.  
9 2015, Section 1210.545), is amended to read as follows:

10 Section 1210.545 A. ~~1. Except as otherwise provided, In~~  
11 accordance with and as part of the accountability system ~~developed~~  
12 ~~as~~ provided for in Section 1210.541 of this title, the State Board  
13 of Education shall prepare annual reports of the results of the  
14 Oklahoma School Testing Program which describe student achievement  
15 in the state and each school site.

16 ~~2. The Board shall study and may recommend revisions to the~~  
17 ~~Legislature to the calculation metrics of all components of the~~  
18 ~~school report cards to ensure that the evaluation system is clear,~~  
19 ~~transparent, statistically trustworthy, credible, and aligned with~~  
20 ~~the state assessment system. The Board shall seek certification~~  
21 ~~from the Oklahoma State Regents for Higher Education that~~  
22 ~~recommended revisions, if adopted, will improve the clarity,~~  
23 ~~transparency, statistical trustworthiness, credibility, and~~  
24 ~~alignment of the evaluation system. The State Regents shall provide~~

1 ~~the Board a detailed description of the certification process and~~  
2 ~~results, including a list of any deficiencies the State Regents find~~  
3 ~~with the study or the resulting recommendations. The Board shall~~  
4 ~~issue a report by December 31, 2015, and submit a copy of the report~~  
5 ~~to the Governor, the Speaker of the House of Representatives, the~~  
6 ~~President Pro Tempore of the Senate, the Minority Leader of the~~  
7 ~~House of Representatives, and the Minority Leader of the Senate.~~  
8 ~~The Board shall prescribe the design and content of the reports,~~  
9 ~~which shall include, without limitation, descriptions of the~~  
10 ~~performance of all schools participating in the Oklahoma School~~  
11 ~~Testing Program and all of the major student populations as~~  
12 ~~determined by the Board, and shall also include the median scores of~~  
13 ~~all eligible students who scored at or in the lowest twenty-fifth~~  
14 ~~percentile of the state in the previous school year. The~~  
15 ~~confidentiality of individual student records shall be preserved as~~  
16 ~~required by law.~~

17 B. ~~The annual report as required pursuant to subsection A of~~  
18 ~~this section shall identify school sites as having one of the~~  
19 ~~following grades, defined according to rules of the State Board of~~  
20 ~~Education:~~

- 21 1. ~~"A" means schools making excellent progress;~~
- 22 2. ~~"B" means schools making above average progress;~~
- 23 3. ~~"C" means schools making satisfactory progress;~~

24

1 ~~4. "D" means schools making less than satisfactory progress;~~

2 and

3 ~~5. "F" means schools failing to make adequate progress.~~

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

7 ~~1. A school shall not receive a school grade if the number of~~  
8 ~~students tested and included in the school grading system is less~~  
9 ~~than the minimum sample size necessary for statistical reliability~~  
10 ~~and prevention of the unlawful release of personally identifiable~~  
11 ~~student data. The State Board of Education is directed to establish~~  
12 ~~the lowest minimum sample size necessary to meet the requirements of~~  
13 ~~this paragraph;~~

14 ~~2. A school that serves any combination of students in~~  
15 ~~kindergarten through grade three which does not receive a school~~  
16 ~~grade because the students are not tested and included in the school~~  
17 ~~grading system shall receive the school grade designation of a~~  
18 ~~feeder pattern school identified by the State Department of~~  
19 ~~Education and verified by the school district. A school feeder~~  
20 ~~pattern exists if at least sixty percent (60%) of the students in~~  
21 ~~the school serving a combination of students in kindergarten through~~  
22 ~~grade three are scheduled to be assigned to the graded school; and~~

23 ~~3. The academic performance of students who are enrolled full-~~  
24 ~~time in an online program that is offered by a school district or~~

1 ~~charter school that is not the district of residence or is not~~  
2 ~~located in the district of residence of the student shall be~~  
3 ~~reported separately by the school district or charter school and~~  
4 ~~shall not be included when determining the grade of the school site~~  
5 ~~or charter school.~~

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

7 ~~1. Fifty percent (50%) on whole school performance, as measured~~  
8 ~~by allocating one point for each student who scores proficient or~~  
9 ~~advanced on the criterion-referenced tests and end-of-instruction~~  
10 ~~tests administered under Section 1210.508 of this title and~~  
11 ~~alternative test scores administered to students pursuant to Section~~  
12 ~~1210.523 of this title divided by the number of students taking the~~  
13 ~~tests;~~

14 ~~2. Twenty-five percent (25%) on whole school growth, as~~  
15 ~~measured by allocating one point for each student who improves~~  
16 ~~proficiency levels or improves substantially within a proficiency~~  
17 ~~level on criterion-referenced tests and end-of-instruction tests~~  
18 ~~administered under Section 1210.508 of this title divided by the~~  
19 ~~number of students taking the tests; and~~

20 ~~3. Twenty-five percent (25%) on growth in the bottom quartile~~  
21 ~~of students, as measured by allocating one point for each student in~~  
22 ~~the bottom quartile who improves proficiency levels or improves~~  
23 ~~substantially within a proficiency level on criterion-referenced~~  
24 ~~tests and end-of-instruction tests administered under Section~~



1 ~~1210.508 of this title divided by the number of students taking the~~  
2 ~~tests.~~

3 ~~E. In addition to the components outlined in subsection D of~~  
4 ~~this section, the following bonus points shall be considered in~~  
5 ~~determining the grade of a school site:~~

6 ~~1. For schools comprised of high school grades:~~

7 ~~a. five points for meeting the criteria for an "A" for~~  
8 ~~the high school graduation rate of the school, as~~  
9 ~~defined by rules adopted by the Board,~~

10 ~~b. one point for meeting the criteria for an "A" for~~  
11 ~~performance or participation of students in College~~  
12 ~~Board Advanced Placement courses, International~~  
13 ~~Baccalaureate courses, concurrent enrollment courses,~~  
14 ~~Advanced International Certificate of Education~~  
15 ~~courses, or the achievement of students on national~~  
16 ~~industry certification, as defined by rules adopted by~~  
17 ~~the Board,~~

18 ~~c. one point for meeting the criteria for an "A" for~~  
19 ~~participation or performance in SAT tests administered~~  
20 ~~by the College Board or the American College Test~~  
21 ~~(ACT), as defined by rules adopted by the Board,~~

22 ~~d. one point for meeting the criteria for an "A" for the~~  
23 ~~high school graduation rate of students who scored at~~  
24 ~~limited knowledge or unsatisfactory on the eighth-~~

1 ~~grade criterion-referenced tests in reading and~~  
2 ~~mathematics,~~

3 ~~e. as valid data becomes available, one point for the~~  
4 ~~performance of students on the end-of-instruction~~  
5 ~~tests administered under Section 1210.508 of this~~  
6 ~~title, as defined by rules adopted by the Board, and~~

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

11 ~~2. For schools comprised of middle school grades:~~

12 ~~a. two points for meeting the criteria for an "A" for the~~  
13 ~~drop-out rate of the school, as defined by rules~~  
14 ~~adopted by the Board,~~

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

19 ~~e. six points for meeting the criteria for an "A" for~~  
20 ~~attendance, as defined by rules adopted by the Board;~~  
21 ~~and~~

22 ~~3. For schools comprised of elementary school grades, ten~~  
23 ~~points for meeting the criteria for an "A" for attendance, as~~  
24 ~~defined by rules adopted by the Board.~~

1 ~~F. Student test data used in determining school grades shall~~  
2 ~~include:~~

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

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

11 ~~a. the high school graduation rate of the school as~~  
12 ~~calculated by the Department,~~

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

1 ~~and science, technology, engineering and mathematics~~  
2 ~~courses taken at a regional site of the Oklahoma~~  
3 ~~School of Science and Mathematics,~~

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

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

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

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

22 ~~g. the high school graduation rate of all eligible~~  
23 ~~students enrolled in the school who scored at limited~~

1 ~~knowledge or unsatisfactory on the eighth-grade~~  
2 ~~criterion-referenced tests in reading and mathematics,~~  
3 h. ~~the performance of students on statewide end-of-~~  
4 ~~instruction tests administered under Section 1210.508~~  
5 ~~of this title, and~~  
6 i. ~~the growth or decline in the data components listed in~~  
7 ~~subparagraphs a through h of this paragraph from year~~  
8 ~~to year.~~

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

15 1. ~~Ninety-seven percent (97%) to one hundred percent (100%) =~~  
16 ~~A+;~~

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

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

19 4. ~~Eighty-seven percent (87%) to eighty-nine percent (89%) =~~

20 ~~B+;~~

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

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

23 7. ~~Seventy-seven percent (77%) to seventy-nine percent (79%) =~~

24 ~~C+;~~

1 ~~8. Seventy three percent (73%) to seventy six percent (76%) =~~

2 ~~C;~~

3 ~~9. Seventy percent (70%) to seventy two percent (72%) = C;~~

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

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

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

7 ~~13. Fifty nine percent (59%) and below = F.~~

8 ~~H. The annual ~~report~~ reports required pursuant to this section~~

9 shall identify the performance of each school as having improved,

10 remained the same, or declined. This school improvement rating

11 ~~shall~~ may be based on a comparison of the student and school

12 performance data of the current year to the previous year data.

13 ~~Schools that improve at least one grade level are eligible for~~

14 ~~school recognition as established by the Board through the~~

15 ~~accountability system developed pursuant to Section 1210.541 of this~~

16 ~~title.~~

17 ~~I. The State Department of Education shall annually develop, in~~

18 ~~collaboration with school districts and the Office of Educational~~

19 ~~Quality and Accountability, a school site report card to be~~

20 ~~delivered to parents throughout each school district. The report~~

21 ~~card shall include the grade for the school, information regarding~~

22 ~~school improvement, an explanation of school performance as~~

23 ~~evaluated in accordance with the Elementary and Secondary Education~~

24 ~~Act of 2001 (ESEA), P.L. No. 107-110, also known as the No Child~~

1 ~~Left Behind Act of 2001, and indicators of return on investment.~~  
2 ~~The report card for each school site shall be published annually by~~  
3 ~~the Department on its website, and every school district shall~~  
4 ~~provide the school site report card to the parent or guardian of~~  
5 ~~each student enrolled in the school site.~~

6 ~~J. The Legislature may factor in the performance of schools in~~  
7 ~~calculating any performance-based funding policy that is provided to~~  
8 ~~public school districts.~~

9 ~~K. C.~~ The State Board of Education shall promulgate rules to  
10 implement the provisions of this section.

11 SECTION 3. This act shall become effective July 1, 2016.

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

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17 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated  
18 02/25/2016 - DO PASS, As Amended.

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