

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES
SUBCHAPTER 13. STUDENT ASSESSMENT**

210:10-13-18. Oklahoma School Accountability System

(a) **Academic performance targets.** The Oklahoma School Accountability System shall be based on academic performance data ~~a multimeasures approach to accountability in accordance with the *Elementary and Secondary Education Act of 1965* (ESEA) as reauthorized by P.L. No. 114-95, also known as the *Every Student Succeeds Act* (ESSA), and shall include the indicators set forth in 70 O.S. § 1210.545.~~ All public elementary and secondary schools and local educational agencies (LEAs) shall be accountable for student achievement and for reaching academic performance targets in accordance with the Oklahoma School Accountability System required by 70 O.S. § 1210.541. ~~For purposes of 70 O.S. § 1210.541, a school shall be deemed to have reached academic performance targets if it is not identified as a school in need of improvement by the State Department of Education Office of Accountability.~~

(b) **Consequences of testing irregularities or misconduct on test scores and academic performance targets.**

(1) If the State Department of Education (OSDE) ~~Student Assessment Office~~ **Office of Assessments** receives documentation of a student cheating on a test, the student's score shall be "invalidated." The student's score report for that content area shall read "Invalidated." The "invalidated" score shall have the effect of nonparticipation when aggregated with scores of other students at the school, district, and state levels; ~~unless the student is administered a breach test form.~~

(2) If a student does not attempt the test (such as refusal to read items or mark answers, finishing in 5 minutes, or randomly marking answers), no special action shall be taken. The student's test shall be scored and the score aggregated with the rest of the scores at the school, district, and state levels according to standard procedure.

(3) If a student becomes ill during testing and is not able to complete the test, the test shall not be scored and not counted in the summary scores. The student shall be counted as absent. ~~If an equivalent~~ **a breach** form of the test is available through the **Oklahoma School Testing Program (OSTP)**, the student may be given an opportunity to ~~take~~ **retake** the ~~equivalent~~ **same** form within the same testing window. ~~In this case, the first test shall not be scored and the equivalent test shall be scored in its place. (Note: Equivalent test forms of the OSTP shall only be made available through the OSDE only if determined practicable by the State Department of Education.)~~

(4) If any violation of security provisions occurs, such violations shall be reported in writing to the ~~Student Assessment Section of the State Department of Education~~ **Office of Assessments** and may result in a student's, a school site's, and/or a school district's test scores being declared as invalid in accordance with the provisions of 210:10-13-4.

(A) In the case of invalidation resulting from a violation of the provisions of 210:10-13-4, each invalidated score ~~shall have the effect of a zero score and each zero score shall be~~ **equivalent to non-participation in the assessment and shall be** aggregated with the remaining student scores at the school, district, and state levels **in determining participation rates.**

(B) If the violation is not the fault of the students involved, and if ~~an equivalent~~ **a breach** form of the test is available through the OSTP, students may be given the

~~equivalent breach~~ form within the same testing window ~~at the district's expense if this is the first year for a security violation within the school and/or district in question.~~ In the case that ~~an~~ a breach equivalent form is administered, the individual student score report shall reflect the scores from the equivalent test (in place of the previous invalidated scores) and shall be aggregated at the school, district, and state levels.

(C) ~~Equivalent Breach~~ test forms of the OSTP shall only be made available through the OSDE Office of Assessments ~~only~~ if determined practicable by the State Department of Education.

(5) If extreme changes in test scores or in academic performance data occur for a school or district from year to year, an investigation shall be conducted, which may include, but not be limited to, ~~a hand-erasure~~ data forensics analysis, and results of any apparent testing irregularity or misconduct reported to the State Board of Education for possible further action, which may include but not be limited to, score invalidation.

(6) ~~Erasures~~ Statewide student response patterns shall be ~~identified statewide~~ analyzed for aberrant responses for each school and district by electronic scanning of all student answer documents, and the following action shall be taken: through data forensics methodologies. The results shall be triangulated with observational and other accountability data to be included in the Academic Assessment Monitoring Program (AAMP).

~~(A) Scores for classes whose wrong to right erasures exceed the state average by more than four standard deviations shall be identified for further investigation.~~

~~(B) For each class with excessive erasures, the proportion of wrong to right erasures to the total number of erasures will be taken into account.~~

~~(C) A report shall be made to the State Board of Education of schools where classes have been identified with excessive erasures as defined by the criteria above for possible further action, which may result in score invalidation.~~

(7) Steps for Dealing with Reported Testing Irregularities or Misconduct

(A) **Step One.** When the State Department of Education receives credible evidence of a testing irregularity or misconduct, the State Department of Education Office of ~~Accountability and~~ Assessments shall promptly notify the school site and/or school district involved.

(i) The school district shall have at least thirty (30) calendar days to conduct an investigation of the alleged testing irregularity and provide the State Department of Education with a written response.

(ii) In the event that the testing irregularity occurred as a result of testing misconduct or test security violations, the school site and/or school district shall be required to include an explanation in its written response of how the testing misconduct/irregularity occurred and a description of the measures taken to prevent the misconduct from occurring again.

(B) **Step Two.** The testing irregularity or misconduct shall be categorized into one of three violation categories (minor, major, and critical) according to the severity of the violation and its possible consequences. Possible consequences may include, but not be limited to, invalidation of scores, accreditation with deficiency, accreditation with warning, accreditation with probation.

(C) **Step Three.** At the end of each testing period, a testing irregularity report shall be prepared by the State Department of Education Office of ~~Accountability and~~ Assessment for review by the State Superintendent and possible further action.

(c) **Procedures for Schools to Review Data Reports and Appeal Accountability Decisions.**

(1) To assure the validity of accountability decisions prior to the release of the list of schools ~~in need of improvement~~ **identified for school support and improvement** as required by federal law, the State Department of Education will forward to schools the preliminary data reports containing component pieces from the school district, testing vendor, and the State Department of Education. Each school district must review these component pieces for accuracy and report any inaccuracies to the entity supplying the information within the applicable timelines. If the school district does not report inaccuracies within the timeline the State Department of Education will rely on the data in the preliminary data report.

(2) Upon receiving their preliminary data reports from the State Department of Education for use in creating School and District Report Cards, districts shall review the data in the preliminary data reports and report any discrepancies with the data components previously reviewed by the district to the State Department of Education within the specified timeline.

(3) Subsequent to the review of the preliminary data report, if a principal of a school, ~~or a majority of the parents of the students enrolled in a school, believe~~ **believes** that the accountability decision **designation** contained in the data report is in error the principal shall provide supporting evidence to the district. The district must consider the evidence and if warranted, request an appeal in writing to the State Department of Education. The State Department of Education must receive the appeal request within ten working days of the electronic release of the data reports.

~~(4) If a school and/or district has had test scores invalidated because of a testing irregularity or misconduct with the effect of nonparticipation for aggregation purposes, and such action results in an invalidation that prevents the school and/or district from receiving an accountability decision, the district may appeal the determination on a first time occurrence and request placement on Probationary Status instead of receiving an invalidation. At the end of the next consecutive year, if the school and/or district does not receive an accountability decision for any reason, they shall automatically be identified as being in need of improvement status.~~

(5) When a school district or charter school appeals an accountability decision **designation**, the appeal request will be sent to the State Department of Education on the appeal form or other electronic submission method provided by the State Department of Education. The school district or charter school must specify on the form if a hearing pursuant to 75 O.S. § 309 is requested. If such a hearing is requested, the district must provide a written waiver of the right of the district to receive a final determination from the State Department of Education within the period required by federal law. In that event, all parties will cooperate to expedite the hearing process. If a hearing pursuant to 75 O.S. § 309 is not requested, the school district must submit written evidence supporting its appeal with the appeal request. The district may also request to address the School Status Designation Appeals Committee in person or by telephone. All appeal requests will initially be reviewed by the Office of Accountability and Assessments to determine whether the appeal request remains with the School Status Designation Appeals Committee or is forwarded to the State Superintendent for a hearing pursuant to 75 O.S. § 309. The School Status Designation Appeals Committee will **may** consist of members of the State Department of Education's **Leadership Team** **cabinet membership** and may also include additional members appointed by the State Superintendent. The Appeals Committee will review the district's evidence submitted with

the appeal and if requested, hear comments from the school district, before providing a final determination in writing within forty-five (45) days from release of the data reports.

(67) At the end of the State Department of Education Appeals process, the State Department of Education shall report to the State Board of Education the statewide list of schools in need of identified for targeted support and improvement.

(8) School sites shall be provided an opportunity to review all data used to calculate the school performance grade and the calculation of the school performance grade.

(A) Initial data verification of the data used to calculate school performance grades shall occur throughout the school year as data becomes available to the State Department of Education. School district accountability staff shall have the opportunity to perform data verification and confirm that data being used to calculate school performance grades are accurate prior to the review period required by (c)(7)(B) of this section. The school district shall have at least fifteen (15) calendar days to review and request corrections to each new data component as it becomes available. No requests for changes to data shall be made after the expiration of the fifteen (15) calendar day review period. For purposes of this paragraph only, a "new data component" means a data component that has not been previously submitted to the State Department of Education in accordance with other state or federal reporting requirements.

(B) Prior to the final release of school performance grades, a school district shall have at least ten (10) calendar days to certify the calculation of the performance grade. If the school district determines that a different performance grade should be assigned because of the omission of certified student data, a data miscalculation, or special circumstances that might have affected the grade assigned, school districts may submit a request for a review of the data calculation to the State Department of Education. All evidence supporting the district's claim of a calculation error and documentation of all elements to be reviewed by the Department must be submitted within the time limits specified in this subsection. No request for review of the calculation shall be accepted after the expiration of the ten (10) calendar day review period. Changes to the criteria, data, or process shall not be considered as part of this review.

(C) To ensure timely issuance of the school report cards in accordance with the requirements of 70 O.S. § 1210.545, any data component verification or calculation verification for which a district fails to timely review and certify as accurate in accordance with the provisions of (A) or (B) of this subsection shall be deemed certified as accurate by the school district and districts shall not be permitted to request further corrections to the data.

(d) **Sanctions for public elementary and secondary schools that do not reach academic performance targets. Schools identified for support and improvement.**

(1) ~~Title I schools~~ Schools that do not reach academic performance targets for two consecutive years shall be identified as being in need of improvement status. ~~Title I schools in the State of Oklahoma shall be subject to the sanctions defined by federal law.~~

(2) ~~Non Title I schools that do not reach academic performance targets for two consecutive years or more shall be subject to sanctions as determined by the State Board of Education. The State Board of Education may utilize sanction options identified by federal law, as deemed appropriate based upon relevant circumstances of the school's performance. The sanctions may include but not be limited to the following:~~

(A) ~~provide a school improvement plan,~~

- ~~(B) provide technical assistance,~~
- ~~(C) offer school choice,~~
- ~~(D) provide supplemental services,~~
- ~~(E) take corrective action, or~~
- ~~(F) implement a restructuring plan.~~

earn an F on the Oklahoma School Report Card and any high school with a graduation rate of 67% or lower will be identified for comprehensive support and improvement. Those identified for comprehensive support and improvement must include 5% of Title I schools as required under federal law. Schools that do not meet exit criteria as defined in Oklahoma's ESSA State Plan within three (3) years will be required to implement more rigorous interventions.

(e) **Rewards for public elementary and secondary schools that reach academic performance targets.** Subject to the availability of funds, public elementary and secondary schools that reach academic performance targets shall be eligible for recognition in accordance with provisions of the Academic Achievement Award (AAA) Program set forth in 70 O.S. § 3-152.1 by the State Board of Education.