



JOY HOFMEISTER
STATE SUPERINTENDENT *of* PUBLIC INSTRUCTION
OKLAHOMA STATE DEPARTMENT *of* EDUCATION

MEMORANDUM

TO: The Honorable Members of the State Board of Education
FROM: Joy Hofmeister
DATE: January 25, 2018
SUBJECT: Administrative Rule Promulgation

The State Board of Education will be taking action at the January meeting on the following administrative rule changes pursuant to the *Oklahoma Administrative Procedures Act*, 75 O.S. § 250 *et seq.*:

- (1) Title 210. State Department of Education
Chapter 10. School Administration and Instructional Services
Subchapter 13. Student Assessment
210:10-13-2. Oklahoma School Testing Program (OSTP) scope and general administration [AMENDED]

The rule outlining the Oklahoma School Testing Program is being amended to remove requirements relating to the repealed Achieving Classroom Excellence (ACE) Act and End-of-Instruction (EOI) exams.

- (2) 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 [AMENDED]

House Bill 3218 (2016) directed the State Board of Education to study, develop, and implement a new system of student assessment and school accountability, subject to approval by the Oklahoma Legislature. The Legislature approved the State Board of Education's recommendations for a new assessment and accountability system in House Joint Resolution 1028 on March 2, 2017, and the approved "Assessment system" guidelines have been published at *Oklahoma Administrative Code* 210:10-13-1.1 as directed by HB 3218(5)(C)(7). The administrative rules addressing school accountability must be updated to reflect the discontinuation of the former accountability system, which has been superseded by changes in law and by the approved recommendations of the State Board. References related to the former *No Child Left Behind* requirements are also being updated to be consistent with the *Every Student Succeeds Act* (ESSA). The data verification periods from the outdated accountability system rule that is proposed for revocation are being incorporated into this general school accountability rule.

- (3) Title 210. State Department of Education
Chapter 10. School Administration and Instructional Services
Subchapter 13. Student Assessment
210:10-13-22. Implementation of a system of school improvement and accountability [REVOKED]

The rule that implemented the former school accountability system is proposed for revocation, because the majority of the statutory provisions it was based on were repealed by House Bill 1693 (2017). The data verification periods that were established in this rule are being incorporated into the general school accountability rule at 210:10-13-18, to ensure schools will continue to have an opportunity to review the data relevant to accountability calculations.

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

210:10-13-2. Oklahoma School Testing Program (OSTP) scope and general administration

(a) **Definitions.** In this Section, the words and terms shall have the following meaning: "**Proficient/Satisfactory**" means achieving at least the minimum score for demonstrating mastery as defined by the State Board of Education on an academic achievement test of the Oklahoma School Testing Program (OSTP).

(b) All public school districts shall administer the state mandated academic achievement tests of the OSTP to all students enrolled in the designated grades. The series of tests shall be field-tested/implemented by the amended schedule in 70 O.S. § 1210.508, or federal law.

(1) Students with Individualized Education Programs (IEPs) shall have an appropriate statement on the IEP with regard to the type of assessment in which the student will participate (e.g., Oklahoma Core Curriculum Test (OCCT) with or without accommodations, or the Oklahoma Alternate Assessment Program (OAAP) Portfolio). The OCCT and OAAP Portfolio are all a part of the Oklahoma School Testing Program (OSTP). Any state approved accommodations must be documented in the student's current IEP. Current documentation for each student shall be on file in the local school prior to test administration.

(2) All students who have been determined to be limited English proficient (LEP) as the term is defined at 20 U.S.C. § 7801, also known as English language learners (ELL), shall be included in all of the state-mandated academic achievement tests of the OSTP. ELL students are those who have been appropriately identified, through English proficiency screening by the local school districts, as requiring specialized instructional services designed to increase their English proficiency and academic performance. For every student identified as ELL, the local district shall have on file verification that the student is receiving special instruction designed for the specific purpose of improving the ELL student's English proficiency. Any State Department of Education approved and adopted English proficiency assessment shall be considered an official assessment of the OSTP, and will be subject to the same security, privacy, and administration measures accorded to all other OSTP assessments.

(A) Students identified as ELL shall be assessed in a valid and reliable manner with the state academic assessments with acceptable accommodations as necessary and, to the extent practicable, with alternate assessments aligned to the state assessment provided by the local school district in the language and form most likely to yield accurate data on what such students know and can do in these content areas; these alternate assessments will continue until such students have achieved English language proficiency with the exception noted in paragraph (2)(B) of this subsection.

(B) If ELL students are administered the state-mandated reading and language arts achievement tests in a language other than English, this will be allowed only during their first three consecutive years of school attendance in the United States (not including Puerto Rico). After these first three years these tests must be administered in English, except that if the local school district determines on a case-by-case basis, that a student has not yet reached a level of English language proficiency that will allow valid and reliable information to be obtained, even with testing accommodations, in which case individual waivers will be allowed by the local district for up to two additional consecutive years, according to federal law.

~~(3) All End-of-Instruction assessments must be taken once the corresponding course of instruction has been completed. In order to meet the Federal No Child Left Behind (NCLB) legislation requirements, all students prior to graduating from high school must take the Algebra I, Biology I, and English II assessments regardless of whether instruction has been taken, unless otherwise exempt.~~

(c) On an annual basis, school superintendents or their designees shall provide a copy of the State Board of Education Rules, OAC 210:10-13, for all school personnel responsible for receipt, inventory, distribution, or return of tests documents, and/or for administration of tests within the Oklahoma School Testing Program.

(d) Districts may request special reports beyond those provided by state contract with the testing company at their own cost (i.e., individual student records on CD or disk, District Title I Report, District Alpha Order Report, etc.).

(e) Test results of all students not enrolled in a district for a full academic year shall be disaggregated and shall not be used to determine the progress of the district, according to federal law. Test results of all students not enrolled in a school site for a full academic year shall be disaggregated and shall not be used to determine the progress of the school site, according to federal law. For purposes of the OSTP, a student shall be considered a "Full Academic Year" (FAY) student if the student is enrolled within the first twenty (20) instructional days of the school's instructional year through and including the date of administration of the exam, without an enrollment lapse of ten (10) or more consecutive instructional days.

(f) For purposes of the annual reports of the OSTP, test results of all students who have been placed in a state juvenile facility by state law or court order, or students placed in a full time residential facility providing educational services to students by joint agreement with one or more school districts shall not be used to determine the progress of the site or the district of residence of the students. Instead their scores will be used in accountability calculations in one statewide "virtual" district "quasi-district".

(g) Each public school student who does not score at least at the satisfactory level on state criterion-referenced tests in reading and mathematics by the end of the student's seventh grade year shall be provided remediation for the purpose of assisting the student in performing at least at the satisfactory level on the eighth-grade criterion-referenced tests in reading and mathematics, subject to the availability of funding. ~~Each public school student who does not score at least at the satisfactory level on state criterion-referenced tests in reading and mathematics by the end of the student's eighth grade year shall be provided remediation for the purpose of assisting the student in performing at least at the satisfactory level on the end-of-instruction tests administered in high school. Each public school student who does not attain at least a satisfactory or proficient score on the state end-of-instruction tests shall be provided remediation for the purpose of assisting the student in attaining at least a satisfactory or proficient score on the Algebra I, English II, and two of the remaining five end-of-instruction tests, in order to graduate from an Oklahoma accredited public high school.~~

(1) Districts and/or schools may provide remediation through extended instructional time during the school day, a summer academy, tutoring, online coursework, or other supplementary services. Remediation is not limited to these practices.

(2) Remediation provided shall be under the supervision of a highly qualified teacher certified in the appropriate content area.

(3) The State Department of Education shall provide information about best practices for remediation and interventions on the State Department of Education website.

(4) Each district shall submit an annual remediation plan to its local board of education at a regularly scheduled meeting prior to November 15 of each school year. The remediation plan shall be for those students who do not attain at least a satisfactory or proficient score on the tests listed in this section. The plan should include how remediation funds will be spent, when and where remediation will be provided, what content will be addressed, how instruction will be delivered, and who will provide the instruction, including the highly qualified status of the instructor.

~~(5) Funds for remediation shall be disbursed by the State Department of Education to the local school districts by September 1 of each year in accordance with the requirements of 70 O.S. § 1210.526. Funds for each fiscal year shall be based on the most recent OSTP test results available for each student from the previous school year or summer test administration.~~

(65) Funds for remediation shall be utilized to provide intervention and remediation for qualifying students as described in this section. Allowable expenditures include salaries and stipends for highly qualified teachers and tutors under the supervision of highly qualified teachers; instructional materials such as textbooks, workbooks, teacher-made materials, computer assisted instructional software, manipulatives, and classroom instructional tools necessary to provide remediation; assessments designed to monitor the progress of students in remediation programs; transportation to and from tutoring sessions held outside of the school day; and training in best practices for providing remediation. Funds for remediation may not be used for salaries, materials, or administrative services not directly related to remediation or for students who do not qualify for remediation as described in this section.

(76) School districts shall report the use of remediation funds and the results of the remediation, as measured by periodic progress assessments and district student performance on state assessments. Districts shall submit an online report annually to the State Department of Education through the Oklahoma School District Reporting Site (SDRS). The district shall also submit the annual report to its local board of education at a regularly scheduled meeting. Remediation results shall be presented by a designated public school principal for each site.

RULE IMPACT STATEMENT 210:10-13-2

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

- a. **What is the purpose of the proposed rule change?**
The rule outlining the Oklahoma School Testing Program (OSTP) is being amended to remove repealed Achieving Classroom Excellence (ACE) and End-of-Instruction (EOI) requirements.
- b. **What classes of persons will be affected by the proposed rule change and what classes of persons will bear the costs of the proposed rule change?**
The proposed change will affect school districts and the State Department of Education Office of Assessment and Office of Accountability.
- c. **What classes of persons will benefit from the proposed rule change?**
The change will benefit school districts and the Office of Accountability by ensuring the rules is consistent with current state law and no longer reflects outdated provisions relating to the repealed End-of-Instruction (EOI) exams and Achieving Classroom Excellence (ACE) Act.
- d. **What is the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions?**
The agency does not anticipate any economic impact upon political subdivisions or affected classes as a result of implementation of the proposed rule change at this time.
- e. **What is the probable cost to the agency to implement and enforce the proposed rule change?**
The agency does not anticipate any cost to the agency to implement and enforce as a result of the proposed change in the rule at this time. Additional record keeping, if any, will be performed by existing staff.
- f. **What is the economic impact on any political subdivision to implement the proposed rule change?**
The agency does not anticipate any economic impact on any political subdivision to implement the proposed rule change at this time.
- g. **Will implementing the rule change have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act?**
The agency does not anticipate any adverse economic impact on small business as a result of the proposed rule change at this time.
- h. **Are there any other methods which are less costly, nonregulatory, or less intrusive to achieve the purpose of the proposed rule change?**
No.
- i. **Will the rule change impact the public health, safety, and environment, and is the change designed to reduce significant risks to the public health, safety, and environment? If so, explain nature of risk and to what extent the proposed rule change will reduce the risk.**
The agency does not anticipate any impact on public health, safety, or environment as a result of implementation of the proposed rule at this time.

- j. **What detrimental effect will there be on the public health, safety, and environment if the rule change is not implemented?**

The agency does not anticipate any detrimental effect on public health, safety, or environment as a result of failure to implement the proposed rule at this time.

- k. **Date Prepared:** November 20, 2017

STATUTORY AUTHORITY FOR 210:10-13-2

Oklahoma Statutes

Title 70. Schools

Chapter 22 - Testing and Assessment

Achieving Classroom Excellence Act of 2005

Section 1210.523 - Repealed

Repealed by Laws 2016, HB 3218, c. 360, § 12, emerg. eff. July 1, 2016

Oklahoma Statutes

Title 70. Schools

Chapter 22 - Testing and Assessment

Achieving Classroom Excellence Act of 2005

Section 1210.526 - Repealed

Repealed by Laws 2016, HB 3218, c. 360, § 12, emerg. eff. July 1, 2016

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

Language changes incorporated following public comment appear in red.

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

(a) **Academic performance targets.** The Oklahoma School Accountability System shall be based on ~~academic performance data~~ **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~~ **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 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 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 Assessments 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.~~

(54) 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.

(6) 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 comprehensive and targeted support and improvement.**

(6) 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)(6)(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 the lowest-performing 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.

PUBLIC COMMENT SUMMARY
State Department of Education Proposed Permanent Rule Amendment
Chapter 10. School Administration and Instructional Services
Subchapter 13. Student Assessment
210:10-13-18. Oklahoma School Accountability System [AMENDED]

Summary of Public Comment	Agency Response
<p>Commenter makes the following suggestions for language correction:</p> <p>In section (b)(7)(C), the word "Assessment" should be changed to "Assessments."</p> <p>Section (c)(7) should be re-designated (c)(5), and (c)(8) should be re-designated (c)(6).</p> <p>In section (c)(8)(A), the reference to (c)(7)(B) should be changed to (c)(6)(B).</p> <p>Please insert the words "the lowest-performing" into the second sentence of subsection (d) so it reads as follows: "Those identified for comprehensive support and improvement must include the lowest-performing 5% of Title I schools as required under federal law."</p>	<ul style="list-style-type: none"> • These suggested edits have been incorporated into the rule draft presented to the State Board of Education for consideration.
<p>Section (c)(6)(A) provides that "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) day calendar review period." By precluding changes after the 15 calendar day review period in the second quoted sentence, the rule takes away the possibility of seeking review and requesting corrections in a longer review/request period that OSDE might designate under the first quoted sentence. Please change the second sentence to give meaning to the potentially longer time</p>	<ul style="list-style-type: none"> • In (c)(6)(A), the proposed language has been changed to "No requests for changes to data shall be accepted after the expiration of the review period", as recommended by the commenter. • In (c)(6)(B), the proposed language has been changed to "No requests for review of the calculation shall be accepted after the expiration of the review period", as recommended by the commenter.

period permitted in the first sentence.

Similarly, subsection (c)(6)(B) provides that "Prior to the final release of the school performance grades, a school district shall have at least ten (10) calendar days to certify the calculation of the performance grade. ...No request for review of the calculation shall be accepted after the expiration of the ten (10) day calendar review period." Again, by refusing to accept requests for review after the 10 calendar day certification period in the second quoted sentence, the rule takes away the possibility of seeking review in a potentially longer period of time that OSDE might designate according to the first quoted sentence. Please change the second sentence to give life to the potentially longer time period permitted in the first sentence.

RULE IMPACT STATEMENT 210:10-13-18

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

- a. **What is the purpose of the proposed rule change?**
House Bill 3218 (2016) directed the State Board of Education to study, develop, and implement a new system of student assessment and school accountability, subject to approval by the Oklahoma Legislature. The Legislature approved the State Board of Education's recommendations for a new assessment and accountability system in House Joint Resolution 1028 on March 2, 2017, and the approved "Assessment system" guidelines have been published at *Oklahoma Administrative Code* 210:10-13-1.1 as directed by HB 3218(5)(C)(7). The administrative rules addressing school accountability must be updated to reflect the discontinuation of the former accountability system, which has been superseded by changes in law and by the approved recommendations of the State Board. References related to the superseded *No Child Left Behind* requirements are being updated to be consistent with the *Every Student Succeeds Act* (ESSA).
- b. **What classes of persons will be affected by the proposed rule change and what classes of persons will bear the costs of the proposed rule change?**
The proposed change will affect school districts and the State Department of Education Office of Assessment and Office of Accountability.
- c. **What classes of persons will benefit from the proposed rule change?**
The proposed change will benefit school districts and the State Department of Education Office of Assessment and Office of Accountability by ensuring the rule is consistent with the current laws and does not reflect outdated requirements.
- d. **What is the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions?**
The agency does not anticipate any economic impact upon political subdivisions or affected classes as a result of implementation of the proposed rule change at this time.
- e. **What is the probable cost to the agency to implement and enforce the proposed rule change?**
The agency does not anticipate any cost to the agency to implement and enforce as a result of the proposed change in the rule at this time. Additional record keeping, if any, will be performed by existing staff.
- f. **What is the economic impact on any political subdivision to implement the proposed rule change?**
The agency does not anticipate any economic impact on any political subdivision to implement the proposed rule change at this time.
- g. **Will implementing the rule change have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act?**
The agency does not anticipate any adverse economic impact on small business as a result of the proposed rule change at this time.
- h. **Are there any other methods which are less costly, nonregulatory, or less intrusive to achieve the purpose of the proposed rule change?**
No.

- i. **Will the rule change impact the public health, safety, and environment, and is the change designed to reduce significant risks to the public health, safety, and environment? If so, explain nature of risk and to what extent the proposed rule change will reduce the risk.**

The agency does not anticipate any impact on public health, safety, or environment as a result of implementation of the proposed rule at this time.

- j. **What detrimental effect will there be on the public health, safety, and environment if the rule change is not implemented?**

The agency does not anticipate any detrimental effect on public health, safety, or environment as a result of failure to implement the proposed rule at this time.

- k. **Date Prepared:** November 20, 2017

STATUTORY AUTHORITY FOR 210:10-13-18

ENROLLED HOUSE BILL NO. 3218 (2016)

SECTION 5. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

A. The State Board of Education in consultation with the Oklahoma State Regents for Higher Education, the Commission for Educational Quality and Accountability, the State Board of Career and Technology Education and the Secretary of Education and Workforce Development shall study and develop assessment requirements which upon final approval shall be implemented in conjunction with the statewide system of student assessments adopted pursuant to Section 1210.508 of Title 70 of the Oklahoma Statutes. In developing the assessment requirements, the State Board of Education in consultation with the Oklahoma State Regents for Higher Education, the Commission for Educational Quality and Accountability, the State Board of Career and Technology Education and the Secretary of Education and Workforce Development shall include:

1. Establishment of a multimeasures approach to high school graduation. For purposes of this paragraph, "multimeasures" may include but are not limited to designated statewide assessments, alternative assessments, local performance assessments, nationally recognized assessments, assessment performance bands, grades and course records;

2. A determination of the performance level on the assessments at which students will be provided remediation or intervention and the type of remediation or intervention to be provided;

3. Establishment of a means for ensuring student accountability on the assessments which may include calculating assessment scores in the final grade or grade-point average of a student;

4. Ways to make the school testing program as set forth in the Oklahoma School Testing Program Act that is in operation as of the effective date of this act more efficient and effective while still achieving the objective of having assessments designed to indicate whether students have attained an understanding of the Oklahoma subject matter standards, including but not limited to, combining different subject area assessments into one assessment, combining different grade-level assessments into one assessment or adding additional subject area assessments; and

5. Establishment of a multimeasures approach to accountability, as required in Section 1210.545 of Title 70 of the Oklahoma Statutes and in accordance with the Elementary and Secondary Education Act of 1965, as reauthorized and amended by P.L. No. 114-95, also known as the Every Student Succeeds Act (ESSA) and any federal regulations, and that include, but are not limited to, the following indicators:

- a. statewide assessments including the establishment of student performance bands,
- b. graduation rates for high schools,

- c. statewide academic measures for elementary and middle schools,
- d. English language proficiency for English learners, and
- e. at least one additional statewide measure of school quality or student success, including but not limited to school climate, school safety, student engagement, educator engagement, advanced coursework and postsecondary readiness.

B. In developing the assessment requirements, the Board shall provide reasonable opportunity for public comment, including but not limited to comments from students, parents, educators, organizations representing students with disabilities and English language learners, higher education representatives, career technology education representatives, experts in the areas of assessments and accountability, community-based organizations, Indian tribal representatives and business community representatives.

C. 1. The Board shall make a report of the study of the assessment requirements by October 31, 2016.

2. By January 1, 2017, the Board shall adopt the assessment requirements as studied and developed pursuant to this section. The requirements shall be subject to legislative review as set forth in this section. The assessment requirements shall not be implemented by the Board until the legislative review process is completed as provided for in this section.

3. After adoption of the assessment requirements, the Board shall submit the adopted requirements to the Speaker of the House of Representatives or a designee and the President Pro Tempore of the Senate or a designee on or prior to the first day of the 1st Session of the 56th Oklahoma Legislature.

4. By adoption of a joint resolution, the Legislature shall approve the assessment requirements in whole and with or without instructions or disapprove the requirements in whole and with or without instructions, provided that such joint resolution becomes law in accordance with Section 11 of Article VI of the Oklahoma Constitution. If the joint resolution is vetoed by the Governor in accordance with Section 11 of Article VI of the Oklahoma Constitution and the veto has not been overridden, the requirements shall be deemed disapproved. If the Legislature fails to adopt a joint resolution within thirty (30) calendar days following submission of the assessment requirements, the requirements shall be deemed disapproved.

5. If the assessment requirements are disapproved in whole with or without instructions as provided for in this section, the Board may adopt new requirements or revise the requirements and submit the new or revised requirements prior to the last thirty (30) calendar days of the legislative session for legislative review pursuant to this section. If the assessment requirements are adopted in whole with instructions, the Board may revise the requirements in accordance with the legislative instructions and implement the requirements.

6. If the assessment requirements are disapproved in whole and the Board does not act to resubmit new requirements or revised requirements, the assessment or assessments adopted pursuant to Section 1210.508 of Title 70 of the Oklahoma Statutes shall be administered by the Board beginning with the 2017-2018 school year, and the performance level on the assessment or assessments shall be calculated in the final grade or grade point average of the student until otherwise provided for by law.

7. Upon final approval of the assessment requirements, the requirements shall be considered final agency rules. The Board shall submit a copy of the assessment requirements to the Secretary of State, who shall include the requirements in the publication known as the "Oklahoma Administrative Code" in the same manner as agency rules are published in the Code as provided for in the Administrative Procedures Act. All assessment requirements approved and published as provided for in this subsection shall have the same force and effect of law as agency rules promulgated pursuant to the Administrative Procedures Act.

8. Unless otherwise provided by specific vote of the Legislature, joint resolutions introduced for purposes of approving or disapproving the assessment requirements shall not be subject to regular legislative cutoff dates, shall be limited to such provisions as may be necessary for approving or disapproving the requirements and any such other direction or mandate regarding the requirements deemed necessary by the Legislature. The joint resolution shall contain no other provisions.

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

210:10-13-22. Implementation of a system of school improvement and accountability

(a)—**Purpose.** Accountability for student learning is the key focus of school improvement. Results from the statewide assessment program shall form the basis of the system of school improvement and accountability. Student achievement data from the statewide student assessment system adopted pursuant to 70 O.S. § 1210.508 shall be used to establish both proficiency levels and annual progress for individual students, school sites, school districts, and the State. Results shall further be used as the primary criteria in calculating school performance grades as specified in subsection (f) of this rule and shall be annually reported. Results may further be used by the Legislature in calculating any performance-based funding policy that is provided to public school districts. The statewide assessment program shall be used to measure the annual learning gains of each student toward achievement of the State standards appropriate for the student's grade level and to inform parents of the educational progress of their public school children.

(b)—**Overview and implementation.** The A-F school accountability system will be implemented in the year 2012, based on data from the 2011-2012 school year, and shall be reported annually thereafter. The school accountability system will be considered to be fully implemented with the following accountability elements:

(1)—Designation of overall school performance grades shall be based on a combination of the following:

(A)—Fifty percent (50%) on whole school performance, as measured by allocating one (1) point for each student who scores proficient or advanced on the assessments and alternative assessments administered to students pursuant to the provisions of the Oklahoma School Testing Program at 70 O.S. § 1210.508, summing the points, and dividing the points by the total number of students taking the tests;

(B)—Twenty five percent (25%) on whole school growth, measured by allocating one (1) point for each student tested who maintains a score of "Proficient" or above, improves proficiency levels, or improves substantially within a proficiency level on the assessments adopted pursuant to 70 O.S. § 1210.508, summing the points, and dividing the points by the total number of students taking the tests;

(C)—Twenty five percent (25%) on growth of the lowest twenty five percent (25%) of students in the school, measured by allocating one (1) point for each student tested in the bottom twenty five percent (25%) who maintains a score of "Proficient" or above, improves proficiency levels, or improves substantially within a proficiency level on the standardized assessments adopted pursuant to 70 O.S. § 1210.508, summing the points, and dividing the points by the total number of students taking the tests.

(2)—In addition to the three criteria listed in (b)(1) of this Section, bonus points shall be calculated in accordance with the criteria set forth in (g) of this Section and added to the subtotal of component points to create a final report card index of points used to calculate the overall school performance grade of each school site.

(3)—Schools shall earn a separate performance grade for each of the three criteria listed in (b)(1) and (f) of this Section. Additionally, schools shall earn an overall performance grade

based on a combination of the criteria listed in (b)(1) and (f) and the bonus points earned in accordance with (g) of this Section.

(4) To ensure that student data accurately represent school performance, schools shall be required to assess at least ninety-five percent (95%) of eligible students to earn a school performance grade. Failure to assess at least ninety-five percent (95%) of eligible students will result in a letter grade reduction in the school's overall school performance grade.

Schools assessing less than ninety percent (90%) of eligible students will result in the school earning an overall performance grade of F.

(e) **School Accountability for Student Performance.** All schools shall be accountable for performance. Each school is accountable for the performance of its entire student population. Student achievement data from the State's standardized assessment system shall be used to measure a school's student performance for the subject areas of reading, mathematics, social studies, science and writing.

(d) **Reporting Student Achievement Data for School Accountability.** Student achievement data shall be reported for all students in a school. Each year, reports of achievement data for all students shall be prepared for each school, each district, and the State. District reports shall be calculated in the same manner as a school site, aggregated at the student level and calculated in accordance with the requirements of 70 O.S. §§ 1210.545(B), (D) and (J).

(1) The scores will be computed from the number of eligible students enrolled in the school. Eligible students shall include all students enrolled for the full academic year ("FAY") in the school and taking the State's standardized assessments adopted pursuant to 70 O.S. § 1210.508. A student shall be considered a FAY student if the student is enrolled within the first twenty (20) instructional days of the school's instructional year through and including the date of administration of the exam, and has not experienced an enrollment lapse of ten (10) or more consecutive instructional days. The FAY determination shall be based on continuous enrollment and shall not be based on attendance determinations.

(2) All eligible students, regardless of disability or limited English proficiency classification, with valid state standardized assessment scores in reading and math in both the current school year and the previous school year are included in (f)(2) and (f)(3) of this Section regarding the determination of student learning gains. In addition, the inclusion of these students shall be applied to (b)(3) of this Section, regarding the percentage of students assessed. Current and previous school years' reading and math scores for students with disabilities assessed on the State's annual standardized alternate assessment shall be included in the determination of test scores, including achievement addressed in (f)(1) of this Section.

(3) The Superintendent of Public Instruction is authorized to designate a single school performance grade for schools that serve multiple levels: elementary and/or middle and/or high school grade levels. Designations shall be made based on the highest grade level offered by the school.

(A) If the highest grade offered by a school site is the sixth (6th) grade or below, the school shall be graded according to elementary school criteria.

(B) If the highest grade offered by a school site is the seventh (7th) through tenth (10th) grade, the school shall be graded according to the middle school criteria. Schools in this category shall not earn advance coursework credit for ninth and tenth grade students completing high school coursework unless the course qualifies as advanced coursework pursuant to (g)(1)(B) or (g)(2)(A) of this Section.

(C) If the highest grade offered by a school site is the eleventh (11th) or twelfth (12th) grade, the school shall be graded according to high school criteria.

(4) The State Department of Education will verify that each school is appropriately classified by type before the issuance of school grades. School type is defined as the school level designation of a school based on the grade levels served: elementary, middle, high, or a combination across levels.

(e) **School Performance Grades.** The measure of school accountability shall be the school performance grade. The Oklahoma State Board of Education is authorized to designate a school performance grade for each school that:

(1) For purposes of calculating student achievement pursuant to (f)(1), has at least ten (10) eligible students with valid student state standardized assessment scores.

(2) For purposes of calculating student growth pursuant to (f)(2), has at least ten (10) eligible students with valid student state standardized assessment scores in reading or math in both the current and the previous school years.

(3) For purposes of calculating growth of the lowest twenty-five percent (25%) of students pursuant to (f)(3), has at least ten (10) eligible students with valid student state standardized assessment scores in reading or math in the current and previous school years.

(4) A school shall not earn a grade for any component or criteria unless minimum N-size requirements established pursuant to this rule are met. Performance designations shall be made using School Performance Grades A+, A, A-, B+, B, B-, C+, C, C-, D+, D, D- and F. School performance grades shall be based on the assessments and criteria as specified in (f) of this Section and bonus points as specified in (g) of this Section. The Superintendent of Public Instruction is authorized to establish and adjust appropriate achievement level criteria to the extent allowed by law for submission to the State Board of Education for final approval.

(f) **Criteria for Designating School Performance Grades.** Overall school performance grades shall be based on a combination of the bonus points calculated in accordance with (g) and the points calculated in accordance with the three criteria outlined in (b)(1) of this Section: (1) whole school performance; (2) whole school growth; and (3) growth of the lowest twenty-five percent (25%).

(1) **Whole school performance index.** Student achievement scores are represented through a performance index, aggregated for each school, calculated based on all state standardized assessments collectively, and by each subject area. A point value shall be given to each exam based on proficiency score. Points shall be summed and divided by the number of exams administered to eligible students.

(A) Points shall be assigned based on the following criteria:

- (i) Unsatisfactory = 0
- (ii) Limited Knowledge = 0
- (iii) Proficient = 1.0
- (iv) Advanced = 1.0

(B) A letter grade shall be earned based on the following criteria:

- (i) 90 points or Above = A
- (ii) 80 - 89 points = B
- (iii) 70 - 79 points = C
- (iv) 60 - 69 points = D
- (v) 59 points or Below = F

(2)—**Whole school growth index.** Annual learning gains in reading and math are represented through a growth index, aggregated for each school. The score shall be calculated in whole and by subject matter by assigning one point for each student who improves proficiency levels or improves substantially within a proficiency level from the previous school year to the current school year, divided by the number of students taking the tests.

(A)—This calculation represents the number of eligible students who have:

(i)—Improved their state standardized assessment achievement level or state standardized alternative assessment achievement level, as applicable, from the previous school year to the current school year; or

(ii)—Improved their state standardized assessment achievement level or state standardized alternative assessment achievement level and such change in OPI from the previous school year to the current school year met or exceeded the State average of students with positive OPI change; or

(iii)—Maintained their proficient or satisfactory achievement level on the state standardized assessment or state standardized alternate assessment, as applicable, from the previous school year to the current school year.

(B)—The growth index shall be calculated based on improved state standardized assessment performance from the previous school year to the current school year. The growth index shall be calculated by subject matter and by assigning a point value to the change in proficiency score from the previous year to the next. Points based on student gains shall be summed and divided by the number of exams administered, and shall include only eligible students for whom comparative test scores exist. Points shall be assigned based on the following criteria:

(i)—Change from Unsatisfactory to Limited Knowledge = 1.0

(ii)—Change from Unsatisfactory to Proficient or Satisfactory = 1.0

(iii)—Change from Unsatisfactory to Advanced = 1.0

(iv)—Change from Limited Knowledge to Proficient or Satisfactory = 1.0

(v)—Change from Limited Knowledge to Advanced = 1.0

(vi)—Change from Proficient or Satisfactory to Advanced = 1.0

(vii)—Remain Proficient or Advanced from Year 1 to Year 2 = 1.0

(viii)—Remained at Unsatisfactory from Year 1 to Year 2 and Meets or Exceeds State Average Positive Change or remained at Limited Knowledge from Year 1 to Year 2 and Meets or Exceeds State Average Positive Change = 1.0

(ix)—Remained at Unsatisfactory from Year 1 to Year 2 and Fails to Meet or Exceed State Average Positive Change or remained at Limited Knowledge from Year 1 to Year 2 and Fails to Meet or Exceed State Average Positive Change = 0

(x)—Remained at Unsatisfactory from the previous school year to the current school year, or remained at Limited Knowledge from the previous school year to the current school year, but demonstrates substantial improvement within a proficiency level = 1.0

(C)—For purposes of this subparagraph, a student's improvement within a proficiency level will be considered "substantial improvement" if the student demonstrates an increase in Oklahoma Performance Index ("OPI") score from the previous school year to the current school year that meets or exceeds the average positive increase amongst all

students in the State who increased their OPI score from the previous school year to the current school year.

(D) — A letter grade shall be earned based on the following criteria:

- (i) — 90 points or Above = A
- (ii) — 80 — 89 points = B
- (iii) — 70 — 79 points = C
- (iv) — 60 — 69 points = D
- (v) — 59 points or Below = F

(3) — **Growth of the lowest twenty-five percent of students.** Improvement of the lowest twenty-five percent (25%) of students in reading and math shall be aggregated, as required by 70 O.S. § 1210.545. The score shall be calculated in whole and by subject matter by assigning one point for each student in the bottom quartile who improves proficiency levels or improves substantially within a proficiency level from the previous school year to the current school year, divided by the number of students taking the test.

(A) — The calculation of a positive change in OPI score that meets or exceeds the State's average growth represents the number of eligible students who have:

- (i) — Improved their state standardized assessment achievement level or state standardized alternative assessment achievement level, as applicable, from the previous school year to the current school year; or
- (ii) — Retained their state standardized assessment achievement level or state standardized alternative assessment achievement level and such change in OPI from the previous school year to the current school year met or exceeded the State average of students with positive OPI change.

(B) — The score shall be based on improved state standardized assessment performance from the previous school year to the current school year. Points based on student gains shall be summed and divided by the number of exams administered, and shall include only eligible students for whom comparative test scores exist. The growth of the lowest twenty-five percent (25%) shall be calculated based on the following criteria:

- (i) — Change from Unsatisfactory to Limited Knowledge = 1.0
- (ii) — Change from Unsatisfactory to Proficient or Satisfactory = 1.0
- (iii) — Change from Unsatisfactory to Advanced = 1.0
- (iv) — Change from Limited Knowledge to Proficient or Satisfactory = 1.0
- (v) — Change from Limited Knowledge to Advanced = 1.0
- (vi) — Change from Proficient or Satisfactory to Advanced = 1.0
- (vii) — Remain Proficient or Advanced from Year 1 to Year 2 = 1.0
- (viii) — Remained at Unsatisfactory from Year 1 to Year 2 and Meets or Exceeds State Average Positive Change or remained at Limited Knowledge from Year 1 to Year 2 and Meets or Exceeds State Average Positive Change = 1.0
- (ix) — Remained at Unsatisfactory from Year 1 to Year 2 and Fails to Meet or Exceed State Average Positive Change or remained at Limited Knowledge from Year 1 to Year 2 and Fails to Meet or Exceed State Average Positive Change = 0
- (x) — Demonstrates substantial improvement within a proficiency level = 1.0

(C) — For purposes of this subparagraph, a student's improvement within a proficiency level will be considered "substantial improvement" if the student demonstrates an increase in Oklahoma Performance Index ("OPI") score from the previous school year to the current school year that meets or exceeds the average positive increase amongst all

students in the State who increased their OPI score from the previous school year to the current school year.

(D) — A letter grade shall be earned based on the following criteria:

(i) — 90 points or Above = A

(ii) — 80 — 89 points = B

(iii) — 70 — 79 points = C

(iv) — 60 — 69 points = D

(v) — 59 points or Below = F

(g) — **Bonus points.** Each school can earn up to a maximum of ten (10) bonus points to be added to the subtotal of component points and applied toward their final grade. The criteria listed in (1), (2) and (3) of this subsection shall be used to calculate bonus points for high schools, middle schools, and elementary grade schools. Annually, the Oklahoma State Department of Education shall publish technical assistance specifically detailing the weighted formula and the projected availability of valid data used for computing bonus points. Technical assistance shall be published in time for school districts to make meaningful use of the information and data. A school district, charter school, or virtual charter school shall not be eligible to be awarded bonus points on its site report cards for attendance pursuant to (g)(3) and (g)(2)(B) of this Section unless it has established a method for maintaining accurate records of student daily attendance and accurate reporting of student daily attendance that ensures compliance with the provisions of 70 O.S. §§ 5-117.3, 10-103.1, 10-106, 18-111, 18-116.

(1) — **High schools.** Schools comprised of high school grades may earn up to a maximum of ten (10) bonus points as follows:

(A) — **Four-year adjusted cohort graduation rate.** A high school shall earn five (5) bonus points if its four-year adjusted cohort graduation rate meets or exceeds the criteria for earning an "A" for the high school graduation rate of the school. The criteria for earning an "A" for this component shall be met if a school's four-year adjusted cohort graduation rate meets or exceeds ninety percent (90%). The calculation of the four-year adjusted cohort graduation rate shall only include students counted as on-time graduates as defined by federal regulations.

(B) — **Participation or performance in accelerated coursework.** One (1) bonus point shall be awarded to each high school that meets or exceeds the criteria for earning an "A" in either student participation or student performance in accelerated coursework. The criteria for earning an "A" for this component shall be met if the school achieves either a student participation rate of seventy percent (70%) or higher in accelerated coursework or a student performance rate of ninety percent (90%) or higher in accelerated coursework. Student participation and performance rates shall be calculated as follows:

(i) — **Participation in accelerated coursework.** Participation in accelerated coursework, is defined as participation in Advanced Placement (AP) courses, International Baccalaureate (IB) programs, concurrent enrollment, Advanced International Certificate of Education (AICE) courses, and industry certification courses. For this component, participation shall be calculated for the school year by dividing a count of accelerated coursework participants in grades nine (9) through twelve (12) (numerator) by the count of all students enrolled in grades eleven (11) and twelve (12) (denominator). For this component, a student must earn a passing grade in the course in order to be counted as a participant. Schools shall earn credit for every accelerated course in which a student is enrolled. Students enrolled in

multiple accelerated courses shall be counted once for each course in which they are enrolled. In calculating a percentage for this component, participation rate shall include all enrollment data regardless of whether the course was taught at the high school, at a career technology center, an accredited college or university, or at a regional site of the Oklahoma School of Science and Mathematics.

(ii) **Performance in accelerated coursework.** Performance in concurrent enrollment, Advanced International Certificate of Education (AICE) courses, Advanced Placement (AP), International Baccalaureate (IB), and industry certification courses. For this component, the numerator of the performance calculation shall include all students in grades nine (9) through twelve (12) who took an accelerated course or subject area examination during the academic year. AICE successful completion is defined as earning a "C" or higher and being awarded credit for specific postsecondary course(s). For concurrent enrollment, successful completion is defined as a passing grade of "C" or higher in a concurrent enrollment course for college credit. For industry certification, successful completion is defined as earning a "C" or better in the course leading to industry certification. Schools can earn additional successful completions for students who achieve industry certifications that result in credit for more than one (1) college course through statewide articulation agreements. For AP and IB performance, credit shall be earned based for each student scoring a three (3) or better on the AP exams, or a four (4) or better on IB exams. For purposes of this component, a school shall earn credit for every course in which a student demonstrates the required level of performance. In calculating a percentage for this component, performance shall include all coursework regardless of whether the course was taught at the high school, at a career technology center, an accredited college or university, or at a regional site of the Oklahoma School of Science and Mathematics.

(C) **ACT and SAT participation or performance.** One (1) bonus point shall be awarded to each high school that meets or exceeds the criteria for earning an "A" in either student participation or performance on ACT or SAT college entrance exams. The criteria for earning an "A" for this component shall be met if a school achieves a rate of seventy-five percent (75%) or higher percentage of either student participation or performance on college entrance exams. Student participation and performance rates shall be calculated as follows:

(i) **ACT and SAT participation.** High schools may earn one (1) bonus point based on the calculated percent of students taking the ACT and/or SAT. The percent is calculated by dividing the number of twelfth (12th) grade students who have taken the ACT and/or SAT tests, divided by the number of students enrolled in grade twelve (12). Students will be counted once for the ACT and/or once for the SAT, regardless of the number of times or at which grade levels the test(s) are taken. The high school will earn credit for the most recent test score reported at the time the test is administered.

(ii) **ACT and SAT performance.** High schools may earn one (1) bonus point based on the percentage of students scoring an ACT composite score of 20 or greater based on 36-point scale, and/or an SAT score of 1410 or greater based on a 2400-point scale. Students will be counted once for the ACT and/or once for the SAT, regardless of the number of times or at which grade levels the test(s) are taken. The high school

will earn credit for the most recent test score reported at the time the test is administered.

(D) — **High school graduation rate of eighth (8th) graders.** One (1) bonus point shall be awarded to each high school that meets or exceeds the criteria for earning an "A" for the high school graduation rate of students who scored at limited knowledge or unsatisfactory on the eighth (8th) grade reading and mathematics criterion-referenced test administered pursuant to the Oklahoma State Testing Program (OSTP). The criteria for earning an "A" for this component shall be met if a school achieves a graduation rate of eighty-five percent (85%) or higher for its students who scored at limited knowledge or unsatisfactory on the eighth grade reading and mathematics tests. For this component, schools shall be eligible to earn the bonus point based on the calculation of the graduation rate of this population of eighth (8th) graders, regardless of where the student attended the eighth (8th) grade.

(E) — **Year-to-year growth.** Upon the availability of valid student data, one (1) bonus point shall be awarded to each high school which demonstrates improvement from the previous school year in at least three (3) of the five (5) components used to calculate bonus points set forth in (1)(A) through (1)(D) of this subsection. For purposes of this subparagraph, a high school will be deemed to have demonstrated improvement in a category if the school has received bonus points in that category for two consecutive years (i.e., the current report card and the previous year's report card). In the alternative, a high school can demonstrate improvement in a category by meeting the following criteria specified in the category:

(i) — **Four-year adjusted cohort graduation rate.** A high school demonstrates improvement by increasing its four-year adjusted cohort graduation rate in (1)(A) of this subsection by at least ten percent (10%) of the difference between the previous year's graduation rate and one hundred percent (100%).

(ii) — **Participation or performance in accelerated coursework.** A high school demonstrates improvement by increasing its rate of participation or performance in accelerated coursework in (1)(B) of this subsection by five percent (5%) or more.

(iii) — **ACT and SAT participation or performance.** A high school demonstrates improvement by increasing its rate of participation or performance in ACT or SAT in (1)(C) of this subsection by at least ten percent (10%) of the difference between the previous year's rate and one hundred percent (100%).

(iv) — **High school graduation rate of eighth (8th) graders.** A high school demonstrates improvement by increasing its high school graduation rate of eighth graders in (1)(D) of this subsection by at least ten percent (10%) of the difference between the previous year's graduation rate and one hundred percent (100%).

(2) — **Middle schools.** Schools comprised of middle school grades may earn up to a maximum of ten (10) bonus points as follows:

(A) — **The percentage of students who are taking higher-level coursework at a satisfactory or higher level in middle school.** Middle schools shall earn two (2) bonus points for meeting or exceeding the criteria for earning an "A" on the rate of the school's middle school students who take accelerated coursework at a satisfactory or higher level. The criteria for earning an "A" for this component shall be met if the school achieves a participation rate of thirty percent (30%) or higher percentage of middle school students taking traditional high school courses, pre-Advanced Placement courses, or honors

courses in a traditional classroom or in a virtual environment who score at a satisfactory level or higher on the corresponding state standardized assessment. Schools shall earn credit for every accelerated course in which a student is enrolled. Students enrolled in multiple accelerated courses shall be counted once for each course in which they are enrolled.

(B)—**Attendance.** Middle schools will earn six (6) bonus points for meeting or exceeding the criteria for earning an "A" for middle school student attendance. The criteria for earning an "A" for this component shall be met if the school achieves a student attendance rate of ninety-four percent (94%) or higher. This rate is the Average Daily Attendance (ADA) divided by the Average Daily Membership (ADM). ADA is calculated by dividing the total number of days students were present by the number of days in the school calendar or by dividing the number of hours students were present by the number of hours in the school calendar, whichever applicable. ADM is calculated by dividing the total number of days students were enrolled in school by the number of days in the school calendar or by dividing the number of hours students were enrolled by the number of hours in the school calendar, whichever applicable.

(C)—**Dropout rate.** Middle schools shall earn two (2) bonus points for meeting or exceeding the criteria for earning an "A" for the drop-out rate of the school. The criteria for earning an "A" for this component shall be met if the school achieves a rate of zero point nine percent (0.9%) or lower of the annual number of students reported as dropouts to the Oklahoma State Department of Education on the Annual Dropout Report.

(3)—**Elementary schools.** Schools comprised of elementary school grades shall earn ten (10) bonus points for meeting or exceeding the criteria for earning an "A" on student attendance. The criteria for earning an "A" shall be met if the school achieves a student attendance rate of ninety-four percent (94%) or greater. This rate is the Average Daily Attendance (ADA) divided by the Average Daily Membership (ADM). ADA is calculated by dividing the total number of days students were present by the number of days in the school calendar or by dividing the number of hours students were present by the number of hours in the school calendar, whichever applicable. ADM is calculated by dividing the total number of days students were enrolled in school by the number of days in the school calendar or by dividing the number of hours students were enrolled by the number of hours in the school calendar, whichever applicable.

(h)—**Technical assistance.** Annually, the Oklahoma State Department of Education shall publish technical assistance specifically detailing the weighted formula used for computing bonus points. Technical assistance shall be published in time for school districts to make meaningful use of the information and data.

(i)—**School Performance Grading Scale.** The School Performance Grade shall be based on a combination of the factors outlined in sub-section (b)(1) and detailed in (f) and (g) of this Section. Fifty percent (50%) shall be based on student test scores; twenty-five percent (25%) on student learning gains; and twenty-five (25%) on improvement of the lowest twenty-five percent (25%) of students in the school in reading and mathematics. Letter grades will be calculated according to the assigned weight of each criteria and by combining points earned for each component within each criteria. The school performance grade will be assigned according to the following scale:

- (1)—Ninety-seven percent (97%) to one hundred and ten percent (110%) = A+
- (2)—Ninety-three percent (93%) to ninety-six percent (96%) = A

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

(j) — **Accuracy and Representativeness of Performance Data.** The Oklahoma State Department of Education shall review all information submitted by school districts to represent the performance of schools receiving a school performance grade.

- (1) — Each school district superintendent shall designate a school accountability contact person to be responsible for verifying accuracy of data.
- (2) — The Superintendent of Public Instruction shall withhold the designation of a school's performance grade if he or she determines that the performance data does not accurately represent the progress of the school. Circumstances under which a school's performance data may be considered to not accurately represent the progress of the school include:
 - (A) — Less than ninety-five percent (95%) of the school's student population eligible for inclusion in the designation of the school's performance grade was assessed.
 - (B) — Circumstances identified before, during, or following the administration of any state assessment where the validity or integrity of the test results are called into question and are subject to review as determined by the State Department of Education.

(k) — **Data verification by school sites/districts.** 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.

- (1) — **Initial Data Verification.** 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 (k)(2) of this rule. 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 respective 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.
- (2) — **Calculation Verification.** 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.

(3) **Data deemed certified.** 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 (1) or (2) of this subsection shall be deemed certified as accurate by the district and districts shall not be permitted to request further corrections to the data.

(l) **Final determination.** The Oklahoma State Board of Education's determination of a school's performance grade shall be final.

(m) **Planned System Enhancements.** As indicated in this subsection, planned enhancements will occur in the System of School Improvement and Accountability. The Superintendent of Public Instruction will periodically recommend additional changes to the system to the State Board of Education for approval as necessary to ensure that continuous improvements are made in the educational programs of the State. Performance data shall be reviewed annually to determine whether to adjust the school grading scale for the following year's school grades. Adjustments may include, but shall not be limited to grading criteria, classification of school type, point calculations, point requirements, and minimum points necessary to obtain a certain grade. Adjustments may reset the minimum required number of points for each grade.

(n) **Students who attend traditional public school districts online.** A student who attends a traditional (non-charter) public school district through a full-time online program offered by the district shall have their achievement data included for accountability purposes in the school site that claims membership for the student.

(o) **Statewide virtual charter schools.** Any virtual provider sponsored as a charter school by the Statewide Virtual Charter School Board shall be considered a "statewide virtual charter school."

(1) Each statewide virtual charter school will be considered a separate school site and "district" of the Statewide Virtual Charter School Board for accountability purposes and will be subject to the system of school improvement and accountability established by 70 O.S. § 1210.545 and the accompanying provisions set forth in this Section.

(2) The performance of all eligible students enrolled in a statewide virtual charter school shall be included in the calculation of the overall school performance letter grade of the virtual charter school. For purposes of this Section, any student enrolled full-time in a statewide virtual charter school who resides within the borders of the state shall be considered a resident student of the statewide virtual charter school.

RULE IMPACT STATEMENT 210:10-13-22

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

- a. **What is the purpose of the proposed rule change?**
House Bill 3218 (2016) directed the State Board of Education to study, develop, and implement a new system of student assessment and school accountability, subject to approval by the Oklahoma Legislature. The Legislature approved the State Board of Education's recommendations for a new assessment and accountability system in House Joint Resolution 1028 on March 2, 2017, and the approved "Assessment system" guidelines have been published at *Oklahoma Administrative Code* 210:10-13-1.1 as directed by HB 3218(5)(C)(7). The administrative rules addressing school accountability must be updated to reflect the discontinuation of the former accountability system, which has been superseded by changes in law and by the approved recommendations of the State Board. This rule that implemented the former accountability system is proposed for revocation, as the majority of the statutory provisions it was based on were repealed by House Bill 1693 (2017).
- b. **What classes of persons will be affected by the proposed rule change and what classes of persons will bear the costs of the proposed rule change?**
The proposed change will affect school districts and the State Department of Education Office of Assessment and Office of Accountability.
- c. **What classes of persons will benefit from the proposed rule change?**
The proposed change will benefit school districts and the State Department of Education Office of Assessment and Office of Accountability by ensuring the accountability rules do not conflict with the current law and legislatively approved accountability system.
- d. **What is the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions?**
The agency does not anticipate any economic impact upon political subdivisions or affected classes as a result of implementation of the proposed rule change at this time.
- e. **What is the probable cost to the agency to implement and enforce the proposed rule change?**
The agency does not anticipate any cost to the agency to implement and enforce as a result of the proposed change in the rule at this time. Additional record keeping, if any, will be performed by existing staff.
- f. **What is the economic impact on any political subdivision to implement the proposed rule change?**
The agency does not anticipate any economic impact on any political subdivision to implement the proposed rule change at this time.
- g. **Will implementing the rule change have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act?**
The agency does not anticipate any adverse economic impact on small business as a result of the proposed rule change at this time.
- h. **Are there any other methods which are less costly, nonregulatory, or less intrusive to achieve the purpose of the proposed rule change?**

No.

- i. **Will the rule change impact the public health, safety, and environment, and is the change designed to reduce significant risks to the public health, safety, and environment? If so, explain nature of risk and to what extent the proposed rule change will reduce the risk.**

The agency does not anticipate any impact on public health, safety, or environment as a result of implementation of the proposed rule at this time.

- j. **What detrimental effect will there be on the public health, safety, and environment if the rule change is not implemented?**

The agency does not anticipate any detrimental effect on public health, safety, or environment as a result of failure to implement the proposed rule at this time.

- k. **Date Prepared:** November 20, 2017

STATUTORY AUTHORITY FOR 210:10-13-22

ENROLLED HOUSE BILL NO. 1693 (2017 Regular Session)

SECTION 2. AMENDATORY 70 O.S. 2011, Section 1210.545, as last amended by Section 10, Chapter 360, O.S.L. 2016 (70 O.S. Supp. 2016, Section 1210.545), is amended to read as follows:

Section 1210.545 A. 4. Except as otherwise provided, as part of the accountability system developed as provided for in Section 1210.541 of this title, the State Board of Education shall prepare annual reports of the results of the Oklahoma School Testing Program which describe student achievement in the state, and each school site, pursuant to 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 any related federal regulations.

~~2. The Board shall study and may recommend revisions to the Legislature to the calculation metrics of all components of the school report cards to ensure that the evaluation system is clear, transparent, statistically trustworthy, credible, and aligned with the state assessment system. The Board shall seek certification from the Oklahoma State Regents for Higher Education that recommended revisions, if adopted, will improve the clarity, transparency, statistical trustworthiness, credibility, and alignment of the evaluation system. The State Regents shall provide the Board a detailed description of the certification process and results, including a list of any deficiencies the State Regents find with the study or the resulting recommendations. The Board shall issue a report by December 31, 2015, and submit a copy of the report to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Minority Leader of the House of Representatives, and the Minority Leader of the Senate. The Board shall prescribe the design and content of the reports, which shall include, without limitation, descriptions of the performance of all schools participating in the Oklahoma School Testing Program and all of the major student populations as determined by the Board, and shall also include the median scores of all eligible students who scored at or in the lowest twenty-fifth percentile of the state in the previous school year. The confidentiality of individual student records shall be preserved as required by law.~~

B. The annual report as required pursuant to subsection A of this section shall identify school sites as having one of the following grades for each indicator, separately, and by a single overview grade of all indicators, defined according to rules of the State Board of Education:

1. "A" means schools making excellent progress;
2. "B" means schools making above average progress;
3. "C" means schools making satisfactory progress;
4. "D" means schools making less than satisfactory progress; and
5. "F" means schools failing to make adequate progress.

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

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

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

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

D. The State Board of Education may adopt alternate systems of accountability for statewide virtual charter schools, alternative education programs as defined in Section 1210.568 of this title, and schools serving only grades prekindergarten or kindergarten through two.

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

~~1. Fifty percent (50%) on whole school performance, as measured by allocating one point for each student who scores proficient or advanced on the assessments administered under Section 1210.508 of this title and alternative test scores administered to students divided by the number of students taking the assessments;~~

~~2. Twenty five percent (25%) on whole school growth, as measured by allocating one point for each student who improves proficiency levels or improves substantially within a proficiency level on assessments administered under Section 1210.508 of this title divided by the number of students taking the assessments; and~~

~~3. Twenty five percent (25%) on growth in the bottom quartile of students, as measured by allocating one point for each student in the bottom quartile who improves proficiency levels or improves substantially within a proficiency level on assessments administered under Section 1210.508 of this title divided by the number of students taking the assessments 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 any federal regulations that include, but are not limited to, the following indicators:~~

~~1. Statewide assessments, including the establishment of student performance bands;~~

~~2. Graduation rates for high schools;~~

~~3. Statewide academic measures for elementary and middle schools;~~

4. English language proficiency for English learners; and

5. At least one additional statewide measure of school quality or student success, including, but not limited to, school climate, school safety, student engagement, educator engagement, and/or advanced coursework and postsecondary readiness.

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

1. For schools comprised of high school grades:

- a. five points for meeting the criteria for an "A" for the high school graduation rate of the school, as defined by rules adopted by the Board;
- b. one point for meeting the criteria for an "A" for performance or participation of students in College Board Advanced Placement courses, International Baccalaureate courses, concurrent enrollment courses, Advanced International Certificate of Education courses, or the achievement of students on national industry certification, as defined by rules adopted by the Board;
- c. one point for meeting the criteria for an "A" for participation or performance in SAT tests administered by the College Board or the American College Test (ACT), as defined by rules adopted by the Board;
- d. one point for meeting the criteria for an "A" for the high school graduation rate of students who scored at limited knowledge or unsatisfactory on the eighth grade assessments in reading and mathematics administered pursuant to Section 1210.508 of this title;
- e. as valid data becomes available, one point for the performance of students on the high school assessments administered under Section 1210.508 of this title, as defined by rules adopted by the Board; and
- f. one point for the growth or decline in the components listed in subparagraphs a through e of this paragraph from year to year, as defined by rules adopted by the Board;

2. For schools comprised of middle school grades:

- a. two points for meeting the criteria for an "A" for the drop-out rate of the school, as defined by rules adopted by the Board;
- b. two points for meeting the criteria for an "A" for the percentage of students who are taking higher level coursework at a satisfactory or higher level, as defined by rules adopted by the Board; and
- c. six points for meeting the criteria for an "A" for attendance, as defined by rules adopted by the Board; and

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

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

1. The aggregate scores of all eligible students enrolled in the school who have been administered the assessments administered under Section 1210.508 of this title; and

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

- a. the high school graduation rate of the school as calculated by the Department;
- b. the participation rate of all eligible students enrolled in the school in College Board Advanced Placement courses whether taught at a high school, a technology center school, or a regional site of the Oklahoma School of Science and Mathematics, International Baccalaureate courses, concurrent enrollment courses, Advanced International Certificate of Education courses, courses or sequence of courses leading to national industry certification identified pursuant to rules adopted by the Board, courses or sequence of courses granted cooperative college alliance credit taken at a technology center school, and science, technology, engineering and mathematics courses taken at a regional site of the Oklahoma School of Science and Mathematics;
- c. the aggregate scores of all eligible students enrolled in the school in College Board Advanced Placement courses whether taught at a high school, a technology center school, or a regional site of the Oklahoma School of Science and Mathematics, International Baccalaureate courses, and Advanced International Certificate of Education courses;
- d. earning of college credit by all eligible students enrolled in the school in concurrent enrollment programs as provided for in Section 628.13 of this title and in cooperative college alliance courses taken at a technology center school;
- e. earning of a national industry certification identified pursuant to rules adopted by the Board;
- f. the aggregate scores of all eligible students enrolled in the school in reading, mathematics, and other subjects as measured by the SAT test administered by the College Board and the ACT;
- g. the high school graduation rate of all eligible students enrolled in the school who scored at limited knowledge or unsatisfactory on the eighth grade

assessments in reading and mathematics administered under Section 1210.508 of this title,

- h. the performance of students on statewide high school assessments administered under Section 1210.508 of this title, and
- i. the growth or decline in the data components listed in subparagraphs a through h of this paragraph from year to year.

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

- ~~1. Ninety seven percent (97%) to one hundred percent (100%) = A+;~~
- ~~2. Ninety three percent (93%) to ninety six percent (96%) = A;~~
- ~~3. Ninety percent (90%) to ninety two percent (92%) = A-;~~
- ~~4. Eighty seven percent (87%) to eighty nine percent (89%) = B+;~~
- ~~5. Eighty three percent (83%) to eighty six percent (86%) = B;~~
- ~~6. Eighty percent (80%) to eighty two percent (82%) = B-;~~
- ~~7. Seventy seven percent (77%) to seventy nine percent (79%) = C+;~~
- ~~8. Seventy three percent (73%) to seventy six percent (76%) = C;~~
- ~~9. Seventy percent (70%) to seventy two percent (72%) = C-;~~
- ~~10. Sixty seven percent (67%) to sixty nine percent (69%) = D+;~~
- ~~11. Sixty three percent (63%) to sixty six percent (66%) = D;~~
- ~~12. Sixty percent (60%) to sixty two percent (62%) = D-; and~~
- ~~13. Fifty nine percent (59%) and below = F.~~

F. Of the indicators included in subsection E of this section, not less than seventy percent (70%) of the overview grade must be given to indicators 1, 2, 3 and 4 and, in the aggregate, with not more than thirty percent (30%) of the grade given to indicator 5.

G. Further, the grade of an elementary or middle school site shall include, but not be limited to, a measure of status for English language arts (ELA), math and science, growth in ELA and math, English Language Proficiency Assessment (ELPA) progress, and chronic absenteeism.

H. The grade of a high school site shall include, but not be limited to, a measure of status for English language arts (ELA), math and science status, English Language Proficiency Assessment (ELPA) progress, graduation rate, chronic absenteeism, and postsecondary

opportunities. For purposes of this section postsecondary opportunities shall include Advanced Placement, International Baccalaureate, dual and concurrent enrollment, internships, mentorships and apprenticeships, and industry certifications. The Board shall adopt a time line for moving from completion of such opportunities to crediting achievement of such opportunities.

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

~~F. J.~~ The State Department of Education shall annually develop, ~~in collaboration with school districts and the Office of Educational Quality and Accountability,~~ a school site report card to be delivered to parents throughout each school district. The report card shall ~~include be in accordance with the requirements of the Elementary and Secondary Education Act of 1965 (ESEA), as reauthorized and amended by P.L. No. 114-95, also known as the Every Student Succeeds Act (ESSA) and includes~~ the grade for the school, information regarding school improvement, an explanation of school performance ~~as evaluated in accordance with the Elementary and Secondary Education Act of 1965 (ESEA), as reauthorized and amended by P.L. No. 114-95, also known as the Every Student Succeeds Act (ESSA),~~ and indicators of return on investment. The report card for each school site shall be published annually by the Department on its website, and every school district shall provide the school site report card to the parent or guardian of each student enrolled in the school site. In order to provide information regarding school performance for school site report cards issued during the 2016-2017 and 2017-2018 school year, the Department shall include an explanation of the changes to the statewide system of student assessments as required in Section 1210.508 of this title and how the transition in assessments may impact school performance. The Department shall issue school site report cards using the 2016-2017 school year assessment data that is available.

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

~~K. L.~~ The State Board of Education shall promulgate rules to implement the provisions of this section. The Board shall promulgate rules regarding the school site report card that grant a medical exemption from the eighteen-day chronic absenteeism provision.