

**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]

(a) **Adequate Yearly Progress (AYP).** The Oklahoma School Accountability System shall be based on AYP academic performance data. All public elementary and secondary schools and local educational agencies (LEAs) shall be accountable for student achievement and for making Adequate Yearly Progress (AYP) 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 made AYP if it is not identified as a school in need of improvement by the State Department of Education Office of Accountability. ~~according to federal law. AYP will be determined by meeting or exceeding statewide performance targets for required student groups in Reading/Language Arts and Mathematics on state tests; administering tests to 95 percent of students in each required student group; and meeting statewide targets for attendance rates and graduation rates where applicable. Alternatively, schools shall make AYP by showing growth in Reading/Language Arts and Mathematics on state tests as required by Safe Harbor regulations as defined in the No Child Left Behind Act of 2001, Public Law 107-110.~~

(b) **Consequences of Testing Irregularities or Misconduct on Test Scores and AYP.**

(1) If the State Department of Education (SDE) Student Assessment Office 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.

(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 form of the test is available through the OSTP, the student may be given an opportunity to take the equivalent 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 SDE only if determined practicable by the State Department of Education.)

(4) If any violation of security provisions (Section 210:10-13-4) occurs, such violations shall be reported in writing to the Student Assessment Section of the State Department of Education and may result in a student's, a school site's, and/or a school district's test scores being declared as invalid (Section 210:10-13-4 (18)). In the case of invalidation, each invalidated score shall have the effect of a zero score and each zero score shall be aggregated with the remaining student scores at the school, district, and state levels. If the violation is not the fault of the students involved, and if an equivalent form of the test is available through the OSTP, students may be given the equivalent form within the same testing window at the district's expense if this is the first year for a security violation within the school and/or district in question. In the case that an 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. (Note: Equivalent test forms of the OSTP shall only be made available through the SDE only if determined practicable by the State Department of Education.)

(5) If extreme changes in test scores or in Academic Performance Index (API) scores 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 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 shall be identified statewide by electronic scanning of all student answer documents, and the following action shall be taken: Scores for classes whose wrong-to-right erasures exceed the state average by more than four standard deviations shall be identified for further investigation. For each class with excessive erasures, the proportion of wrong-to-right erasures to the total number of erasures will be taken into account. 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 report of a testing irregularity or misconduct is made to the State Department of Education Student Assessment Section, the school site and/or school district involved shall be required to respond by conducting an investigation and providing in writing to the State Department of Education Student Assessment Section an explanation 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 violations report shall be prepared by the Student Assessment office for review by the State Superintendent and possible further action.

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

(1) To assure the validity of ~~AYP determinations~~ accountability decisions prior to the release of the list of schools in need of improvement ~~AYP data reports~~, as required by federal law, ~~No Child Left Behind~~, the State Department of Education will forward to schools the preliminary ~~AYP Data Reports~~ 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 ~~AYP Data Report~~ data report.

(2) Upon receiving their preliminary ~~AYP Data Reports~~ 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 ~~AYP Data Reports~~ data reports and report any discrepancies with the data components previously reviewed by the district to the ~~Student Assessment Section of the~~ State Department of Education within the specified timeline.

(3) Subsequent to the review of the preliminary ~~AYP Data Report~~ data report, if a principal of a school, or a majority of the parents of the students enrolled in a school, believe that ~~any~~ the accountability decision contained in the ~~AYP Data Report~~ 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 ~~AYP Data Reports~~ 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 ~~a API score~~ that prevents the school and/or district from ~~making~~ AYP receiving an accountability decision, the district may appeal the determination ~~this accountability decision~~ on a first time occurrence and request placement on Probationary Status instead of receiving ~~an API score~~ an invalidation. At the end of the next consecutive year, if the school and/or district ~~do not make AYP~~ does not receive an accountability decision for any reason, they ~~shall not be allowed to invoke Safe Harbor and~~ shall automatically be identified as being in School Improvement ~~need of improvement~~ status.

(5) When a school district or charter school appeals an accountability decision, the appeal request will be sent to the Office of Accountability and Assessment ~~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 Title 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 30-day period required by federal law, the NCLB Act. In that event, all parties will cooperate to expedite the hearing process. If a hearing pursuant to Title 75 O.S. § 309 is not requested, the school district must submit with the appeal request written evidence supporting its appeal. The district may also request to address the AYP 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 AYP School Status Designation Appeals Committee or is forwarded to the State Superintendent for a hearing pursuant to Title 75 O.S. § 309. The AYP School Status Designation Appeals Appeal Committee will consist of members of the State Department of Education's School Improvement Leadership Team and may also include additional members appointed by the State Superintendent. The AYP 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 ~~thirty working~~ forty-five (45) days from release of the ~~AYP Data Reports~~ 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 School Improvement ~~School~~ schools in need of improvement.

(d) Sanctions for public elementary and secondary schools that do not make Adequate Yearly Progress (AYP)

(1) Title I schools that do not make Adequate Yearly Progress (AYP) for two consecutive years shall be identified as being in School Improvement ~~need of improvement~~ status. Title I schools in the state ~~State~~ of Oklahoma shall be subject to the sanctions defined by federal law, in the No Child Left Behind Act of 2001, Public Law 107-110.

(2) Non-Title I schools that do not make AYP 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 ~~in the No Child Left Behind Act of 2001, Public Law 107-110~~ by federal law, as deemed appropriate based upon relevant circumstances of the school's performance. The sanctions ~~shall~~ 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.

(e) Rewards for public elementary and secondary schools that make Adequate Yearly Progress (AYP)

(1) **Academic Achievement Awards - Title I, Part A.** ~~Title I Schools that meet AYP shall be eligible for Academic Achievement Awards. Academic Achievement Awards, subject to the availability of funds awarded to the State under the federal grant under section 1117 (b) of the No Child Left Behind Act of 2001, states that each state receiving a grant under federal funds shall establish a program for making academic achievement awards to recognize schools that significantly close the achievement gap between subgroups of students or exceed their adequate yearly progress.~~ Schools that meet AYP and receive Title I, Part A funds are eligible for Academic Achievement Awards, subject to the availability of funds.

(2) State Academic Performance Award Program.

(A) All public elementary and secondary schools that make ~~Adequate Yearly Progress, AYP~~ shall be recognized by the state as Distinguished Schools, ~~and eligible for state funds, if available, as established by the State Academic Performance Index (API) Program (O.S. § 70-30-152).~~

(B) ~~Nonmonetary recognition~~ Recognition of Distinguished Schools may include, but not be limited to, citations of congratulations from the State Superintendent of Public Instruction as the designee of the State Board of Education, the Governor or designee, the Representative and Senator representing the school district, and a flag for each school achieving Distinguished ~~Reward~~ status.