

State Board of Education
Public Comment Summary
Proposed Permanent Rule Changes
Chapter 10. School Administration and Instructional Services
Subchapter 13. Student Assessment
210:10-13-16. Student exceptions and exemptions related to graduation requirements for end-of-instruction exams [AMENDED]

Summary of Public Comment	Agency Response
<p>Commenter does not believe students with disabilities who are assessed under the OAAP should be subject to the requirements of (b)(6).</p> <p>Commenter believes local districts are in a better position to measure whether a special needs student deserves a diploma.</p>	<ul style="list-style-type: none"> • The new language in (b)(6) of the proposed rule is required to implement the provisions of HB 1756. Elimination of the requirements of (b)(6) per the commenter's suggestion would require a statutory amendment to 70 O.S. § 1210.523. • The new exemption under HB 1756 and the language in (b)(6) relies heavily on recommendations of the student's teachers and principal at the local district level, as well as the directions of the IEP for providing remediation to the student and alternate measures for demonstrating the required knowledge of the student. • All students with disabilities should be provided with a free, appropriate public education that enables the student to achieve academic mastery of core subject areas. The exemptions in the rule provide alternate opportunities to demonstrate mastery to a student with disabilities if the student is unable to demonstrate mastery through an end-of-instruction exam.
<p>Commenter believes (b)(6) should be amended to provide exemption for students whose disabilities preclude academic mastery of subjects even on alternative assessments (e.g., OAAP), but who meet their IEP goals.</p>	<ul style="list-style-type: none"> • The proposed language in (b)(6) tracks closely with the new amendments from HB 1756. In enacting HB 1756, the Legislature could have chosen to include the exemption proposed by the commenter, but chose not to do so. Consequently, the commenter's proposed change contradicts the letter and intent of the statute. • All students with disabilities should be provided with a free, appropriate public education that enables the student to achieve academic mastery of core subject areas. The exemptions in the rule provide alternate opportunities to demonstrate mastery to a student with disabilities if the student is unable to demonstrate mastery through an end-of-instruction exam.

<p>Commenter requested clarification as to why the ACT Plan is included in the list of alternate tests in (b)(7) as the ACT Plan. Commenter wants to know how ACT Plan can exempt a student from Algebra II, English III, Geometry, or United States History when the ACT Plan "only qualifies a student for Algebra I or Biology."</p>	<ul style="list-style-type: none"> • The language in (b)(7) of the rule clearly limits use of the alternate tests to "the subject areas for which the alternative tests have been approved by the State Board of Education." The lists of cut scores for each test were approved by the Board on August 20, 2013 and is available on the OSDE website. • Pursuant to the list of board approved cut scores for each alternate assessment published on the OSDE website, the ACT Plan has only been approved by the State Board of Education for use as an alternate assessment in Algebra I and Biology I. • Language in (b)(7) has been revised to clarify that the exemption is limited to the specific subject area for which test has been approved by the Board.
<p>Commenter requests clarification on the "ten percent (10%) above the cut scores" language in (b)(7) and (b)(8). Commenter does not understand the difference between paragraphs (b)(7) and (b)(8) and requested clarification as to whether the assessments in (b)(8) require a score of 10% above the cut score. Rule Impact Statement seems to describe the tests mentioned in both paragraphs as requiring 10% above the cut score.</p>	<ul style="list-style-type: none"> • The two paragraphs of the rule separate alternative assessments that require a score of 10% above the approved cut score (set forth in (b)(7)) from alternate assessments that require scores equal to or greater than the approved cut score (set forth in (b)(8)). • The language of paragraph (b)(7) states "For purposes of this paragraph, the alternate tests shall be limited to the following exams." Thus, only the alternative assessments listed in (b)(7)(A)-(C) can be used as alternative assessments for the (b)(7) exemption. • The language of paragraph (b)(8) states "For purposes of this paragraph, the alternate tests shall be limited to the following exams." Thus, only the alternative assessments listed in (b)(8)(A)-(D) can be used as alternative assessments for the (b)(8) exemption. • Language in (b)(8) has been revised to clarify that the exemption is limited to the specific subject area for which test has been approved by the Board. In addition, the purpose language in the RIS has been updated in accordance with the provisions of 70 O.S. § 303(D)(1) to clarify the difference in (b)(7) and (b)(8).
<p>Commenter believes the new proposed language of (b)(9) should be stricken from the proposed rule; commenter asserts language of (b)(9) conflicts with 70 O.S. §</p>	<ul style="list-style-type: none"> • ACE end-of-instruction requirements for graduation and accompanying exemptions set forth in 70 O.S. §1210.523 are separate and apart from the graduation course requirements set forth in 70 O.S.

<p>11-103.6(J), which states: "The State Board of Education shall provide an option for high school graduation based upon attainment of the desired levels of competencies as required in tests pursuant to the provisions of Section 1210.508 of this title. Such option shall be in lieu of the amount of course credits earned."</p>	<p>§ 11-103.6(J) The language of the proposed rule in (b)(6) is necessary to clarify that the exemptions to ACE graduation requirements are not applicable to the course graduation requirements set forth by 70 O.S. § 11-103.6.</p> <ul style="list-style-type: none"> • The requirements of 70 O.S. § 11-103.6(J) are addressed in a separate set rules pertaining to proficiency based promotion located in the OAC at 210:35-27.
<p>Commenter asserts that the language in second sentence of (g) "Re-enrollment for remediation" should be removed and addressed through a statutory amendment. Commenter asserts that the language, which provides a process for part time re-enrollment of students who have successfully completed all courses but were denied a diploma for failing to pass an EOI, includes a new requirement that lacks authority in state law.</p>	<ul style="list-style-type: none"> • The statutory authority for the language in (g) is provided by the 2013 amendment to 70 O.S. § 1210.523 (SB 226), which clearly permits a student to re-enroll on a part-time basis for the purpose of ACE remediation: "Students who re-enroll in the school district to meet the graduation requirements of this section shall be exempt from the hourly instructional requirements of Section 1-111 of this title and the six-period enrollment requirements of Section 11-103.6 of this title."