

**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>Two (2) commenters noted that the change from “reasonably” to “materially” in the definition of “extenuating circumstance” creates a much higher standard and could become difficult to determine. Commenter(s) suggest adding the following language to the definition: “Extenuating Circumstances may include, but is certainly not limited to; (a), the illness or injury of a student that has limited a student’s ability to attend and/or participate in classes; or , (b) the moving of a student into Oklahoma from another state or country during the student’s high school career.”</p>	<ul style="list-style-type: none"> <li>• The definition of “extenuating circumstances” in 210:10-13-16(a)(3) sets forth the basic elements of “extenuating circumstances.”</li> <li>• The agency does not want to limit the definition by adding specific examples of extenuating circumstances. Whether or not particular circumstances constitute “extenuating circumstances” should be determined by the Board on a case-by-case basis.</li> <li>•</li> </ul>
<p>Two (2) commenters requested that the proposed rule add an additional opportunity for students to complete an end of course project to (b)(2)(C) of the rule, which currently requires projects to be turned in prior to April 1, August 1, or November 1.</p>	<ul style="list-style-type: none"> <li>• The agency has revised the language of 210:10-13-16(b)(2)(C) to clarify that if the agency does not have funds to evaluate end-of-course projects, the deadlines are only for district reporting purposes.</li> </ul>
<p>Two (2) commenters requested correction to an error in numbering paragraphs in (b), noting that (b)(7) should be renumbered to (b)(6).</p>	<ul style="list-style-type: none"> <li>• The agency has incorporated the change suggested by the commenters into the revised draft of the proposed rule.</li> </ul>
<p>Two (2) commenters requested the time for a diploma to be deemed denied if a district has failed to provide a student with written notice of appeal should be shortened from (90) days to (30) days.</p>	<ul style="list-style-type: none"> <li>• The ninety (90) day period is necessary to protect students and districts; the period permits districts sufficient time for local review prior the initiation of the statutory 45-day appeal time limit at the state level.</li> <li>• An extended ninety (90) day time period also provides additional time for the local school district to provide remediation to the student prior to formally denying the diploma.</li> </ul>

<p>Two (2) commenters requested that the rules be amended to permit filing of appeals by electronic mail in addition to regular mail or in person.</p>	<ul style="list-style-type: none"> <li>• Electronic mail is not a reliable method of document filing and the agency does not currently have the resources to develop an online filing system.</li> </ul>
<p>Two (2) commenters requested that the word “may” be replaced in (d)(3)(B) be replaced with the word “shall” so that the language reads “(B) <b>Deficiencies in petitions for appeal.</b> The State Board of education <del>may</del> <b>shall</b> provide petitioners with an opportunity to remedy deficiencies in an appeal filed in an inaccurate or incomplete manner in accordance with the following procedures:”</p>	<ul style="list-style-type: none"> <li>• The agency does not agree with the proposed change, as the Board should retain discretion to deny the opportunity to remedy deficiencies if the appeal has been untimely submitted.</li> </ul>
<p>One (1) commenter requested the rule be modified to allow an exception for students who have been accepted into “an accredited regional college that may or may not be a four year institution.” Commenter asserts that making the exception available only to students who are accepted into accredited four-year universities is unfairly biased against economically disadvantaged students who do not have financial means to attend a four year university.</p>	<ul style="list-style-type: none"> <li>• While the agency recognizes the value of two-year programs, the proposed comment contradicts the specific purpose of this exception is to establish an exception for acceptance by a selective college or university for students who intend to pursue a four-year degree program.</li> </ul>
<p>Commenter supports assigning a case number to each appeal and suggested change to the following language: Section (d)(3) <b>Review of Petition.</b> The State Board of Education shall appoint a committee consisting of employees of the State Department of Education to <b>assign a case number for public reference</b>, review the appeal, and identify the basis for which the standard diploma was denied, accepted, dismissed, or found deficient.</p>	<ul style="list-style-type: none"> <li>• The agency has incorporated the change suggested by the commenters into the revised draft of the proposed rule.</li> </ul>
<p>Six (6) commenters assert that the proposed changes to the language in (d)(1) regarding parties who can file a petition for appeal is too narrow, and could eliminate appeals for and by homeless students.</p>	<ul style="list-style-type: none"> <li>• The agency has revised the language into the revised draft of the proposed rule to address the commenters’ concerns.</li> </ul>