

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES**

*PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY
RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE
GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F).*

SUBCHAPTER 13. STUDENT ASSESSMENT AND SCHOOL ACCOUNTABILITY

210:10-13-1.2 Emergency make-up opportunities for required student assessments

(a) Purpose. Any public school district or public charter school may determine if a senior student is eligible for make-up assessments due to an incomplete graduation requirement, provided, the senior student has met all other state and local graduation requirements and would have otherwise been eligible to graduate except for one or more missing College and Career Ready Assessments: US History, Science, Math, ELA (ACT/SAT include both math and ELA) as required under 70 O.S. § 1210.508.F.1.

(b) Application. Any of the four make up-assessments outlined in paragraph (a) of this section shall be part of the of the statewide student assessment system and shall be aligned to the Oklahoma Academic Standards as adopted by the State Board of Education. These assessments shall not be included in the state accountability system, nor are they intended to yield reportable data.

(c) Procedure. Upon administering any make-up assessment(s) to an impacted student a public school district or public charter school may issue a standard diploma to the impacted student.

(1) The transcripts of an impacted student shall denote the student as having participated in the assessment in lieu of reporting an assessment score. The make-up assessment(s) shall be retained at the local school district as a record of student participation in fulfillment of the graduation requirement.

(d) Federal and state reporting. Any impacted student who takes one or more of make-up assessments outlined in paragraph (a) of this section shall not be added to the public school district's or public charter school's participation rate in assessments mandated by state and federal law.

RULE IMPACT STATEMENT

210:10-13-1.2 Emergency make-up opportunities for required student assessments [NEW]

a. **What is the purpose of the proposed rule change?**

The purpose of this emergency rule is to comply with 70 O.S. § 1210.508(F), requiring all students be assessed via the statewide student assessment system to graduate, while also ensuring senior students are not otherwise prevented from graduating due to not taking required assessments. The rule will allow districts to administer make-up assessments to impacted senior students who had fewer opportunities to be assessed throughout high school or were otherwise unaware of the high school testing requirement due to a statewide assessments waiver that the previous Superintendent granted based on the COVID-19 pandemic.

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 rule change will directly affect impacted senior students in jeopardy of not receiving a high school diploma due to missing assessments as well as the school district staff tasked to with providing required assessments and graduation documents upon completion of all said assessments.

c. **What classes of persons will benefit from the proposed rule change?**

The rule change will benefit students and school communities by providing students and school districts additional flexibility to meet assessment-related graduation requirements that they either had fewer opportunities to complete or were otherwise unaware of due to a statewide assessments waiver that the previous Superintendent granted based on the COVID-19 pandemic.

d. **What is the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions?**

The agency anticipates a positive economic impact upon political subdivisions and affected classes as a result of implementation of the proposed rule change because a greater number of students will be able to move forward with their lives and obtain employment or attend college.

e. **What is the probable cost to the agency to implement and enforce the proposed rule change?**

The agency does not anticipate any new 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?**

Because the agency will implement the make-up assessments, the agency does not anticipate any substantial 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 anticipates passage of this emergency rule will protect the public health, safety, and environment as a result of implementation of the proposed rule at this time. This rule is proposed in order to ensure a limited subset of Oklahoma's senior students are not adversely impacted by limited testing opportunities or lack of school communication regarding testing requirements. The rule will allow local districts to comply with state law while ensuring impacted students are able to graduate in time to pursue a career or college degree.

- 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:** May 24, 2023