

**State Board of Education
Public Comment Summary
Proposed Permanent Rule Changes
Chapter 10. School Administration and Instructional Services
Subchapter 13. Student Assessment
210:10-13-18. Oklahoma School Accountability System**

Summary of Public Comment	Agency Response
<p>Six (6) commenters from the same school district requested changes to the following language in (c)(3) of the rule: “The State Department of Education must receive the appeal request within ten working days of the <u>electronic</u> release of the AYP Data Reports data reports.” The commenters requested the language be changed from ten (10) working days to twenty (20) working days or thirty (30) calendar days to permit districts more time to review the preliminary data reports.</p>	<p>The agency does not agree with the proposed change for the following reasons:</p> <ul style="list-style-type: none"> • The ten (10) working day appeal period in the proposed rule is the same appeal period provided in the rule as currently promulgated. The data will have been previously reviewed by the district during the thirty (30) day period provided to districts submit corrections to data under the administrative rules for the A-F School Grading System 210:10-13-22(i)(2)(B). Consequently, the agency does not believe a longer period of time is necessary • Lengthening the time a district has to review its data reports would reduce the available length of time the Appeals Committee has to provide a final determination for designations of <i>all</i> school districts.
<p>One (1) commenter, a school district superintendent, addressed the language in (b)(2) of the rule regarding testing irregularities and provides as follows: “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.” The commenter requested a procedure for dealing with this circumstance that would place accountability on students to perform; the commenter suggested that the test proctor and test monitor could provide written documentation on the</p>	<p>The agency does not agree with the proposed change for the following reasons:</p> <ul style="list-style-type: none"> • The proposed change suggested by the commenter is outside of the scope of the proposed rule change.

<p>student’s test performance and request that the score be removed from the scoring calculations.</p>	
<p>Two (2) commenters proposed removal of “or” from the language in (d)(1) so that the sentence reads “Title I schools in the State of Oklahoma shall be subject to the sanctions defined by or federal law.”</p>	<ul style="list-style-type: none"> • The agency has incorporated the change suggested by the commenters into the revised draft of the proposed rule.
<p>Two (2) commenters proposed addition of the word “law” to the language in (d)(2) so that the sentence reads “The State Board of Education may utilize sanction options identified by federal law.”</p>	<ul style="list-style-type: none"> • The agency has incorporated the change suggested by the commenters into the revised draft of the proposed rule.
<p>One (1) commenter requested the language in (a) and (d) of the rule be removed and replaced with language mirroring the ESEA waiver, and that all language in sections (b) and (c) referencing AYP and school improvement be removed.</p>	<p>The agency does not agree with the proposed change for the following reasons:</p> <ul style="list-style-type: none"> • The proposed amendments to the rule were intended to revise the rule to accommodate the waiver. Further changes proposed by the commenter would require a statutory change to 70 O.S. § 1210.541, which still requires the State Board of Education to define Adequate Yearly Progress (AYP) through its accountability system. The agency cannot remove the references in the rule to AYP absent a statutory change by the Oklahoma State Legislature.