

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**

- (a) **Definitions.** Words and terms in this section shall have the following meaning:
- (1) **"Alternate method"** means demonstrating mastery of state curriculum standards through an End of Course Project designed and approved by the State Board of Education. An End of Course Project is a project integrating and applying the knowledge and skills gained throughout a course to address a practical, real world challenge.
  - (2) **"Alternate test"** means a state or national test approved by the Oklahoma State Board of Education for one or more of the subject areas assessed by an end-of-instruction exam, which equals or exceeds the rigor of the end-of-instruction exam.
  - (3) **"Extenuating Circumstances"** means circumstances which are unexpected, significantly disruptive, beyond a student's control, and which may have reasonably affected his/her academic performance-, or special circumstances identified by the Board.
  - (4) **"Proficient/Satisfactory"** means achieving at least the minimum score for demonstrating mastery as defined by the State Board of Education on an academic achievement test of the Oklahoma School Testing Program (OSTP).
- (b) In accordance with 70 O.S. § 1210.523 A-E, students may graduate from a public high school with a standard diploma by demonstrating mastery in the state academic content standards for Algebra I; English II; and two of the following five: Algebra II, Biology I, English III, Geometry, and United States History by attaining at least a satisfactory or proficient score on the end-of-instruction exams or in the following way:
- (1) Students who do not attain at least a satisfactory or proficient score on any of the required end-of-instruction exams in Algebra I, English II, and two of the following five: Algebra II, Biology I, English III, Geometry, and United States History may be eligible to graduate with a standard diploma by completing steps below until a satisfactory or proficient score is attained and meeting all other graduation requirements:
    - (A) Step One: Students shall be provided one or more remediation opportunities and will either:
      - (i) Retake the end-of-instruction exam(s); or
      - (ii) Score satisfactory or proficient on a State Board of Education approved alternate test in the subject area which may be taken prior to or subsequent to the end-of-instruction exam.
    - (B) Step Two: Students who do not achieve a satisfactory or proficient score through step one shall continue to receive remediation opportunities and will either:
      - (i) Retake the end-of-instruction exam(s); or
      - (ii) Score satisfactory or proficient on a State Board of Education approved alternate test in the subject area which may be taken prior to or subsequent to the end-of-instruction exam; or
      - (iii) Demonstrate mastery of the subject matter through an End of Course Project which includes meeting the level of mastery defined by the rubrics explained in (b)(2) of this section.
    - (C) Students who do not meet the graduation requirements through Step Two may repeat Step Two as necessary. School districts will only provide remediation for students while they are enrolled in public school.
    - (D) An alternate test may be used to meet the graduation requirements for more than one end-of-instruction exam. A student may take more than one alternate test to meet the graduation requirements.
    - (E) Remediation opportunities will be outlined in the local school district remediation plan (70 O.S. § 1210.523). School districts shall document a student's failure to participate in remediation

including written acknowledgement of the graduation requirements by the student's parent or guardian.

(F) School districts shall document a student's failure to complete test retake opportunities including written acknowledgement by the student's parent or guardian of the graduation requirements related to end-of-instruction tests.

(2) Demonstration of mastery through an End of Course Project (Alternate Method).

(A) In order to demonstrate mastery and graduate through an alternate method on end of instruction exams, students must complete an End of Course Project for Algebra I, Algebra II, Biology I, English II, English III, Geometry, or United States History. End of Course Projects will be designed by the State Department of Education and approved by the State Board of Education.

(i) End of Course Projects for English II and English III must include a response to literature and a writing sample of comparable rigor to the end-of-instruction exams.

(ii) End of Course Projects for Biology I must include the process standards as assessed through laboratory experiments.

(B) School districts, shall submit completed student End of Course Project(s) to the State Department of Education by April 1, August 1, or November 1 of each year. Projects will be evaluated and returned within 45 business days. Subject to the availability of funds, the State Department of Education may contract with individuals, educational institutions, or companies to evaluate these End of Course Projects. Evaluators shall use rubrics approved by the State Board of Education for determining student mastery of state academic content standards through End of Course Projects. If funds are not available, End of Course Projects will be evaluated at the local school district level according to requirements of the State Board of Education.

(C) End of Course Projects must be retained for a minimum of 5 years from completion.

(3) The Oklahoma State Board of Education has the authority to waive one or more of the requirements in (b)(1) of this section for an individual student if the Board determines that extenuating circumstances justify the waiver for an end of instruction exam.

(4) Students who do not receive instruction in Oklahoma public schools may demonstrate mastery in required subjects by submitting documentation of proficiency on an equivalent state end-of-instruction exam(s) in the state in which instruction was received; attaining at least a satisfactory or proficient score (as defined by the Oklahoma State Board of Education) on the Oklahoma end-of-instruction exam(s); meeting the approved level of proficiency on an alternate test(s); demonstrating mastery through an End of Course Project(s) as described in (b)(1) and (b)(2) of this section.

(5) Students who do not have an opportunity to take required end-of-instruction exams without extending the date of graduation may demonstrate mastery in required subject areas by meeting the approved level of proficiency on an alternate test(s) or an End of Course Project(s).

(6) Students who have an Individualized Education Program (IEP) in accordance with the Individuals with Disabilities Education Act (IDEA) may demonstrate mastery of state academic content standards through a modified proficiency score on the state assessment(s) as established by the IEP Team. Any deviation from the standard conditions, accommodations, or proficiency score on the state assessment(s) must be established on the student's IEP, and shall be recorded on the student's cumulative record.

(7) Each year beginning with the 2011-2012 school year, school districts shall report to the State Department of Education through the School District Reporting Site, by school site, the number of students issued standard diplomas based on the exceptions and exemptions outlined in these rules, including the categories of exceptions and exemptions granted.

(c) Beginning with students entering the ninth grade in 2008-2009, in order to facilitate the monitoring of student progress toward meeting the graduation requirements of 70 O.S. § 1210.523, districts will maintain an Achieving Classroom Excellence (ACE) Demonstration of Mastery cumulative record for those students who do not attain at least a satisfactory or proficient score on any of the required end-of-instruction exams. All school districts in the state shall use this cumulative record uniform document, or

all information required on the uniform document must be contained within the district's student information system. The State Department of Education will provide an electronic version of this cumulative record to the districts. This cumulative record shall accompany the student when transferring to a new district. For each student who meets the graduation requirements, the student's transcript shall read, "The student has met the graduation requirement of demonstrating mastery in the state academic content standards."

(d) Any student who has been denied a standard diploma by the school district in which the student is or was enrolled for failing to meet the educational requirements of 70 O.S. § 1210.523 may appeal the denial to the State Board of Education. The petition for appeal must be filed in writing with the Secretary of the Board within thirty (30) days after the denial of a standard diploma, in a manner prescribed by the State Board of Education. For purposes of this section, a diploma will be deemed denied on the official date of the school district's graduation. The parent or guardian of a student under the age of eighteen (18) may file a petition for appeal on behalf of the minor student who has been denied a standard diploma. Any student over the age of eighteen (18) may directly file a petition for appeal with the State Board of Education. The petition for appeal must be signed by the student and/or parent or legal guardian of the student, and the school district's Superintendent or the Superintendent's designee verifying the information submitted in the appeal is accurate and correct. A petition for appeal may not be submitted by the school district in which the student was or is enrolled.

(1) Upon receipt of the petition for appeal, the Secretary of the Board shall acknowledge receipt of the request in writing and notify the student and/or parent or legal guardian when the appeal shall be submitted to the State Board of Education for action. All timely filed petitions for appeal shall be brought to the State Board of Education for action. The Board shall take action no later than forty-five (45) days after receiving the petition.

(2) The State Board of Education shall appoint a committee consisting of employees of the State Department of Education to review the appeal and identify the basis for which the standard diploma was denied. The committee shall make a recommendation of action on the appeal to the State Board of Education based on the following criteria:

(A) Completion and scores of end-of-instruction (EOI) exams;

(B) Remediation and retests of end-of-instruction (EOI) exams;

(C) Completion and scores of Alternate tests approved by the State Board of Education;

(D) Completion of End of Course Projects approved by the State Board of Education;

(E) Completion or scores of alternative methods approved by the State Board of Education;

(F) The existence of an extenuating circumstance, as defined in section (a) of this rule;

(G) The availability of testing opportunities;

(H) Other methods identified by the student, which demonstrate mastery of state academic content standards, referenced in section (b) of this rule, not to include completion of the course;

(I) The exhaustion of reasonable alternative methods and exemptions and exceptions approved by the State Board of Education, including the existence of extenuating circumstances; and

(J) Whether action is appropriate based on the statutory language of 70 O.S. § 1210.523.

(3) Following review of the petition for appeal, the student or parent petitioner shall receive written notification as to the recommended action that will be presented to the State Board at least five (5) business days prior to the meeting of the State Board of Education in which the recommendation will be presented.

(4) The State Board of Education shall take action on a petition for appeal based on the merits of the written information provided in the appeal. The Board shall consider a petition for appeal in the form of a "Consent Docket," which shall be considered as one item. Prior to consideration, the Board shall receive a copy of each petition for appeal, a written explanation of the petition, copies of all evidence submitted to the Board, and additional information that may be necessary for the Board to take action.

(5) Any member of the Board may request that a petition for appeal be removed from the "Consent Docket" for discussion or to be separately considered. If such a request is made, the matter

shall be removed from the docket and presented for separate consideration by the State Board of Education.

(6) The State Board of Education may, by a vote of the majority of members, remove a petition for appeal from the "Consent Docket" and schedule a hearing to consider the appeal if the Board determines the facts stated in the appeal do not enable it to make an effective or proper ruling. If the Board determines a hearing is necessary, the Secretary of the Board shall notify the student and/or parent or legal guardian in writing of time and place the hearing. If necessary to conduct a hearing, the student and/or parent or legal guardian may waive the forty-five (45) day time requirement set forth in 70 O.S. § 1210.523. Failure to do so may result in action by the State Board of Education without a hearing. All hearings conducted pursuant to this section will be governed and conducted in accordance with the Oklahoma Administrative Procedures Act, 75 O.S. § 309, et seq.

(7) If a hearing is determined to be appropriate pursuant to this section, the student and/or parent or guardian of the student shall orally present explanation of the petition, evidence submitted to the Board, and additional information that may be necessary for the Board to take action. The school district in which the student is or was enrolled shall have the opportunity to appear and present evidence at the appeal hearing before the State Board of Education. The determination of the State Board of Education shall be considered a final agency order.

(8) Petitions for appeal which are filed in an untimely, inaccurate, or incomplete manner shall be submitted to the State Board of Education with a recommendation for denial based on deficiency. Prior to submission to the State Board of Education, the petitioner shall be notified in writing of the deficiency in the appeal and provided five (5) business days from the receipt of written notification to resolve any deficiencies identified in the petition for appeal.

(9) Petitions for appeal which are filed in an untimely manner shall be submitted to the State Board of Education with a recommendation for denial based on untimeliness.

(e) The State Board of Education delegates authority to the reviewing committee appointed pursuant to section (d)(2) of this rule to approve the petition for appeal of students who have provided evidence of certain extenuating circumstances designated by the Board, including acceptance into a selective college or university as defined by the Carnegie Foundation for the Advancement of Teaching.

(f) The State Board of Education shall collect data by school site and school district on the number of students petitioning for an appeal and the number of appeals approved by the Board pursuant to 70 O.S. § 1210.523. Information collected pursuant to state statute shall be made available to the district's Regional Accreditation Officer (RAO) during the accreditation process.