

**State Board of Education
Public Comment Summary
Proposed Permanent Rule Changes
Chapter 10. School Administration and Instructional Services
Subchapter 13. Student Assessment
210:10-13-22. Implementation of a system of school improvement and accountability
[AMENDED] ("A-F").**

Summary of Public Comment	Agency Response
<p>Commenter suggests adding provision to (e) requiring a minimum n-size of (10) for purposes of calculating bonus points pursuant to (g), e.g., school must have at least ten (10) eligible students with valid data for graduation, attendance, and dropout rates; advanced coursework; college entrance exams; overall EOI performance; and year-to-year growth</p>	<ul style="list-style-type: none"> • The proposed change is unnecessary and redundant, as (e)(4) already states that "A school shall not earn a grade for any component or criteria unless minimum N-size requirements established pursuant to this rule are met."
<p>Commenter suggests amending language in (f)(1) from "A point value shall be given to each exam based on proficiency score" to "each student who scores 'Proficient' or 'Advanced' shall earn one (1) point for each exam based on proficiency score."</p>	<ul style="list-style-type: none"> • The language stating that a point value will be given to each exam based upon proficiency score is necessary to clarify that all valid exams are assigned a point value, and included in the calculation, not exams for which students scored Proficient or Advanced.
<p>Commenter suggests renumbering of (g)(3)(A) as (g)(3).</p>	<ul style="list-style-type: none"> • The agency has implemented the proposed change.
<p>Two (2) commenters expressed concerns about language in (n) pertaining to virtual charter schools that reads: "The performance of non-resident students shall be excluded from the determination of the overall school performance letter grade of the virtual charter school and its sponsoring school district." Commenter believes that because the vast majority of virtual charter schools are not located in the district of residence of their sponsor, language of the rule would unfairly allow virtual schools to artificially inflate their scores and applies a different grading standard and different testing standard to virtual schools than non-virtual schools. Commenters believe virtual schools should be graded on performance of all students that they serve.</p>	<ul style="list-style-type: none"> • The suggested change has been implemented in subsections (n) and (o) of the proposed rule to clarify that all virtual charter schools and statewide virtual charter schools will be held accountable for the performance of all of their students, regardless of residency.

<p>Commenter suggests revising language in (n) to read: "Each virtual charter school shall be treated as a separate school district for purposes of being assigned an overall school performance letter grade and the scores of all students enrolled in the virtual charter school shall count towards its overall school performance letter grade. Students enrolled in the virtual charter school shall be considered students only of the virtual charter school and their score shall not be counted in the score of the sponsoring school district."</p>	
<p>Three (3) commenters request that the grading scales be reinstated to each category in the bonus points section in (g) or to make the criteria for earning an "A" in the category more clear.</p>	<ul style="list-style-type: none"> • The agency has implemented the suggested change into the proposed rule.
<p>Three (3) commenters expressed concerns about the criteria for small schools in (q). Commenters assert that 70 O.S. § 1210.545(C)(1) prohibits issuance of a school grade to schools who do not have enough students to meet the sample size ("n-size") established pursuant to 70 O.S. § 1210.545(C)(1).</p>	<ul style="list-style-type: none"> • The agency has removed (q) from the proposed rule and will address federal reporting requirements for small schools elsewhere in agency guidance.
<p>Commenter believes bonus points are not applied in a fair and equitable manner. Two (2) commenters expressed concerns about the "all or nothing" approach to awarding bonus points. One commenter suggests bonus points should be awarded on a sliding scale instead of an "all or none" basis.</p>	<ul style="list-style-type: none"> • 70 O.S. § 1210.545(E) sets forth the criteria for award of bonus points and does not provide for award of bonus points on a sliding scale. Commenter's suggested change would require a statutory amendment.
<p>Commenter believes high school bonus points should not be applied to the district grade.</p>	<ul style="list-style-type: none"> • The language in (d) has been amended to reflect the statutory language pertaining to calculation of district report cards set forth in 70 O.S. § 1210.545(J), which states that the annual district report card shall be aggregated at the student level and calculated pursuant to 70 O.S. § 1210.545(D).
<p>Two (2) commenters assert (b)(1) of the rule does not accurately reflect the changes to 70 O.S. §1210.545(D) and utilize a different formula from the statute to determine grades.</p>	<ul style="list-style-type: none"> • The language of (b)(1) is intended to provide an accurate overview of the components the formula. The 2013 changes to 70 O.S. § 1210.545 resulting from HB 1658 are all accurately reflected in the more detailed explanation of the formula components in (f) of the rule. • The language of (b)(1) has been

	<p>revised to further clarify the amended language of 70 O.S. §1210.545(D) cited by the commenter.</p>
<p>Commenter complains about that "The practice of including the bottom 25% group of students in the calculation of the A-F grade on three different occasions, yet never rewarding schools for advanced scores seems ridiculous at best."</p>	<ul style="list-style-type: none"> • The inclusion of the bottom quartile of students in the formula is required by statute. • The formula rewards schools for students who score proficient and advanced in several ways. If students in the bottom quartile of a school score Proficient and Advanced, those scores are also counted three times in the formula.
<p>Commenter suggests "Let's be truly transparent and include percent of free and reduced as well as percent of students with disabilities. Let's release the data in a sortable spreadsheet."</p>	<ul style="list-style-type: none"> • 70 O.S. § 1210.545 does not provide for incorporation of students in these categories into the formula for calculation of report card grades. Consequently, the commenter's suggestion is outside the scope of the proposed A-F rule, the purpose of which is set forth the relevant factors and criteria used to calculate scores on the report card. • All potential releases of student data must be carefully reviewed to ensure release of aggregated data cannot be used alone or in combination with other publicly available data to identify students.