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STATE SUPERINTENDENT *of* PUBLIC INSTRUCTION  
OKLAHOMA STATE DEPARTMENT *of* EDUCATION

**MEMORANDUM**

**TO:** The Honorable Members of the State Board of Education  
**FROM:** Joy Hofmeister  
**DATE:** January 23, 2020  
**SUBJECT:** Administrative Rule Promulgation

The State Board of Education will be taking action at the January meeting on the following proposed administrative rule changes pursuant to the *Oklahoma Administrative Procedures Act*, 75 O.S. § 250 *et seq.*:

- (1) Title 210. State Department of Education  
Chapter 10. School Administration and Instructional Services  
Subchapter 1. General Provisions  
**210:10-1-4. Length of term [AMENDED]**

The administrative rule that addresses requirements for the length of a school year is being updated to reflect changes in law. 70 O.S. § 1-109 now provides that beginning with the 2021-2022 school year, public schools must be in session for not less than one thousand eighty (1,080) hours with a minimum of one hundred sixty-five (165) days of instruction each school year. The statute authorizes a waiver of the 165-day minimum provided a school district "meets the requirements established by the State Board of Education." Pursuant to Senate Bill 441 (2019), the State Board of Education is directed to promulgate rules establishing minimum guidelines for student performance and cost savings for school districts that wish to apply for a waiver of the 165-day minimum school year.

The proposed rule amendment outlines these eligibility guidelines for an alternate length school year waiver, developed through a process involving stakeholder input and alignment with Oklahoma's *Every Student Succeeds Act* (ESSA) state plan. Following public comment, adjustments have been made to the language presented for the Board's consideration. The proposed rule provides:

- For elementary and middle school sites to be eligible for a school calendar waiver:
  - The school's student growth indicator letter grade shall be a "C" or higher on the most recent Oklahoma School Report Card. (Math and ELA growth are not determined separately, but combined in a compensatory calculation.)
  - The school is not currently identified for Comprehensive Support and Improvement (CSI), Targeted Support and Improvement (TSI), or Additional Targeted Support and Improvement (ATSI).

- For high school sites to be eligible for a school calendar waiver:
  - The school's 4-year cohort graduation rate is at or above the state average or 82%, whichever is higher.
  - The school attained a postsecondary indicator letter grade of "C" or higher on the most recent Oklahoma School Report Card.
  - The school is not currently identified for Comprehensive Support and Improvement (CSI), Targeted Support and Improvement (TSI), or Additional Targeted Support and Improvement (ATSI).

(2) Title 210. State Department of Education  
 Chapter 25. Finance  
 Subchapter 3. Funding Criteria  
**210:35-23-2. Personnel [AMENDED]**

The rule that outlines the conditions that apply to the accrual of teaching experience for certified educators is being amended to address the effect of Workers' Compensation status on a teacher's accrual of experience. The proposed new provisions in the Personnel rule will allow a teacher who receives temporary total disability benefits while employed by a public school to have time spent on Workers' Compensation included in the calculation of their cumulative teaching experience. The proposed authorization for periods of temporary total disability during school employment to apply toward teaching experience parallels the process through which the Oklahoma Teacher Retirement System authorizes Workers' Compensation to apply toward accrued experience for retirement purposes.

(3) Title 210. State Department of Education  
 Chapter 35. Standards for Accreditation of Elementary, Middle Level,  
 Secondary, and Career and Technology Schools  
 Subchapter 23. Honor Societies  
**210:35-23-3. Oklahoma middle, junior high, or high school Honor Society [AMENDED]**

The rule that authorizes public schools to organize Honor Societies, and lays out requirements for student eligibility, is being amended to provide further guidance to schools and ensure predictability for students. A provision is being added to clarify that a school may establish a policy for determining the top ten percent (10%) of enrolled students eligible for Honor Society membership in the event of a tie in Grade Point Average (GPA). The proposed amendment also provides that in the event of a tie in the top 10% of students as ranked by GPA in a school that has not established a "tiebreaker" policy, all students tied for the eligible GPA shall be nominated for membership.

**TITLE 210. STATE DEPARTMENT OF EDUCATION  
CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES  
SUBCHAPTER 1. GENERAL PROVISIONS**

*Language changes made following Public Comment appear in red italics.*

**210:10-1-4. Length of term**

(a) **Minimum length of the school year.** The minimum length of the school year will be one hundred eighty (180) days or one thousand eighty (1,080) hours, provided up to five (5) days or thirty (30) hours per school year may be used for attendance of professional meetings. A school district that adopts a 1,080 hours policy rather than a 180 day policy shall notify the State Board of Education prior to October 15 of the applicable school year, and provide a copy of the school calendar as approved by the district's board of education. Except as otherwise authorized by law, beginning with the 2021-2022 school year, school must be in session and classroom instruction offered for a minimum of one hundred sixty-five (165) days each school year in every public school. Where professional days are taken, they shall be so recorded in the register of attendance in a like manner as holidays are recorded. The legal aggregate days attendance will be divided by days actually taught to obtain the legal average daily attendance. Any school district holding less than a full term will have its state aid reduced proportionately. No district may have less than a full term of school unless conditions over which it has no control exist that would prevent the district's holding a full term. In cases where sites within a district have different length terms the average daily membership (ADM) and average daily attendance (ADA) should be calculated for each site separately.

(b) **Criteria for an alternate school calendar authorization.** Beginning with the 2021-2022 school year, a school district or charter school must meet the eligibility requirements below in order to request a waiver from the State Board of Education authorizing the district to implement a school year calendar for one or more site(s) that includes fewer than one hundred sixty-five (165) days when school is in session and classroom instruction offered. A district that wishes to apply for a waiver authorizing an alternate length school year shall submit an application addressing all criteria in this subsection no later than June 30 prior to the school year for which the waiver is requested. In order to enable school districts to adequately plan their academic calendars, a waiver application for this purpose may be submitted at any time after the student performance data and federal Every Student Succeeds Act (ESSA) status designations addressed under (b)(1) have been released to schools, provided all such applications must be received by June 30 prior to the applicable school year. The State Board of Education shall render a decision on school calendar waiver applications within sixty (60) days of receipt of a completed application and all necessary supporting materials. *The term of a waiver granted under this Section shall be one (1) school year.* To be eligible to apply for an alternate school calendar authorization, a school district must submit a narrative detailing how the proposed calendar is intended to benefit students, and evidence that the district meets all of the following requirements:

(1) **Student performance.** Specific performance criteria apply to schools with different grade ranges, and a district applying for a school calendar waiver must demonstrate that each of its school sites for which the waiver is requested meets the appropriate requirements *for which data is available.*

(A) **Requirements for early childhood centers (pre-kindergarten through 2<sup>nd</sup> grade).**

The elementary school(s) that the early childhood site feeds into must meet(s) all eligibility criteria under (b)(1)(B).

**(B) Requirements for elementary schools and middle schools (pre-kindergarten through 8<sup>th</sup> grade).**

~~(i) The school's student growth value is at or above the state average in English Language Arts (ELA) on the most recently administered Oklahoma School Testing Program (OSTP) assessments for which data is available.~~

~~(ii) The school's student growth value is at or above the state average in math on the most recently administered Oklahoma School Testing Program (OSTP) assessments for which data is available. The school's student growth indicator letter grade is a "C" or higher on the most recent Oklahoma School Report Card issued under the school accountability system. A school's math and English Language Arts (ELA) growth is therefore a compensatory calculation for the purpose of waiver eligibility.~~

(iii) The school is not currently identified for Comprehensive Support and Improvement (CSI), Targeted Support and Improvement (TSI), or Additional Targeted Support and Improvement (ATSI).

**(C) Requirements for high schools (9<sup>th</sup> grade through 12<sup>th</sup> grade).**

~~(i) The school's 4-year cohort graduation rate is at or above the most recently reported state average graduation rate, or 82%, whichever is higher, provided that regardless of the most recent state average graduation rate an eligible high school's graduation rate must be at above.~~

~~(ii) The percentage of students that met the achievement targets on the most recently administered Oklahoma School Testing Program (OSTP) assessments is at or above the state average. The school's Academic Achievement indicator letter grade is a "C" or higher on the most recent Oklahoma School Report Card issued under the school accountability system.~~

~~(iii) The school attained a postsecondary indicator at or above the state average of a letter grade of "C" or higher on the most recent school report card issued under the school accountability system.~~

(iv) The school is not currently identified for Comprehensive Support and Improvement (CSI), Targeted Support and Improvement (TSI), or Additional Targeted Support and Improvement (ATSI).

**(2) Financial criteria.** Due to significant differences in the size and resources of school districts that make a universal standard for cost savings impractical, each district applying for a school calendar waiver shall submit a budget and a narrative describing cost savings. The budget submitted with the narrative describing cost savings shall be the most recent Estimate of Needs submitted by the school district or charter school to the County Excise Board.

**(b)(c) Attendance determination for students participating in school activities.** School activities must be under the direction or supervision of the teacher or supervisor whether such activities take place within or without the school building or school grounds in order to be considered a school day or part of a school day for attendance purposes. Pupils dismissed and not under the direction or supervision of the teacher cannot be considered as participating in scheduled school activities, provided that a student participating in online coursework or other remote instruction authorized by law for public school students may be included in attendance if the attendance requirements of the instruction program are satisfied. A student serving as a Page to the Legislature may be counted in attendance.

(e) All pupils attending any school within a school district ~~including underage, overage, non-resident, and non-transferred pupils~~ shall have their names entered in the attendance register and the district's student information system (SIS). ~~and have their attendance recorded in the same manner as any other pupil.~~

## **RULE IMPACT STATEMENT 210:10-1-4**

### **"Length of term" [AMENDED]**

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

The rule that addresses requirements for the length of a school year is being updated to reflect changes in law. 70 O.S. § 1-109 provides that beginning with the 2021-2022 school year, public schools must be in session for not less than one thousand eighty (1,080) hours with a minimum of one hundred sixty-five (165) days of instruction each school year. A waiver of the 165-day minimum for school academic calendars is authorized provided a school district "meets the requirements established by the State Board of Education." Pursuant to Senate Bill 441 (2019), the State Board of Education is directed to promulgate rules establishing the minimum guidelines for student performance and cost savings for school districts that wish to apply for a waiver of the 165-day minimum school year. The proposed rule amendment outlines these eligibility guidelines for an alternate length school year waiver, developed through a process involving stakeholder input and alignment with Oklahoma's *Every Student Succeeds Act* (ESSA) state plan.

**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 affect school districts, charter schools, and the State Board of Education.

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

The rule change will benefit school districts, charter schools, and public school students by ensuring that the academic year for public schools is designed to best support positive outcomes for students. The rule change will also benefit school districts that demonstrate high student achievement as well as cost savings, by authorizing the flexibility for an alternate school calendar option for qualifying districts upon approval by the State Board of Education.

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

The agency does not anticipate any economic impact upon political subdivisions or affected classes as a result of implementation of the proposed rule change at this time.

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

The agency does not anticipate any 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?**

The agency does not anticipate any 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 does not anticipate any impact on public health, safety, or environment as a result of implementation of the proposed rule at this time.

- 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:** November 12, 2019

## PUBLIC COMMENT SUMMARY

### 210:10-1-4. Length of term [AMENDED]

Summary of Public Comment	Agency Response
<p>1. "Alternative schedules are not feasible for all school districts. However, many districts have implemented and are successfully maintaining alternative schedules. The proposed rules discredit such districts having success by requiring what is in effect double reporting and asinine justification.</p> <p>School districts <i>already</i> on an alternative schedule prior to the law change should not have to file for waivers each year. This should only be required if the district's scores and/or attendance fall below the state average. Since all pertinent information is filed with and reviewed by the Oklahoma State Department of Education no additional hardship would be put on the OSDE. Districts that fall below state average would immediately be placed on probation/review and be obligated to submit all requirements as stated in proposed rules. During the probationary term the OSDE can and <i>should</i> determine if the alternative schedule is a factor.</p> <p>Scheduling is not a "one size fits all" sort of thing. It is a policy that should be decided locally by each school district not by the state. The Oklahoma State Department of Education is responsible for reviewing outcomes and results of what schools do annually. When a school district does not meet the productivity as required by the state, that is when they forfeit the reins to the OSDE. Requesting a district to continually prove why what they are doing is successful is imprudent, prejudicial and overreaching."</p>	<ul style="list-style-type: none"> <li>▪ Historically, school districts in Oklahoma were required to be in session for 180 6-hour school days each year, and since 2009 schools have also been authorized to adopt a calendar based on a minimum of 1,080 hours of instruction rather than 180 days. Earlier this year, the Oklahoma Legislature amended state law to maintain the authority for school districts to adopt calendars based on 1,080 hours rather than 180 days, while establishing a minimum length of 165 school days for the public school year beginning in 2021-2022.</li> <li>▪ Senate Bill 441 (2019) amended the statute that sets the requirements for how long each year public schools must be in session. As part of Senate Bill 441, the Legislature directed the State Board of Education to adopt rules establishing "minimum guidelines for student performance and school district cost savings" that will make a school district eligible to apply for a waiver of the 165-day minimum established by the Legislature (please see <u>70 O.S. Section 1-109(H)</u>).</li> <li>▪ Throughout autumn 2019, the Oklahoma State Department of Education (OSDE) convened a task force of education stakeholders representing many different school demographics—including large and small, urban and rural, and 4-day and 5-day districts—to explore options for the minimum eligibility guidelines for a waiver of the 165-day calendar. While not all members endorsed all proposals explored, the proposed rule amendment is based on recommendations that received general consensus from the school calendar task force.</li> <li>▪ The OSDE agrees with the observation that school scheduling is not "one size fits all" and is appropriately determined at the local level. Within the baselines established by the Legislature, school districts maintain their authority to determine the best scheduling approach for the schools within their communities. (Please see further discussion of the scheduling flexibility school districts maintain in the response to Comment 2 below.)</li> </ul>
<p>2. "I'm wondering why we are being given rules to return to 5 days but not requiring rules for proper funding? Legislators break the law every year by NOT presenting education their budget by the April 1st</p>	<ul style="list-style-type: none"> <li>▪ While many comments appear to be in response to the idea that Senate Bill 441 (2019) or this rule amendment eliminates the option for school</li> </ul>

<p>deadline and they haven't funded us properly in years. Which is what led to 4 day school weeks. This also takes away local control. It's not up to the state to tell us what our school week should look like, it's up to the communities. By following along with our state government officials you are denying local control and the right for us to decide what our school weeks should look like. You are allowing people, who are embarrassed by this, to punish schools for choosing 4 days, when the reason behind it is there fault. Now we have a governor who is upset that our Native American Tribes will not redo their compacts to force them to give more money to schools from the casinos. Yet he won't attack the oil and gas who can afford to give more because he doesn't want to hurt their feelings. How about you stand up for districts by reminding legislature that this is a local control decision and when they can give us our budget on April 1st AND fund us properly then we'll consider going back to 5 days, if we choose."</p>	<p>districts to implement 4-day school weeks, this is not the effect of the law or the proposed rule.</p> <ul style="list-style-type: none"> <li>▪ Under the governing law and the proposed rule all school districts maintain their authority to design a school calendar to best fit their communities' needs, including a 4-day school week, provided school is in session for at least 165 days each year.</li> <li>▪ Under the proposed rule, a school district that demonstrates student performance that reaches at least the state average as indicated by the state accountability system, and is able to demonstrate cost savings in any reasonable manner, will be eligible to apply for a waiver that would grant even further school calendar flexibility.</li> <li>▪ The State Board of Education is directed by statute to establish "minimum guidelines for student performance and school district cost savings" that will make a school district eligible to apply for a waiver of the 165-day school year minimum established by the Legislature (please see <u>70 O.S. Section 1-109(H)</u>). If the State Board does not establish such guidelines for waiver eligibility, the effect of the law is that there will be no waiver available and all school districts—regardless of demonstrated student performance and cost savings—would be required to implement a school calendar of at least 165 days.</li> </ul>
<p><b>3.</b> "My child are students at Noble Public schools and have been since 2015. We are one of the families that are negatively impacted by the 4 day week. My son thrives on consistency and at times I feel the three day weekend is unhelpful to his routine. My child's disability is rather mild, but I know of other students in the district who could benefit greatly from having a structured five day school week as they will be expected as adults to work on a five day work week. Many parents will be afraid to speak out on the basis of disability, due to the lack of knowledge that this is something that should be kept into account, that we aren't asking for extra, rather an even playing field for our children.</p> <p>The second issue I personally take with this change in education, comes from my professional life. I am in my final year of study to become a social worker and as a social worker I have actually done a community assessment for a project and I can tell you beyond a shadow of a doubt that we are putting families in a position where they have to choose between paying their bills or paying for. And even if we had more access to the financial aspect of this equation, the fact is we currently do not have enough daycare's to house all K-5th grade children on Fridays. If this was a</p>	<ul style="list-style-type: none"> <li>▪ The OSDE acknowledges the economic and social conditions this comment calls attention to, and appreciates the commenter's willingness to share how they are personally affected by issues involving school district calendar design.</li> </ul>

wealthy town with financial means and support systems in place to take care of each and every child I would fully support a four-day week to give the children more time with their families. But the fact is this is a poverty stricken community, with little support networks other than churches, which are amazing resources but not truly accessible for all. We punished poor people for being poor by adding bills to their already tight budgets. Those living in poverty are much less likely to utilize the tool of their own voice, because they're afraid no one's listening. As a social worker I would like to advocate on the behalf of my neighbor and see you are harming the poverty stricken portion of our community for the benefit of primarily families who can afford to have a stay at home parent, which should not be the only voice you hear. We are pushing the middle class down by adding to their daycare bill.

I also understand the point of view that School is not a daycare, I'm not asking you to be their babysitter. I'm asking you to adjust to the real world, where they will be expected to work five days a week. we are preparing them educationally so we should be preparing them schedule wise, in an age appropriate way."

4. "I am a public school teacher at a rural SE Oklahoma school district. My school still has school 5 days a week, but we do the 1080 hours instead of the 180 days. I am not a mathematician nor statistician, but can clearly see where districts would save money doing the 4 day week. Busses running only 4 days instead of 5 saves 1/5 of the mileage, fuel and other maintenance on each bus. Bus drivers who get paid per hour would be working only 4/5 as much time so would save the school 1/5 of the cost of each driver. Other hourly wage employee would also have their pay cut 1/5. Food nutrition costs would be cut by 1/5. Utilities expenses would be cut (not a full 1/5 because heaters/air conditioners would be left on that 5th day although with lower/higher temp settings they wouldn't run as much and cafeteria & classroom refrigerators/freezers would still consume some power too) and there would be no food needed for the 5th day. If there is some reason why this wouldn't save money, please explain that to me.

Now, as for the educational needs of students, there are often days when I can't stick to my lesson plans for some reason or other. Maybe there are physical/emotional/social needs that I need to deal with that prevent me from doing what I'd planned. Other days, I have other issues that come up (technology problems, didn't finish the day before, class time interruptions, etc) that prevent me from doing what I'd planned for that day. I doubt very seriously that having school only 4 days a week would cause me to be any less able to get through with my

- As addressed in the response to Comment 2 above, all school districts maintain the authority to design their school calendars—including implementing a 4-day school week—provided school is in session for at least 165 days per year. Districts that meet the eligibility criteria in the proposed rule will be eligible to apply for a waiver authorizing a school year of fewer than 165 days.

- Under the proposed rule, school districts that achieve average or better student performance as indicated by the school accountability system will be eligible to apply for a waiver provided they can demonstrate cost savings resulting from an alternate school calendar.

<p>required curriculum. It actually might force me to be more rigid with my plans and stick to them even more. Having a week day in which teachers could take care of personal business would keep teachers in the classroom more as well. Our rural area doesn't have specialist doctors for the most part so we miss at least several hours of a school day to see a specialist in a larger town 45 or more miles away. If the appointment happened to be in Tulsa, that would mean a whole school day lost. If we knew we wouldn't be in school that one day a week, we could schedule our appointments on those days. It's hard even to get an appointment weeks in advance after 3:00 in our small town because those fill up rather quickly. I think the benefits of the 4 day week should be evaluated rather than just looking at the negative results."</p>	
<p>5. "My daughters all go to small school that goes 4 days a week. It has been wonderful for our small town. I can schedule dentist and doctors appointments for Friday so they dont miss school. The girls have straight As and are far ahead of my nieces and nephew who attend a school that goes 5 days a week. The teachers and students seem to be happier and best of all they save enough money to stay open. The kids miss less school, the teachers have more time with each individual child because of longer periods and everyone is happy. Why change something that is so beneficial. Let each school choose what works best. Thank you for hearing my opinion on the matter."</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2 addressing the school calendar flexibility districts maintain under the current law and the proposed rule. The OSDE appreciates the commenter's willingness to share how they are personally affected by issues involving school district calendar design.</li> </ul>
<p>6. "I would go to work in Texas if Ok. mover to five days a week. Many northeast Texas districts are looking at four day weeks. OK would lose many teachers!!!"</p>	<ul style="list-style-type: none"> <li>▪ N/A</li> </ul>
<p>7. "Please let us keep the 4 day weeks! We could go by hours instead of days! We love our 4 day week!"</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2.</li> </ul>
<p>8. "Saving money is great, but the four day week is more about saving our kids. I have seen my grandkids and their friends relax more and learn more throughly with the four day week. Leave the choice to local districts, we know what is best for our kids and teachers."</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2.</li> </ul>
<p>9. "With the new school grades out, there is no question that ALL schools in Oklahoma must be 5 day a week, longer school day and longer school year to improve education. Throwing money at education, large teacher pay raises haven't improved the students performance. MORE time in the classroom, hitting the books instead of out for sports, field trips, AG events... Lets get back to 3 R's education,</p>	<ul style="list-style-type: none"> <li>▪ N/A</li> </ul>

discipline and more time on the books to see improvement lacking in Oklahoma schools."	
10. "Not a fan of shortened school weeks, to learn any thing a student needs routine repetition, to reinforce those lessons."	<ul style="list-style-type: none"> <li>N/A</li> </ul>
<p>11. "Tying four-day schedules to the metrics below (in italics) effectively usurps local control for boards and communities by making the option too risky for districts to try. Districts are already held accountable for these metrics, and this would amount to a double-whammy. Just be open and ban them outright instead of creating a standard not used consistently in other areas of school governance.</p> <p>Secondly, this rule would open the door to similar measures -- for example, forced consolidation for not being at the state average in a given area or reduced funding ...the list is endless. This is not a door to open.</p> <p>Third, local boards and communities need to retain this local control option. I am not a fan of four-day weeks, but central-planning them away will simply create more workarounds and more legislation (an endless cycle). Legislating away four-day weeks will not solve the problem. It will simply make it worse. It is a short-sighted reaction to a relatively new phenomenon.</p> <p>Finally, many colleges with substandard performance are on four-day schedules. If the rule works for public schools, it should apply to public colleges and universities.</p> <p><i>For elementary and middle schools, the proposed requirements are:</i></p> <ul style="list-style-type: none"> <li><i>• Student growth at or above the state average in English language arts.</i></li> <li><i>• Student growth at or above the state average in math.</i></li> </ul> <p><i>For high schools, the proposed requirements are:</i></p> <ul style="list-style-type: none"> <li><i>• A graduation rate at or above the state average.</i></li> <li><i>• Percentage of students meeting achievement targets at or above the state average.</i></li> <li><i>• Percentage of students completing postsecondary opportunities at or above the state average"</i></li> </ul>	<ul style="list-style-type: none"> <li>Under the governing law and the proposed rule all school districts maintain their authority to design a school calendar to best fit their communities' needs, including a 4-day school week, provided school is in session for at least 165 days each year.</li> <li>Senate Bill 441 addressed only the school calendar requirements for public schools.</li> <li>The public common education system (grades Pre-Kindergarten through 12) is governed by a separate body of laws and regulations than the public higher education system. Moreover, the OSDE believes all students are entitled to a high quality public education that equips them to reach their greatest potential, from preschool through college or career training.</li> <li>Throughout autumn 2019, the Oklahoma State Department of Education (OSDE) convened a task force of education stakeholders representing many different school demographics—including large and small, urban and rural, and 4-day and 5-day districts—to explore options for the minimum eligibility guidelines for a waiver of the 165-day calendar. While not all members endorsed all proposals explored, the proposed rule amendment is based on recommendations that received general consensus from the school calendar task force.</li> </ul>
12. "If they don't test average or above 165 mandatory I should be 180 days"	<ul style="list-style-type: none"> <li>N/A</li> </ul>

**13.** "I am in favor of keeping 4 day weeks. Many reasons it benefits our school. Unfortunately, a few are not measurable. First, Student and staff morale is so much higher in the last 3 years than the previous years. Our students are simply happier, which means they move into the classroom with a more open mind. Our staff is in a great state of mind each day we are here. Mutual benefit on both sides of this coin. Another reason, our community was surveyed before we chose to move to 4 day weeks. 95% were in favor of the change. Our decision was based on what our community wanted. Our staff got a raise, in effect, by going to 4 days. We still teach the same number of days we did before. We just spread it out a little longer. I am not sure why you would want to change this. At Silo, we always stand a chance of losing teachers to Texas due to our proximity. It is an easy sell to them to remain at Silo knowing they teach 4 days. We have made a movement in our state to retain quality teachers. Defying local wishes, removes that retention opportunity for us. It is so much easier to drive 15 miles and make much more money for doing the same job, both in time and requirements. In the potential requirements for schools to be exempt and remain 4 day weeks, schools are being held accountable for things we have zero control of. Silo is a school that people are willing to lie, cheat, and steal to get an opportunity to come to. We get families that have students that are going to drop out at other schools. So they move here thinking we have the answers to change that student's mind. We have a large number of students that drop out because it is a systematic issue within their families. We don't control those issues. But we pay the price on report cards. On the most recent report card released last Monday, Nov 25, I have an F for graduation rate. 14 students that did not graduate ON TIME. 3 of those graduated a year later. Only 2 of those 14 were Silo students for longer than 3 years.... We don't control those issues, but I have an F reflecting that we do not graduate students. We work tirelessly to keep kids in school. That is why families want their children at Silo. We carry the great honor with pride that people want to be Rebels. We also are proud that we are so much more than a letter grade to our students. We are asked to change with the times as how to educate our students. We have changed, and a 4 day week is exactly what our students need. Their minds work differently than the decision makers minds worked when they were in school. Why should we, as schools, be asked to adapt to the ever- and quickly-changing student's needs, when others are telling us to go back to the cookie-cutter model of 5 day weeks. Our students will rebel. Our attendance will get worse. Our education evidence will deteriorate.

- Please see the response to Comment 2.

- The OSDE commends the commenter's school district for engaging the community in its school calendar planning decisions.

- Under the governing law and the proposed rule all school districts maintain their authority to design a school calendar to best fit their communities' needs, including a 4-day school week, provided school is in session for at least 165 days each year. A school district that demonstrates student performance that reaches at least the state average as indicated by the state accountability system, and is able to demonstrate cost savings in any reasonable manner, will be eligible to apply for a waiver that would grant even further school calendar flexibility.



<p>improvements in grades and motivation to work. I have high school students and the four day week has given those who have to work and want to work the opportunity to schedule more work hours. The four day school week has been extremely beneficial and has had a positive impact on our district."</p>	<ul style="list-style-type: none"> <li>▪ The OSDE appreciates the commenter's willingness to share their own teaching experiences.</li> </ul>
<p><b>16.</b> "I'm writing to submit my opinion on the 4-day school week. I am a new teacher to my district, and it is my understanding that new staff has been hired because of the savings taken in by going to a 4-day week. Because of my hiring, English classes in my middle school are this year between 12 and 20 students. Future classes will be larger, but my district was able to look to the future and make sure we have enough teachers for the larger grades to come."</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2.</li> <li>▪ The OSDE appreciates the commenter's willingness to share their own teaching experiences.</li> </ul>
<p><b>17.</b> "I am writing this in response to the discussion of 4 day weeks. I am a teacher and grandparent to two girls at our school. I think the subject of finances have been mentioned and have been proven to show substantial savings so I will go another direction with how this is working at our school. Our school adapted to the 4-day week quickly and our small, rural community has been supportive from the very beginning. Our school uses the 4 days wisely and efficiently in the classroom. Our students receive the same amount of classroom instruction or more with longer class periods. Please look at the 4 day week as a good choice for our school and not that it is hurting our student's education. Everyone at our school is loving this schedule and would love to keep it."</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2.</li> <li>▪ The OSDE appreciates the commenter's willingness to share their own teaching experiences, as well as how they are personally affected by school calendar design.</li> </ul>
<p><b>18.</b> "Please see the attached document listing my concerns about the proposed rule changes concerning 4 day / 5 day school weeks. One thing I didn't point out in my document is the terrain of southeast Oklahoma. The mountains put a strain on school buses, and make for some really long days for kids that ride them. My kids were absolutely exhausted come Fridays when they were little and rode the bus while I was in the legislative session in OKC. So often we get into these high minded debates about education and we completely forget at the end of the day we are talking about kids. Finnish schools are so successful, and they don't do the stressful stuff like we do in the US. I think a tired kid won't learn. Its just that simple. A kid that is exhausted from putting in ten or twelve hour days is in need of a break. When they ride the bus an hour and a half each way, five days a week they are give out. We as adults don't perform as well under those conditions, but we expect our kids to? That's insane! I like the four day weeks for my kids. I make it a point to give them some downtime at home. Our health</p>	<ul style="list-style-type: none"> <li>▪ The OSDE agrees that the best interests of students should always be foremost in considerations of public school policy.</li> </ul>

<p>indicators all point that we as a nation are way to stressed. I like four day school weeks. I don't want the government having my kid in its possession anymore than necessary."</p> <p>[Commenter makes specific rule language suggestions:] In 210:10-1-4(b), change from "a school district or charter school must meet all of the eligibility requirements" to "must meet 75% of the eligibility requirements".</p> <p>In (b)(1), commenter notes that all sites for which the waiver is requested must meet the appropriate requirements, and It would be difficult for families if schools had different schedules. "What about elementary, middle, and high school that are on the same campus?"</p> <p>Regarding graduation rates in (b)(1)(C), "This hurts small schools if two students drop out or transfer, a small school may not be mathematically able to meet the 82% threshold—this cohort formula is unfair."</p> <p>Under (b)(2), "Does this prevent us from pointing out the increases in cost of fuel and utilities going from four day weeks to five? I take it the State Board will not consider these increases in operating cost when making these decisions.</p> <p>Under (c), in reference to the deleted language regarding "underage, overage, nonresident, and non transferred pupils", commenter states "This deleted language looks to me like another way to hurt enrollment and mess up the cohort formula."</p>	<ul style="list-style-type: none"> <li>■ Under the proposed rule, school districts have the option of applying for a school calendar waiver for some school sites but not others, but it would be a local decision whether a district wishes to pursue a mixed schedule.</li> <li>■ For different grade levels (elementary, middle, high school) housed on the same campus, each grade range would need to meet the applicable requirements in order for a school calendar waiver to be granted for that level.</li> <li>■ The purpose of requiring school districts applying for a waiver to submit a "narrative describing cost savings" in addition to a budget is to ensure there is an opportunity for districts to address and explain all issues impacting their financial situation.</li> <li>■ The deleted language is being eliminated because it uses outdated terminology no longer reflected in Oklahoma law, and the added language merely clarifies that all students who attend a school must be recorded in the Student Information System (rather than the historically paper-only "attendance register").</li> </ul>
<p><b>19.</b> "It is so wrong to cut school time 44 days. The kids of today need to spend as much time in the classroom as possible, as they will need more knowledge in their lifetimes then the kids of yesterday. Teachers got their raises, pleased don't short change our children's education."</p>	<ul style="list-style-type: none"> <li>■ The proposed rule does not cut school time. Historically, school districts in Oklahoma were required to be in session for 180 6-hour school days each year, and since 2009 schools have also been authorized to adopt a calendar based on a minimum of 1,080 hours of instruction rather than 180 days. In 2019, the Oklahoma Legislature amended state law to maintain the authority for school districts to adopt calendars based on 1,080 hours rather than 180 days, while establishing a minimum length of 165 school days for the public school year beginning in 2021-2022, unless a district receives meets criteria and receives a school calendar waiver.</li> </ul>
<p><b>20.</b> "I am writing this in response to the discussion of 4 day weeks. I am a maintenance and transportation director, coach, and grandparent to two girls at our school. I think the subject of finances have been mentioned and have been proven to show substantial</p>	<ul style="list-style-type: none"> <li>■ Please see the response to Comment 2.</li> <li>■ The OSDE appreciates the commenter's willingness to share their own experiences as a district employee and community member.</li> </ul>

<p>savings so I will go another direction with how this is working at our school. Our school adapted to the 4-day week quickly and our small, rural community has been supportive from the very beginning. Our school uses the 4 days wisely and efficiently in the classroom. Our students receive the same amount of classroom instruction or more with longer class periods. Please look at the 4 day week as a good choice for our school and not that it is hurting our student's education. Everyone at our school is loving this schedule and would love to keep it."</p>	
<p><b>21.</b> "I teach US History, Government, and World/Oklahoma History at Silo High School. I would like to add my comment of support for the four-day week. We are currently using this design for our school week and we, the students, and our parents have never been happier. We have reduced our costs overall, increased our student daily attendance, and have made the school atmosphere a much more pleasant experience for all involved. We are very much interested in maintaining this system as we move forward. I am only one of the many people here who truly appreciate this chance to speak to you concerning this matter."</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2.</li> <li>▪ The OSDE appreciates the commenter's willingness to share their own teaching experiences.</li> </ul>
<p><b>22.</b> "I am a conservative Republican. My husband and I are responsible for growing the Republican party in Wagoner county. The Republican principles involve limited government, which means less government control. This is not what I am seeing out of the Republicans in office. I support the 4 day week. I see first hand the effect it has on student learning as I am a high school math instructor. Student absences are much less than in the past. Teacher absences, also. I know one reason given is that industry does not come to Oklahoma because of the 4 day week. However, Houston Public Schools has adopted a 4 day week. The community supports the 4 day week. Also, the school board, superintendent, and teachers. So why is a Republican government overstepping local control? That is opposite of what our Republican platform states."</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2.</li> <li>▪ The OSDE appreciates the commenter's willingness to share their experiences as a community member, as well as a teacher.</li> </ul>
<p><b>23.</b> "I believe the requirements as stated are reasonable if a school wants to be able to teach children less than 165 days. I am a senior citizen now, and I remember through the years that schools fought to have children attend the 180 days. In our county and later in our district, there was an attendance officer and you could get in legal trouble if you were not in school every day. It appears that any school can go from 180 days to 165 days as long as they get the 1080 hours. That would make the school day pretty long for smaller children and for those who have to ride long bus routes to and from school. I am opposed to days that would be any longer than that.</p>	<ul style="list-style-type: none"> <li>▪ N/A</li> </ul>

<p>If schools want 4 days a week and keep their school year in the August - May range, they would just have to shorten their breaks, like in the earlier years: no fall break, only 3 days at Thanksgiving, not a full 2 weeks at Christmas, only Friday and Monday at Easter instead of Spring Break and historical teaching on President's Day and Martin Luther King Jr. day rather than holidays. Their day off could be Monday, thus catching the legal holidays already. Just be creative with scheduling. Let schools go either 4 or 5 days a week as long as they go 165 days or more. One thing that bothers me as I have kept up with the publicity surrounding this discussion is that those proposing 4 days are not providing any arguments that they have evidence that students are learning more or performing better when attending school for less days. This discussion should be focused on the students and their best interests first and foremost."</p>	<ul style="list-style-type: none"> <li>▪ The OSDE agrees that the best interests of students should always be foremost in considerations of public school policy.</li> </ul>
<p><b>24.</b> "Item F of the rules impact statement asks: 6. 'What is the economic impact on any political subdivision to implement the proposed rule change? <i>The agency does not anticipate any economic impact on any political subdivision to implement the proposed rule change at this time.'</i> I disagree with the statement that there will be no economic impact on the school. Inola schools saved close to \$180,000 by going to the four-day week. So we logically have to expect that going back to a five-day week will cost us about that much. The expense in adding days will come in the same areas that we saved money by cutting days (we will be adding days to our bus drivers, paying more for bus fuel, utilities, janitors, janitorial supplies, etc.). There is no way to claim that adding 20 days back to a school calendar can be done for free."</p>	<ul style="list-style-type: none"> <li>▪ A Rule Impact Statement (RIS) reports predicted costs that will be directly attributable to a rule change. It is not possible for the OSDE to model predictions regarding the possible effects of potentially altered school calendars on Oklahoma's more than 500 varying school districts, particularly given that there is no change in the underlying requirement to offer instruction for at least 1,080 hours per school year.</li> <li>▪ Under the proposed rule, school districts that achieve average or better student performance as indicated by the school accountability system will be eligible to apply for a waiver of the 165-day minimum, provided they can demonstrate cost savings resulting from an alternate school calendar.</li> </ul>
<p><b>25.</b> "Being a very small and very poor district, I believe the student drop out rate will rise if students are required to attend a 5 day work week. The district may not can raise the teacher pay to compensate for additional time, also additional funds to run the buildings. It is historically proven it will cost the district more to operate. So if numbers are what the proposal authors are reviewing then I am sure the 4 day makes sense at least for the poorer, rural schools. But the biggest concern of mine is the high school dropout rate. Please consider keeping the 4 day school day. I would work the 5th day - or any time to help my students graduate, but if they do not come, then I cannot help them."</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2.</li> <li>▪ The OSDE acknowledges the economic and social conditions this comment calls attention to, and appreciates the commenter's willingness to share their experiences as an educator.</li> </ul>



<p><b>28.</b> "To whom it may concern, I respectfully advocate the 4-day school week. It is better and healthier for students and adults alike. Aside from saving money, boosting moral and increasing productivity, a 4-day school week is beneficial in every way. I sincerely hope and recommend that it will be implemented."</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2.</li> </ul>
<p><b>29.</b> "My son graduated from Noble HS in 2019 and my daughter is currently a Junior. My kids have benefited from the 4 day week. Athletic activities are on Fridays and they also were able to use that day to complete homework and longer projects. The Fridays off resulted in teachers being better prepared to teach during the 4 days they are in school. Fridays were when I saw their grades inputted to Powerschool. As a teacher in a 5 day district, I am honestly jealous of the additional time for planning. 1 planning period a day is not enough to provide high level lessons. I saw my kids more engaged in school and they both reported to me that the "fluff" was cut, such as watching movies as a part of a lesson became watching scenes that were more pertinent. Projects were assigned over weekends, so that Saturday and Sunday could be family time, not homework time.</p> <p>The measures you have laid out are ridiculous! They are obviously intended to stop 4 day weeks. This is a huge mistake. Schools have no control over attendance and in the A-F grading, as well as other measures beyond classroom control, makes it impossible for most schools to perform. My kids attend 4 days, one had a 30 ACT and the other a 27 ACT. They are college prepared! I object greatly to your existing rules!"</p>	<ul style="list-style-type: none"> <li>▪ The OSDE appreciates the commenter's willingness to share their own teaching experiences, as well as how they are personally affected by issues involving school district calendar design.</li> <li>▪ Throughout autumn 2019, the Oklahoma State Department of Education (OSDE) convened a task force of education stakeholders representing many different school demographics—including large and small, urban and rural, and 4-day and 5-day districts—to explore options for the minimum eligibility guidelines for a waiver of the 165-day calendar. While not all members endorsed all proposals explored, the proposed rule amendment is based on recommendations that received general consensus from the school calendar task force.</li> </ul>
<p><b>30.</b> "I think changing the school schedules to four days a week would be beneficial financially as well as mentally for our children. Children these days have more stress and more requirements than previous years."</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2.</li> </ul>
<p><b>31.</b> "I would like to express my concerns about the 4 day week.</p> <p>I believe that there are many benefits for the student, student's families and teachers to continue the 4 day week.</p> <p>Listed below several reasons to keep our 4 day weeks:</p> <ol style="list-style-type: none"> <li>1. Family time is so important to academic success, with five day weeks families are busy catching up on things around the house and going to Church on Sunday.. How many of us have said wish I had three days to do things. Such as go to the zoo or museum. Or just a good old day fishing with Dad this just gives them that extra time to connect and relate what the are learning at school to home.</li> <li>2. Also parents enjoy not having to find a babysitter for everyday of the week because school is out by 3:00 and buses have kiddos home by 4:00. Mom and Dad are not home until 5:00 or 5:30 Schedule with</li> </ol>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2.</li> </ul>

<p>the four day week classes are out by 4:00 buses have kids home by 5:00. The parents are almost home now so the kids if there are older siblings can wait a for 30 minutes for Mom or Dad. Plus a lot of jobs in our area work for day weeks. Nurses, hair dressers, restaurant staff, manufacturing plants, ect..</p> <p>3. Finding someone to babysit for the one day had been easier than getting someone every week. Most grandparents have been grateful for the extra time with the kids. Other parents have found another alternative or they work the four day week as well.</p> <p>4. The level of achievement for our students has not changed as far the school report cards are concerned. This is not due to the four day week. This is due the number of special education students we have in our classes. There ability is just not able to meet the standards set by the state. Someone there must have forgotten these kiddos learn at a different rate. However, we see a new level of achievement on individualized level and the excitement to learn in the students has increased.</p> <p>5. Benefits on the school side, for our school has allowed the school to saving money to now operate in the black instead of the red as far as budgets are concern. We have saved enough money to hire more teachers to lower our class sizes, and do improvements to our school without asking the community for a bond. Which in turn made our community pass a bond for a new elementary school, because they could see we were trying to use all the money to make improvements already.</p> <p>6. Now more states are looking into going to four day a week. While we are trying to go backwards back to five day a week.</p> <p>7. I feel this has kept many teachers in oklahoma, instead of leaving to go to other states to teach.</p> <p>8. I know there is a teacher shortage in Oklahoma with another large number of teachers who could retire anytime. Then the shortage goes up. I believe the 4 day week keeps experience in the classroom longer during this time of teacher shortage."</p>	
<p><b>32.</b> "I believe a 4 day week will save money and encourage stronger families. I would have loved to have a four day school week growing up. I feel teachers will benefit as well. Having more time for lesson preparation and correction. A well rested society is less angry. Something needs to change. Possibly this will assist. Running buses and power for 4 days should save a significant amount of the budget."</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2.</li> </ul>
<p><b>33.</b> "I have taught school for 47 years. At first I thought 4 days was a terrible idea for students. However, I was wrong. This has been one of our school's best decisions ever. The parents, students, and teachers are happy with this schedule. The</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2.</li> <li>▪ The OSDE appreciates the commenter's willingness to share their own teaching experiences.</li> </ul>

<p>students are ready to learn on Tuesday morning. No more tired, draggy students. If teachers plan well, they can cover the objectives. Let local schools make this decision for their own school."</p>	
<p><b>34.</b> "I have been teaching for over 26 years in Oklahoma, the last 16 years at Indianhoma Public Schools. A few years ago we went to a 4 day week. At first I thought that it was not a good idea and foresaw a drop in the quality of education offered to our students. I did not see how I would be able to teach Technology Engineering, a hands-on program 5th-12th grade, in a 4 day week without losing students due to the missing day. My dreaded thought patterns turned into false assumptions. I soon found out that the added time to each class period solved those assumed problems. I not only was able to finish all projects but also had time to add more in-depth subject matter. The kid's just as well and some even better. Students who missed class excessively were in class. My Technology Student Association students still competed and placed in the top three at the state competition and even placed in the top 5 at the national competition. I say that if it is working so well it should be left alone. Small school systems, like Indianhoma Public Schools, who have shown repeatedly that we are excelling with the 4 day week, and can serve our customers, should be clapped on the back for doing so well. This will also allow our community to be serviced by a home town school and not have their children shipped off to some large school where they become just another number. Where they can no longer have more one on one help to help them succeed in life. We, at Indianhoma Public Schools, produce quality students who become quality life earners."</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2.</li>   <li>▪ The OSDE appreciates the commenter's willingness to share their own teaching experiences.</li> </ul>
<p><b>35.</b> [Commenter recommends the following specific language changes:  -In (a), change "school shall be in session and classroom instruction offered for a minimum of 165 days" to "school <u>may</u> be in session and classroom instruction offered for a minimum of 165 days"  -In (b), change "A district that wishes to apply for a waiver offering an alternate length school year shall submit an application" to "<u>may</u> submit an application"  -In (b)(1), change "a district applying for a school calendar waiver must demonstrate that each of its school sites for which the waiver is requested meets the appropriate requirements" to "a district applying for a school calendar waiver must demonstrate that <u>the district</u> for which the waiver is requested meets <u>70%</u> of the appropriate requirements"]</p> <p>"These changes would allow for the decision to be district wide instead of by campus. By allowing the</p>	<ul style="list-style-type: none"> <li>▪ The 165-day minimum for the school year is established by statute. It is not within the State Board of Education's rulemaking authority to alter the statutory minimum.</li> </ul>

decision to be a campus decision, this creates numerous logistical and financial issues, in addition to local political and morale issues. Let us not forget why schools originally chose a 4 day week, lack of funding. The recent funding increase did help; however, we still have not returned to prior funding levels even on a non-inflation adjusted basis. For many schools the expense of running buses, paying hourly staff, and electric costs will still remain whether it is one campus or all schools. In addition, it will create a very adversarial situation between campuses and encourage teachers to leave. We are already fighting a grave shortage of teachers and record low unemployment rates. This would only compound the issue.

There was a potential solution that came out during the workshops if one campus within a district was not exempt. The faculty for that campus would be required to attend professional development and planning during the "extra required days" to help improve the campus to then rejoin the rest of the district as an exempt campus. Since our goal is to provide our kids with an excellent education, this would be an ideal solution.

With the 70% of criteria being met district wide standard this would allow for anomalies that sometimes occur, especially in smaller schools. In a small school where many times each student can count for multiple percentage points, sometimes the statistics can be skewed by a very small number of student in a specific grade, or an abnormal quantity of students with special needs just happening to be in one grade. I have personally witnessed where one group of students just happens to have a very high concentration of special education students skew the data to make it appear that a certain teacher is not performing well, when it is absolutely not the case. Furthermore, in a situation such as we have this year, our district currently has an abnormally small senior class. A student moved in just prior to this cohort's freshman year then dropped out. We currently have one senior that is in danger of dropping out. Due to the small number of students in this cohort that would put the school below 82% for the first time that anyone can remember. All of this is in a district that prides itself on sending the majority of all graduates into college or a skilled career. This anomaly of 2 students under the current definition would cost this community a tremendous price. We must develop a solution that addresses these unique situations."

[Commenter recommends removal of (b)(2), "Financial criteria."]

- Under the proposed rule, it is within a school district's authority to pursue a school calendar waiver for all or part of the schools in the district. This flexibility is intended to provide maximum local control in determining the school calendar, while ensuring each site that is eligible for a waiver meets the criteria that the statute directs the State Board to establish.

<p>"Due to the lack of available funding sources for public education, paragraph 2 "Financial criteria" should be eliminated. In addition, due to the numerous, extremely different individual situations it is impossible to reach an actual quantitative measure to satisfy the intent of the law. For example, a district that utilizes the fuel, energy and hourly wage savings to fund another teacher, or add back music, etc. Ultimately if the students are being educated properly this should be irrelevant.</p> <p>In conclusion, it is important to keep in perspective that Oklahoma consistently ranks in the bottom of the 50 states in per pupil funding, but near the middle of the pack in student performance. The educators in this state should be applauded for their achievements despite their less than ideal circumstances."</p>	<ul style="list-style-type: none"> <li>▪ The requirement for rules addressing a school calendar waiver to address financial criteria is established in statute. It is not within the State Board of Education's rulemaking authority to alter the minimum statutory requirements. However, the proposed rule provides that a district applying for a waiver must submit a "narrative describing cost savings" rather than a budget alone, to offer districts an opportunity to fully explain their situations.</li> <li>▪ The OSDE agrees that Oklahoma's educators put tremendous effort into providing the highest possible quality of education to their students with the available resources. We join the commenter in applauding Oklahoma's teachers.</li> </ul>
<p><b>36.</b> "My wife and I are parents of three children (12, 10, &amp; 9), and we're part of a 4-day school-week system (in Barnsdall, OK). We love it! We feel very strongly that each school district should be able to decide for themselves if this is right for them. Please don't take that choice away from those of us who have already made that decision. This subject is quite controversial, and it shouldn't be. Let the individual districts have control over which days they meet."</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2.</li> <li>▪ The OSDE appreciates the commenter's willingness to share how they are personally affected by issues involving school district calendar design.</li> </ul>
<p><b>37.</b> "I am in favor of the 4-day school week.</p> <p>1. Many "Fridays" are taken away from my teaching because of extracurricular activities, pep rallies, early parent-planned trips, and doctor/dental appointments.</p> <p>2. A 4-day school week would attract potential candidates to fill a vacancy. My school is very small. We cannot pay above the state wage. We are also at least 20 miles from the nearest town. A 4-day school week would make us more appealing.</p> <p>3. Because we are a small school, our students are involved in multiple extracurricular activities as well as taking care of their homework assignments and studying for test. I have noticed that many are always tired. A 3-day weekend seems to give them more of a chance to rest. I believe students would function better with the 4-day school week."</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2.</li> </ul>
<p><b>37.</b> "I currently work at a 4 day a week school. We have done this for the last 3 years. We take off on Monday because the staff can then make appointments and not have to miss work or obtain a substitute. Most doctors and dentist are off either all day or half a day on Friday. We have found that the staff, students, and parents love this arrangement. We save on utilities and fuel. We don't get rich off these savings but every little bit helps when you are a small school. Obviously this schedule won't work for every school but your small rural schools really thrive on this schedule. We have less problems with</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2.</li> <li>▪ The OSDE appreciates the commenter's willingness to share their experiences as a school employee.</li> </ul>

<p>discipline and absenteeism. As I stated we all love it, please don't take it away from us."</p>	
<p><b>38.</b> "Individual districts, demonstrating cost saving measures resulting from 4-day weeks, and who are in school a comparable number of hours as 5-day schools, should be allowed to determine if they will go 4 days or 5 days."</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2.</li> </ul>
<p><b>39.</b> "I would like to address something concerning Item F discussing the economic impact: I do NOT agree with the statement that there will be NO economic impact on the schools in going back to a 5 day week. We were forced to change to the 4 day for this very specific reason &amp; in doing so, as a teacher of 35 years, I see more productivity than with the 5 day week. Our school has saved over \$150,000 by going to the 4-day week. If we are forced to go back to the 5 day school week, then it will have a definite NEGATIVE economic impact on us. Also, with the extra day, you will see more time KILLED with non educational activities. With our schedule the way it is, I see MORE educational activities &amp; learning taking place than EVER before in my 35 years as a teacher. I don't understand why the control is being taken away from the local school districts. [O]ur attendance is SO MUCH better with the 4 day week allowing parents to schedule doctors appointments, etc on the Monday we are out of school. I see the attendance amongst the staff is much better as well. Our discipline issues have declined in many ways. We still have some issues but not as significant as it was before. I feel that is because we are keeping the students ENGAGED in learning while here for the 4 days &amp; do not have near as much down time or BLOW OFF time, as I've always called it. I no longer teach a core class but still keep my students engaged in "hands on" activities all 4 days in my STEM class (which isn't anything fancy like the HS has). The students seem to like the 4 day week as well as the parents."</p>	<ul style="list-style-type: none"> <li>▪ A Rule Impact Statement (RIS) reports predicted costs that will be directly attributable to a rule change. It is not possible for the OSDE to model predictions regarding the possible effects of potentially altered school calendars on Oklahoma's more than 500 varying school districts, particularly given that there is no change in the underlying requirement to offer instruction for at least 1,080 hours per school year.</li> <li>▪ Under the proposed rule, school districts that achieve average or better student performance as indicated by the school accountability system will be eligible to apply for a waiver of the 165-day minimum, provided they can demonstrate cost savings resulting from an alternate school calendar.</li> <li>▪ The OSDE appreciates the commenter's willingness to share their experiences as a school employee.</li> </ul>
<p><b>40.</b> "1. Drop out rate/graduation rate: It should not be counted against a school when a student comes in and stays only a few weeks then leaves. If a student is not in your district on October 1 then on the State testing they are considered NFAY (non full academic year) This rule should apply to drop out rate and graduation rate also. 2. Why does a score of 19 in math on the ACT get you into OSU but on the A-F report card you must have a score of 21 in math to be proficient? The targets that have been set for schools is not attainable - especially for SPED students."</p>	<ul style="list-style-type: none"> <li>▪ Federal law requires students to be assigned to a school as part of the Adjusted Cohort Graduation Rate (ACGR). In order to comply with ESSA, the OSDE has to assign a student upon enrollment. Therefore, FAY criteria do not apply to the calculation of the ACGR.</li> <li>▪ A score of 19 in math corresponds to postsecondary expectations informed by probabilities of success. The proficiency cut score is based on a</li> </ul>

3. If a school is granted a waiver, the waiver should be good for 2-3 years. Just like OSSAA uses enrollment to decide which class the school is in, and they stay in that class for 2 years.

4. Schools set their schedule in January for the following year - games have to be scheduled etc... schools can't find out in August they've received a waiver, that is not enough time to plan.

5. More time is needed to look at data for the 4 day week schedule. Several states around Oklahoma are now allowing schools to be on 4 day weeks. Put a moratorium on any more schools going to 4 day weeks for 2-3 years, then look at data. The State of Education in Oklahoma has bigger problems to deal with - like teacher shortage - than schools who are on 4 day weeks.

6. Let the hours vs. days stand as is. 4 day weeks schools start earlier in August and go longer in May - thus reducing the "summer slide". Also, differentiating instruction is what all teachers are supposed to do to meet the needs of all their students. Schools that are on 4 day weeks are differentiating...they are meeting the needs of their students and community.

7. According an article on FB by Ericka Wright the numbers just don't add up here are her figures:  
WHO WILL PASS THE RULES? Pretty much nobody. 93% of 4day districts fail, and 90% of traditional 5day districts would also fail under these rules. (See list in text below)

I stayed up way too late gathering the data last night to try and get a complete picture of what districts will be able to pass the "reasonable rules of exemption" for SB441. I knew it would be bad but I didn't expect it to be as truly sad as it is. We were promised by key people in leadership this wasn't going to be set up in an effort to totally eliminate 4day weeks, but clearly that's not the case.

One would think out of the gate that meeting the state average was absolutely a reasonable request - except the rules as written require every school site in a district to meet a state average - in 5 categories (every year) for the district to remain 4 day. Nobody is going to take advantage of the states proposal for the "flexibility" to run some sites 4 and some 5 - its just not a feasible solution for any community, especially rural ones.

Out of 113 4 day districts, only 8 in the state will qualify, and 7 of those are K8 schools. We are talking a total of about 1250 kids that will remain 4day in the entire state of Oklahoma with this set of rules as written.

Only ONE K-12 district in the state will qualify. One. Here are the 4day districts that would qualify with the rules as they are written now:

performance standard setting that corresponds to mastery of the Oklahoma Academic Standards.

- Districts are expected to apply annually to ensure they are continuing to meet student needs, as well as the standards for waiver eligibility. Districts are encouraged to apply early for a school calendar waiver to best support community planning.

- Please see the response to Comment 2 addressing the school calendar flexibility districts maintain under the current law and the proposed rule.

<p>Davenport (K12), Harmony, Cottonwood, Gypsy, Ryal, Avant, Oak Grove, Nashoba</p> <p>Here's the rub - when you look at every district in the entire state, only 12% would be able to meet the parameters set up in these "reasonable rules for exemption" by the SDE. So the "state average" in this case is not simply the top 50% - it's essentially the top 10%. And it's NOT the normal "top 10%" you would expect based off academic reputation. Here is a list of some of the best school districts in the state that couldn't meet the "reasonable rules" set forth. I realize they aren't applying for a waiver but it illustrates the point that these rules were written with standards that even our very best traditional 5day districts couldn't meet:</p> <p>Norman, Edmond, Moore, Jenks, Bixby, Deer Creek, MidDel, Bartlesville, Broken Arrow, Duncan, Enid, Mustang, Yukon, Sand Springs, Sapulpa, Stillwater, Durant, Ada, Choctaw, El Reno, Guthrie, Idabel, Broken Bow, Kingfisher, Lawton, Tulsa, OKC, Okarche, Paul's Valley, Ponca, Poteau, Pryor, Purcell, Putnam City, Stroud, Sapulpa, Tahlequah, Tecumseh, Miami, Watonga, Weatherford, Woodward.</p> <p>Those are just a few. Interestingly enough, of the districts that do or would pass the hurdles, most all are K8, followed by charter schools and a few K12 districts. Other than Blanchard, Grove, Bethel and Stratford the rest are communities so small even your average OKLAHOMAN wouldn't know where to find them on a map.</p> <p>8. LOCAL CONTROL - that is the bottom line. It is working and will work better IF the SDE quits changing the test on us and raising the target growth scores etc...and something must be done to help schools who have a lot of transient students who come in, stay a little while then leave and never finish anywhere else. Why should their last school they attended by punished for that?"</p>	
<p><b>41.</b> "It is my belief that the criteria set forth by the sde is extremely unrealistic, leading one to believe that the intention of the criteria is to force districts away from the four day week calendar. If you study all of the requirements set forth, and compare schools attending school 145,155,165,and 175 days, I believe you will find very few districts all together that will reach the state levels in all categories. Just as is the case in numerous high achieving districts across the state, it is very common for districts who have multiple sites, show below state averages in one category or another. This in turn forces the district to make a decision based on consistency of schedule for the</p>	<ul style="list-style-type: none"> <li>▪ Throughout autumn 2019, the Oklahoma State Department of Education (OSDE) convened a task force of education stakeholders representing many different school demographics—including large and small, urban and rural, and 4-day and 5-day districts—to explore options for the minimum eligibility guidelines for a waiver of the 165-day calendar. While not all members endorsed all proposals explored, the proposed rule amendment is based on recommendations that received general consensus from the school calendar task force.</li> </ul>

<p>benefits of parents and communities. I would like to see the sde consider taking an average of 5 years with of data. If schools cannot show achievement of standards 3 out of the 5 years, then they should go away from the four day week. While some opinions of the four day school week are that it is not what is best for students, one should ask the question of, what will going away from the four day schedule do for the teacher turnover in that district. We feel like we will lose quality teachers to other higher paying districts, that have chosen to come teach in our district because of the flexibility of the schedule. Therefore instead of helping our students, we will in fact be hurting them. Furthermore, if a district chooses to attend school for 175 days and still remains imperfect in the criteria set forth for schools less than 165 days, will we require that district to add more instructional days? Will they be required to attend school 185 days if they fail to reach state averages in all criteria set forth? I believe that consistency within the wave and our reporting procedures need to be looked into as well. We have schools every year that have inaccurate information of their district represented because of failures within populating students in the wave. Yes, we are able to call in and work on making those proper corrections, however, many times those corrections in data never get ironed out, and we still receive no credit for that particular student. I'm not sure this is a fair way to set forth criteria that we ask schools to reach for the calendar exemption, and sure do not feel that it is 'reasonable'."</p>	
<p><b>42.</b> "I taught 10 years at a school that had school five days a week. I taught pre-k for one year, kindergarten for five years, and second grade for four years. It is my eleventh year teaching second grade at a new school in Silo, Ok which happens to be a district that attends school four days a week. I have taken a pay cut and have lost my free lunch period and I do not regret it. I have more time to teach in depth on every subject, we have more time for brain breaks (they need it dearly), I rarely have kids absent, and my kids have already learned so much more than my kids in previous years at this time. I do not care If I have to work on Fridays. I do care about our community and what they want as a whole. Our community overwhelmingly wants it to stay a four day week. Our school district would never do anything to jeopardize our students academic achievements by simply going to school one less day a week. We are a family centered, small rural school that saves money by going one less day a week. By saving this money we are able to put it back into the school for the kids. Obviously not every school will be successful with a four day week but only that school district and community should be the ones to decide that if they are achieving academically. Silo is thriving and is</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2.</li> <li>▪ The OSDE appreciates the commenter's willingness to share their experiences as a teacher.</li> </ul>

<p>continuing to grow academically. Every school deserves a voice. Please allow them and the community to have it."</p>	
<p><b>43.</b> "I have taught school for 31 years in Oklahoma. I am retired now. I have no idea when the school year was cut from 175 days with kids in their seats and five professional days making a total of 180 to just 164 days. Was the teacher pay cut to allow for the smaller number of days? What about Inola that is now going a total of 134 days? That has cut one day less than an entire nine week period out of their year!! I hope that their salary has been sliced by 1/4!!! The schools that are going just four days have cut 36 days out of a school year. Sandy Garrett, thought that Oklahoma needed to add at least two weeks to the year, and now the schools instead of adding weeks have cut weeks out of the year.....but the teacher pay had really increased. Considering the number of days not taught, they teachers are really being over paid!! It is small wonder that the State Test Scores are in the D and F range for a lot of the districts! I remember when the State Testing started we were told if our school scored a D that we would have a lot of remedial stuff to do and if it was not better the next year our school would be closed. Our school always tested B or better.....Tulsa had had F's in a lot of their schools every year.....but they don't close them for that reason.....They close them because they have a Supt. that is making way more money than she should and she has an education center filled with her friends that are making way to much money and is not doing one thing to help the students in the classrooms! Almost all the schools in the state are top heavy.....too many Supts., Assistant Supts., Principals and Assistant Principals.....They should not need more than a Supt. and a Principal in each district! But I am off the subject here.....The kids can not learn if they are not in class.....and not going to school but four days a week is not enough school, unless they wish to go year around with their four day week!!! I know this is just my opinion. But think if they are cutting the number of days then the salary that was based on 180 days should be cut too!"</p>	<ul style="list-style-type: none"> <li>▪ The OSDE appreciates the commenter's willingness to share their experiences as a teacher.</li> <li>▪ Because state law requires all public schools to be in session for at least 1,080 hours—the equivalent of the traditional model of 180 6-hour days—teachers are responsible for providing the same minimum amount of instructional time regardless of the total number of days their school district is in session. School districts have generally added instructional time to each instructional day as they have decreased the number of days in session, due to the unchanged requirement to offer at least 1,080 hours of instruction. (Because of the existing flexibility in school calendar design, teachers' contracted days may vary by district, but contracted time on duty remains consistent.)</li> </ul>
<p><b>44.</b> "We were one of the first schools to implement the four-day work week. At the first semester break, we had saved more money than was projected for the entire school year. It has been instrumental in helping us to keep our small school district open. We are one of the poorest counties, if not the poorest, in the state. The four-day week has helped us to use money from Friday bus routes, school meals, and other</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2.</li> </ul>

Friday expenses to go to our classrooms. We are teaching a larger amount of time in the four-day week than in the five-day week because we are spending less time taking roll, getting students on task, etc. Please help us keep the four-day work week!"	
<p><b>45.</b> Commenter recommends the following language changes: In (b)(1)(B), strike proposed provisions (i) through (iii) and replace with: "(i) The school's overall grade for 2 of the 3 most recent graded years must meet or exceed the state average."</p> <p>In (b)(1)(C), strike proposed provisions (i) through ((iv) and replace with: "(i) The school's overall grade for 2 of the 3 most recent graded years must meet or exceed the state average."</p>	<ul style="list-style-type: none"> <li>Throughout autumn 2019, the Oklahoma State Department of Education (OSDE) convened a task force of education stakeholders representing many different school demographics—including large and small, urban and rural, and 4-day and 5-day districts—to explore options for the minimum eligibility guidelines for a waiver of the 165-day calendar. While not all members endorsed all proposals explored, the proposed rule amendment is based on recommendations that received general consensus from the school calendar task force. Basing eligibility on the most recently available year's school accountability data was the adopted recommendation of the task force.</li> </ul>
<b>46.</b> "I work in a rural school, Rattan Public School. We are currently under a four day school week. My children attend school at Rattan as well. My children and I are both very happy with the four day school week. I feel their education is top notch and the time is used wisely in their instruction. My children have been exposed to both four and five day school weeks and the four day week is by far much better for my children and myself. The Friday with no school/work gives us a weekday to take care of any appointments or activities without causing an absence on any of our records. I do not want to change to five days a week. Each school district should have the right to choose whether to hold school four or five days a week, and our vote will always be for holding a four day school week."	<ul style="list-style-type: none"> <li>Please see the response to Comment 2.</li> <li>The OSDE appreciates the commenter's willingness to share their own experiences as a district employee, as well as how they are personally affected by school calendar design.</li> </ul>
<b>47.</b> "I agree with the requirements that the state committee recommended."	<ul style="list-style-type: none"> <li>N/A</li> </ul>
<b>48.</b> "Please leave our school week as it is, the students are more eager to learn and attend school knowing they will have an extra day off. Parents have that extra day to schedule doctor appointments and other activities that will not interfere school."	<ul style="list-style-type: none"> <li>Please see the response to Comment 2.</li> </ul>
<b>49.</b> "My concerns regarding changing a school week from 4 to 5 days are in the following : Children get more time with family in shorter weeks Children get to be kids and be active in shorter weeks Children can give more mentally to education when there are only 4 days involved vs 5 days Families can enjoy 4 day weekends with children, take them on trips, spend personal time with them and get to do things that we normally couldn't when school is in session 5 days or they are having to play catch up on missed school days when they go 5 days	<ul style="list-style-type: none"> <li>Please see the response to Comment 2.</li> </ul>

<p>Politicians don't work 5 days a week and they seem to think they get enough work done. How about "we the people" set their work hours a week and decide if we think based on their results if they need to work more hours. That's exactly what you are trying to do to these children. Based on an over all testing score whether these kids can go 4 days a week when in reality it should be up to the faculty and administrators in said community to decide.</p> <p>Has crime went down in areas that only go 4 days? Have students improved mentally, physically? Are children able to pay attention longer through the day knowing they only have to go 4 days? Things to think about, children and their needs should be the main priority.</p> <p>Our voice in this should be heard and we say leave the 4 day school week."</p>	
<p><b>50.</b> "The four day school week has been very successful at my school. Parents, students, and teachers are happy with this schedule. Students are rested and ready to learn on Tuesday. I have been able to cover all required objectives."</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2.</li> <li>▪ The OSDE appreciates the commenter's willingness to share their experiences as a teacher.</li> </ul>
<p><b>51.</b> "I am a parent of 3 children that are currently in a 4 day school week district. Since starting the 4 day weeks we have noticed a big difference in their individual grades and willingness to learn and attend school. They are much more rested and therefore more attentive in their classes. They now get more time in each subject per day which has helped tremendously! When they have appointments they are made on their day out of school which has really cut down on days missed. I really feel that if someone wanted the statistics of productivity in a 4 day district they need to start touring those schools and looking at the numbers there and NOT at the whole state numbers! I guarantee the numbers with 4 day districts are MUCH better as well as attendance being up!"</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2 addressing the school calendar flexibility districts maintain under the current law and the proposed rule. The OSDE appreciates the commenter's willingness to share how they are personally affected by issues involving school district calendar design.</li> </ul>
<p><b>52.</b> "In regard to the school days in session, I hope it is understood that 4 day schools are in session the same number of hours as a 5 day school. More than likely the 4 day schools have more seat time than the 5 day school. Our periods are 55 minutes instead of 40 Or 45 minutes. What is important is the the teachers cover more material per day than before. Some people argue that 4 day schools are out during summer break longer. Not Wapanucka this year our schedule is for our last day this school year on May 21 and start school next year on August 6th which is not any longer than most 5 day schools. I believe in local control of school districts and if the community does not want 4 day schools then they will let the school know and they will switch back to 5 day school."</p>	<ul style="list-style-type: none"> <li>▪ It is accurate that all Oklahoma school districts have been required to offer instruction for a minimum of 1,080 hours regardless of their school calendar design.</li> <li>▪ Please see the response to Comment 2.</li> </ul>

<p><b>53.</b> "I have taught for 27 years. The last 17 have been in pre-k. I am a huge advocate for the 4-day school week. I am able to have more time to teach throughout the day and the students come in on Tuesday mornings refreshed and ready for a week of learning. My attendance has also improved because doctor appointments are made on Monday's for students and staff. If Pre-k can adjust, I believe any age student can benefit from a 4-day week."</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2.</li> <li>▪ The OSDE appreciates the commenter's willingness to share their experiences as a teacher.</li> </ul>
<p><b>54.</b> "I would like to make a few comments on the 4 day school weeks. My little sister absolutely loves the 4 days a week. It helps her stay well rested, also she is very focused in school and it's just so helpful on the parents. It just benefits the kids in the long run."</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2 addressing the school calendar flexibility districts maintain under the current law and the proposed rule. The OSDE appreciates the commenter's willingness to share how they are personally affected by issues involving school district calendar design.</li> </ul>
<p><b>55.</b> "I have a grandson attending Cyril Public Schools which now has a 4 day school week. Every parent I have spoken to is strongly in favor of the 4 day week. Doctor appointments can be scheduled with no time missed, can go on mini vacations with the 3 day weekend, and most of all parents can spend more time with children."</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2 addressing the school calendar flexibility districts maintain under the current law and the proposed rule. The OSDE appreciates the commenter's willingness to share how they are personally affected by issues involving school district calendar design.</li> </ul>
<p><b>56.</b> "I agree with the recommendations from the committee. If students do not meet or exceed the state average on testing, schools should not shorten the number of instruction days. I do not believe children benefit from 4-day school weeks."</p>	<ul style="list-style-type: none"> <li>▪ N/A</li> </ul>
<p><b>57.</b> "I would like to tell you why I am a supporter of the four day school week for my community. I hope that you will take the time to read and really think about the voice of the people who this affects. My little community absolutely loves having an extra day to spend with family. It also allows us the ability to schedule things on Monday and not need to be missing out on important instructional time during the week! The majority of the parents and students love having a four day week, and so do the school staff members. I believe all of these reasons in themselves are good enough, however one of my strongest beliefs is that each and every school district should have the right to decide for themselves what is best for their community. We need to leave the local control where it belongs, with each individual district! There are no cookie-cutter or text book answers to decide what is right for each school. What works for one does not necessarily work for another district. I feel that this is where our government officials are lacking when making decisions that effect those who are being adversely affected. Also, why don't we take the time and consideration to look at other states who have done research and are now switching to a four day school week. Maybe they have found something worth looking into before we go and change things back."</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2.</li> </ul>

<p><b>58.</b> "I have two children in McCloud ECC, 1st grade and PreK. I would very much like to keep the 4 day school week. My kids are doing very well in school and they are where they need to be or above with all they are learning. I have also spoken to our teachers and they like our 4 day week as it gives them time to do all their planning as well as spend time with their families. I am a single parent and one of the main reasons I wish to keep the 4 day week is that it gives me more quality time with my kids. I work a very demanding full-time job, but I am usually able to take off every other Friday when my children are not with their father. That "extra" day is very valuable to me. I am active in our community as well and have only heard positive comments from other parents regarding our current school schedule."</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2 addressing the school calendar flexibility districts maintain under the current law and the proposed rule. The OSDE appreciates the commenter's willingness to share how they are personally affected by issues involving school district calendar design.</li> </ul>
<p><b>59.</b> "Speaker of the House, Jeff Hickman lobbied hard for this days to hours legislation on the basis of local control and cost savings for districts. He was advised at that time that after the cat is out of the bag, he would never be able to get it back in. Any good classroom teacher knows that more instructional days translate to more learning and greater academic achievement. As there are not enough certified teachers in the State and the prospect of mass retirements in two years and very low numbers of college graduates in Education, schools are going to four day weeks to recruit certified teachers. Schools with four day weeks are stealing teachers from schools that are trying to hold the line on the five day week. Schools are faced with the choice of four day weeks with good teachers or five days with poor teachers. Unfortunately good teachers also selfishly choose four day schools instead of what is best for children. The majority of our students are better off being fed and cared for in school than being on their own at home without supervision while parents work. We are repeatedly compared academically with countries that have more days of instruction and where teachers are compensated with the respect that their profession deserves. One hundred sixty-five days is not acceptable and unfair grading is not the machine for awarding waivers. Asking for one hundred sixty-five days shows the lack of courage on the part of the legislature to do the right thing and increase the days taught requirement to compete with days taught in the countries that we are compared with. What a mess we have made of public education? It will require great courage to overcome the intent of legislators bent on dismantling public education."</p>	<ul style="list-style-type: none"> <li>▪ N/A</li> </ul>

**60.** "Currently, my district explicitly shows on our school calendar that we clock 1096.84 hours for the school year. If we went to 1080 hours on a five day calendar, our students would lose 16.84 hours of instructional time. Those hours equal approximately an extra three days of instructional time. So, as a district on a four day week, our students are receiving approximately three more days of instruction than those on a five day school week. Not only are we meeting the number of instructional hours of a five day week, but we are exceeding the number of instructional hours. So, a very frank question and honest question to ask is: How does one explain that students on a four day week calendar are losing instructional time and being harmed when in fact, we clearly demonstrate that we are exceeding 1080 hours which means our students are receiving more instructional time? Also, how does one explain that a large number of five day schools are not even faring well on the A-F report cards and they are meeting the number of days and hours that seems to be purported as the preferred standard all schools must meet? Another pertinent question is: If it is true that the state is losing tourism business, as some may claim, because of the number of districts on a four day school week, then where is the evidence of the businesses that are saying, "We wanted to bring tourism to those small towns, but they are on a four day school week, so we changed our minds"?

A five day calendar district can remain on five days and they can operate business as usual. On the other hand, that is not the case for four day week calendar districts. If the law is applied even with revisions to the proposed application of the rules, this becomes an inequitable situation with preferential treatment for five day week calendars. The bottom line is that SB441 should be rescinded because it requires the application of different rules to districts that are already meeting the required 1080 hours that all districts are required to meet regardless of a 4 day or 5 day calendar. The application of different rules to some districts and not others creates an inequitable situation and allows for preferential treatment for some districts and not others. For example, if a four day week district meets the 1080 hours on a 156 day calendar, but a five day week district meets 1080 hours on a 175 day calendar then the district on a 156 day calendar has to meet special requirements in order to remain on that calendar. 1080 hours = 1080 hours REGARDLESS of how the hours are calculated. Any other application of other requirements to districts meeting and/or exceeding the 1080 hours while on a four day week calendar that meets less than 165 days creates an environment which is partial and hostile to those districts. Even if the bill's rules are amended,

▪ Please see the response to Comment 2.

▪ It is not within the authority of the State Board of Education to amend or repeal Senate Bill 441, enacted by the Oklahoma Legislature.

▪ These public comments are a part of the administrative rulemaking record that will be submitted to the Legislature as part of its review of proposed administrative rules, so the commenter's concerns will be shared with the appropriate entity.

<p>this does not alleviate the partiality and hostile environment and continues to promulgate preferential treatment for districts that meet the 1080 hours and have school calendars greater than or equal to 165 days. Based on these facts, SB441 should be rescinded. Anything less than that, creates an inequitable situation which allows for preferential treatment of some districts over others and should be challenged according to the law."</p>	
<p><b>61.</b> "My concern is for K-8 schools and how graduation rates will be calculated. K-8 schools have no authority to implement strategies to strengthen graduation rates at a different school. Will K-8 schools be subject to the graduation rate of the nearest school to be granted a waiver from the required 165 rule? If yes, isn't there some other method to hold K-8 schools accountable? We would just like to be given the opportunity to improve a requirement we are held accountable for."</p>	<ul style="list-style-type: none"> <li>▪ Graduation rate is not an element of the waiver eligibility criteria for K-8 schools.</li> </ul>
<p><b>62.</b> "PLEASE allow individual districts to make the decision that is right for their community. Our District has saved money and student achievement is not suffering. Last year, the elementary had the highest scores in years. IF NOTHING ELSE, please think about ALL THE teachers LEAVING Oklahoma and 4-day weeks actually KEEPS some of them here! We need that at this time. Thank you for considering allowing each district to make their own decision on this."</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2.</li> </ul>
<p><b>63.</b> Why are we standing up against this version of the rules? Senate Bill 441 requires the application of different rules to districts that are already meeting the required 1080 hours that all districts are required to meet regardless of a 4 day or 5 day calendar. The solicitation of different criteria required by some districts and not others fashions an inequitable context and legalizes preferential treatment for some districts and not others. This process presents a discriminatory and antagonistic sentiment towards those districts. Even through a more realistically obtained and amended criteria, this sentiment will remain within the confounds of a partiality and hostile environment; continuing to promulgate preferential treatment for districts that meet the 1080 hours and have school calendars greater than or equal to 165 days. Within the inequitable required criteria, one was argue that a district would have the right to challenge this in a court of law. The "state average" in this scenario does not always reflect the top 50% - it's essentially the top 10%. Because this set of current criteria requires districts to be in the top 50% in 5 different areas all at once, the actual outcomes will only allow 7% of current 4day districts to actually pass - which is way more</p>	<ul style="list-style-type: none"> <li>▪ The proposed rule establishes a minimum set of criteria for eligibility for a school calendar waiver, as required by the governing statute. The criteria are intended to minimize the risk of detrimental impact on student learning as a result of too few instructional days, which may limit opportunities to learn.</li> </ul>

<p>exclusive than “average”.</p> <p>***</p> <p>Is the summer slide a real issue facing all schools? Absolutely</p> <p>Is the prevention of summer slide a legitimate talking point for the elimination of 4-day weeks? Absolutely not! The claim has been made by the SDE that the topic of summer slide was a key reason for supporting SB 441, as an attempt to reduce student exposure to an increase in summer slide. However, the numbers from the SDE calendar database actually show that 4day districts have essential the same break length as traditional 5day districts going &gt;165 days - the idea of reducing student summer slide exposure by eliminating a 4day week is verifiably FALSE.</p> <p>Data compiled via the OKSDE website for 3 categories of school calendars</p> <ol style="list-style-type: none"> <li>1. 4day districts &lt;165 days a year - summer break averages 84 days</li> <li>2. 5day districts &lt;165 days a year - summer break averages 95 days</li> <li>3. 5day districts &gt;165 days a year - summer break averages 88 days</li> </ol> <p>If summer slide is the driver behind pushing this into law, then the data supports it should have identified reform in only 5day districts going less than 165 days a year. Real reform around summer slide would have looked like this: if you go less than 165 days you have to do it in 4days and 5day districts must go more than 165 days. <i>Bottom line - 4day districts have the same length of summers as a traditional 5day calendar going &gt;165 days a year.</i></p> <p>Summer slide was never the issue. The issue has always revolved around the perceived needs of commerce and “reputation on a national stage”, as evidenced by the original statements released by Senate Republicans at the start of 2019 session in their legislative goals press conference. If we truly want to become a “top 10 state” we should be focusing on how we can help public schools regarding budget shortfalls and also incentivising current educators to remain in Oklahoma while offering more productive and efficient avenues for the number of future educators to increase. <i>Instead of pointing the finger at innovation, we should be encouraging more of it.”</i></p>	
<p>64. "I would like to take a moment and explain why local control of the school calendar benefits students, parents, &amp; school personnel. As a high school teacher with 20 years of experience, the last 3 years have been the most productive and rewarding years of my career primarily due to switching to the 4 day school week. I have seen a total turn around in my students' approach to school. They have shown improved focus with my class allowing me to move through more class material during the school years. This</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2.</li> <li>▪ The OSDE appreciates the commenter's willingness to share their experiences as a teacher.</li> </ul>

<p>semester alone, we have covered 1 extra chapter and overall students' grades are averaging a half grade improvement. Secondary to this, I have had fewer discipline issues, and a drop in chronic absenteeism. The morale of students, parents, and school personnel is at an all-time high which in the day and age is a true blessing. Please take these things into consideration when determining the guidelines for schools to maintain their current calendars. We truly know how to serve our communities best at the local level."</p>	
<p><b>65.</b> "Let me begin by letting you know that I have been an Oklahoma classroom teacher for 37 years. I've been through periods of economic prosperity and drought. I've experienced 36 children in my classroom to 13. I've witnessed different initiatives from the government come and go. Each one promising they were the "cure" for what ailed education in our state and nation. I've learned not to get too upset or too excited about any one program because eventually the pendulum will swing to something new that as educators we are required to implement. Through all of these times I have continued to be the best educator that I can be for my kids. This is the first time I've ever written a letter asking the Oklahoma State Department of Education to allow a local initiative to continue because of its success. The 4 day school week has been wonderful for my school district, Silo ISD. It was implemented to save revenue and it did. It has also had other positive effects. Our school has prospered and grown because parents in this area have realized we are a progressive district that thinks out of the box. 95% of parents surveyed love the 4 day week. When and where have you ever found 95% approval of anything school related? Parents have expressed in their surveys that their children are better rested and excited to attend school thus they feel their education has improved because of the four day week. Our academic team is always competing at the state level for championships. Our athletes and other extra curricular participants are gaining more instruction time because of scheduling more events on Friday when we are out of school. State Championships in vocal music, vocational agriculture, and athletics are rare in most districts but not at Silo. Our elementary has won the Bryan County Curriculum Contest 13 years in a row. As an educator I am able to plan and improve the quality of my instruction by having this extra day. I'm also able to go to professional development meetings, doctors appointments, etc. on this day so that I rarely miss school. Our school is flourishing! It's a great day to be a Silo Rebel! Politicians run on the promise of smaller government and more local control. This is the perfect example of</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2.</li> <li>▪ The OSDE appreciates the commenter's willingness to share their experiences as a teacher.</li> <li>▪ The OSDE commends the commenter's school district for engaging the community in its school calendar planning decisions.</li> </ul>

<p>a community and a school district that has found something that works for them. Please consider this when making your decisions."</p>	
<p><b>66.</b> "I currently teach at Granite Elementary School in Granite, Oklahoma. This is my 17th year in education. Granite has proven how a school is able to acclimate with success within the confounds of a 4-day school week with less than 165 academic school days. My students have soared in achievement over the last four years. This last state testing cycle my 4th grade math class scored 5th in the state in OPI scores. My 5th grade math class scored FIRST in the state! My 6th grade math class scored FIRST in the entire state! These scores are all compared to every single public school in the state, regardless of 4-day, 5-day, less than 165 days or more than 165 days! I think that models a school that is working diligently in ensuring the academic success for their students!!...</p> <p>To put it plain and simple, I worry that the current criteria for the waiver is set at a level that is not realistically achievable by the majority of schools requesting it. Our school will be greatly impacted if not granted the waiver. We are still struggling, financially, and that will be exacerbated with the increase of school days. We struggle with applicants for our certified positions as it is. This last cycle of hiring a special Ed teacher, we only received less than a handful with some of them not even fully qualified! We have staff performing multiple job duties. We are limited in busing. We are limited in the number of aides needed for intervenor the bottom quartile of students. We need more aides in the special education building.</p> <p>I clean my own classroom. I vacuum on my planning period. I take my trash out everyday after school. I teach keyboarding twice a week so I don't get full planning periods. I'm not telling this to get pity. I'm telling this to show that we will do what it takes for our school. We all have stories like this. If we are not afforded the waiver, our budget will decrease because of the additional days. I honestly do not know where we can cut anymore. Who will be let go? Who can we let go and still provide the necessities for student success? I ask these questions because I do not have the answers."</p> <p>[Commenter includes the full text of Comment 76]</p>	<ul style="list-style-type: none"> <li>■ The OSDE appreciates the commenter's willingness to share their own teaching experiences, and commends the commenter—and their students—on their work and accomplishments.</li>   <li>■ Please see the responses to Comment 1 and Comment 2.</li> </ul>
<p><b>67.</b> "My wife currently teaches at Granite Elementary School in Granite, Oklahoma, where we also reside and have for 44 years. I am a licensed physical therapist and the product of the Granite school system."</p> <p>[Commenter includes the full text of Comment 66.]</p>	<ul style="list-style-type: none"> <li>■ Please see the response to Comment 2 addressing the school calendar flexibility districts maintain under the current law and the proposed rule. The OSDE appreciates the commenter's willingness to share how they are personally affected by issues involving school district calendar design.</li> </ul>

<p><b>68.</b> "I am one of the parents who's children attend Bristow public schools. We have had 4-day schools for 2 years and have done very well. I believe it is not the amount of days but the way the lessons are presented to students that encourage learning. And with a three-day weekends, it offers for more family time as well as a chance for parents to connect with their children over school work, building parent-teacher teamwork. Teachers can utilize the extra time off to put lessons together. It worked great for our family overall! I would like to put my vote in support of continuing it."</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2 addressing the school calendar flexibility districts maintain under the current law and the proposed rule. The OSDE appreciates the commenter's willingness to share how they are personally affected by issues involving school district calendar design.</li> </ul>
<p><b>69.</b> I am a staff member at Jennings Public School District, as well as a parent of a student here. I am writing you today because I am concerned about our district losing the ability to be a 4 day school week district. I can tell you as a staff member and a parent that there has been noticeable positive changes overall with our student body and their families since we have adopted the 4 day school week. Behaviors, absences and attitudes towards school work have shown great improvement with the students. There have been fewer absences for staff as well. As a working mom the 4 day week has been a blessing when it comes to scheduling Doctor appointments, travel plans and any other responsibilities that require our time outside of school.</p> <p>I've done a bit of research I would like to share with you:</p> <p>Researchers from Georgia State University and the Montana State University found that removing one day from the standard school week, along with lengthening the remaining school days, showed an increase in math scores. Experts were surprised because, with a longer weekend, there is potentially more time for students to forget what they have learned. However, the study found very little evidence to prove that a shorter school week would compromise academics. Further evidence must be done to determine whether the same conclusions could be made for urban school districts. 'We thought that especially for the younger, elementary school kids, longer days on a shorter school week would hurt their academic performance because their attention spans are shorter,' said Mary Beth Walker, dean of the Andrew Young School of Policy Studies at Georgia State, in a press release about the study. '[But] our results...were completely opposite to what we anticipated.'..."</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2.</li> <li>▪ The OSDE appreciates the commenter's willingness to share their experiences as a school employee, as well as how they are personally affected by school calendar design.</li> </ul>

<p><b>70.</b> "I truly believe that the 4 day school weeks have been a tremendous benefit to our smaller schools. As a young mother and new teacher, this schedule has helped me to be able to navigate the various obstacles that come with both situations. I feel like I am actually able to be with my daughter and to be her mother instead of just feeling like a part time babysitter. My family and my students are extremely important to me; the 4 day school weeks make it so much easier to be there for each."</p>	<ul style="list-style-type: none"> <li>■ Please see the response to Comment 2 addressing the school calendar flexibility districts maintain under the current law and the proposed rule. The OSDE appreciates the commenter's willingness to share how they are personally affected by issues involving school district calendar design.</li> </ul>
<p><b>71.</b> "The city of Noble and district administrators have worked hard to make the 4 day week a positive change for our community. I've been really impressed with the creative solutions administrators have come up with to fill needs and spend district money frugally. Students see the superintendent and other administrators out in the community, at every school activity, and taking care of every job from mowing to bus driving. They see how hard school leaders are working for their education, and how much they care about the students. We trust district leaders, and as long as they believe the 4 day calendar is a net benefit to students, we trust administrators and the school board to make the choice that is in the best interest of students.</p> <p>School calendars, especially for middle and high school, have been adjusted to move activities to Fridays as much as possible. This makes them much less disruptive to Monday-Thursday classroom business. My other child attends Norman High and is heavily involved in performing arts activities. I see how disruptive those are to instruction, and I think there would be great benefit if more high schools followed Noble's example and worked to shift activities to Fridays. Fridays give other students a day to catch up on studying, allow high school students to work a part time job, and give our teachers opportunities to participate in professional development without missing a day with students.</p> <p>The proposed rules for schools to obtain exemptions and remain on a 4 day week take into account none of the benefits as students and families see them. Using state test scores is just as meaningless for deciding school calendars as it is for calculating a letter grade for schools and districts. I could go on at length about what is wrong with our state testing system, but the short version is that we are using an assessment tool to do things it wasn't designed to do, and the results are just the kind of mess you'd see if you used a chain saw where a scalpel is required.</p> <p>If the state is going to decide which districts get to run on a 4 day calendar, then the evaluation of whether</p>	<ul style="list-style-type: none"> <li>■ Please see the responses to Comment 1 and Comment 2.</li> <li>■ The OSDE appreciates the commenter's engagement in their community and willingness to share how they are affected by school calendar design.</li> </ul>

<p>students are harmed by or benefit from the calendar needs to be a meaningful one. The current rules, while superficially objective, don't really address that question, since they look at measures that reflect the demographics of schools and districts, rather than at how well the school is supporting student learning and growth. I would propose developing an evaluation system that is performed by actual people, not by multiple choice tests that students, teachers, and parents don't trust. Faculty and/or grad students in the state's university education programs could develop evaluations that require visits to schools. Of course they would be subjective, but I trust that kind of subjectivity--where biases and viewpoints are stated--more than I do the test scores that are inappropriately being used to measure school quality."</p>	
<p><b>72.</b> The following comment was submitted by multiple commenters:</p> <p>"I am writing in response to the 4 day week. After doing research and looking at different articles, I am seeing that the argument about 4 day week is that the students are losing valuable class time and scores are dropping. I see that 5 day work weeks are also experiencing the same thing and that shows that it is not a valid point. Please make this possible for our school to keep our schedule. Our students are well-adapted and we need to save money. Our school has made gains in chronic absenteeism at both of our sites and we have been able to transition from a constant savings/survival mode to funneling that savings back into our classrooms with materials, technology and STAFF. We now have the staff that is necessary to be the best for our students. Our community is totally behind the 4 day week and have been from the beginning."</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2 addressing the school calendar flexibility districts maintain under the current law and the proposed rule.</li> <li>▪ The OSDE commends the commenter's district for the progress they have made, and appreciates the commenter's willingness to share their community's experiences.</li> </ul>
<p><b>73.</b> I would like to comment regarding the 4 day week for schools. First and foremost, the decision should be left up to the local school board. They know what is best for the school and community. We need to stop with a cookie cutter, assembly line philosophy for schools. What works for one school may not work for another. Leave that decision up to the school board, administration, community and parents.</p> <p>I was not totally on board at first with a 4 day week. I thought the children would be losing out on valuable instruction time. But with a longer day and the students much more engaged, we make more out of our instruction time. I have seen students come to school with better morale and parents are more involved. Teachers are not having to chase down so much missing homework or work from days missed. Students want to come to school and that also cuts down on disciplinary problems. We have</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2.</li> </ul>

<p>many parents that work shift work and this allows them to see their children more. The 4 day week has really worked for our school and community.</p> <p>I don't have figures and data to prove all this, but I know by first hand knowledge, actually being there, that this works for us. There are no state committees or lawmakers being a part of this in our school so I can't understand why their opinion is so much more important than the people it is affecting. Please consider more than just numbers and graphs, and understand the family and community side too. It takes a village to raise a child and our village knows what is good for our children.</p>	
<p><b>74.</b> "I am the Superintendent at Silo Public Schools. We operate on a modified four day school week calendar. When the move was made to adopt a four day week, it was not done without consideration of our students and community. We polled our parents and had an overwhelming response in support of the change. After consideration of the parents response along with what we saw as benefits to our children, teachers, and school finances, we adopted the new calendar. Over these last few years, we have seen our students succeed in this new system. We have seen a drop in chronic absenteeism and a drop in discipline issues. Our students have achieved in and out of the classroom. After getting feedback from our teachers, they see an improved student morale in the classrooms and the teachers themselves are experiencing less burnout and fatigue.</p> <p>For our school the switch was primarily financial. Our finances were not good. We were in a cash management program to make it through the year. We had experienced growth in our student population, but not enough teachers to serve them. Our classes had sizes of 30 plus. When we made the change in calendars, we were able to save and eventually add those teachers we had not been able to hire. The climate of our entire school changed. Our students now look forward to coming to school. The early childhood students are not exhausted at the end of the week. The older students who participate in extracurricular activities do not miss Friday class time. Our teachers feel that they are more productive in the classroom and cover more material because the students are fresh and willing. In regards to savings, anyone could take a look at our campus and see the improvements made. We have been able to repair serious issues, move a maintenance building away from the student traffic, add teachers, buy textbooks, etc. All the</p>	<ul style="list-style-type: none"> <li>■ The OSDE commends the commenter's school district for engaging the community in its school calendar planning decisions.</li> </ul>

savings have been filtered back into the school and makes a direct impact on our students each day.

In regards to the rules, we take issue with the growth and graduation requirements. Growth is not a fair look at a school. If the school is achieving, there is not significant enough room to make the growth requirement. There is also an issue with the special education students being forced into the growth requirement. Many are being tested each year and they are reaching the benchmarks they are capable of, but not significant growth to impact the requirement. Graduation has been an issue at our school in recent report cards. We have a growing number of transient students who come and go within a few months. Most bring credits that are not on target for graduation. We do our best with those that do stay to get them graduated, but some have to spill over into the summer. The summer completion don't show up as any credit on the current year reporting. We are also dealing with a growing number of students who are in and out of virtual schools, particularly Epic. It is frustrating to be held accountable for so many variables that are out of our control.

Please consider all of this when determining the rules for school calendars. We feel that we have used local control to improve the quality of education for our students and the workplace of our teachers."

**75.** [Commenter explains that a 4-day school week has benefited their dyslexic child.]  
"Now that we have had a couple of years to flesh out how a 4 Day school week works for our school districts, our families, and our community, we are THRIVING! Our teachers are more engaged than they have ever been. This means they are not only more engaged with the job, but with our children. Behavior problems have decreased. Our community was hit very hard with Influenza last year, but despite that hardship, our absences have decreased. We are attracting amazing teachers despite our funding crisis because our faculty now has Fridays to lesson plan, participate in in-depth professional development, spend time with their families, and take care of their own medical needs without missing school....

I am deeply saddened to see the State Department of Education set rules for 4 Day districts that are unattainable. It is my belief that this was the plan all along. The negative effects of these rules will devastate my community and my daughter if you do not create a reasonable pathway to exemption. If you force us to return to a 5-day district, we WILL lose our teachers. My daughter will lose opportunities. Surrounding states not only pay their teachers more while also fully funding their

■ Throughout autumn 2019, the Oklahoma State Department of Education (OSDE) convened a task force of education stakeholders representing many different school demographics—including large and small, urban and rural, and 4-day and 5-day districts—to explore options for the minimum eligibility guidelines for a waiver of the 165-day calendar. While not all members endorsed all proposals explored, the proposed rule amendment is based on recommendations that received general consensus from the school calendar task force.

■ Please see the response to Comment 2 addressing the school calendar flexibility districts maintain under the current law and the proposed rule. The OSDE appreciates the commenter's willingness to share how they are personally affected by issues involving school district calendar design.

■ Throughout autumn 2019, the Oklahoma State Department of Education (OSDE) convened a task force of education stakeholders representing many different school demographics—including large and small, urban and rural, and 4-day and 5-day districts—to explore options for the minimum eligibility guidelines for a waiver of the 165-day calendar. While not all members endorsed all proposals explored, the proposed rule amendment is based on recommendations that received general consensus from the school calendar task force.

classrooms, but they are also following the corporate trend of moving to 4 Day weeks. How are we supposed to compete with higher wages, fully funded classrooms, and 4 Day weeks in Texas and Colorado?

I know that there is a lot of pressure on the Legislature and the State Department of Education to put forth the image of a strong and supportive educational governing body. However, forcing districts to return to 5 days a week is the exact opposite of strength and support. I feel that we are missing a golden opportunity of marketing the 4 Day School Week as a highlight of our educational system. 4 Day districts are not missing out on classroom time. In fact, we have more classroom time than a lot of 5-day districts. Instead, we are following the forward-thinking trend of the corporate elite of not just moving to a 4 Day School Week, but we are finding cost-effective ways to retain talented teachers and creating opportunities for in-depth professional development, and significantly decreasing medical and activity absences for faculty, staff, and students, all while creating enrichment opportunities for our children that put them at the top of a national scale. Below you will find my proposed demands for changes to the rule to make them more equitable and attainable. I am sure that you will see these exact changes in multiple emails today and in the days prior. These are not the rushed, copied and pasted words of constituents wishing to be appeased. These are the thoughtful proposed changes that we (a group of parents, teachers, administrators, students, and community members) have spent countless hours discussing, researching, and crafting. Over the past year, I have discussed this in-depth with my Senators and Representatives. I have copied them on this email.

Let me be clear, I do NOT want SB441 rescinded or repealed. I want the rules changed as indicated below." [See Comment 76 below.]

76. The following comment was submitted by 8 commenters.

**"ITEM #1 - SITE SPECIFICITY - current rules state that each school site must qualify independently of other schools in their district. This would require a district to either have different school sites operating on independent calendars (some 4day and some 5day) OR make the call to place all schools back to 5day if even one site fails on a single parameter.**

This is not logistically feasible. Transportation challenges and childcare scheduling alone would render a split calendar in a district a feat that most districts would decline tackling. It is our opinion that

■ The proposed rule provides that each school site "for which a waiver is requested" must meet the applicable criteria. This option is intended to ensure maximum local control in school calendar decisions within the parameters the statute directs the State Board to establish, by making it possible for a district to pursue an alternate school calendar waiver even if all sites do not meet the waiver criteria established by general consensus of the school calendar task force.

the site-specificity requirement alone is the main parameter that is making this set of rules unattainable and has created an "all or nothing" scenario which is the opposite of a "reasonable pathway" for exemption consideration.

**Requests for change:** review the required parameters for all K-12 sites as a district goal. If the district sites as a majority (WITH the submitted changes outlined in detail below) would pass their age-appropriate parameters, then the district receives a pass. For any school sites that fall short of passing on their individual qualifications, the district receives a 3year probationary period to put the fail site on a detailed performance plan. If at the end of the probationary period, reversing academic loss has not been accomplished, the district must return to a 5day week until the time that the failing site can show neutrality or growth in the set categories. Upon that time, they may reapply for a waiver. This provides a rationale that reflects an allowance and understanding of unique situations and would offer a criterion that reflects SB 441's intention of paving the way for student success via academic growth through local innovation.

**RULE CHANGE #1** - Each district requesting a waiver must have at least half of their school sites that meet the criteria outlined in our changes below for new rules. If a district exceeds 50% of sites passing, then they can still qualify for a temporary waiver provided that the sites of concern include a Plan For Improvement (PFI) which outlines specified means of improvement, including target goals.

**ITEM # 2 - ELEMENTARY RULES (K-8) - current rules state the following**

- All sites must meet/exceed the state average in growth for Math
- All sites must meet/exceed the state average in growth for ELA
- No site can be considered if it is a CSI, TSI, or ATSI designated school

This criteria, as written, does not render a school the proper timetable with labeled, available and predetermined supportive services nor the ability to put into place measures that will help facilitate an increase in their academic growth margin.

Additionally, a site can be above average in the composite score (compulsatory), but if falling below even 1 point on only 1 of the two, they will not pass. This, coupled with the increased statewide decline in the number of available highly qualified staff in the classroom, the current funding reflection of 2008 conjoined with the increase of 50,000 students, simply communicates how a school site is not being provided with required criteria that reflects adequate

conceivability. The longevity of data increases relevance.

**Requests for rule change #2 (new rules proposed):**

- School sites must show **no decline** in compulsory growth for both Math and ELA combined. Data should be taken annually using a three-year rolling average of the compulsory scores to exclude 1-year anomalies. *(use composite score and remove the use on individual ELA and Math growth scores as two separate hurdles)*
- No site can be considered if it is a CSI, TSI, or ATSI designated school *(we agree this should remain)*

**ITEM #3 - SECONDARY RULES (9-12) - current rules state the following**

- At or above the state average on achievement targets on all state assessment targets.
- Graduation rates of 4y cohort must meet/exceed state average or meet/exceed 82%, whichever is greater.
- Post-Secondary Indicator as designated on most recent State Report Card at or above the state average

Similar to the Elementary requirements, this criterion as written, does not render a school the proper timetable with labeled, available and predetermined supportive services nor the ability to put into place measures that will help facilitate an increase in their academic growth margin. Here are our issues with some of the currently written parameters:

**Test scores** - once again the one year snapshot does not account for anomalous single years and holds students to exceed the state average, which doesn't properly measure the goal of ensuring they are not going backward with declining test scores - schools are not measured against their own performance and even if they are doing as well or better than they were at 5day, this current measurement doesn't consider that.

**Graduation Rates** - This current measurement reflects parts of an indicator that schools do not have control over. The following are just some ways that a school could be faulted in the specific criterion as written:

- \*if a student leaves to be homeschooled;
- \*if a student drops out during their freshman, sophomore, junior or senior year and never returns to ANY school to graduate;
- \*if a student drops out and re-enrolls the following year without proper academic credits and has to be a second-year senior in order to gain the required coursework to graduate;
- \*if a student is incarcerated by law enforcement;
- \*if a special needs student is afforded the opportunity to remain as a student in the district for another "senior" year to learn more life skills plus enhance

- Following public comment, the proposed rule language has been adjusted to provide that a compensatory approach combining Math and ELA performance will be used to determine eligibility for elementary school sites, rather than a conjunctive approach using separate performance scores for ELA and Math.

their current skill set. Don't we want to offer services to students in that situation as long as possible? Public law-142 states we must offer a free and appropriate education from 3-21 years. The 4-year cohort configuration sets a tone of unacceptance if a student goes to public school in those latter years; therefore, deducting points from a high school for following PL-142. These students need to stay with us and learn life skills! What will this cause? Schools to kick them to the curb ASAP so we get a better grade on the state report card or meet the criteria to maintain an innovative calendar? That's just nonsense. Aren't we thankful they came back?

**Post Secondary Opportunity Indicator** - the working committee agreed upon this indicator being at least a C, not meeting/exceeding state average. With the use of the Bell-curve, saying "at or above state average" disregards many school districts that obtained a "C" on the state report card. State average will always be the middle of the "C" category. Therefore, if a "C" is considered "passing" on the state report card for a school site, it should be passing for this criterion category.

Post-secondary indicators do not provide an academic success criterion as specified in Senate Bill-441. The Bill specifically detailed academic achievement and monetary cost savings. Post-secondary opportunities pertain to additional services and opportunities offered by school districts, not academic achievement or growth.

This section of the criteria, post-secondary opportunities, is unattainable by some districts requesting this waiver. There are 4 ways to gain points for this section: offering of advanced placement (AP) coursework, concurrent enrollment with a college or university, career technology placement (only Biomed and Teacher Prep counted for the 2018-2019 school year), and internships.

**\*Advanced Placement (AP) coursework:** Because of the budget shortfalls and lack of qualified applicants, many districts were forced to only offer required coursework.

**\*Concurrent enrollment with a college or university:** Not all districts have geographical access to concurrent enrollment in higher education for an actual live classroom setting. Rural schools will need adequate funding to assure they can provide these students with the proper technological equipment to be successful in an online course.

**\*Career technology placement:** This is a big obstacle for schools that partner with a career tech that also provides services to multiple school districts. The waitlist for students to be accepted in a career tech program is great. School sites are limited in their numbers because of the high number of partnering schools. Additionally, not all districts have agreements

- Under state law, public schools must provide education services to any student who has not yet received a diploma, through age 21. It is not within a school district's discretion to decline to enroll and serve a student who is eligible for public education. Special education students subject to the Individuals with Disabilities Education Act (IDEA) have additional rights under federal law regarding enrollment and services.

- Following public comment, the proposed rule language has been adjusted to provide that to be eligible for a school calendar waiver a high school must receive a postsecondary opportunity indicator of a letter grade of "C" or higher.

with partnering vo-techs - this must be approved by their local voters and some of our 4day district communities have been unable to pass vo-tech partnership agreements due to failed community votes that are no fault of their own.

**\*Internships:** Due to the rural placement of school districts requesting the waiver, the number of internships that can be offered will present obstacles for the district.

**Requests for rule change #3 (new rules proposed):**

- School sites must show **no decline** in state assessment achievement targets as a compulsory of all tests considered. Data should be taken annually using a three-year rolling average of the compulsory scores to exclude 1-year anomalies.
- School sites must show **no decline** in graduation rates utilizing the true graduation rates (*not the 4yr cohort data*). Data should be taken annually using a three-year rolling average of the graduation rate to exclude 1-year anomalies.
- **ELIMINATE THE MEASUREMENT OF POST SECONDARY INDICATOR TOTALLY.** As stated above, SB441 requires addressing only two things - student performance and financial savings. PSI does not measure student performance in any way, only the availability of post-secondary opportunities in the district. *It is our opinion that this measurement as a requirement for a waiver is not in line with the direction of the law.*
- The school site is not a CSI, TSI, or ATSI designated school (*no changes here*)

**ITEM #4 - ADDITIONAL REQUIREMENTS - current rules state the following, our modifications are in parenthesis**

- Districts must demonstrate a cost savings (*including cost avoidance in their calculations for savings is permissible*)

**ADDITIONAL ITEMS OF NOTE: RULE IMPACT STATEMENT 210:10-1-4 "Length of the term" [AMENDED]**

**(FROM SDE) Will implementing the rule change have an adverse effect on small businesses as provided by the Oklahoma Small Business Regulatory Flexibility Act?** The agency does not anticipate any adverse economic impact on small businesses as a result of the proposed rule change at this time.

We believe the adverse economic impact will ensue when school districts do not qualify for the waiver, in question. This initial purpose of the innovative calendar was implemented with the purpose of monetary savings. Those savings were then re-allocated into various realms to ensure a free and appropriate education was offered to each school-

aged student residing within a said school district. When those variously dispersed funds are then needed to be utilized within their original intent, school districts will, inevitable, lay off employees, cancel programs, not offer certain electives, not offer to bus to students that reside within city limits, and class sizes WILL increase! All of these "options" for saving the district money WILL, directly and indirectly, impact the community and the stakeholders within. To say that the agency does not anticipate an adverse economic impact is a statement made while wearing rose-colored glasses. Each district that falls within this senate bill is unique. They have unique issues along with unique innovative ideas for how to provide students with what they deserve. These unique school districts were forced into this scenario. Collectively, they did what they had to because they had to. Now, essentially, they are being told via Senate Bill 441, their innovation wasn't good enough.

We are good enough. We do good enough and then some. We are now not only advocating for our students but our communities.

**TEACHER RETENTION IS CRUCIAL** - Quality teachers are the lifeline to academic success. Currently, in the midst of a historically certified teacher shortage that is not slowing down, 4day school districts have the lowest % of emergency certified teachers in the entire state. Many of these districts are dangerously close to the borders of surrounding states and are in geographical locations historically difficult to recruit teachers to move to. IF THE 4DAY WEEK IS ELIMINATED IT WILL FURTHER CONTRIBUTE TO THE LOSS OF CERTIFIED TEACHERS AND IN THE MOST DIFFICULT TO FILL AREAS.

Our rural communities do not offer the employment opportunities that a larger school district does. So, we all need our jobs. Our communities need these schools to remain open. Communities know that the heart-beat of it is found in the center of the school. When schools consolidate or close, communities shrivel up to almost non-existence. When the community loses its citizens, small businesses are forced to close! The business ecosystem of a community not only includes the school within; the school serves as the nucleus!

**Additionally, there are federal nutrition feeding programs at risk that will impact the nutritional services for some districts.** For example, Noble Public Schools will serve an additional 200,000 free meals to students in a "3rd meal" program they qualify for federally under the 4day school week. They are able to ensure that all students receive an additional free meal prior to leaving school for the day M-Th. For food insecure students this means they no longer have to wait from lunch until the next day's breakfast

- A Rule Impact Statement (RIS) reports predicted costs that will be directly attributable to a rule change. It is not possible for the OSDE to model predictions regarding the possible effects of potentially altered school calendars on Oklahoma's more than 500 varying school districts, particularly given that there is no change in the underlying requirement to offer instruction for at least 1,080 hours per school year.

<p>to fill their bellies. This program, combined with increased food volume in the weekend food backpack program has NPS serving their food-insecure students BETTER with a 4day week than under the previous 5day calendar. This program will go away if they are forced back to a 5day week. We understand that the focus of SB441 is academic and financial, but this social impact should be considered by the state school board if pursuing a set of rules to eliminate the 4day week.</p> <p><b>THE ELIMINATION OF A 4DAY WEEK WILL NOT ONLY NEGATIVELY IMPACT SOME FAMILIES AND STUDENTS, BUT WILL FURTHER DAMAGE THE QUALITY OF OUR TEACHER WORKFORCE AND FOR SOME COMMUNITIES, HAVE A HORRIFIC ECONOMIC IMPACT ON THE COMMUNITY AS A WHOLE."</b></p>	
<p>77. "McCloud's school board should keep control over their kids and their communities schedule."</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2.</li> </ul>
<p>78. "I am a resident of the McCloud community and I have 2 children that attend McCloud schools. I absolutely believe that our local school board should remain having control over the decisions for our schools and students. McCloud is having success with the 4 day school week. Parents and Teachers both have noticed a positive difference in the kids and them being more geared up and ready to learn after 3 days off. And the extended school day to compensate for that extra day off hasn't had a negative effect on the kids.</p> <p>We want to keep the right to be able to make the best decisions for our own community!"</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2 addressing the school calendar flexibility districts maintain under the current law and the proposed rule. The OSDE appreciates the commenter's willingness to share how they are personally affected by issues involving school district calendar design.</li> </ul>
<p>79. "In the few years that we have attended 4 day weeks, the students are well rested and ready to learn. They are reading more fluently and test scores have gone up. The parents are overwhelmingly in support of the 4 day weeks. There are also students that have regular medical appointments to attend, with 4 day weeks those appointments can be made on Fridays. My own son has an IV infusion every 6 weeks that we have to drive to Dallas for. If we don't have 4 day weeks then we both miss days in the classroom."</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2 addressing the school calendar flexibility districts maintain under the current law and the proposed rule. The OSDE appreciates the commenter's willingness to share how they are personally affected by issues involving school district calendar design.</li> </ul>
<p>80. "I am a parent of 3 Prue School Children who currently attend but I have had 4 other children graduate from Prue Public Schools with the 4 day school week. Please note, we came from a 5 day school week at a year round school. Making the adjustment to 4 day school weeks was difficult for us at first but for many years, it is a total</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2 addressing the school calendar flexibility districts maintain under the current law and the proposed rule. The OSDE appreciates the commenter's willingness to share how they are personally affected by issues involving school district calendar design.</li> </ul>

<p>success for our family! Our three children are in the 10th grade at Prue High School &amp; currently hold the highest GPA's in their class. They utilize Fridays-the day they are not in school- for homework &amp; projects for school, employment to pay for their extra costs-all associated with school. This has helped them excel in school &amp; in life &amp; frankly, has made their lives less stressful.</p> <p>I am more than disappointed with the rules being set to an unattainable level to keep our 4 day school week!!! The multiple negative effects of these rules are too many to mention but let me highlight 'TIME'. The extra time our children have to complete projects &amp; homework, to attend to home chores &amp; outside employment will be greatly diminished &amp; some things will be fully eliminated if there is no reasonable pathway to exemption for our community. The strain on our family alone may prove to be the 'straw that broke the camels back' when it comes to our time management, finances, our social life &amp; our peace of mind.</p> <p>We request that changes to the rules to make them more equitable and attainable be made Here are the requests that we would like to be considered &amp; hopefully, implemented."</p> <p>[Text of Comment 76 follows]</p>	
<p><b>81.</b> "I like the 4 day week as well the shortened vacations and breaks. The shorter breaks allows them to keep all the information they just learned and come and test when the stuff is still fresh and not a month from then."</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2.</li> </ul>
<p><b>82.</b> "You will further destroy the lives of many parents and kids by eliminating a full 24 hrs a week from parenting cycles. For some of us that YOUR own fellow bureaucrats have raked over the coals for Title IV funding on the states behalf, the 3 day weekends are a small bit of catharsis in our own personal hells. Don't do this, just like child support, taxes, and everything else the government of this state forces upon us without a vote or adherence to FEDERAL guidelines, this is a travesty that serves to the detriment of the child rather than the best interest as you all love to tout."</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2.</li> <li>▪ The commenter appears to be objecting to laws regarding child support and taxation, which are outside the purview of this rule amendment.</li> </ul>
<p><b>83.</b> "Im a mother of 3 children currently attending prue public school . The most important reason I need prue school to continue to go 4 days a week is scheduling. There are several more and here is a few. More time with the family.Less absences for appointments. My children are more engaged while at school. We have quality hours and not quantity . We have standing appointments on fridays and if the school calendar changed we as a entire family would miss in excess 20 days . Plus any other days that we are not able to accommodate on fridays ."</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2 addressing the school calendar flexibility districts maintain under the current law and the proposed rule. The OSDE appreciates the commenter's willingness to share how they are personally affected by issues involving school district calendar design.</li> </ul>

<p><b>84.</b> "I live in the Osage County, Oklahoma, Prue Public School District &amp; I am a parent of children who currently attend. My children are young enough the four day week is all we have ever known. The 4 Day School Weeks are a total success for our family! Our children &amp; ourselves are able to utilize Fridays-the day they are not in school- for homework &amp; projects for school and for routine doctor and dentist appointments to avoid missing class time. I am disappointed with the rules being set to an unattainable level to keep our 4 day school week!!! The multiple negative effects of these rules are too many to mention but let me highlight 'TIME'. The extra time our children have to visit museums and the zoo for learning opportunities is amazing. My daughter also utilizes our extra day to work with her 4-H project sheep, which is Hugh this time of year when it is already dark when we return home from after school activities."</p> <p>[Text of Comment 76 follows.]</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2 addressing the school calendar flexibility districts maintain under the current law and the proposed rule. The OSDE appreciates the commenter's willingness to share how they are personally affected by issues involving school district calendar design.</li> </ul>
<p><b>85.</b> "Im a father of 3 children currently attending prue public school . The most important reason I need prue school to continue to go 4 days a week is scheduling. There are several more and here is a few. More time with the family.Less absences for appointments. My children are more engaged while at school. We have quality hours and not quantity . We have standing appointments on fridays and if the school calendar changed we as a entire family would miss in excess 20 days . Plus any other days that we are not able to accommodate on Fridays. My wife is part of the schools pta . I'm part of the school as a father only. My children would not excel ad easily playing catch up for missing all fridays of a school year . Plus the other days we are not able to accommodate."</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2 addressing the school calendar flexibility districts maintain under the current law and the proposed rule. The OSDE appreciates the commenter's willingness to share how they are personally affected by issues involving school district calendar design.</li> </ul>
<p><b>86.</b> "Professional Oklahoma Educators wants to improve education in Oklahoma. We support the top 10 initiative. And, we believe we can achieve it. But in order for Oklahoma to be a top 10 state in education, we have to empower our local leaders. We have to listen to those on the frontlines. And, we have to help them succeed. They know their communities best. Many school districts in Oklahoma are utilizing a four-day school week for a number of reasons. It helps reduce overall operational expenses. It helps schools with limited resources recruit qualified professionals. And, it helps reduce excessive student absences. Yet, some questions still remain. For instance: are four-day school weeks undermining our academic standards? Do students on a four-day-week schedule perform as well academically as those on a traditional five-day schedule?</p> <p>Two recent studies, using data from the Colorado Department of Education, addressed these questions. The studies found there was no statistically significant difference in the academic</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2.</li> <li>▪ The OSDE appreciates POE's commitment to the quality of education in Oklahoma.</li> </ul>

<p>performance of students on a four-day week schedule and those on a traditional five-day week schedule, except in one outlier case. One of the studies observed a positive relationship between the four-day school week and the percentage of students scoring at the proficient or advanced levels on math and reading achievement tests. In the end, both studies concluded that the concern over the academic performance of students should not be used as a reason to prevent the implementation of a four-day school week since the differences were negligible. Some have argued, however, that in our state, schools with four-day week schedules perform at a lower level than those with the traditional five-day schedule, but it is not a fair comparison. They are comparing apples to oranges. They are taking high performing schools and comparing them to schools already struggling prior to the implementation of a four-day week. We need to compare the before and after of schools who have implemented the four-day week. We need to observe if such schools are improving. We are concerned with the delta — the change. We must help our struggling schools improve — not hinder them.</p> <p>The decision to implement a four-day school week then, should not be based on the unfounded assumption that it impedes the academic performance of students or unfair comparisons, but on other relevant factors such as local preference, cost savings and the ability to compete for the best teachers and staff.</p> <p>Each of these factors should be made on a case-by-case basis at the local level. If a school district can reduce operational costs so they can hire additional staff, increase salaries, reduce student absences or fund innovative programs, then they should be able to make that decision."</p> <p>[The same content was also submitted as an oral comment at the Public Hearing on December 16, 2019.]</p>	
<p><b>87.</b> "the 4 day school week has been nothing short of beneficial for my little sister. wether it's getting more rest, being able to study and focus on homework an extra day, etc. it has been such a great thing for not only her, but the student body she attends school with. I think more schools should implement the 4 day school week as it truly is a great thing!!"</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2.</li> <li>▪ The OSDE appreciates the commenter's willingness to share how they are personally affected by issues involving school district calendar design.</li> </ul>
<p><b>88.</b> "I am writing on behalf of the Oklahoma Education Association to provide commentary in response to the proposed 4-day school week regulations:</p> <p>As written, the proposed rules would not allow any school district to meet the criteria set forth, negating the purpose of giving school districts the option of operating on a four-day week. Whether or not a four</p>	<ul style="list-style-type: none"> <li>▪ Please see the responses to Comment 1 and Comment 2.</li> </ul>

day week benefits students of a given community should be decided at the local level and any state regulations should present those districts with a clear and attainable path should they seek to implement that option."	
<b>89.</b> "Please note, as I am a registered voter in Cleveland county, that me and my household supports the four day school week."	<ul style="list-style-type: none"> <li>Please see the response to Comment 2.</li> </ul>
<b>90.</b> "We are a four day week school. At first the community was hesitant to implement it, because they feared that the students would be short changed and they worried about how the students would be taken care of on Friday. We offered a Friday school the first year to all working parents. We had a few that used it the first year, but then had so few by the next year that we discontinued it. It has saved our school a lot of money and since we live in a community that has many parents that have to work off, it allowed children a chance to have longer weekends to go visit. I think it has also helped during the winter during the flu season. We have not had to miss any days for flu. The extra day on the weekend gives them an extra day to get well. I know as a teacher of math, I love the extended time we receive in each period. I get more covered than I did in a five day week because we can cover the whole section in a day. There are too many reasons to list here why this works for our district. We think it is a decision that needs to be left to each individual district."	<ul style="list-style-type: none"> <li>Please see the response to Comment 2.</li> <li>The OSDE appreciates the commenter's willingness to share their experiences as a teacher.</li> </ul>
<b>91.</b> "Please modify the rules of 441 and let the local boards decide what's best for their schools."	<ul style="list-style-type: none"> <li>Please see the responses to Comment 1 and Comment 2.</li> </ul>
<b>92.</b> "I am representing the Oklahoma 4day School Coalition, an organized group of approximately 3000 parents, teachers, school leaders and community members of 4day school districts across Oklahoma. I am a parent of 2 children attending Noble Public Schools and am also on the board of education there and President of the NPS Foundation for Academic Excellence." [Text of Comment 63 and Comment 76 follow.]	<ul style="list-style-type: none"> <li>Please see the response to Comment 2 addressing the school calendar flexibility districts maintain under the current law and the proposed rule.</li> <li>The OSDE acknowledges the engagement and input of the stakeholders the commenter represents.</li> <li>[Please see responses to Comments 63 and 76.]</li> </ul>
<b>93.</b> " I am a resident of Noble, Oklahoma and a spent 9 years as a substitute teacher in the Noble School District. I was a substitute teacher in Noble when it was a 5-Day district and when it became a 4-Day district... I have been closely watching all that has transpired in recent months in relation to the question of a 4-Day school week verses a 5-Day school week. I had hoped to see a realistic outcome that was both equitable and attainable. At the moment I am very disappointed with the outcome. The current proposals	<ul style="list-style-type: none"> <li>The OSDE acknowledges the economic and social conditions this comment calls attention to, and appreciates the commenter's willingness to share how their community is affected by issues involving school district calendar design.</li> <li>Throughout autumn 2019, the Oklahoma State Department of Education (OSDE) convened a task force of education stakeholders representing many different school demographics—including large</li> </ul>

will be detrimental to our students. Our district will be forced back into a 5-Day school week which will create great financial hardship for us.

We are a very large rural district. One of our major expenses is fuel, which is why the 4-Day school week is so critical to us. Now that we will be forced back into a 5-Day school week we will once again lose teachers and increase our class sizes. Those funds will now need to be used for fuel again.

Another very important thing we are going to lose is our 3<sup>rd</sup> meal program. Because our students go to school for more than 7 hours a day our school district qualifies for a Federal Nutrition Program that has allowed us (for FREE) to serve an additional 200,000 meals per year. Kids eat breakfast and lunch like before, but NOW they get a 3<sup>rd</sup> meal, for free, right before going home. With this plus the extended backpack program, we are serving our hungry students better than during the 5-Day school week. All of those 200,000 fuller bellies will go away overnight. This will strike a severe blow to our students. I find it disturbing that SB441 is literally taking food out of our school children's mouths. How can this do anything but injure our district? Roughly 65% of our students are on free or reduced meals. The result of SB441 is that 65% of our children will lose dinner 4 days a week.

One of the other things we have been able to do by having a 4-Day school week is triple our personal development for our teachers. Teachers at our High School are receiving trauma training monthly during professional development. Our elementary schools are starting their trauma training in January and all the site mental health professionals are planning a K-12 kindness/citizenship/anti-bullying district-wide program to be implemented in the second semester. Noble is doing BIG things and part of that, a LOT of that, relies on having Fridays to begin offering wrap-around services like tutoring, laundry, and health care at our sites and the increased personal development for our teachers.

The legislature is offering no additional support to meet the economic shortfall our district is experiencing. The increase to the state formula was used for the teacher pay raises but does not address the remaining economic issues.

It seems that the real intention of SB441 is to force nearly ALL School Districts to return to a 5-Day school week regardless of the impact on the district and its students. The bill makes it where even the top-performing school districts cannot meet the requirements. There is something wrong with a plan that eliminates 97% of the schools from qualifying. Even the Norman, Edmond, and Jenks School Districts cannot qualify under the current rules even though they are the TOP 3 districts in the state. The

and small, urban and rural, and 4-day and 5-day districts—to explore options for the minimum eligibility guidelines for a waiver of the 165-day calendar. While not all members endorsed all proposals explored, the proposed rule amendment is based on recommendations that received general consensus from the school calendar task force.

<p>requirements are neither fair nor equitable and they are detrimental to the students of our schools and will create a crippling economic hardship for our community.</p> <p>Below are the rules as they are currently set and some proposed recommendations for changes. Surely schools need only be in the top 33% to qualify for an exemption and surely the Legislature can provide funding for the economic shortfalls these rules will create. After all, this is supposed to be about meeting the needs of our students.</p> <p>Please do not take food out of the mouths of 65% of the students' mouths in Noble. Please do not rob us of the positive effects that our increased personal development has given our teachers and students. Please do not eliminate the ability of our school district to offer wrap-around services to our most vulnerable students and their families. I urge you to find a better way."</p> <p>[Text of Comment 76 follows.]</p>	
<p><b>94.</b> "In regard to the proposed rules for exemption for abbreviated school weeks, I have the following concerns:</p> <p>First, the financial savings requirements do not take into account costs that are eliminated, if the money saved is reinvested in other areas.</p> <p>Next, there are some indirect savings (such as fewer days of wear and tear on buses and less bus maintenance, as a result of this) that are not accounted for.</p> <p>With the elementary academic data focusing primarily on growth at/above the state average in ELA/math, overall academic achievement data is ignored. For example, either math or ELA growth could fall slightly below state average, but an overall site grade could still be very strong, even when compared to very strong 5 day schools."</p>	<ul style="list-style-type: none"> <li>■ The proposed rule language provides that a district applying for a school calendar waiver shall "submit a budget and a narrative describing cost savings" (210:10-1-4(b)(2), <i>as proposed</i>). The narrative description of cost savings is a school district or charter school's opportunity to explain such issues as reinvestment of funds in other areas.</li> <li>■ Following public comment, the proposed rule language has been adjusted to provide that a compensatory approach combining Math and ELA performance will be used to determine eligibility for elementary school sites, rather than a conjunctive approach using separate performance scores for ELA and Math.</li> </ul>
<p><b>95.</b> I'm a resident of Noble and a Noble graduate. My husband is a teacher for Noble and I serve as a board member for the NPS Foundation. I wish to address my concerns with the rules set to regulate 4 day weeks. First I want to address some statistics regarding the well-being of children in Oklahoma, courtesy of the KIDS COUNT Data Center.</p> <ul style="list-style-type: none"> <li>• 1 out of 5 children in the state face food insecurity at a rate of 20.9 percent. The national average is 17 percent. Every county in the state is home to food insecurity in children.</li> <li>• 35 percent of Oklahomans who are food insecure are not eligible for federal nutrition assistance.</li> </ul>	<ul style="list-style-type: none"> <li>■ Please see the response to Comment 2.</li> <li>■ The OSDE acknowledges the economic and social conditions this comment calls attention to, and appreciates the commenter's willingness to share how they are potentially affected by issues involving school district calendar design.</li> </ul>

- 1 out of 5 children in Oklahoma live in a household with income below the poverty line
- 8.1 percent of our children are uninsured compared to a national average of 5%
- 10% of Oklahoma children have a mental health disorder- 40% of these children are not receiving any mental health services.
- 66% of boys and 75% of girls in juvenile detention have at least 1 mental health disorder.

What does this have to do with 4 day school weeks?

According to SDE website data available, 4 day week districts attending less than 165 days average a summer break of 84 days, compared to the average 88 day summer break of 5 day districts attending 165 days or more and 95 day summer break of 5 day week districts attending less than 165 days. This means 4 day week districts on average are in session more weeks per year than 5 day districts. That is more weeks per year that our 4 day school districts are serving all of our students, especially our students outlined my statistics.

While my district originally switched to a 4 day week for financial reasons, we have been able to use certain aspects of the 4 day week to our advantage to help our neediest students thrive.

1. We are retaining qualified teachers and have NO emergency certified teachers. 4 day weeks are lucrative for teachers who participate in sponsorship for extracurriculars or coaching and for teachers who work a second job. These teachers have strong backgrounds in monitoring for signs that a student needs intervention- whether for food insecurity, mental health services, or DHS inquiry.

2. More weeks in session means more weeks for nutrition. Even with the elimination of breakfast and lunch on Fridays, NPS has implemented a backpack program where students receive a box of food to take home over the weekend to ensure access to nutrition. This box contains a variety of foods, including peanut butter, breakfast cereal, milk, juice, fruit, beef sticks, crackers, sunflower seeds, and other items to keep students full. Students receive 2 boxes for especially long weekends or breaks. NPS has also implemented a program nicknamed "3rd Meal" that is funded by grant for schools in session 7+ hours a day. In the afternoon, students are given about several food items, representing the majority of the food pyramid. For some, this is the last meal they will have until returning to school the next morning for breakfast due to food insecurity. Food insecurity has related to lower test scores and poor performance in school overall in studies, but more importantly, children should not be

going hungry. 4 day weeks qualified NPS for this grant and have provided our students with an additional 200,000 meals per year completely free of charge. **If the proposed rules pass as is, in 2021, Noble kids will have 200,000 less full bellies than the previous school year because we will no longer qualify for this federal nutrition program. 200,000 little bellies will get on their bus and go home hungry. I am not okay with that.**

3. In addition to guidance counselors, NPS has implemented a specific mental health counselor at each district site to address the mental health needs of students in our district. Keeping in mind that 10% of OK kids are facing a mental health disorder, 40% are going untreated, and 8% of OK kids are uninsured, these counselors may very well be the only services our students receive. Early intervention is key to prevent these conditions from interfering with student's lives long term. **This improved access to mental healthcare in our district is a direct result of the money we have saved being wisely reinvested for our students' best interests. A 5 day week could cost us the ability to afford this crucial, if not vital, addition to our district plan to improve the mental health of our students and families. Other than 200,00 hungry bellies, nothing is sadder to me than a child losing access to mental health services and knowing something inside them is broken that they cannot fix alone.**

4 day weeks are allowing our district to serve our students beyond the classroom. We are no longer just saving money, but reinvesting it into the service of our students. We've taken the lemons of a funding crisis and made lemonade. The current proposed rules are a threat to that service. The schools that would meet the guidelines aren't even the top 50% of our schools, but the top 10%. They are borderline discriminatory towards the impoverished and food insecure students many current 4 day districts serve. When only one K-12 school district in the state can achieve these outlined rules, the issue is with the rules, not the applicants. Erika Wright and Missy Berry of the Oklahoma 4 Day Coalition have proposed attainable, yet reasonable amendments for the proposed rules. These amendments would allow many districts to accommodate their students according to their district's personal needs. Personalizing education to each district is what will give our students the best opportunities to succeed. I ask that you seriously consider these amendments, as I strongly support them. Education cannot happen if a student does not have the necessary tools to thrive.

<p><b>96.</b> Summary of oral comment submitted at the Public Hearing on December 16, 2019:</p> <p>[The content of Comment 86 was read into the administrative record as an oral comment at the Public Hearing.]</p>	<ul style="list-style-type: none"> <li>■ Please see the response to Comment 86.</li> </ul>
<p><b>97.</b> Summary of oral comment submitted at the Public Hearing:</p> <p>As the Superintendent of Jennings Public Schools, I want to speak on the "growth" aspect for K-8 and elementary schools. I've been at Jennings for 13 years in different roles, and our test scores now are higher than they've ever been. We've been a 4-day school district for the last 4 years.</p> <p>Jennings was a B overall last year, and a C on academic growth. This year we increased our scores and were a higher B overall, and a B in academic growth. Our ELA scores have been well above state average for both years, but our math scores—while improving—have been slightly below the state average each year. Our overall growth score exceeds the state average, but because our math score was lower than the state average by 1 point, we wouldn't meet the exemption requirements. If growth is going to be used, it should be based on combined growth, not individual growth in ELA and Math separately.</p> <p>This is our 4<sup>th</sup> year using a modified 4-day week calendar. It is something our community has embraced and supported. We've had more than 90% of our families in support of keeping the 4-day week each time we have surveyed them. Our attendance has improved, our test scores has improved, teacher and student morale has improved, and we have been able to attract and retain some top-tier teaching talent because of our 4-day school week. Several are driving more than 75 miles round trip to teach at our rural district, in part because of the 4-day week.</p> <p>I have additional concerns with growth being used as the exemption [criteria]. In my opinion, you can only grow so much. It eventually caps out. I know of one district that was an A overall with an A in academic growth last year. This year they are a B overall. They have a B in academic performance, but their growth dropped to a D. This concerns me greatly. I feel like growth can only go in cycles. You will have up years and down years, but as a superintendent I can't waffle back and forth between a 4-day week schedule and a 5-day week schedule from year to year. In my opinion, if growth is going to be used there has to be an introduction of a probationary year to allow for a down cycle.</p>	<ul style="list-style-type: none"> <li>■ Following public comment, the proposed rule language has been adjusted to provide that a compensatory approach combining Math and ELA performance will be used to determine eligibility for elementary school sites, rather than a conjunctive approach using separate performance scores for ELA and Math.</li> <li>■ The OSDE commends the commenter's school district for engaging the community in its school calendar planning decisions.</li> </ul>

<p>I will close by saying that I believe these rules should be attainable. As they are currently written, less than 10% of the districts in the state would meet all the criteria needed to modify their calendar. That screams unattainability, and certainly warrants a need for revision at the very least.</p>	
<p><b>98.</b> Summary of oral comment submitted at the Public Hearing:</p> <p>I work for POE, but I'm also a parent of 2 students who go to a 4-day a week public school, and that's what I want to talk about. I've got 3 reasons why I really like the 4-day a week school.</p> <p>Number one is, I've been able to cut down on my day care costs. My kids go to school earlier, they end the day later, and it's cut down from needing day care 5 days a week to 1 day a week, which has been a great savings to my household.</p> <p>Not to mention, it enables me to schedule doctor and dentist appointments on our weekday off. So I'm never concerned with my child missing school for a dentist appointment or checkup.</p> <p>The third thing is my children's test scores. I brought my son's score from last year. On his Mathematics, it says the state average is a 294. My son as a third grader tested at a 311. On his Language Arts, the state average is a 289, and his test score was a 330. So I am very pleased with the 4-day week; it works very well I know personally for my household, and I believe everybody in the community feels that way. A principal in our district has said that she's going to teach longer because of the 4-day week, and would consider retiring if we go back to a 5-day week. I don't want to lose a great principal like that, and I've been very impressed with my son's test scores. I would like to see us keep our 4-day week.</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2 addressing the school calendar flexibility districts maintain under the current law and the proposed rule. The OSDE appreciates the commenter's willingness to share how they are personally affected by issues involving school district calendar design.</li> </ul>
<p><b>99.</b> Summary of oral comment submitted at the Public Hearing:</p> <p>I am representing the Oklahoma 4-Day School Coalition. We were promised rules that had a pathway to attainability. On behalf of the 3,000 members of our group, we believe these rules as written are not a reasonable pathway to exemption that we were promised. 93% of 4-day districts in the state will not currently pass, and only one K-12 school will pass these rules as written. In fact, when you overlay it over the entire state even with 5-day districts going to school 165 days a year, 90% of those would fail too, including some of our best academic districts: Edmond, Norman, Deer Creek, Jenks, Bixby—they wouldn't pass it either.</p>	<ul style="list-style-type: none"> <li>▪ Throughout autumn 2019, the Oklahoma State Department of Education (OSDE) convened a task force of education stakeholders representing many different school demographics—including large and small, urban and rural, and 4-day and 5-day districts—to explore options for the minimum eligibility guidelines for a waiver of the 165-day calendar. While not all members endorsed all proposals explored, the proposed rule amendment is based on recommendations that received general consensus from the school calendar task force.</li> </ul>

<p>So if our goal is to create rules that ensure our children aren't being academically harmed, then I submit to you that these rules do not reflect that. These rules reflect that we want districts to perform in the top 10% of the state as a ticket to local control, and we believe that's wrong.</p> <p>For Noble, raw attendance has increased, and activity absences have decreased by 70%. Those are our Friday kids that are out doing things and they're not missing time in front of a teacher. By the way, I sure do wish this meeting were on a Friday so other families could be here, instead of a Monday at 2:00.</p> <p>Since going to a 4-day week we have built the most robust and successfully competitive robotics team in the state and have many, many other accomplishments.</p> <p>If this current set of rules goes into effect, our state will see a mass exodus of quality teachers in hard-to-fill positions in rural Oklahoma. Our high-poverty children in rural Oklahoma will be the recipients of a marked jump in class sizes, loss of badly needed federal nutritional programs, and a reversal of any strides made in improving mental health care access for our school communities.</p>	
<p><b>100.</b> Summary of oral comment submitted at the Public Hearing:</p> <p>I currently teach fourth, fifth, and sixth grade math at Granite Schools. I'd like to add that this last year my fourth graders scored 5<sup>th</sup> in the state in their test scores, my fifth graders scored 1<sup>st</sup> in the state, and my sixth graders scored 1<sup>st</sup> in the state. And that is not just among 4-day week schools, that is the entire state.</p> <p>[Commenter read the content of Item 2 from Comment 76]</p> <p>[Commenter read the content of Item 3 from Comment 76]</p>	<ul style="list-style-type: none"> <li>▪ The OSDE appreciates the commenter's willingness to share their own teaching experiences, and commends the commenter—and their students—on their work and accomplishments.</li> <li>▪ Please see the response to Comment 2.</li> <li>▪ Following public comment, the proposed rule language has been adjusted to provide that a compensatory approach combining Math and ELA performance will be used to determine eligibility for elementary school sites, rather than a conjunctive approach using separate performance scores for ELA and Math.</li> </ul>
<p><b>101.</b> Summary of oral comment submitted at the Public Hearing:</p> <p>I am here as a parent of a student in a 4-day district, in Noble Public Schools. I am also the vice president of the Noble Public Schools Foundation.</p> <p>(I'm a little disappointed that I don't have faces [the State Board of Education] here to talk to today, because as an attorney and a professor I understand</p>	<ul style="list-style-type: none"> <li>▪ Please see the response to Comment 2.</li> </ul>

the value of having that face to face, eye to eye contact.)

I was a little apprehensive when we moved to a 4-day district. We didn't have the money to run 5 days, so we didn't have much of a choice. But I have a daughter that has reading difficulties, and I wanted to know what that 4-day week was going to look like for us. What I did not expect was the amazing effect it would have on my family, on my daughter, and on our community.

I'm gonna get a little emotional here, because my daughter is a third grader about to face that horrible state reading test, and she's dyslexic. And there's not a lot that the State of Oklahoma currently does to help dyslexic students. What has helped her is that, because we have a 4-day school week, we have retained some amazing reading specialists that have been trained in dyslexia for over 20 years. Now, my daughter gets to see those specialists for 3 hours a week.

If we return to 5 days a week, not only will I have to make a choice of whether I pull my daughter out of regular class time to get that assistance—I doubt those reading specialists stay. Because as of right now they could move to northern Texas, they could move to Colorado, and work 4 days a week making \$20,000 more and have a fully funded classroom. So if we are going to force Oklahoma students to go 5 days a week, we have to fund it. And making that decision to force them to go 5 days a week prior to offering that classroom funding is irresponsible.

Now, my daughter's thriving at Noble Public Schools. My daughter is a member of the youngest robotics team in the nation. They are competing on the international scale, and that's not going to happen if we return to a 5-day week. One, we're not going to be able to afford to miss the class time, especially if I'm having to pull my daughter out to go see a reading specialist during the day. But in addition to that, our robotics coach has received a lot of offers from the private sector. He is staying because he believes in a 4-day week; he is staying because he believes in our kids.

My daughter sat down and coded last summer with the best minds of the Department of Defense and the National Security Agency at the age of 7. My 4-day school week is why that happened.

■ The OSDE appreciates the commenter's willingness to share how they are personally affected by issues involving school district calendar design.

■ For updated resources and guidance regarding dyslexia, please see the recently released *Oklahoma Dyslexia Handbook* at: <https://sde.ok.gov/sites/default/files/Oklahoma%20Dyslexia%20Handbook.pdf>

■ The OSDE applauds Noble's impressive robotics team and its members.

<p><b>102.</b> Summary of oral comment submitted at the Public Hearing:</p> <p>My husband is a teacher at Noble Public Schools, and I also serve on the Board for the NPS Foundation. I want to address some of the concerns I have with the 4-day week rules that have been set forward.</p> <p>[Commenter read the content of Comment 95 into the hearing record.]</p>	<ul style="list-style-type: none"> <li>■ Please see the response to Comment 95.</li> </ul>
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**STATUTORY AUTHORITY FOR 210:10-1-4**

**Oklahoma Statutes**

**Title 70. Schools**

**Chapter 1 - School Code of 1971**

**Article I - Scope, Organization, and Definitions**

**Section 1-109 - School Year for Public Schools - Criteria for Extended Day Schedule**

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A. For all public schools in Oklahoma, school shall actually be in session and classroom instruction offered:

1. For not less than one hundred eighty (180) days; or
2. For not less than one thousand eighty (1,080) hours each school year, if a district board of education adopts a school-hours policy and notifies the State Board of Education prior to October 15 of the applicable school year; or
3. Beginning with the 2021-2022 school year, for not less than one thousand eighty (1,080) hours with a minimum of one hundred sixty-five (165) days of instruction each school year, if a district board of education adopts a school-hours policy and notifies the State Board of Education prior to October 15 of the applicable school year; or
4. Beginning with the 2021-2022 school year, for not less than one thousand eighty (1,080) hours each school year, if a district board of education adopts a school-hours policy, notifies the State Board of Education prior to October 15 of the applicable school year and meets the requirements established by the State Board of Education pursuant to subsection H of this section.

B. A school district may not count more than thirty (30) hours each school year that are used for attendance of professional meetings toward the one hundred eighty (180) days or one thousand eighty (1,080) hours of classroom instruction time required in subsection A of this section.

C. Teachers off contract with an employing district shall not be required by the employing school district to attend professional meetings unless the teacher is paid additional compensation for the additional time. Teachers may be paid additional compensation for attending professional meetings in excess of their contract term. Subject to district board of education policy or collective bargaining agreement, additional paid professional days may be granted for individual teachers to attend or participate in professional meetings, staff development training, or National Board certification portfolio development as provided for in Section 6-204.2 of this title.

D. A school district may authorize parent-teacher conferences to be held during a regular school day. If authorized by the school district, parent-teacher conferences shall be counted as classroom instruction time for no more than six (6) hours per semester, for a total of twelve (12) hours per school year.

E. A school district may maintain school for less than a full school year only when conditions beyond the control of school authorities make the maintenance of the term impossible and the State Board of Education has been apprised and has expressed concurrence in writing.

F. The State Board of Education shall establish criteria for an extended-day schedule for schools subject to paragraph 1 of subsection A of this section. The criteria shall:

1. Prescribe a lengthened school day within limits determined not to be detrimental to quality instruction;
2. Ensure that the schedule is equivalent in annual hours of instruction to the one-hundred-eighty-day school year specified in paragraph 1 of subsection A of this section; and
3. Be consistent with the provisions of this section and Sections 1-111 and 1-112 of this title, but may result in fewer annual days of instruction.

G. Notwithstanding the provisions of subsection F of this section, a school district board of education subject to paragraph 1 of subsection A of this section may adopt and implement an extended-day schedule subject to the following requirements:

1. The annual number of hours of instruction shall equal or exceed one thousand eighty (1,080) hours, which is the equivalent of one hundred eighty (180) days of instruction as specified in subsection A of this section for six (6) hours each day as specified in Section 1-111 of this title;
2. The annual number of days of instruction shall equal or exceed one hundred eighty (180) days as specified in subsection A of this section;
3. The schedule adopted shall be consistent with the provisions of Sections 1-111 and 1-112 of this title, except that for not more than one (1) day per week, a school day shall consist of not less than five (5) hours devoted to academic instruction in a regular classroom setting;
4. The district shall hold a public hearing prior to the adoption of an extended-day schedule authorized pursuant to this subsection; and
5. The district shall document the impact on student achievement as determined by the academic performance data score and any other relevant factors that are a result of implementation of an extended-day schedule authorized pursuant to this subsection and provide an annual report to the State Board of Education of the results. If improvement in student achievement cannot be documented in the report, the district board of education shall revoke authorization as provided by this subsection. If the district does not revoke authorization after student achievement is not documented in the report, the State Board of Education may deny accreditation of any school in violation of this subsection.

H. Beginning with the 2021-2022 school year, a school district board of education may adopt a school-hours policy as provided for by paragraph 4 of subsection A of this section only if it meets or exceeds the minimum guidelines for student performance and school district cost savings established by the State Board of Education. The State Board of Education shall promulgate rules, subject to approval by the Legislature, establishing the minimum guidelines for student performance and school district cost savings.

I. If subject to paragraph 2 of subsection A of this section, a district board of education or designee may elect to close a school during the school day for inclement weather purposes. In such an event, the number of hours incurred in classroom instruction time prior to school closure shall be counted toward the one thousand eighty (1,080) hours per year requirement.

J. Nothing in this section shall be construed as affecting the right of an employing school district to require teachers as defined in Section 6-101.3 of this title to work in excess of the one thousand eighty (1,080) hours required for student instruction. In addition, nothing in this section shall be construed to affect the Fair Labor Standards Act status of any school district employee.

K. The provisions of this section shall not prohibit the Oklahoma School for the Blind or the Oklahoma School for the Deaf from adopting an alternative school-hours policy if the Oklahoma School for the Blind or the Oklahoma School for the Deaf notifies and receives approval from the State Board of Education prior to October 15 of the applicable school year.

**TITLE 210. STATE DEPARTMENT OF EDUCATION  
CHAPTER 25. FINANCE  
SUBCHAPTER 3. FUNDING CRITERIA**

**210:25-3-4. Personnel**

(a) Teachers who have not yet received their degrees shall be considered as having a degree if all requirements have been completed except participation in graduation exercises.

(b) A teacher who has taught more than one-half of a day for 120 days or more shall be considered as having had one year of experience. A teacher who has taught the equivalent of 120 days within not more than two contractual years shall be considered as having had one year of experience. Experience shall be counted if the individual was legally employed and paid from funds under the supervision of a school board of education or any school accredited by the State Board of Education. Practice teaching or a practicum in a teacher-training institution shall not be considered as experience. Veterans Agricultural training instructors or any teacher employed full-time by an accredited college or university shall be considered as having one (1) year of teaching experience for each year of service after July 1, 1945, if such teaching experience is approved by the State Board of Education, provided such teacher held a bachelor's degree at the time these services were performed and was eligible to have been issued a teaching certificate. A teacher who has received Workers' Compensation benefits while employed by a public school district or charter school shall be eligible to have the time spent on Workers' Compensation included in the calculation of their cumulative teaching experience, provided all of the following conditions apply:

(1) The individual held a valid Oklahoma teaching certificate during the time period they received Workers' Compensation benefits;

(2) The individual received temporary total disability benefits;

(3) The individual was employed by a public school immediately prior to and during the period of absence due to work-related injury or illness;

(4) The individual's public school employer certifies in writing the dates during which temporary total disability benefits were paid to the individual; and

(5) Service credit for time during which a certified teacher received temporary total disability benefits through the Workers' Compensation system shall be capped at a cumulative maximum of five (5) years.

(c) Any district identified as contracting with a teacher, or administrator without a valid certificate shall be penalized in state aid. The state aid penalty amount shall be the salary amount paid by the district for the number of days the teacher or administrator taught without a valid certificate in excess of allowable substitute days.

(d) All teachers must have an official transcript on file with the Professional Standards Section showing the degree completed.

(e) The timeframe for submitting Initial Personnel Reports shall be open from September 1 through October 1 of each year. No later than October 1, all public school districts must file an accurate Initial Personnel Report with the State Department of Education. The report shall list all personnel in the district and shall list for each person the position code, compensation, degree, certification information, years of qualified experience, number of days employed and other information as deemed necessary. Beginning with the 2004-2005 school year the school district will report to the State Department of Education the salary and benefit information disaggregated as required by law. For each employee not returning from the previous year, a reason for no

return code shall be recorded. The Initial Personnel Report must be certified no later than October 15.

(f) From November 1 through December 15 of each year, a school district superintendent shall have access to the district's Initial Personnel Report. During this period, the superintendent will be permitted to make necessary corrections and updates to the report. Any changes made by a superintendent to the school district's Initial Personnel Report must be submitted no later than December 15. Reports are to be recertified after updates are complete.

(g) The timeframe for submitting Mid-Year Personnel Reports shall be open from January 1 through February 1 of each year. No later than February 1, all public school districts must file an accurate revised Mid-Year Personnel Report with the State Department of Education. The report shall contain any corrections, departures, and additions that have occurred since the October 1 Initial Personnel Report was filed so that more accurate information is available for state aid calculations, legislative projections and other statistical requirements. State Aid funds shall be withheld from any school district that does not submit the Mid-Year Personnel Report by February 1. Only after the accurate report has been received by the State Department of Education shall the withheld State Aid funds be released to the school district.

(h) From February 15 through May 15 of each year, a school district superintendent shall have access to the district's Mid-Year Personnel Report. During this period, the superintendent will be permitted to make necessary corrections and updates to the report. Any changes made by a superintendent to the school district's Mid-Year Personnel Report must be submitted no later than May 15. Reports are to be recertified after updates are complete.

(i) All public school districts must file an accurate End-of-Year Supplemental Personnel Report showing the changes for personnel previously listed as well as all information required on any new employees not previously listed. This report shall contain any corrections or changes to be made to the February 1 Mid-Year Personnel Report. All employees that departed the school district prior to completion of the school year shall be given a "Reason-For-Leaving" code and have salary and days employed adjusted. School districts shall also file the Certified Substitute Teachers Report listing the number of days taught in the school year by all certified substitute teachers. The timeframe for submitting End-of-Year Supplemental Personnel Reports and Certified Substitute Teachers Reports shall be open from June 1 to July 15 of each year. These two reports shall be filed with the State Department of Education no later than July 15.

(j) If the district pays a teacher less than the minimum salary required by law, the difference shall be deducted from the next payment of state aid, or a claim shall be filed by the Director of Finance to recover any such overpayment to the school district.

(1) The School Personnel Records Section will notify the school superintendent of all potentially underpaid teachers after the Mid-Year Personnel Reports are filed with the State Department of Education in February. The school superintendent shall notify the School Personnel Records Section of the district's intent to pay the teacher the underpaid amount or to dispute the amount. If disputed, the school superintendent is responsible for providing documentation to the School Personnel Records Section to show the teacher was not underpaid based on the state minimum salary schedule. The State Aid Section shall withhold from state aid the amount underpaid by October 1 in the school year following the year in which the underpayment occurred.

(2) The method for calculating teacher salaries to ensure state minimums are met shall be determined by the School Personnel Records Section.

(k) If a teacher asserts that the school district he or she is employed by and was employed by the previous year, (or if underpayment occurred prior to July 1, 2002, and the teacher filed an action to recover an underpayment in a court of competent jurisdiction before July 1, 2002), has reduced the salary and/or fringe benefit level without a proportionate reduction in hours or duties, the teacher may file a complaint with the State Department of Education's School Personnel Records Section. The complaint must be accompanied by documentation sufficient to justify the allegations in the complaint. The teacher shall also send a copy of the complaint and supporting documentation to the superintendent of the school district. The documentation shall include, but not be limited to, the teacher's salary and benefit amount for each year in question. The superintendent shall be given an opportunity to submit documentation to refute the teacher's claim within 20 calendar days of receipt of the complaint. The School Personnel Records Section shall review all the documentation presented and present the complaint to the State Board of Education for determination of whether the school district willfully reduced the teacher's salary and benefits in violation of the law. If the school district does not provide a response and supporting documentation to the complaint, the complaint shall be upheld. In the event the review of the documents reveals that the complaint is valid, the State Board of Education shall withhold the amount underpaid from the district's state aid as a penalty. Additionally, the same amount shall be withheld and that amount shall be sent to the teacher.

(l) Any superintendent, principal, or teacher shall not be considered as having received their minimum salary unless such salary is paid by school district warrants issued by the board of education or the school district.

(m) Personnel on the staff of the Oklahoma Department of Career and Technology Education shall be approved by the State Board of Education for increment purposes.

(n) Certified personnel teaching in Manpower Skill Centers and other Manpower Development Training Programs approved by the Oklahoma Department of Career and Technology Education shall be considered as teaching in a school approved by the State Board of Education for increment purposes as provided by Oklahoma School Law.

(o) Under the federal *Uniformed Services Employment and Reemployment Rights Act* (USERRA), a teacher who is called to active duty in the uniformed services is entitled to certain continuing benefits of civilian employment, including the accrual of Oklahoma teaching experience for minimum salary schedule purposes during their active duty service. For purposes of this subsection, the term "uniformed services" incorporates the definition at 38 U.S.C. § 4303 and includes the Air Force, Army, Coast Guard, Marine Corps, Navy, and the reserve components of these services, as well as the Air National Guard and Army National Guard. There is a cumulative limit of five (5) years on Oklahoma teaching experience accrued during active duty service while contracted as a public school teacher. Because teachers who are called to active duty while under contract with a school district are entitled to this benefit of employment under federal law, this category of up to five (5) years of service is separate from the up to five (5) years of active duty military service accrued *prior to* service as a teacher that an applicant for Oklahoma teaching certification may be eligible to have applied toward their initial step on the minimum salary schedule under 70 O.S. § 18-114(D). An individual who has been awarded up to five (5) years of credit for active duty service accrued prior to teaching, under 70 O.S. § 18-114(D), may also be eligible for up to five (5) years of credit awarded under this subsection if they are called to active duty while serving as a teacher.

(p) Certified personnel who are employed in the SoonerStart Early Intervention Program, a joint operation of the State Department of Education and the State Department of Health that

delivers educational services to children from birth through age two (2) under Part C of the *Individuals with Disabilities Education Act* (IDEA), shall be eligible to accrue Oklahoma teaching experience for services provided through SoonerStart that are substantially equivalent to educational services that the certified individual would provide if employed by a public school. Credit will be awarded based on the guidelines in subsection (b) of this rule, with at least one-half day of SoonerStart service provision for at least one hundred twenty (120) days per year, or at least three hundred sixty (360) hours per calendar year, resulting in one (1) year of Oklahoma teaching experience for salary schedule and retirement system purposes.

## **RULE IMPACT STATEMENT 210:25-3-4**

### **"Personnel" [AMENDED]**

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

The rule that details requirements for the employment of certified teachers by public schools, and conditions that apply to the accrual of teaching experience for certified educators, is being amended to address the effect of Workers' Compensation status on a teacher's accrual of experience. The proposed new provisions in the Personnel rule will allow a teacher who receives temporary total disability benefits while employed by a public school to have time spent on Workers' Compensation included in the calculation of their cumulative teaching experience. The proposed authorization for periods of temporary total disability during school employment to apply toward teaching experience parallels the process through which the Oklahoma Teacher Retirement System (OTRS) authorizes Workers' Compensation to apply toward years of experience for retirement purposes.

**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 affect teachers who have received Workers' Compensation while employed by an Oklahoma public school.

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

The rule change will benefit teachers who have received Workers' Compensation while employed by an Oklahoma public school.

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

The agency does not anticipate any economic impact upon political subdivisions or affected classes as a result of implementation of the proposed rule change at this time.

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

The agency does not anticipate any 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?**

The agency does not anticipate any 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 does not anticipate any impact on public health, safety, or environment as a result of implementation of the proposed rule at this time.

- 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:** December 4, 2019

**STATUTORY AUTHORITY FOR 210:25-3-4**

**Oklahoma Statutes**

**Title 70. Schools**

**Chapter 1 - School Code of 1971**

**Article III - State Department of Education**

**Section 3-104 - State Board of Education - Powers and Duties**

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The supervision of the public school system of Oklahoma shall be vested in the State Board of Education and, subject to limitations otherwise provided by law, the State Board of Education shall:

1. Adopt policies and make rules for the operation of the public school system of the state;

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6. Have authority in matters pertaining to the licensure and certification of persons for instructional, supervisory and administrative positions and services in the public schools of the state subject to the provisions of Section 6-184 of this title, and shall formulate rules governing the issuance and revocation of certificates for superintendents of schools, principals, supervisors, librarians, clerical employees, school nurses, school bus drivers, visiting teachers, classroom teachers and for other personnel performing instructional, administrative and supervisory services, but not including members of boards of education and other employees who do not work directly with pupils, and may charge and collect reasonable fees for the issuance of such certificates:

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20. Have authority and is hereby required to perform all duties necessary to the administration of the public school system in Oklahoma as specified in the Oklahoma School Code; and, in addition thereto, those duties not specifically mentioned herein if not delegated by law to any other agency or official;

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**TITLE 210. STATE DEPARTMENT OF EDUCATION**  
**CHAPTER 35. STANDARDS FOR ACCREDITATION OF ELEMENTARY, MIDDLE**  
**LEVEL, SECONDARY, AND CAREER AND TECHNOLOGY SCHOOLS**  
**SUBCHAPTER 23. HONOR SOCIETIES**

**210:35-23-2. Oklahoma middle, junior high, or high school Honor Society**

Rules and regulations which apply to Oklahoma middle, junior high, or high school Honor Society are:

- (1) The organization shall be known as either the Oklahoma Middle, Junior High or High School Honor Society.
- (2) The purpose of this society shall be to promote high standards of scholarship among the students in the schools of Oklahoma.
- (3) Every accredited middle, junior high or high school in the state is eligible to organize a local chapter of the society.
- (4) Each chapter shall take the name of the local school. The full name of the local organization shall be (Name of School) Chapter, Oklahoma (Middle, Junior High, or High School) Honor Society."
- (5) Ten percent (10%) of the middle, junior high, or high school enrollment, whichever is applicable, will be eligible for membership. Only those students enrolled in grades included in the school are eligible for membership.
- (6) The ten percent (10%) of the student body making the highest average marks in the school may be nominated.
- (7) Forms to be used in listing students that have been nominated for membership will be sent to the local school authorities prior to February 1 of each year. Membership will be based upon work done during the first semester of the current year and the second semester in the preceding year. The standing of students enrolled in the first year of a particular organizational level will be based on the work done during the first semester of the current year.
- (8) The local chapter may be organized as soon as nominations are made. Nominations should be approved by the local school officials not later than March 15 of each year. A list of students nominated should be sent to the State Department of Education, Office of Accreditation-Section, on forms furnished for that purpose. A certificate of membership for each person approved will be sent to the local school authorities. These certificates will be distributed in time for closing exercises of the school in the spring.
- (9) At the time the certificates are presented, there should be appropriate ceremonial exercises. This is usually done in connection with the commencement program or special awards assembly.
- (10) The local school officials shall have authority to make additional rules pertaining to school attendance, deportment, and student activities. A school district or charter school that organizes an Honor Society may establish a policy for determining eligibility for membership based on such additional factors in the event that Grade Point Average (GPA) alone cannot be used to identify ten percent (10%) of the student population for eligibility. Such factors may only include those conditions and activities that are available to all students in the school, such as attendance and participation in school-sponsored extracurricular activities.

If a school has not established a policy for identifying the highest performing ten percent (10%) of students in the event of a tie in GPA among two or more students, all students tied for the eligible GPA shall be nominated for membership.

## **RULE IMPACT STATEMENT 210:35-23-2**

### **"Oklahoma middle, junior high, or high school Honor Society" [AMENDED]**

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

The rule that authorizes public schools to organize Honor Societies and lays out requirements for student eligibility is being amended to provide further guidance to schools. A proposed provision is being added to clarify that a school may establish a policy for determining the top ten percent (10%) of enrolled students eligible for Honor Society membership in the event of a tie in Grade Point Average (GPA). The proposed amendment also provides that in the event of a tie in the top 10% of students as ranked by GPA in a school that has not established a "tiebreaker" policy, all students tied for the eligible GPA shall be nominated for membership.

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 affect public middle schools, junior high schools, high schools, and their students who are eligible for Honor Society membership.

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

The rule change will benefit public schools students who are eligible for Honor Society membership by ensuring that schools establish equitable policies for determining the top 10% of students in case of a tie in GPA, or in the absence of such a policy that all students tied for the eligible GPA range are nominated for membership.

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

The agency does not anticipate any economic impact upon political subdivisions or affected classes as a result of implementation of the proposed rule change at this time.

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

The agency does not anticipate any 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?**

The agency does not anticipate any 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 does not anticipate any impact on public health, safety, or environment as a result of implementation of the proposed rule at this time.

- 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:** December 4, 2019

**STATUTORY AUTHORITY FOR 210:35-23-2**

**Oklahoma Statutes**

**Title 70. Schools**

**Chapter 1 - School Code of 1971**

**Article III - State Department of Education**

**Section 3-104 - State Board of Education - Powers and Duties**

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The supervision of the public school system of Oklahoma shall be vested in the State Board of Education and, subject to limitations otherwise provided by law, the State Board of Education shall:

1. Adopt policies and make rules for the operation of the public school system of the state;

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7. Promulgate rules governing the classification, inspection, supervision and accrediting of all public nursery, kindergarten, elementary and secondary schools and on-site educational services provided by public school districts or state-accredited private schools in partial hospitalization programs, day treatment programs, and day hospital programs as defined in this act for persons between the ages of three (3) and twenty-one (21) years of age in the state. However, no school shall be denied accreditation solely on the basis of average daily attendance.

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16. Provide for the establishment of a uniform system of pupil and personnel accounting, records and reports;

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20. Have authority and is hereby required to perform all duties necessary to the administration of the public school system in Oklahoma as specified in the Oklahoma School Code; and, in addition thereto, those duties not specifically mentioned herein if not delegated by law to any other agency or official;

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