

By completing this application and signing the FERPA waiver, I am acknowledging that my information has the possibility to be discussed in the Oklahoma State Board of Education meeting, which is an open meeting. My documentation and application will also be redacted and posted online.

Acknowledged: \_\_\_\_\_

Date: \_\_\_\_\_

# ACE Appeal Form

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

## Reporting Person Information

NAME \_\_\_\_\_ TELEPHONE \_\_\_\_\_  
 E-MAIL \_\_\_\_\_ MAILING ADDRESS \_\_\_\_\_

## Student Information

NAME \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_  
 E-MAIL \_\_\_\_\_ MAILING ADDRESS \_\_\_\_\_  
 TELEPHONE \_\_\_\_\_ SCHOOL SITE AND DISTRICT \_\_\_\_\_  
 DATE STUDENT HAS BEEN DENIED A STANDARD DIPLOMA (GRADUATION DATE) \_\_\_\_\_

**School Districts must assess students at the End of Instruction in English II, English III, Algebra I, Algebra II, Geometry, U.S. History, and Biology. Has the student taken the following classes and EOI(s):**

Did the student take English II? Did the student take the EOI?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	Did the student take English III? Did the student take the EOI?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
Did the student take Algebra I? Did the student take the EOI?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	Did the student take Algebra II? Did the student take the EOI?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
Did the student take Geometry? Did the student take the EOI?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	Did the student take U.S. History? Did the student take the EOI?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
Did the student take Biology? Did the student take the EOI?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No		

Please list the initial date the student assessed in each subject along with the score.

ENGLISH II \_\_\_\_\_  
DATE/SCORE

ENGLISH III \_\_\_\_\_  
DATE/SCORE

BIOLOGY I \_\_\_\_\_  
DATE/SCORE

US HISTORY \_\_\_\_\_  
DATE/SCORE

ALGEBRA I \_\_\_\_\_  
DATE/SCORE

GEOMETRY \_\_\_\_\_  
DATE/SCORE

ALGEBRA II \_\_\_\_\_  
DATE/SCORE

**School Districts must offer three re-test opportunities per year and remediation for unsuccessful End of Instruction (EOI) attempts. Were all these opportunities offered to the student?  Yes  No**

*Please list the date(s) of all re-test attempts in each subject along with the score(s).*

**ENGLISH II** \_\_\_\_\_  
DATE(S)/SCORE(S)

**ENGLISH III** \_\_\_\_\_  
DATE(S)/SCORE(S)

**BIOLOGY I** \_\_\_\_\_  
DATE(S)/SCORE(S)

**US HISTORY** \_\_\_\_\_  
DATE(S)/SCORE(S)

**ALGEBRA I** \_\_\_\_\_  
DATE(S)/SCORE(S)

**GEOMETRY** \_\_\_\_\_  
DATE(S)/SCORE(S)

**ALGEBRA II** \_\_\_\_\_  
DATE(S)/SCORE(S)

**Did the student participate in all remediation?  Yes  No**

*List all remedial activity(ies), class(es) and date(s) that the student participated in by subject for unsuccessful EOI attempts.*

**ENGLISH II** \_\_\_\_\_  
ACTIVITY(IES)/CLASS(ES)/DATE(S)

**ENGLISH III** \_\_\_\_\_  
ACTIVITY(IES)/CLASS(ES)/DATE(S)

**BIOLOGY I** \_\_\_\_\_  
ACTIVITY(IES)/CLASS(ES)/DATE(S)

**US HISTORY** \_\_\_\_\_  
ACTIVITY(IES)/CLASS(ES)/DATE(S)

**ALGEBRA I** \_\_\_\_\_  
ACTIVITY(IES)/CLASS(ES)/DATE(S)

**GEOMETRY** \_\_\_\_\_  
ACTIVITY(IES)/CLASS(ES)/DATE(S)

**ALGEBRA II** \_\_\_\_\_  
ACTIVITY(IES)/CLASS(ES)/DATE(S)

**Was the student made aware of the State Board of Education alternate assessments available for them to attempt?**  
(Ex: ACT, WorkKeys, Plan, etc. Please refer <http://ok.gov/sde/sites/ok.gov.sde/files/ACE-EOIAltTests.pdf> for a complete list of alternative tests and cut scores by subject.)  Yes  No

**Have any of the alternate assessments been attempted?  Yes  No**

*Please list the assessment name, date(s), and score(s).*

ASSESSMENT NAME/DATE(S)/SCORE(S) \_\_\_\_\_

ASSESSMENT NAME/DATE(S)/SCORE(S) \_\_\_\_\_

ASSESSMENT NAME/DATE(S)/SCORE(S) \_\_\_\_\_

ASSESSMENT NAME/DATE(S)/SCORE(S) \_\_\_\_\_

School Districts must offer the student State Board approved End of Course Project(s).  
Were these offered to the student?  Yes  No

Have any of the End of Course Projects been attempted?  Yes  No

Please list the subject, date(s) and score(s).

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SUBJECT/DATE(S)/SCORE(S)

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SUBJECT/DATE(S)/SCORE(S)

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SUBJECT/DATE(S)/SCORE(S)

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SUBJECT/DATE(S)/SCORE(S)

Has the student been unconditionally accepted to a college or university?  Yes  No  
Documentation of correspondence from the college is required.

Is the basis of the student appeal an Extenuating Circumstance?  Yes  No  
Sufficient Evidence of an Extenuating Circumstance means evidence of circumstances which are unexpected, significantly disruptive, beyond a student's control, and which may have reasonably affected his/her academic performance.

Is the basis of the student appeal Evidence of Mastery of State Content Standards?  Yes  No  
Sufficient Evidence of Mastery of State Content Standards means evidence other than completion of course.

Is any other factor the basis of your appeal?  Yes  No

Please attach a separate document explaining in detail the rationale behind the appeal and all supporting documentation that all approved methods have been attempted.

I agree that all of the information is accurate and true to the best of my knowledge.

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SIGNATURE

DATE

■ Superintendent or the Superintendent's Designee

We have attached the ACE Cumulative Record and verify that the information included in the appeal accurately represents the record of the school.

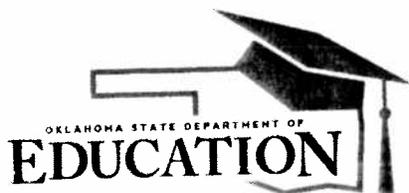
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SIGNATURE

DATE

Student has met all curricular requirements?  Yes  No

If you disagree with the student's request for an appeal, please attach all rebuttal evidence.



Please mail this completed form along with your documentation page(s) to:

Oklahoma State Department of Education  
ATTN: Connie Holland  
Secretary of the Oklahoma State Board of Education  
2500 N. Lincoln Blvd, OKC, OK 73105

Please address questions to:

Melissa White, Executive Director of Counseling/ACE  
(405)521-3549 or [Melissa.White@sde.ok.gov](mailto:Melissa.White@sde.ok.gov)

# 1 FERPA Waiver

The Family Educational Rights and Privacy Act (FERPA) of 1974, is a federal law that establishes the rights of students with regard to education records, and ensures students and families of the right to privacy and confidentiality with respect to those records. This form is provided as a means for students, parents and/or guardians to give the **Oklahoma State Department of Education** and **Oklahoma State Board of Education** permission to discuss and/or disclose the academic records of the student, including any and all IEP information and data, with someone other than themselves (i.e., with a parent, guardian, etc.). This authorization would allow the student's academic record and needs to be discussed or considered during State Department of Education meetings that may be open to the public to the extent necessary to provide the student or family with academic services requested by the student, parent or guardian.

## Parent/Student's Authorization to Release Information

In signing this waiver, I, \_\_\_\_\_,  
parent or guardian of student, \_\_\_\_\_,  
Oklahoma Testing ID# \_\_\_\_\_, grant access of all my academic records to the  
Oklahoma State Department of Education and/or Oklahoma State Board of Education for the purposes  
of discussion and consideration in meetings open to the public with regard to the student's educational  
needs and services.

STUDENT NAME

DATE OF BIRTH

STUDENT TESTING ID NUMBER

PARENT OR GUARDIAN SIGNATURE /AUTHORIZATION

RELATIONSHIP TO STUDENT

STUDENT SIGNATURE/AUTHORIZATION





From: Tulsa Area PLAC <tulsaareaplac@yahoo.com>  
Subject: **ACE Appellant published records**  
Date: June 11, 2012 3:25:00 PM CDT  
To: Janet.Barresi@sde.ok.gov  
Attachments: 1 Attachment, 24.6 KB

June 11, 2012

Dr. Janet Barresi  
State Department of Education  
Re: ACE appellants records made public

Dr. Barresi,

I am contacting you regarding the posting of student educational records on the State Department of Education website last Tuesday, June 5th. When looking for a copy of the approved Activities Fund Budget on the SDE website, I was shocked to find the names, birth dates, test scores, IEP information, and letters regarding learning disabilities and personal challenges of the students wishing to appeal ACE graduation requirements. Such detailed student information should never have been posted in the purview of the general public.

Your department has a very serious responsibility to protect the privacy of students' educational records. I am concerned about the disregard for the protection of these sensitive student records, and ask that they be taken off the website immediately. The further redacting, leaving only the student's first and last initials does not go far enough to protect the student. In smaller communities, knowing the name of the school and student initials would be enough to identify a student.

During the public comments period at the Board Meeting, a school official was quite effective at preserving privacy of those students she was representing by referring to Student #1, Student #2, etc.... It does not seem a challenging or burdensome request to ask that these records be taken down, and further references to appellants be made through a numbering system.

During the recent Legislative Session, the State Department of Education was a vocal opponent of the ACE appeals legislation, which affords students the right to appeal the graduation testing requirements. Please consider how your opposition to the appeals process would lead to questions regarding the intent of publishing the student's confidential records.

It is critical that parents are able to trust you, and each individual in your department to respect the interests, the privacy, and the dignity of our children.

Sincerely,

Melissa Abdo  
Parent Coordinator  
Tulsa Area PLAC

TULSA AREA  
**PLAC**  
PARENT LEGISLATIVE ACTION COMMITTEE

*Mission: A nonpartisan committee  
with the goal of increasing awareness  
of parents and the community on  
legislative issues impacting public  
education in Oklahoma.*

[www.facebook.com/TulsaAreaPLAC](http://www.facebook.com/TulsaAreaPLAC)



From: Janet Barresi <Janet.Barresi@sde.ok.gov>  
Subject: **RE: ACE Appellant published records**  
Date: June 11, 2012 5:59:02 PM CDT  
To: Tulsa Area PLAC <tulsaareaplac@yahoo.com>

Dear Ms. Abdo:

Thank you for your letter. I appreciate the opportunity to respond to you. When we received the applications from Broken Arrow, the State Board of Education had not yet approved emergency rules to implement HB 2970. While it is true that I opposed the bill, it was not because I thought it was a bad bill, it was because we already had an appeals process in place that had been operational for seven years. Those rules were written and signed by Gov. Henry under the original ACE legislation. The process for student appeal is nearly identical to the process we now employ. The only additional opportunity for appeal that was established in the emergency rules under HB2970 was for the student to be able to be granted an appeal if they were accepted unconditionally to a "selective" college or university. This exception could have been added to the rules of the existing ACE legislation by the State Board of Education without legislative action. There is nothing in HB 2970 that exempts a student from the graduation requirements of ACE. Therefore the legislation was unnecessary. That is why I opposed it.

Allow me to respond to your main concern. For many years, the agency has made available to the public all material considered by the State Board of Education during open meetings. For years, Department staff distributed hard copies of such information as packets to attendees and the media. Within the last year, at the request of reporters and to allow for more efficient and cost effective distribution of those materials, we began posting the same board materials on the Department's website.

Because the State Department of Education is a "public body" as defined by the Oklahoma Open Records Act. The Open Records Act defines a "record" as:

*" . . . all documents. . . . created by, received by, under the authority of, or coming into the custody, control or possession of public officials, public bodies, or their representatives in connection with the transaction of public business, the expenditure of public funds or the administering of public property."*

Any record or document the Department receives "in connection with the transaction of public business" is considered to be an open record. This includes records and documents received by the Department through the ACE Appeals process. These documents are available to the public by virtue of the open record law. The records become public records upon submission to the State Board of Education. Once those records are submitted for an appeal to a state agency, there is no expectation of privacy. (Even more so in this case, where the student signed a waiver.)

The records submitted to the Department are permanent records that are available to the public—regardless of whether they are published on the website. I agree with you that we should take all reasonable steps to protect the information contained in the records of these students.

It is a difficult balance. We must weigh the obligations of the agency to conduct public business and the obligation to protect the records of students who file appeals, to the greatest extent possible. I do recognize the sensitivity of these cases, which is why I supported the Board's request to deliberate in executive session and why I made attempts early in this process to manage the information released to the public.

I want to emphasize that I hear and understand your concerns. Be assured we are continuing to work with staff this week to review and further refine this appeal process. We are further redacting the information already posted. We are also exploring other ways to protect sensitive information in the future, such as assigning case numbers to the appeals. There are two competing interest to weigh: the public's right to be informed and the student's right to submit an appeal before the State Board. I believe we can find a good balance and implement a policy going forward that both protects student information and provides transparency to the public. I appreciate your thoughtful comments.

Sincerely,  
Janet Barresi



***Public comments: June 28, 2012 State Board of Education Meeting***

Superintendent Barresi, Members of the Board:

Thank you for the opportunity to speak to you this morning.

My name is Melissa Abdo. I'm the volunteer coordinator of PLAC, a parent legislative action group in Tulsa. I am here today to share parents' concerns regarding the appeal process in place for students seeking a waiver of the ACE graduation testing requirements. I will begin by saying it's very encouraging to see today's agenda refer to ACE appellants by case number, rather than student names or initials.

It was unimaginable for parents to learn the confidential records of students who appealed to the Board on June 5th, were published on the State Department of Education website. Information which was originally made public included full name, transcripts, IEP information, EOI test scores, letters detailing student's personal challenges and medical conditions which impact academic performance.

While the records were further redacted and re-posted, it did not go far enough to protect the students. Initials and school name are often enough information to identify someone. In this case, it is not difficult at all as full names still appear on June 5th Board Meeting agenda.

Not only is this concerning for Oklahoma parents, it has also gained the attention of national parent groups. The FERPA waiver in the ACE Appeal form approved by the Board May 24, contains language unlikely to be interpreted by any parent as permission to publish their child's sensitive records online.

The Tulsa World reprinted emails by some Board Members, questioning why records discussed in executive session would be made public. If this were not anticipated by Members of the Board, why would any student or parent have been expected to make that assumption.

Since the Board's last meeting, an additional waiver has been included with the ACE Appeal form. Students and/or parents must now acknowledge their confidential records will be published online, to access an appeal process granted by state law.

My question today is: Why is this now necessary?

On November 17th, 2011 the Board granted one student a waiver from the ACE requirements. This occurred without posting records online, or including the student's name on the meeting agenda. This suggests the process can be accomplished in a manner which protects the students.

I respectfully ask the Board take whatever action necessary today to:

- remove student names from the June 5 meeting agenda
- remove all student records from the SDE website
- ensure the appeals process protects the privacy and dignity of all Oklahoma students.

Thank you again for your time this morning.

Melissa Abdo