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Permanent Final Adoptions

SUBCHAPTER 7. SANITATION, DISINFECTION AND SAFETY STANDARDS FOR ESTABLISHMENTS AND SCHOOLS

175:10-7-17. License and other posting requirements

(a) Licenses shall be posted in a place easily viewed by the public.

(1) Current 2" X 3" photo of licensee is required to be posted with each license or work permit.

(2) Student and apprentice registration receipts and student permits to work shall be posted conspicuously.

(3) Posting at individual work/styling station in an Establishment may be required for inspection and identification purposes.

(b) Board Sanitation and Disinfection Rules shall be posted in each Establishment.

(c) Code of Ethics shall be posted in each school.

(d) Current inspection reports shall be posted in a place easily viewed by the public.

(e) All persons practicing in a salon shall be required to have a current form of photo ID on their person and be prepared to produce it to the Inspector at time of inspection.

175:10-7-29. Facial procedures, devices and equipment

(a) Licensees are prohibited from performing facial procedures using cosmetic exfoliating substances or devices that effect more than the top layer (stratum conium) or outer most layer of dead cells on the skin. Procedures which use any cosmetic exfoliation substance or device to remove viable (living) skin below the stratum conium are deemed beyond the scope of practice of persons and Establishments licensed by the Board of Cosmetology and Barbering.

(b) Cosmetic exfoliating substances may include alpha hydroxyl acids (glycolic and lactic acids), beta hydroxyl acids, salicylic acid, Jessner's solutions, resorcinol and other substances intended to affect no more than the stratum conium.

(c) Cosmetic exfoliating devices may include FDA (U.S. Food and Drug Administration) registered and/or approved devices, provided that such devices affect no more than the stratum conium.

(d) Invasive procedures which result in the removal, destruction, incision or piercing of the skin beyond the stratum cornium is prohibited.

175:10-7-32. Kiosk style establishment

A kiosk style cosmetology or barbering establishment maybe approve to operate within an enclosed building such as a mall or airport lounge. The operation of a kiosk style establishment shall require an Establishment license. The establishment must have a hand washing lavatory with hot and cold water under pressure. Only non-chemical hair services, demonstrations, make-up applications, styling tool demonstrations or threading may be performed at the kiosk style establishment. All sanitation and safety procedures

required for cosmetology and barbering establishments must be followed by the kiosk style establishment.

[OAR Docket #16-443; filed 6-14-16]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 1. STATE BOARD OF EDUCATION

[OAR Docket #16-447]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 3. Departmental Precepts

210:1-3-8.1. Student Data Accessibility, Transparency and Accountability Act [AMENDED]

AUTHORITY:

70 O.S. § 3-104; 70 O.S. § 3-168; State Board of Education

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:

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SUPERSEDED EMERGENCY ACTIONS:

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Subchapter 3. Departmental Precepts

210:1-3-8.1. Student Data Accessibility, Transparency and Accountability Act [AMENDED]

Gubernatorial approval:

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15-803

INCORPORATIONS BY REFERENCE:

n/a

ANALYSIS:

The amendment to 210:1-3-8.1 eliminates language in the Student Data Act rule that required the State Department of Education to redact aggregate (group level) student data reports for all data cells showing a number lower than ten (10). This change strikes the language that associated a specific number with the definition of "personally identifiable information" (PII), and leaves the rule's incorporation of the *Family Educational Rights and Privacy Act* (FERPA) definition of PII intact. This protects student privacy while providing more flexibility and transparency in the presentation of public data reports.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S.,

SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF AUGUST 25, 2016:

SUBCHAPTER 3. DEPARTMENTAL PRECEPTS

210:1-3-8.1. Student Data Accessibility, Transparency and Accountability Act

(a) **Definitions.** The following words and terms, when used in this Section, shall have the following meaning:

- (1) **"Personally Identifiable Information"** shall have the meaning set forth in 34 C.F.R. § 99.3;
- (2) **"School official"** shall mean the officials within an educational agency or institution, including, but not limited to teachers, who are determined by the agency or institution to have legitimate educational interests in Personally Identifiable Information pursuant to the provisions of 34 C.F.R. § 99.31(a)(1);
- (3) **"Student data"** shall have the meaning set forth in 70 O.S. § 3-168(A)(7).

(b) **Annual inventory of student data collection.** The State Board of Education shall create and/or update and publish a data inventory and dictionary or an index of individual student data elements with definitions of individual student data fields currently collected by the State Department of Education in its student data system.

- (1) The inventory or index required to be created and published by this subsection shall include:
 - (A) Any student data required to be reported by state and federal education mandates;
 - (B) Any student data, if any, which have been proposed for inclusion in the student data system with a statement regarding the purpose or reason for the proposed collection; and
 - (C) Any student data, if any, that the State Department of Education collects or maintains with no current purpose or reason.
- (2) The inventory or index required to be created and published by this subsection shall identify which student data elements were collected by the State Department of Education on or before July 1, 2013. All data elements identified as a student data element collected by the State Department of Education on or before July 1, 2013 shall be considered an "existing collection of student data" exempt from the provisions of (c) of this Section pertaining to collection of "new student data."

(c) **Collection of new student data - limits.** New collections of student data shall be subject to the following procedures:

- (1) For purposes of this subsection, a "new collection of student data" shall mean any new data object (i.e., category of student data) added to the student information system.
- (2) Any new collection of student data proposed for addition to the State Department of Education student data system shall be identified and submitted to the State Board of Education for approval no later than December 1 of the year prior to the school year for which the new data collection is proposed to be added.

(3) Any new collection of student data proposed for addition to the State Department of Education student data system shall be submitted to the Governor and the Legislature within one year from the date of approval by the State Board of Education, in accordance with the provisions of 70 O.S. § 3-168(C)(7). Until approved by the Governor and the Legislature, any proposed new data collection shall be considered provisional, provided that any proposed new data collection not approved by the Governor and the Legislature by the end of the next legislative session shall be deemed to expire and shall no longer be required by the State Department of Education.

(d) **Disclosure or transfer of student data - limits.** All requests for disclosure and/or transfer of student data collected and maintained by the State Department of Education, including, but not limited to Open Records Act requests and research requests, are subject to the following procedures:

(1) **Confidentiality of student data.** All data which falls within the definition of "student data" set forth in 70 O.S. § 3-168(A)(7) is hereby deemed confidential pursuant to 70 O.S. § 3-168(C). Accordingly, "student data" are not subject to disclosure by the State Department of Education unless:

- (A) The student data are aggregated and any Personally Identifiable Information has been removed in accordance with the procedures set forth in (3) of this subsection;
- (B) The student data are otherwise approved for release, sharing, and/or disclosure by the State Board of Education in accordance with the procedures set forth in (4) of this subsection; or
- (C) The student data does not have prior approval of the State Board of Education for release, sharing, and/or disclosure, but the release of requested data to the requester does not violate provisions of the Family Education Rights and Privacy Act (FERPA) at 20 U.S.C. § 1232g et seq. or accompanying regulations at 34 C.F.R. Part 99, and the release is limited to one of the following purposes:
 - (i) Facilitating a student transfer out of state, or assisting a school or school district with locating an out-of-state transfer;
 - (ii) Facilitating a student's application to an out-of-state institution of higher education or professional training program;
 - (iii) Registration for a national or multistate assessment taken by a student;
 - (iv) Facilitating a student's voluntary participation in a program for which transfer of that student's data are a condition and/or requirement of the student's participation;
 - (v) The Department enters into a contract that governs databases, assessments, special education, or instruction supports with an out-of-state vendor;
 - (vi) Compliance with federal reporting requirements for students classified as "migrants."

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(2) Authorized access to confidential student data.

Access to confidential student data in the State Department of Education student information system shall be restricted to:

(A) Employees of the State Department of Education who have been authorized by the Superintendent of Public Instruction to access confidential student data;

(B) Contractors of the State Department of Education who require such access to perform their assigned duties, including staff and contractors from the Information Services Division of the Office of Management and Enterprise Services (OMES) who have been assigned to the State Department of Education, provided that all such individuals shall comply with the terms set forth in the contract governing use and handling of student data;

(C) District administrators, teachers, personnel or other "school officials" under direct control of a school in which the student has been enrolled or in which the student has applied for transfer or enrollment and who require access to confidential student data in order to perform their assigned duties;

(D) A student and/or parents or legal guardians of the student with rights to inspect a student's own records in accordance with rights afforded by state or federal law;

(E) The authorized staff of any other State of Oklahoma agencies as authorized by law and in accordance with the terms of interagency data sharing agreements; and

(F) The authorized staff of any other entity as necessary to fulfill the purposes set forth in 70 O.S. § 3-168(C)(3) or as otherwise approved by the State Board of Education to access or share student data in accordance with terms of interagency data-sharing agreements.

(3) Requests for release of student data. ~~All requests for release, disclosure, or transfer of confidential student data shall be reviewed in accordance with the following procedures:~~

~~(A) **Step one.** Prior to disclosure and/or transfer of information collected and maintained by the State Department of Education, any student data identified for potential disclosure and/or transfer in response to a request shall be screened for all information that meets the definition of "Personally Identifiable Information".~~

~~(i) For purposes of this subparagraph, student data shall be deemed to result in the identification of a specific student if the n size of the dataset is fewer than ten (10) records, provided that the provisions of this paragraph shall not be interpreted to require disclosure of records of a higher n size if the release would result in disclosure of potentially identifiable information of one or more students.~~

~~(ii) Removal, redaction, and/or suppression of Personally Identifiable Information in a dataset~~

~~necessary to bring a dataset proposed for release into compliance with the requirements of (3)(D)(iii)(II) of this subsection may require suppression of additional subsets of records to ensure that the privacy of students in the fewer than 10 subgroup.~~

~~(D) **Step two.** In accordance with the provisions of 70 O.S. § 3-168(C)(2)(c), all requests for release, disclosure, and/or transfer, of confidential student data shall be denied unless the data or dataset requested for release meets one of the following conditions:~~

~~(iA) The request is from an individual or entity specifically authorized to access confidential student data pursuant to 70 O.S. § 3-168(C)(2)(a) or (d)(2) of this Section;~~

~~(iiB) The requested data or dataset has been approved for release to the requester by the State Board of Education in accordance with the policies and procedures set forth in (4) of this subsection; or~~

~~(iiiC) The requested data or dataset meets all of the following criteria:~~

~~(i) The requested data meets the definition of "aggregate data" set forth in 70 O.S. § 3-168(A)(4); and~~

~~(ii) All data that falls within the definition of "Personally Identifiable Information" set forth in 34 C.F.R. 99.3 has been removed, suppressed, and/or redacted as necessary to ensure no Personally Identifiable Information is included in the student data requested for release;~~

(4) Policies and procedures governing approval of release, sharing and/or disclosure of confidential student data by the State Board of Education.

The State Department of Education shall develop a detailed data security plan that complies with the provisions of 70 O.S. §3-168(C)(4) and includes internal policies and procedures governing agency responses to requests for release and/or sharing of confidential student data to persons not authorized to access confidential student data in accordance with (2) of this subsection. Such internal policies and procedures shall meet all of the following requirements:

(A) The policies and procedures shall prohibit release of all data or datasets containing Personally Identifiable Information of one or more students unless all of the following conditions are met:

(i) The release complies with the provisions of the Family Education Rights and Privacy Act (FERPA) at 20 U.S.C. § 1232g et seq. and accompanying regulations at 34 C.F.R. Part 99; and

(ii) Approval for the release has been obtained from the State Board of Education.

(B) The policies and procedures shall set forth the requirements of all written agreements necessary to comply with the requirements of 34 C.F.R. § 99.31.

[OAR Docket #16-447; filed 6-14-16]

**TITLE 210. STATE DEPARTMENT OF
EDUCATION
CHAPTER 10. SCHOOL ADMINISTRATION
AND INSTRUCTIONAL SERVICES**

[OAR Docket #16-448]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 1. General Provisions

210:10-1-13. Educational services for children in residential care, treatment, or emergency shelter facilities [AMENDED]

AUTHORITY:

70 O.S. § 3-104; 70 O.S. § 1-113; State Board of Education

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:

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n/a

INCORPORATIONS BY REFERENCE:

n/a

ANALYSIS:

The amendments to 210:10-1-13 update the rule in accordance with statutory changes. House Bill 2069 (2015) amended the school district residency statute at 70 O.S. § 1-113 to provide that a foster parent may choose among three options for a foster child's district of residence: the location of the current foster home, the location of the child's previous foster home, and the child's district of residence before being placed in foster care. The rule is updated to reflect these options and another statutory change, which extends the timeframe when the district of residence must be notified of a child's admittance to a facility from "within 7 days of admittance" to "within 11 days of admittance".

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF AUGUST 25, 2016:

SUBCHAPTER 1. GENERAL PROVISIONS

210:10-1-13. Educational services for children in residential care, treatment, or emergency shelter facilities

(a) **Purpose.** These policies are for the purpose of establishing standards for the educational services for children placed

in facilities which exist for the purpose of providing residential care, treatment (24-hour residential) or emergency shelter care.

(b) **Facilities licensing/approval.** The facilities should be licensed or approved by the appropriate oversight state agency (i.e., Department of Human Services, Office of Juvenile Affairs, Department of Health, and Department of Mental Health and Substance Abuse Services). Such residential care or treatment facilities as juvenile detention centers, group homes, and emergency youth shelters will be included for these programs.

(c) **Residency.** Student residency shall be determined by application of 70 O.S. § 1-113:

(1) Children placed in facilities such as an orphanage, eleemosynary (charitable) child care facility, in which a child is placed by the parent or guardian for full time residential care and attend a district school by joint agreement of the district or facility and are not placed in a facility through a state contract, are residents for school purposes of the school district where the facility is located. [~~70 O.S. Supp. 1998, 1-113~~]

(2) Children placed in facilities which are state operated institutions or who are temporarily in state-licensed or operated emergency shelters are residents for school purposes of the school district where the facility is located. [~~70 O.S. Supp. 1998, 1-113~~]

(3) Children placed in a foster home, as defined at 10 O.S. §402, except a therapeutic foster home or a specialized foster home voluntary placement, by the person or agency having legal custody pursuant to court order or by a state agency having legal custody are residents for school purposes of the school district where the foster home is located. If the foster parent has requested that the residence of the foster child for school purposes be the school district in which the child resided prior to being placed in foster care, or the school district in which the child's previous foster family home is located, the district selected by the foster parent shall be the child's district of residence. [~~70 O.S. Supp. 1998, 1-113~~]

(4) For youth who are placed in juvenile detention facilities—, the district of residence for school purposes shall be the school district in which the parents, guardians, or person having legal custody holds legal residence. [~~70 O.S. Supp. 1998, 1-113~~]

(5) When a child does not meet the criteria for residency provided in 70 O.S. ~~Supp. 1998, § 1-113~~, subsection A, and is placed in a residential care facility or treatment program or center, including J.D. McCarty Center (63 O.S. §485.1), which is out of the child's home and not in the school district in which the child legally resides, the facility or program shall, if the child contends he or she resides in a district other than the district where the facility or program is located, within ~~seven (7)~~ eleven (11) days of admittance, notify the district in which the out-of-home placement or treatment is located of the admittance.

(d) **Contractual agreement for educational services.** A contractual agreement for the provision of educational services will be developed and signed by the chief executive officer of each agency or organization, or by the chairman of the governing board or board of directors of each licensed public or

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private agency, operating or supervision of residential care, treatment, or emergency shelter facilities.

(1) Each individual or entity operating a residential facility or treatment program which requires provision of educational services from the school district, shall notify the local board of education of its anticipated educational needs, prior to location in a school district. No school district shall be required to provide educational services for residents of the facility or participants in the program until at least sixty (60) calendar days have elapsed from the time in which the local board of education was initially notified of the need unless the school district so agrees to provide the educational services sooner. ~~{70 O.S. Supp. 1998, 1-113}~~

(2) Pursuant to 10A O.S. § 2-7-305, ~~Any~~ state agency, letting grants or contracts for residential care or treatment facilities for children shall require, as a condition of grants or contracts, documented assurance of appropriate provision of educational services. ~~{10 O.S. § 607 (C)}~~

(3) The contractual agreement for educational services shall include the following as a minimum:

(A) **Teacher certification requirements.** Teachers shall be appropriately certified by the Oklahoma State Department of Education. ~~For teacher certification purposes~~ Pursuant to 70 O.S. § 1210.567, a certified teacher who is qualified to teach in an accredited school district's educational services for a residential care or treatment facility may teach subjects in which the teacher does not hold certification. This shall only be valid upon application of a school district, offering on-site educational services in a residential or treatment facility, and approved by the State Department of Education, only for those purposes. ~~{70 O.S. Supp. 1996, 1210.567}~~ The application for Accreditation or amended application shall serve as the district's application for these purposes. Original copies of the application and teacher certificates shall be on file at the school district administration office and copies maintained at the building site level.

(B) **Number of hours taught.** The State Department of Education shall authorize, upon application by a school district, an abbreviated day schedule for the education provided for students in a residential care or treatment facility located within the district. ~~{70 O.S. Supp. 1996, 1210.567}~~ The Application for Accreditation or amended application shall serve as the district's application for these purposes. Education services available shall be provided to children/youth no later than the tenth school day of admittance. Exception will be for cause in the interest of the child and documentation by recommendations of the attending licensed psychologists, psychiatrists, or physicians on the residential care or treatment staff.

(C) **Adequacy of facilities.** The residential care, treatment, or emergency shelter facilities shall provide and maintain areas appropriate for the school district to conduct the educational program pursuant

to contractual agreement and shall be responsible for all services and costs associated with such services which are not directly related to education. Relevant safety and health standards shall be followed. Such facilities shall meet the accreditation standards of the State Board of Education for educational services and shall meet other existing standards which apply to facilities of residential care, treatment, or emergency shelter programs.

(D) **Educational plans, including plans for transition in to regular school settings.** Education plans for students shall describe the appropriate curriculum, instructional time, and setting for each child. The child should receive instruction in an appropriate setting based on the individual educational needs of the child and should progress toward a full school day (six hours) program.

(4) The State Department of Education shall provide a sample contract with standard or uniform provisions for use by school districts which provide education to students in such facilities or programs. Provision in the contract shall be designed to ensure an appropriate education to which a student is entitled in the most cost-efficient manner to the responsible school district and shall allow for local flexibility in funding and education arrangements. The cost for related services, therapies, treatments, or support services for eligible students shall be the responsibility of the facility unless otherwise agreed by the contractual parties or as otherwise specified in the IEP. Otherwise valid obligations to provide or pay for such services, such as Medicaid, shall remain in effect for children who are eligible from sources other than the school district. ~~{70 O.S. Supp. 1998, 1-113}~~

(e) **Educational plans for residential care, treatment facilities, or emergency shelter facilities.**

(1) Each child/youth shall have his/her educational needs reviewed within five school days by a team of professionals to determine the educational needs of the student and to develop an educational plan which is consistent with state and federal laws and regulations. The education plan shall work toward integration of the student into the receiving school district.

(2) The professional team for the educational plan shall include a teacher or an appropriately qualified educator representative and be under the direction of personnel of the school district. A procedure must exist to permit team members to communicate their recommendations and other relevant information to the facility staff on a regular basis.

(3) The educational plan shall be periodically reviewed and adjustments by the professional team made to ensure that the child is receiving appropriate educational opportunities at all times.

(4) The educational plan shall describe the appropriate curriculum, instructional time, and setting for the child/youth. The child should receive instruction in an appropriate educational setting based on individual educational needs and should progress toward a full school

day (six hours) program. The student's current grade level and/or ability should be considered.

(5) The educational plan shall be implemented within ten days of enrollment.

(6) The educational plans and educational services shall be provided under the supervision of a school district administrator.

(7) The educational plan and individual student records for the educational services shall be maintained by the school district with proper protections for disclosure, including a procedure for expeditious exchange of education records to properly authorized persons, in accordance with the Family Education Rights and Privacy Act, and other relevant state and federal laws.

(8) The educational plan shall be implemented in accordance with any procedural safeguards for eligible children with disabilities who require Individualized Education Programs (IEPs) under the Individuals with Disabilities Education Act (IDEA). The eligible student's school district of residence shall be notified immediately by the providing district upon finding that the eligible student requires special education and related services and notified as to the time, date and location of meetings for the purpose of planning the student's IEP and subsequent reviews. The facility may have a representative present at the IEP conference to advise the IEP team of any concerns or information the facility has to offer regarding the eligible student's educational needs and eligibility for related services. The facility and the providing district shall coordinate with the eligible student's school district of residence as necessary for the development of the IEP. [70 O.S. Supp. 1998, 1-113]

(9) Teachers shall be assigned for provision of educational services in accordance with the appropriate class size and teacher/student ratio.

(10) The facility shall provide assistance in severe, disruptive situations and will provide supervision of out-of-classroom suspension, time-out, and detention during school and, when requested by the assigned education personnel, will intervene in matters of discipline, unless otherwise agreed to in the contract.

(f) **State licensed or operated emergency shelters.** The local school district is not required to enter into a contract with a residential care, treatment, or emergency shelter unless it is state licensed or state operated.

(g) **Education to Students in Jail.**

(1) Each school district in the state with a city, county, or state jail within the district's boundaries shall designate an employee or employees of the school district who will be responsible for overseeing the educational services to eligible juveniles identified by the facility. While incarcerated in a jail, the student shall be considered a resident of the school district where the jail is located.

(2) Once an employee is designated by the school district that person shall immediately contact the individual in charge of the operation of the jail or jails within the boundaries of the school district and provide them with information regarding the requirements of this rule.

(3) When a school district receives notification of the need for educational services from a facility incarcerating a juvenile, the school district shall provide the juvenile with an appropriate education plan designed for the possible reintegration of the student into school, which must include the core subjects. The education plan contemplated by this rule corresponds to the education plan referenced in the Oklahoma School Laws at 70 O.S. § 24-101.3(D) for students suspended from school. A copy of the education plan developed by the school district shall be provided to the facility and to the juvenile and a copy shall be kept on file by the school district. For purposes of this rule the core units shall consist of English, Math, Science, Social Studies, and Art units required by the State Board of Education.

(4) The education plan shall set out the procedure the school district and the facility will utilize for the provision of educational services to the juvenile and will address academic credit for work satisfactorily completed. These procedures and requirements apply to facilities which do not have in place, on the effective date of this rule, a plan for educational services of incarcerated juveniles.

(5) The provisions of residency law at 70 O.S. § 1-113 addressing responsibility for educational services to juveniles in facilities located within the boundaries of the school district prevail over the requirements set forth in this rule.

(h) **Accreditation standards monitoring.** The educational program of each school district providing educational services for students placed in a facility located in the school district shall be monitored by the State Department of Education. The department shall determine if the educational program is in compliance with State Board of Education regulations. The recommended accreditation status shall be reported to the State Board of Education.

[OAR Docket #16-448; filed 6-14-16]

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES**

[OAR Docket #16-449]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 13. Student Assessment
210:10-13-2. Oklahoma School Testing Program (OSTP) scope and general administration [AMENDED]

AUTHORITY:

70 O.S. § 3-104; 70 O.S. § 1210.505 et seq.; State Board of Education

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Subchapter 13. Student Assessment

210:10-13-2. Oklahoma School Testing Program (OSTP) scope and general administration [AMENDED]

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n/a

ANALYSIS:

The amendments to 210:10-13-2 make changes to the definition of "Full Academic Year (FAY) student", and eliminate language that established a different accountability reporting status for residential facilities and juvenile detention facilities that have a site code versus those facilities that do not. Under the FAY definition in (e), a student shall be considered a FAY student if they are enrolled within the first 20 instructional days of the school's instructional year through and including the date of the exam, without an enrollment lapse of 10 or more days. This is a change from the previous language that classified a student as an FAY student if they are enrolled from October 1 through the date of the exam without a lapse of 10 or more days. In (f), language is eliminated that established a different reporting status for the very limited number of juvenile and residential facilities that have their own site codes.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF AUGUST 25, 2016:

SUBCHAPTER 13. STUDENT ASSESSMENT

210:10-13-2. Oklahoma School Testing Program (OSTP) scope and general administration

(a) **Definitions.** In this Section, the words and terms shall have the following meaning: "**Proficient/Satisfactory**" means achieving at least the minimum score for demonstrating mastery as defined by the State Board of Education on an academic achievement test of the Oklahoma School Testing Program (OSTP).

(b) All public school districts shall administer the state mandated academic achievement tests of the OSTP to all students enrolled in the designated grades. The series of tests shall be field-tested/implemented by the amended schedule in 70 O.S. § 1210.508, or federal law.

(1) Students with Individualized Education Programs (IEPs) shall have an appropriate statement on the IEP with regard to the type of assessment in which the student will participate (e.g., Oklahoma Core Curriculum Test (OCCT) with or without accommodations, or the Oklahoma Alternate Assessment Program (OAAP) Portfolio). The OCCT and OAAP Portfolio are all a part of the Oklahoma School Testing Program (OSTP). Any state approved accommodations must be documented in the student's current IEP. Current documentation for each student shall be on file in the local school prior to test administration.

(2) All students who have been determined to be limited English proficient (LEP) as the term is defined at 20 U.S.C. § 7801, also known as English language learners (ELL), shall be included in all of the state-mandated academic achievement tests of the OSTP. ELL students are those who have been appropriately identified, through English proficiency screening by the local school districts, as requiring specialized instructional services designed to increase their English proficiency and academic performance. For every student identified as ELL, the local district shall have on file verification that the student is receiving special instruction designed for the specific purpose of improving the ELL student's English proficiency. Any State Department of Education approved and adopted English proficiency assessment shall be considered an official assessment of the OSTP, and will be subject to the same security, privacy, and administration measures accorded to all other OSTP assessments.

(A) Students identified as ELL shall be assessed in a valid and reliable manner with the state academic assessments with acceptable accommodations as necessary and, to the extent practicable, with alternate assessments aligned to the state assessment provided by the local school district in the language and form most likely to yield accurate data on what such students know and can do in these content areas; these alternate assessments will continue until such students have achieved English language proficiency with the exception noted in paragraph (2)(B) of this subsection.

(B) If ELL students are administered the state-mandated reading and language arts achievement tests in a language other than English, this will be allowed only during their first three consecutive years of school attendance in the United States (not including Puerto Rico). After these first three years these tests must be administered in English, except that if the local school district determines on a case-by-case basis, that a student has not yet reached a level of English language proficiency that will allow valid and reliable information to be obtained, even with testing accommodations, in which case individual waivers will be allowed by the local district for up to two additional consecutive years, according to federal law.

(3) All End-of-Instruction assessments must be taken once the corresponding course of instruction has been

completed. In order to meet the Federal No Child Left Behind (NCLB) legislation requirements, all students prior to graduating from high school must take the Algebra I, Biology I, and English II assessments regardless of whether instruction has been taken, unless otherwise exempt.

(c) On an annual basis, school superintendents or their designees shall provide a copy of the State Board of Education Rules, OAC 210:10-13, for all school personnel responsible for receipt, inventory, distribution, or return of tests documents, and/or for administration of tests within the Oklahoma School Testing Program.

(d) Districts may request special reports beyond those provided by state contract with the testing company at their own cost (i.e., individual student records on CD or disk, District Title I Report, District Alpha Order Report, etc.).

(e) Test results of all students not enrolled in a district for a full academic year shall be disaggregated and shall not be used to determine the progress of the district, according to federal law. Test results of all students not enrolled in a school site for a full academic year shall be disaggregated and shall not be used to determine the progress of the school site, according to federal law. For purposes of the OSTP, a student shall be considered a "Full Academic Year" (FAY) student if the student is enrolled within the first twenty (20) instructional days of the school's instructional year through and including the date of administration of the exam, without an enrollment lapse of ten (10) or more consecutive instructional days.

(f) For purposes of the annual reports of the OSTP, test results of all students who have been placed in a state juvenile facility by state law or court order, or students placed in a full time residential facility providing educational services to students by joint agreement with one or more school districts shall not be used to determine the progress of the site or the district of residence of the students ~~unless the facility has been specifically designated as a separate site within a school district and has been assigned a separate site code within the school district by the State Department of Education at the request of the school district.~~ Instead their scores will be used in accountability calculations in one statewide "virtual" district.

(g) Each public school student who does not score at least at the satisfactory level on state criterion-referenced tests in reading and mathematics by the end of the student's seventh grade year shall be provided remediation for the purpose of assisting the student in performing at least at the satisfactory level on the eighth-grade criterion-referenced tests in reading and mathematics. Each public school student who does not score at least at the satisfactory level on state criterion-referenced tests in reading and mathematics by the end of the student's eighth grade year shall be provided remediation for the purpose of assisting the student in performing at least at the satisfactory level on the end-of-instruction tests administered in high school. Each public school student who does not attain at least a satisfactory or proficient score on the state end-of-instruction tests shall be provided remediation for the purpose of assisting the student in attaining at least a satisfactory or

proficient score on the Algebra I, English II, and two of the remaining five end-of-instruction tests, in order to graduate from an Oklahoma accredited public high school.

(1) Districts and/or schools may provide remediation through extended instructional time during the school day, a summer academy, tutoring, online coursework, or other supplementary services. Remediation is not limited to these practices.

(2) Remediation provided shall be under the supervision of a highly qualified teacher in the appropriate content area.

(3) The State Department of Education shall provide information about best practices for remediation and interventions on the State Department of Education website.

(4) Each district shall submit an annual remediation plan to its local board of education at a regularly scheduled meeting prior to November 15 of each school year. The remediation plan shall be for those students who do not attain at least a satisfactory or proficient score on the tests listed in this section. The plan should include how remediation funds will be spent, when and where remediation will be provided, what content will be addressed, how instruction will be delivered, and who will provide the instruction, including the highly qualified status of the instructor.

(5) Funds for remediation shall be disbursed by the State Department of Education to the local school districts by September 1 of each year in accordance with the requirements of 70 O.S. § 1210.526. Funds for each fiscal year shall be based on the most recent OSTP test results available for each student from the previous school year or summer test administration.

(6) Funds for remediation shall be utilized to provide intervention and remediation for qualifying students as described in this section. Allowable expenditures include salaries and stipends for highly qualified teachers and tutors under the supervision of highly qualified teachers; instructional materials such as textbooks, workbooks, teacher-made materials, computer assisted instructional software, manipulatives, and classroom instructional tools necessary to provide remediation; assessments designed to monitor the progress of students in remediation programs; transportation to and from tutoring sessions held outside of the school day; and training in best practices for providing remediation. Funds for remediation may not be used for salaries, materials, or administrative services not directly related to remediation or for students who do not qualify for remediation as described in this section.

(7) School districts shall report the use of remediation funds and the results of the remediation, as measured by periodic progress assessments and district student performance on state assessments. Districts shall submit an online report annually to the State Department of Education through the Oklahoma School District Reporting Site (SDRS). The district shall also submit the annual report to its local board of education at a regularly scheduled

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meeting. Remediation results shall be presented by a designated public school principal for each site.

[OAR Docket #16-449; filed 6-14-16]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES

[OAR Docket #16-450]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 13. Student Assessment

210:10-13-22. Implementation of a system of school improvement and accountability [AMENDED]

AUTHORITY:

70 O.S. § 3-104; 70 O.S. § 1210.505 et seq.; State Board of Education

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Subchapter 13. Student Assessment

210:10-13-22. Implementation of a system of school improvement and accountability [AMENDED]

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n/a

ANALYSIS:

The definition of "Full Academic Year (FAY) student" in the rule governing the A-F school accountability system is updated to reflect that most Oklahoma school districts begin the academic year in August rather than September. Under the amendment, a student shall be considered a FAY student if they are enrolled within the first 20 instructional days of the school's academic year through and including the date of the exam, without an enrollment lapse of 10 or more days. The previous version of the rule classified a student as FAY based on an October 1 enrollment date, and did not account for districts' varying academic calendars.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S.,

SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF AUGUST 25, 2016:

SUBCHAPTER 13. STUDENT ASSESSMENT

210:10-13-22. Implementation of a system of school improvement and accountability

(a) **Purpose.** Accountability for student learning is the key focus of school improvement. Results from the statewide assessment program shall form the basis of the system of school improvement and accountability. Student achievement data from the State's annual standardized assessments in grades three (3) through eight (8) and end-of-instruction tests administered under Section 1210.508 of Title 70 shall be used to establish both proficiency levels and annual progress for individual students, school sites, school districts, and the State. Results shall further be used as the primary criteria in calculating school performance grades as specified in subsection (f) of this rule and shall be annually reported. Results may further be used by the Legislature in calculating any performance-based funding policy that is provided to public school districts. The statewide assessment program shall be used to measure the annual learning gains of each student toward achievement of the State standards appropriate for the student's grade level and to inform parents of the educational progress of their public school children.

(b) **Overview and implementation.** The A-F school accountability system will be implemented in the year 2012, based on data from the 2011-2012 school year, and shall be reported annually thereafter. The school accountability system will be considered to be fully implemented with the following accountability elements:

(1) Designation of overall school performance grades shall be based on a combination of the following:

(A) Fifty percent (50%) on whole school performance, as measured by allocating one (1) point for each student who scores proficient or advanced on the criterion-referenced tests and end-of-instruction tests administered to students pursuant to the provisions of the Oklahoma School Testing Program at 70 O.S. §§ 1210.508 and 1210.523, summing the points, and dividing the points by the total number of students taking the tests;

(B) Twenty-five percent (25%) on whole school growth, measured by allocating one (1) point for each student tested who maintains a score of "Proficient" or above, improves proficiency levels, or improves substantially within a proficiency level on the State's annual standardized assessments in reading and mathematics in grades three (3) through eight (8) and Algebra I and English II end-of-instruction tests administered to students pursuant to the provisions of the Oklahoma School Testing Program at 70 O.S. § 1210.508, summing the points, and dividing the points by the total number of students taking the tests;

(C) Twenty-five percent (25%) on growth of the lowest twenty-five percent (25%) of students in the

school, measured by allocating one (1) point for each student tested in the bottom twenty-five percent (25%) who maintains a score of "Proficient" or above, improves proficiency levels, or improves substantially within a proficiency level on the State's annual standardized assessments in reading and mathematics in grades three (3) through eight (8) and Algebra I and English II end-of-instruction tests administered pursuant to the provisions of the Oklahoma School Testing Program at 70 O.S. § 1210.508, summing the points, and dividing the points by the total number of students taking the tests.

(2) In addition to the three criteria listed in (b)(1) of this Section, bonus points shall be calculated in accordance with the criteria set forth in (g) of this Section and added to the subtotal of component points to create a final report card index of points used to calculate the overall school performance grade of each school site.

(3) Schools shall earn a separate performance grade for each of the three criteria listed in (b)(1) and (f) of this Section. Additionally, schools shall earn an overall performance grade based on a combination of the criteria listed in (b)(1) and (f) and the bonus points earned in accordance with (g) of this Section.

(4) To ensure that student data accurately represent school performance, schools shall be required to assess at least ninety-five percent (95%) of eligible students to earn a school performance grade. Failure to assess at least ninety-five percent (95%) of eligible students will result in a letter grade reduction in the school's overall school performance grade. Schools assessing less than ninety percent (90%) of eligible students will result in the school earning an overall performance grade of F.

(c) **School Accountability for Student Performance.** All schools shall be accountable for performance. Each school is accountable for the performance of its entire student population. Student achievement data from the State's annual standardized assessment and end-of-instruction tests administered in this State shall be used to measure a school's student performance for the subject areas of reading, mathematics, social studies, science and writing.

(d) **Reporting Student Achievement Data for School Accountability.** Student achievement data shall be reported for all students in a school. Each year, reports of achievement data for all students shall be prepared for each school, each district, and the State. District reports shall be calculated in the same manner as a school site, aggregated at the student level and calculated in accordance with the requirements of 70 O.S. §§ 1210.545(B), (D) and (J).

(1) The scores will be computed from the number of eligible students enrolled in the school. Eligible students shall include all students enrolled for the full academic year ("FAY") in the school and taking the State's annual standardized assessments or end-of-instruction tests. For end-of-instruction exams, only first opportunity students are included in the calculation of eligible students. A full time student shall be considered a "FAY" student if the student, ~~has been continuously~~ is enrolled from October

~~1 of the school~~ within the first twenty (20) instructional days of the school's instructional year through and including the date of administration of the exam, and has not experienced an enrollment lapse of ten (10) or more consecutive instructional days. The FAY determination shall be based on continuous enrollment and shall not be based on attendance determinations.

(2) All eligible students, regardless of disability or limited English proficiency classification, with valid state standardized assessment scores in reading and math in both the current school year and the previous school year are included in (f)(2) and (f)(3) of this Section regarding the determination of student learning gains. In addition, the inclusion of these students shall be applied to (b)(3) of this Section, regarding the percentage of students assessed. Current and previous school years' reading and math scores for students with disabilities assessed on the State's annual standardized alternate assessment shall be included in the determination of test scores, including achievement addressed in (f)(1) of this Section.

(3) The Superintendent of Public Instruction is authorized to designate a single school performance grade for schools that serve multiple levels: elementary and/or middle and/or high school grade levels. Designations shall be made based on the highest grade level offered by the school.

(A) If the highest grade offered by a school site is the sixth (6th) grade or below, the school shall be graded according to elementary school criteria.

(B) If the highest grade offered by a school site is the (7th) through tenth (10th) grade, the school shall be graded according to the middle school criteria. Schools in this category shall not earn advance coursework credit for ninth and tenth grade students completing high school coursework unless the course qualifies as advanced coursework pursuant to (g)(1)(B) or (g)(2)(A) of this Section.

(C) If the highest grade offered by a school site is the eleventh (11th) or twelfth (12th) grade, the school shall be graded according to high school criteria.

(4) The State Department of Education will verify that each school is appropriately classified by type before the issuance of school grades. School type is defined as the school level designation of a school based on the grade levels served: elementary, middle, high, or a combination across levels.

(5) For purposes of (f) of this Section, the determination of the proficiency level of eligible students exempted from one or more end-of-instruction exams in accordance with the requirements of 70 O.S. 1210.523 and the accompanying rule at 210:10-13-16(b)(7)-(8) shall be based upon the cut scores approved by the State Board of Education. Points shall be awarded and calculated for each "Proficient" or "Advanced" score in accordance with (f) of this Section.

(e) **School Performance Grades.** The measure of school accountability shall be the school performance grade. The

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Oklahoma State Board of Education is authorized to designate a school performance grade for each school that:

- (1) For purposes of calculating student achievement pursuant to (f)(1), has at least ten (10) eligible students with valid student state standardized assessment scores.
- (2) For purposes of calculating student growth pursuant to (f)(2), has at least ten (10) eligible students with valid student state standardized assessment scores or end-of-instruction test scores in reading or math in both the current and the previous school years.
- (3) For purposes of calculating growth of the lowest twenty-five percent (25%) of students pursuant to (f)(3), has at least ten (10) eligible students with valid student state standardized assessment scores or end-of-instruction test scores in reading or math in the current and previous school years.
- (4) A school shall not earn a grade for any component or criteria unless minimum N-size requirements established pursuant to this rule are met. Performance designations shall be made using School Performance Grades A+, A, A-, B+, B, B-, C+, C, C-, D+, D, D-and F. School performance grades shall be based on the assessments and criteria as specified in (f) of this Section and bonus points as specified in (g) of this Section. The Superintendent of Public Instruction is authorized to establish and adjust appropriate achievement level criteria to the extent allowed by law for submission to the State Board of Education for final approval.

(f) **Criteria for Designating School Performance Grades.** Overall school performance grades shall be based on a combination of the bonus points calculated in accordance with (g) and the points calculated in accordance with the three criteria outlined in (b)(1) of this Section: (1) whole school performance; (2) whole school growth; and (3) growth of the lowest twenty-five percent (25%).

(1) **Whole school performance index.** Student achievement scores are represented through a performance index, aggregated for each school, calculated based on all state standardized assessments and/or end-of-instruction tests collectively, and by each subject area. A point value shall be given to each exam based on proficiency score. Points shall be summed and divided by the number of exams administered to eligible students.

(A) Points shall be assigned based on the following criteria:

- (i) Unsatisfactory = 0
- (ii) Limited Knowledge = 0
- (iii) Proficient = 1.0
- (iv) Advanced = 1.0

(B) A letter grade shall be earned based on the following criteria:

- (i) 90 points or Above = A
- (ii) 80 - 89 points = B
- (iii) 70 - 79 points = C
- (iv) 60 - 69 points = D
- (v) 59 points or Below = F

(2) **Whole school growth index.** Annual learning gains in reading and math are represented through a

growth index, aggregated for each school. The score shall be calculated in whole and by subject-matter by assigning one point for each student who improves proficiency levels or improves substantially within a proficiency level from the previous school year to the current school year, divided by the number of students taking the tests.

(A) This calculation represents the number of eligible students who have:

- (i) Improved their state standardized assessment achievement level or state standardized alternative assessment achievement level, as applicable, from the previous school year to the current school year; or
- (ii) Improved their state standardized assessment achievement level or state standardized alternative assessment achievement level and such change in OPI from the previous school year to the current school year met or exceeded the State average of students with positive OPI change; or
- (iii) Maintained their proficient or satisfactory achievement level on the state standardized assessment or state standardized alternate assessment, as applicable, from the previous school year to the current school year.

(B) The growth index shall be calculated based on improved state standardized assessment and end-of-instruction test performance from the previous school year to the current school year. The growth index shall be calculated by subject-matter and by assigning a point value to the change in proficiency score from the previous year to the next. Points based on student gains shall be summed and divided by the number of exams administered, and shall include only eligible students for whom comparative test scores exist. Points shall be assigned based on the following criteria:

- (i) Change from Unsatisfactory to Limited Knowledge = 1.0
- (ii) Change from Unsatisfactory to Proficient or Satisfactory = 1.0
- (iii) Change from Unsatisfactory to Advanced = 1.0
- (iv) Change from Limited Knowledge to Proficient or Satisfactory = 1.0
- (v) Change from Limited Knowledge to Advanced = 1.0
- (vi) Change from Proficient or Satisfactory to Advanced = 1.0
- (vii) Remain Proficient or Advanced from Year 1 to Year 2 = 1.0
- (viii) Remained at Unsatisfactory from Year 1 to Year 2 and Meets or Exceeds State Average Positive Change or remained at Limited Knowledge from Year 1 to Year 2 and Meets or Exceeds State Average Positive Change = 1.0
- (ix) Remained at Unsatisfactory from Year 1 to Year 2 and Fails to Meet or Exceed State Average

Positive Change or remained at Limited Knowledge from Year 1 to Year 2 and Fails to Meet or Exceed State Average Positive Change = 0

(x) Remained at Unsatisfactory from the previous school year to the current school year, or remained at Limited Knowledge from the previous school year to the current school year, but demonstrates substantial improvement within a proficiency level = 1.0

(C) For purposes of this subparagraph, a student's improvement within a proficiency level will be considered "substantial improvement" if the student demonstrates an increase in Oklahoma Performance Index ("OPI") score from the previous school year to the current school year that meets or exceeds the average positive increase amongst all students in the State who increased their OPI score from the previous school year to the current school year.

(D) A letter grade shall be earned based on the following criteria:

- (i) 90 points or Above = A
- (ii) 80 - 89 points = B
- (iii) 70 - 79 points = C
- (iv) 60 - 69 points = D
- (v) 59 points or Below = F

(3) **Growth of the lowest twenty-five percent of students.** Improvement of the lowest twenty-five percent (25%) of students in reading and math shall be aggregated, as required by 70 O.S. § 1210.545. The score shall be calculated in whole and by subject-matter by assigning one point for each student in the bottom quartile who improves proficiency levels or improves substantially within a proficiency level from the previous school year to the current school year, divided by the number of students taking the test.

(A) The calculation of a positive change in OPI score that meets or exceeds the State's average growth represents the number of eligible students who have:

- (i) Improved their state standardized assessment achievement level or state standardized alternative assessment achievement level, as applicable, from the previous school year to the current school year; or
- (ii) Retained their state standardized assessment achievement level or state standardized alternative assessment achievement level and such change in OPI from the previous school year to the current school year met or exceeded the State average of students with positive OPI change.

(B) The score shall be based on improved state standardized assessment and end-of-instruction test performance from the previous school year to the current school year. Points based on student gains shall be summed and divided by the number of exams administered, and shall include only eligible students for whom comparative test scores exist. The growth of the lowest twenty-five percent (25%) shall be calculated based on the following criteria:

(i) Change from Unsatisfactory to Limited Knowledge = 1.0

(ii) Change from Unsatisfactory to Proficient or Satisfactory = 1.0

(iii) Change from Unsatisfactory to Advanced = 1.0

(iv) Change from Limited Knowledge to Proficient or Satisfactory = 1.0

(v) Change from Limited Knowledge to Advanced = 1.0

(vi) Change from Proficient or Satisfactory to Advanced = 1.0

(vii) Remain Proficient or Advanced from Year 1 to Year 2 = 1.0

(viii) Remained at Unsatisfactory from Year 1 to Year 2 and Meets or Exceeds State Average Positive Change or remained at Limited Knowledge from Year 1 to Year 2 and Meets or Exceeds State Average Positive Change = 1.0

(ix) Remained at Unsatisfactory from Year 1 to Year 2 and Fails to Meet or Exceed State Average Positive Change or remained at Limited Knowledge from Year 1 to Year 2 and Fails to Meet or Exceed State Average Positive Change = 0

(x) Demonstrates substantial improvement within a proficiency level = 1.0

(C) For purposes of this subparagraph, a student's improvement within a proficiency level will be considered "substantial improvement" if the student demonstrates an increase in Oklahoma Performance Index ("OPI") score from the previous school year to the current school year that meets or exceeds the average positive increase amongst all students in the State who increased their OPI score from the previous school year to the current school year.

(D) A letter grade shall be earned based on the following criteria:

- (i) 90 points or Above = A
- (ii) 80 - 89 points = B
- (iii) 70 - 79 points = C
- (iv) 60 - 69 points = D
- (v) 59 points or Below = F

(g) **Bonus points.** Each school can earn up to a maximum of ten (10) bonus points to be added to the subtotal of component points and applied toward their final grade. The criteria listed in (1), (2) and (3) of this subsection shall be used to calculate bonus points for high schools, middle schools, and elementary grade schools. Annually, the Oklahoma State Department of Education shall publish technical assistance specifically detailing the weighted formula and the projected availability of valid data used for computing bonus points. Technical assistance shall be published in time for school districts to make meaningful use of the information and data. A school district, charter school, or virtual charter school shall not be eligible to be awarded bonus points on its site report cards for attendance pursuant to (g)(3)(A) and (g)(2)(B) of this Section unless it has established a method for maintaining accurate records of student daily attendance and accurate reporting of student daily

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attendance that ensures compliance with the provisions of 70 O.S. §§ 5-117.3, 10-103.1, 10-106, 18-111, 18-116.

(1) **High schools.** Schools comprised of high school grades may earn up to a maximum of ten (10) bonus points as follows:

(A) **Four-year adjusted cohort graduation rate.** A high school shall earn five (5) bonus points if its four-year adjusted cohort graduation rate meets or exceeds the criteria for earning an "A" for the high school graduation rate of the school. The criteria for earning an "A" for this component shall be met if a school's four-year adjusted cohort graduation rate meets or exceeds ninety percent (90%). The calculation of the four-year adjusted cohort graduation rate shall only include students counted as on-time graduates as defined by federal regulations.

(B) **Participation or performance in accelerated coursework.** One (1) bonus point shall be awarded to each high school that meets or exceeds the criteria for earning an "A" in either student participation or student performance in accelerated coursework. The criteria for earning an "A" for this component shall be met if the school achieves either a student participation rate of seventy percent (70%) or higher in accelerated coursework or a student performance rate of ninety percent (90%) or higher in accelerated coursework. Student participation and performance rates shall be calculated as follows:

(i) **Participation in accelerated coursework.** Participation in accelerated coursework, is defined as participation in Advanced Placement (AP) courses, International Baccalaureate (IB) programs, concurrent enrollment, Advanced International Certificate of Education (AICE) courses, and industry certification courses. For this component, participation shall be calculated for the school year by dividing a count of accelerated coursework participants in grades nine (9) through twelve (12) (numerator) by the count of all students enrolled in grades eleven (11) and twelve (12) (denominator). For this component, a student must earn a passing grade in the course in order to be counted as a participant. Schools shall earn credit for every accelerated course in which a student is enrolled. Students enrolled in multiple accelerated courses shall be counted once for each course in which they are enrolled. In calculating a percentage for this component, participation rate shall include all enrollment data regardless of whether the course was taught at the high school, at a career technology center, an accredited college or university, or at a regional site of the Oklahoma School of Science and Mathematics.

(ii) **Performance in accelerated coursework.** Performance in concurrent enrollment, Advanced International Certificate of Education (AICE) courses, Advanced Placement (AP), International Baccalaureate (IB), and industry certification

courses. For this component, the numerator of the performance calculation shall include all students in grades nine (9) through twelve (12) who took an accelerated course or subject area examination during the academic year. AICE successful completion is defined as earning a "C" or higher and being awarded credit for specific postsecondary course(s). For concurrent enrollment, successful completion is defined as a passing grade of "C" or higher in a concurrent enrollment course for college credit. For industry certification, successful completion is defined as earning a "C" or better in the course leading to industry certification. Schools can earn additional successful completions for students who achieve industry certifications that result in credit for more than one (1) college course through statewide articulation agreements. For AP and IB performance, credit shall be earned based for each student scoring a three (3) or better on the AP exams, or a four (4) or better on IB exams. For purposes of this component, a school shall earn credit for every course in which a student demonstrates the required level of performance. In calculating a percentage for this component, performance shall include all coursework regardless of whether the course was taught at the high school, at a career technology center, an accredited college or university, or at a regional site of the Oklahoma School of Science and Mathematics.

(C) **ACT and SAT participation or performance.** One (1) bonus point shall be awarded to each high school that meets or exceeds the criteria for earning an "A" in either student participation or performance on ACT or SAT college entrance exams. The criteria for earning an "A" for this component shall be met if a school achieves a rate of seventy-five percent (75%) or higher percentage of either student participation or performance on college entrance exams. Student participation and performance rates shall be calculated as follows:

(i) **ACT and SAT participation.** High schools may earn one (1) bonus point based on the calculated percent of students taking the ACT and/or SAT. The percent is calculated by dividing the number of twelfth (12th) grade students who have taken the ACT and/or SAT tests, divided by the number of students enrolled in grade twelve (12). Students will be counted once for the ACT and/or once for the SAT, regardless of the number of times or at which grade levels the test(s) are taken. The high school will earn credit for the most recent test score reported at the time the test is administered.

(ii) **ACT and SAT performance.** High schools may earn one (1) bonus point based on the percentage of students scoring an ACT composite score of 20 or greater based on 36-point

scale, and/or an SAT score of 1410 or greater based on a 2400-point scale. Students will be counted once for the ACT and/or once for the SAT, regardless of the number of times or at which grade levels the test(s) are taken. The high school will earn credit for the most recent test score reported at the time the test is administered.

(D) **High school graduation rate of eighth (8th) graders.** One (1) bonus point shall be awarded to each high school that meets or exceeds the criteria for earning an "A" for the a high school graduation rate of students who scored at limited knowledge or unsatisfactory on the eighth (8th) grade reading and mathematics criterion-referenced test administered pursuant to the Oklahoma State Testing Program (OSTP). The criteria for earning an "A" for this component shall be met if a school achieves a graduation rate of eighty-five percent (85%) or higher for its students who scored at limited knowledge or unsatisfactory on the eighth grade reading and mathematics tests. For this component, schools shall be eligible to earn the bonus point based on the calculation of the graduation rate of this population of eighth (8th) graders, regardless of where the student attended the eighth (8th) grade.

(E) **Overall EOI performance.** Upon the availability of valid student assessment data, one (1) bonus point shall be awarded to a high school if eighty percent (80%) or more of its graduates from the previous school year have scored either a "Satisfactory/Proficient" or "Advanced" on six (6) out of the seven (7) secondary level EOI assessments required by the Oklahoma School Testing Program Act at 70 O.S. § 1210.508(A)(6).

(F) **Year-to-year growth.** Upon the availability of valid student data, one (1) bonus point shall be awarded to each high school which demonstrates improvement from the previous school year in at least three (3) of the five (5) components used to calculate bonus points set forth in (1)(A) through (1)(E) of this subsection. For purposes of this subparagraph, a high school will be deemed to have demonstrated improvement in a category if the school has received bonus points in that category for two consecutive years (i.e., the current report card and the previous year's report card). In the alternative, a high school can demonstrate improvement in a category by meeting the following criteria specified in the category:

(i) **Four-year adjusted cohort graduation rate.** A high school demonstrates improvement by increasing its four-year adjusted cohort graduation rate in (1)(A) of this subsection by at least ten percent (10%) of the difference between the previous year's graduation rate and one hundred percent (100%).

(ii) **Participation or performance in accelerated coursework.** A high school demonstrates

improvement by increasing its rate of participation or performance in accelerated coursework in (1)(B) of this subsection by five percent (5%) or more.

(iii) **ACT and SAT participation or performance.** A high school demonstrates improvement by increasing its rate of participation or performance in ACT or SAT in (1)(C) of this subsection by at least ten percent (10%) of the difference between the previous year's rate and one hundred percent (100%).

(iv) **High school graduation rate of eighth (8th) graders.** A high school demonstrates improvement by increasing its high school graduation rate of eighth graders in (1)(D) of this subsection by at least ten percent (10%) of the difference between the previous year's graduation rate and one hundred percent (100%).

(v) **Overall EOI performance.** A high school demonstrates improvement by increasing its overall rate of EOI performance in (1)(E) of this subsection by at least ten percent (10%) of the difference between the previous year's rate and one hundred percent (100%).

(2) **Middle schools.** Schools comprised of middle school grade smay earn up to a maximum of ten (10) bonus points as follows:

(A) **The percentage of students who are taking higher level coursework at a satisfactory or higher level in middle school.** Middle schools shall earn two (2) bonus points for meeting or exceeding the criteria for earning an "A" on the rate of the school's middle school students who take accelerated coursework at a satisfactory or higher level. The criteria for earning an "A" for this component shall be met if the school achieves a participation rate of thirty percent (30%) or higher percentage of middle school students taking traditional high school courses pre-Advanced Placement courses, or honors courses in a traditional classroom or in a virtual environment who score at a satisfactory level or higher on the corresponding state standardized assessment. Schools shall earn credit for every accelerated course in which a student is enrolled. Students enrolled in multiple accelerated courses shall be counted once for each course in which they are enrolled.

(B) **Attendance.** Middle schools will earn six (6) bonus points for for meeting or exceeding the criteria for earning an "A" for middle school student attendance. The criteria for earning an "A" for this component shall be met if the school achieves a student attendance rate of ninety-four percent (94%) or higher. This rate is the Average Daily Attendance (ADA) divided by the Average Daily Membership (ADM). ADA is calculated by dividing the total number of days students were present by the number of days in the school calendar or by dividing the number of hours students were present by the number of hours

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in the school calendar, whichever applicable. ADM is calculated by dividing the total number of days students were enrolled in school by the number of days in the school calendar or by dividing the number of hours students were enrolled by the number of hours in the school calendar, whichever applicable.

(C) **Dropout rate.** Middle schools shall earn two (2) bonus points for meeting or exceeding the criteria for earning an "A" for the drop-out rate of the school. The criteria for earning an "A" for this component shall be met if the school achieves a rate of zero point nine percent (0.9%) or lower of the annual number of students reported as dropouts to the Oklahoma State Department of Education on the Annual Dropout Report.

(3) **Elementary schools.** Schools comprised of elementary school grades shall earn ten (10) bonus points ~~for attendance as follows:~~

~~(A) **Attendance.** Elementary schools will earn ten (10) bonus points for meeting or exceeding the criteria for earning an "A" on student attendance. The criteria for earning an "A" shall be met if the school achieves a student attendance rate of ninety-four percent (94%) or greater. This rate is the Average Daily Attendance (ADA) divided by the Average Daily Membership (ADM). ADA is calculated by dividing the total number of days students were present by the number of days in the school calendar or by dividing the number of hours students were present by the number of hours in the school calendar, whichever applicable. ADM is calculated by dividing the total number of days students were enrolled in school by the number of days in the school calendar or by dividing the number of hours students were enrolled by the number of hours in the school calendar, whichever applicable.~~

(h) **Technical assistance.** Annually, the Oklahoma State Department of Education shall publish technical assistance specifically detailing the weighted formula used for computing bonus points. Technical assistance shall be published in time for school districts to make meaningful use of the information and data.

(i) **School Performance Grading Scale.** The School Performance Grade shall be based on a combination of the factors outlined in sub-section (b)(1) and detailed in (f) and (g) of this Section. Fifty percent (50%) shall be based on student test scores; twenty-five percent (25%) on student learning gains; and twenty-five (25%) on improvement of the lowest twenty-five percent (25%) of students in the school in reading and mathematics. Letter grades will be calculated according to the assigned weight of each criteria and by combining points earned for each component within each criteria. The school performance grade will be assigned according to the following scale:

- (1) Ninety-seven percent (97%) to one-hundred and ten percent (110%) = A+
- (2) Ninety-three percent (93%) to ninety-six percent (96%) = A

(3) Ninety percent (90%) to ninety-two percent (92%) = A-

(4) Eighty-seven percent (87%) to eighty-nine percent (89%) = B+

(5) Eighty-three percent (83%) to eighty-six percent (86%) = B

(6) Eighty percent (80%) to eighty-two percent (82%) = B-

(7) Seventy-seven percent (77%) to seventy-nine percent (79%) = C+

(8) Seventy-three percent (73%) to seventy-six percent (76%) = C

(9) Seventy percent (70%) to seventy-two percent (72%) = C-

(10) Sixty-seven percent (67%) to sixty-nine percent (69%) = D+

(11) Sixty-three percent (63%) to sixty-six percent (66%) = D

(12) Sixty percent (60%) to sixty-two percent (62%) = D-

(13) Fifty-nine percent (59%) and below = F

(j) **Accuracy and Representativeness of Performance Data.** The Oklahoma State Department of Education shall review all information submitted by school districts to represent the performance of schools receiving a school performance grade.

(1) Each school district superintendent shall designate a school accountability contact person to be responsible for verifying accuracy of data.

(2) The Superintendent of Public Instruction shall withhold the designation of a school's performance grade if he or she determines that the performance data does not accurately represent the progress of the school.

~~(A)~~ Circumstances under which a school's performance data may be considered to not accurately represent the progress of the school include:

~~(iA)~~ Less than ninety-five percent (95%) of the school's student population eligible for inclusion in the designation of the school's performance grade was assessed.

~~(iiB)~~ Circumstances identified before, during, or following the administration of any state assessment where the validity or integrity of the test results are called into question and are subject to review as determined by the State Department of Education.

(k) **Data verification by school sites/districts.** School sites shall be provided an opportunity to review all data used to calculate the school performance grade and the calculation of the school performance grade.

(1) **Initial Data Verification.** Initial data verification of the data used to calculate school performance grades shall occur throughout the school year as data becomes available to the State Department of Education. School district accountability staff shall have the opportunity to perform data verification and confirm that data being used to calculate school performance grades are accurate prior to the review period required by (k)(2) of this rule. The

school district shall have at least thirty (30) calendar days to review and request corrections to each new data component, as it becomes available. No requests for changes to data shall be made after the expiration of the respective thirty (30) calendar day review period. For purposes of this paragraph only, a "new data component" means a data component that has not been previously submitted to the State Department of Education in accordance with other state or federal reporting requirements.

(2) **Calculation Verification.** Prior to the final release of school performance grades, a school district shall have at least ten (10) calendar days to certify the calculation of the performance grade. If the school district determines that a different performance grade should be assigned because of the omission of student data, a data miscalculation, or special circumstances that might have affected the grade assigned, school districts may submit a request for a review of the data calculation to the State Department of Education. All evidence supporting the district's claim of a calculation error and documentation of all elements to be reviewed by the Department must be submitted within the time limits specified in this subsection. No request for review of the calculation shall be accepted after the expiration of the ten (10) calendar day review period. Changes to the criteria, data, or process shall not be considered as part of this review.

(3) **Data deemed certified.** To ensure timely issuance of the school report cards in accordance with the requirements of 70 O.S. § 1210.545, any data component verification or calculation verification for which a district fails to timely review and certify as accurate in accordance with the provisions of (1) or (2) of this subsection shall be deemed certified as accurate by the district and districts shall not be permitted to request further corrections to the data.

(l) **Final determination.** The Oklahoma State Board of Education's determination of a school's performance grade shall be final.

(m) **Planned System Enhancements.** As indicated in this subsection, planned enhancements will occur in the System of School Improvement and Accountability. The Superintendent of Public Instruction will periodically recommend additional changes to the system to the State Board of Education for approval as necessary to ensure that continuous improvements are made in the educational programs of the State. Performance data shall be reviewed annually to determine whether to adjust the school grading scale for the following year's school grades. Adjustments may include, but shall not be limited to grading criteria, classification of school type, point calculations, point requirements, and minimum points necessary to obtain a certain grade. Adjustments may reset the minimum required number of points for each grade.

(n) **Virtual education providers and virtual charter schools.** Any virtual provider that offers full-time online

programs for students enrolled in charter schools sponsored by a school district, technology center school district, higher education institution, a federally recognized Indian tribe, or the State Board of Education, in accordance with the provisions of the Oklahoma Charter Schools Act shall be considered a "virtual charter school."

(1) Each virtual charter school and each school district which contracts with a virtual charter school or virtual education provider shall identify its full-time virtual students who do not live in the physical boundaries of the school district with which the sponsor is associated.

(A) Each virtual charter school and each school district shall report the achievement data of its full-time virtual students who are not residents of the district in which the sponsor is located separate from the achievement data of its full time virtual students who are residents of the district of sponsorship.

(B) The performance of non-resident full-time virtual students identified in (1) of this subsection shall be excluded from the determination of the overall school performance letter grade of the sponsoring school district, but shall be included in the overall school performance letter grade of the virtual charter school as resident students.

(2) Any virtual provider that contracts with a school district to provide full-time virtual education for resident students of the school district shall be considered a separate site within the school district for accountability purposes and shall be issued a separate report card that includes performance of full-time virtual students identified in (1) of this subsection as residents of the school district with which the provider contracts.

(o) **Statewide virtual charter schools.** Any virtual provider sponsored as a charter school by the Statewide Virtual Charter School Board shall be considered a "statewide virtual charter school."

(1) Each statewide virtual charter school will be considered a separate school site and "district" of the Statewide Virtual Charter School Board for accountability purposes and will be subject to the system of school improvement and accountability established by 70 O.S. § 1210.545 and the accompanying provisions set forth in this Section.

(2) The performance of all eligible students enrolled in a statewide virtual charter school shall be included in the calculation of the overall school performance letter grade of the virtual charter school. For purposes of this Section, any student enrolled full-time in a statewide virtual charter school who resides within the borders of the state shall be considered a resident student of the statewide virtual charter school.

[OAR Docket #16-450; filed 6-14-16]

Permanent Final Adoptions

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 15. CURRICULUM AND INSTRUCTION

[OAR Docket #16-451]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 3. Priority Academic Student Skills
Part 15. Oklahoma Standards for World Languages
210:15-3-133. Overview [REVOKED]
210:15-3-133.1. Definitions [REVOKED]
210:15-3-134. Language(s) awareness k-grade 3 [REVOKED]
210:15-3-135. Novice level range [REVOKED]
210:15-3-136. Intermediate level range [REVOKED]
210:15-3-137. Pre-advanced level range [REVOKED]

AUTHORITY:

70 O.S. § 3-104; 70 O.S. § 11-103.6a; State Board of Education

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:

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August 25, 2016

SUPERSEDED EMERGENCY ACTIONS:

Superseded rules:

Subchapter 3. Priority Academic Student Skills
Part 15. Oklahoma Standards for World Languages
210:15-3-133. Overview [REVOKED]
210:15-3-133.1. Definitions [REVOKED]
210:15-3-134. Language(s) awareness k-grade 3 [REVOKED]
210:15-3-135. Novice level range [REVOKED]
210:15-3-136. Intermediate level range [REVOKED]
210:15-3-137. Pre-advanced level range [REVOKED]

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n/a

ANALYSIS:

The Oklahoma Standards for World Languages were revised as scheduled in 2015, under the new approval procedure established by House Bill 3399 (2014). HB 3399 removed the approval of academic subject standards from the administrative rulemaking process, but the standards are still published in the Administrative Code. Now that new subject standards for World Languages have been published and taken effect as provided for at 70 O.S. § 11-103.6a, the former subject standards for World Languages must be revoked to update the Administrative Code.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED

FINALLY ADOPTED AS SET FORTH IN 75 O.S.,
SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE
DATE OF AUGUST 25, 2016:

SUBCHAPTER 3. PRIORITY ACADEMIC STUDENT SKILLS

PART 15. OKLAHOMA STANDARDS FOR WORLD LANGUAGES

210:15-3-133. Overview [REVOKED]

(a) ~~The Oklahoma State Board of Education has identified the study of languages (foreign, Native American, American Sign Language) as core curriculum along with science, mathematics, social studies, language arts, and the arts (visual art and general music). All districts are required to implement a sequential program of study of at least one language other than English in the curriculum. THE STATE SCHOOL LAWS OF OKLAHOMA 2001 state "Students must learn about cultures and environments—their own and those of others with whom they share the earth. Students, therefore, must study social studies, literature, languages, the arts, mathematics and science." (70 O.S. § 11-103.6)~~

(b) ~~The content standards for language learning included in this document are based on an instructional program in world languages other than English for all students, beginning in kindergarten and continuing through 12th grade. These standards reflect the latest research in the field of second language instruction as presented in the profession's national standards document, STANDARDS FOR FOREIGN LANGUAGE LEARNING: PREPARING FOR THE 21ST CENTURY. As in the national standards, there are five overarching goals in Oklahoma's curriculum framework: communication, cultures, connections, comparisons, and communities. With communication and culture as the cornerstone for all language learning, the state's goal is for all Oklahoma students to learn "how, when, and why to say what to whom" in a language other than English (NATIONAL STANDARDS IN FOREIGN LANGUAGE EDUCATION PROJECT, 1996, p.11).~~

(c) ~~LANGUAGES AWARENESS (Grades K-3) is to be a required program in Oklahoma schools through which children gain the insight that other languages exist besides their own. Districts will implement an exploratory program that will expose the student to several languages and cultures. The goal of this program model is to learn about language(s) and culture(s), and is not intended to lead to any proficiency in the language(s) studied. The student may be exposed to several languages and cultures.~~

(d) ~~In addition to the required language(s) awareness program, districts may choose to start a sequential, articulated language program beginning in kindergarten that focuses on communication. The goal of this K-12 program model is communication that will lead to proficiency as students progress through the sequential, articulated program in their elementary and secondary schools. Heining Boynton maintains that for~~

those schools and/or districts that desire their students to begin the early study of foreign languages in a meaningful context with a highly structured curriculum articulated in a long sequence, then this is the model of choice (Heining Boynton, 1998, p. 2).

(e) For those districts who have not chosen to implement a sequential, articulated language program in K-3, Grade 4 is the beginning of a required sequential language program in Oklahoma schools through which all students begin to develop proficiency in a language. Language(s) selection is determined by each district. The students will continue the sequential and articulated program in the same language every year through Grade 8. By the end of the Grade 4-8 program sequence, students should demonstrate proficiency as described by the Novice Level progress indicators listed in this document. To reach the Novice Level proficiency requirement for the Grade 4-8 program, it is recommended that students will need to meet a minimum total of 365 hours of instruction in a standards based curriculum classroom.

(f) Districts should be aware of federal legislation which offers monetary awards to districts who have implemented elementary foreign language programs that lead to student proficiency in the language. The Foreign Language Incentive Program of the No Child Left Behind Act of 2001 awarded "incentive payments to public elementary schools that provide students with a foreign language program designed to lead to communicative competency. A program leading to communicative competency is comparable to a program that provides at least 45 minutes of instruction per day for not less than 4 days per week throughout an academic year." (Federal Register, 2002, Vol. 67).

(g) Grades 9-12 provide continued sequencing of instruction for further language proficiency for Oklahoma students. School districts must offer at least two years of a specific language in high school. Districts may offer long term, sequential programs in more than one language. Two Carnegie units of study (240 hours) of the same world language is part of the requirement for the Certificate of Distinction, an award that high schools may offer to high school graduates. (70 O.S. §11-103.6e)

(h) In Oklahoma's 4th grade through 8th grade sequential language program requirement, students should reach the Novice Level benchmark by the end of their language learning experience. If students choose to continue the study of the same language through high school, students should reach the Intermediate benchmark. Students should reach the Pre-advanced benchmark if they begin a sequential, articulated program in kindergarten and continue through 12th grade. This instructional sequence represents a vision for how well Oklahoma world language learners will perform in languages if they start early and continue language learning throughout their school experience.

(i) Realistic performance levels for students enrolled in a sequential language learning experience at various points are outlined in the AMERICAN COUNCIL ON THE TEACHING OF FOREIGN LANGUAGES (ACTFL) PERFORMANCE GUIDELINES FOR K-12 LEARNERS. This document describes realistic performance levels depending upon entry

and exit into a sequential and articulated language program. It reflects the influence of time on language performance ability and shows what ability is reasonable to expect of students who begin foreign language study at various points in the K-12 spectrum. This information is based on the assumption that "elementary programs (K-5) meet from 3-5 days per week for no less than 30-40 minutes per class; middle school programs meet daily for no less than 40-50 minutes; and high school programs meet the required time that equals four Carnegie units of credit (480 hours of seat time)" (ACTFL PERFORMANCE GUIDELINES FOR K-12 LEARNERS, 1999, p. 6). A K-12 language program sequence following these minimum guidelines would meet for no less than 1400 hours in order to reach Pre-advanced Learner Range performance.

(j) Varying learning rates, different learning styles, and the general language learning ability of students all affect how well second language acquisition will happen. The amount of time spent in language instruction greatly influences performance ability. It is important to note that language proficiency is best developed when students start early and stay late in a sequential, articulated program. Haas (1998) states that learning a foreign language is not much different from learning other core curriculum subjects. In any area, students benefit from starting early and continuing through a long sequence of learning that grows and deepens as they mature (p. 43).

(k) For elementary sites, language certification for teachers is not required. However, teachers with language certification or teachers with language proficiency are preferred. In K-8 elementary sites, language certification for teachers of Grade 7 and/or 8 is required if students will receive high school credit for foreign language on their high school transcript.

(l) For middle school and junior high sites, language certification for teachers is required. For middle school and junior high sites giving high school credit for world languages, teachers must have secondary certification, and curriculum standards at the middle school or junior high level must equal requirements at the high school level.

(m) Oklahoma's world languages educators envision a future in which "ALL students will develop and maintain proficiency in English and at least one other language, modern or classical" (NATIONAL STANDARDS IN FOREIGN LANGUAGE EDUCATION PROJECT, 1996, p. 7). As stated in the profession's national goals, communication is at the heart of second language study, whether the communication takes place face to face, in writing, or through reading. Through the study of other languages, students gain a knowledge and understanding of the cultures that use that language. Learning languages provides connections to additional bodies of knowledge that are unavailable to monolingual English speakers. Through comparisons and contrasts with the language studied, students develop greater insight into their own language and culture and realize that multiple ways of viewing the world exist. Together, these elements enable the student of languages to participate in multilingual communities at home and around the world in a variety of contexts and in culturally appropriate ways (NATIONAL STANDARDS IN FOREIGN LANGUAGE EDUCATION PROJECT, 1996, p. 27). Students learn a language

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best when they are provided opportunities to use the target language to communicate in a wide range of activities. The more learners use the target language in meaningful situations, the more rapidly they achieve competency. Active use of language is central to the learning process; therefore, learners must be involved in generating utterances for themselves. They learn by doing, by trying out language, and by modifying it to serve communicative needs (NATIONAL STANDARDS IN FOREIGN LANGUAGE EDUCATION PROJECT, 1996, p. 37). The following graphic is a visual summary of Oklahoma Standards for World Languages. The communication goal is central to the attainment of all other goals. The other four goals (cultures, connections, comparisons, and communities) serve as a context for the development of interpretive, interpersonal, and presentational communication.

(n) In the Oklahoma World Languages Standards document there are five goals for each level of proficiency: communication, cultures, comparisons, connections and communities. For each of the five goals there are two or more student standards that describe what students should know and be able to do in the target language. For each standard, there are a list of progress indicators that specifically describe what students need to know and do within a specified proficiency range. After the progress indicators for each standard, there is a list of performance guidelines based on the ACTFL PERFORMANCE GUIDELINES FOR K-12 LEARNERS (1998). The performance guidelines describe how well a student will be able to perform the standard within the specified proficiency range. Following the performance guidelines there is a set of classroom examples that describe what types of sample activities appropriately reflect the standard addressed.

(o) The Oklahoma standards document defines skills within certain ranges: Novice Level Range, Intermediate Level Range, and Pre-advanced Level Range. These proficiency ranges represent a continuum of student development, reflecting the diversity of individual student learning, as opposed to levels of instruction which are typically defined by years or semesters of classroom instruction.

(p) Typically, the levels of language instruction are based on the time involved in the instruction. Because the implementation of world language programs in Oklahoma varies greatly from one context to another and entry into a foreign language program can occur at various grades, the levels of instruction are described as follows:

(q) Level I instruction may be achieved in three ways: (1) in the elementary grades, kindergarten through Grade 5 (depending on the type of program offered); or (2) varying programs of instruction in middle school (comparable in content and contact hours to the course equivalent offered in high school); or (3) one Carnegie Unit (120 hours) of instruction in Grades 9-12.

(r) Level II is described as (1) instruction in middle school (depending on the type of program offered) after the successful completion of Level I in elementary school; or (2) one Carnegie Unit (120 hours) of instruction in high school after the successful completion of Level I in middle school or high school.

(s) Subsequent levels (Level III-VI) are described each as one Carnegie unit (120 hours) of instruction in high school after the successful completion of the previous level.

(t) Each proficiency range (Novice, Intermediate, Pre-advanced) may require more than one level of instruction, depending on various factors such as student ability, classroom instruction, scheduling logistics, and other variables affecting student learning. The Novice Level Range starts in Level I and generally carries over into Level II. The Intermediate Level Range may be initiated in Level II with some students, and generally includes Level III, extending into Level IV. The Pre-advanced Level Range will usually incorporate instruction initiated in Level IV and possibly continuing through Level VI.

(u) The standards written in this Oklahoma world languages curriculum framework are for all languages taught in Oklahoma schools. Some languages, such as American Sign Language, Native American languages, and classical languages have unique characteristics that may require some modifications in the standards to reflect their special traits. For example, Latin places a stronger emphasis on reading, while oral skills receive less emphasis. Native American languages emphasize oral skills, while written skills receive less emphasis. American Sign Language emphasize visual-gestural and interpretive communication.

210:15-3-133.1. Definitions [REVOKED]

The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Articulation" means a foreign language program which provides for a gradual, sequential progression of knowledge and skills from level to level of language development.

"Authentic assessment" means assessments that evoke demonstrations of knowledge and skills in ways that are applied in the real world.

"Authentic materials" means resources including books, magazines, newspapers, brochures, menus, videos, recordings, etc., which are used by people in the target culture.

"Benchmark" means an interpretation of a performance standard according to age, grade, or developmental level.

"Circumlocution" means using alternate (roundabout) words and phrases to convey meaning or express an idea.

"Classical languages" means the forms of Latin and Greek used in ancient Greek and Latin literature.

"Cognate" means a word in the target language that looks like, or sounds like a word with the same meaning in English.

"Culture" means the term generally understood to include the philosophical perspectives, the behavioral practices, and the products—both tangible and intangible—of a society.

"Curriculum framework" means a comprehensive document developed for a content area consisting of overarching goals, content standards, and performance standards. The curriculum framework serves as a guide to local school districts as they create a curriculum unique to their needs.

"Developmentally appropriate materials" means materials that correlate to age, grade, or proficiency level of the student.

"False start" means the natural tendency of a speaker to restate what has just been uttered in order to correct, clarify, or improve upon it.

"Idiomatic expressions" means expressions in one language that cannot be directly translated into another language.

"Intangible" means examples of these types of products: a dance, an oral tale, a sacred ritual, a system of education.

"Interpersonal mode of communication" means communication that is characterized by active negotiation of meaning among individuals. Participants observe and monitor one another to see how their meanings and intentions are being communicated. Adjustments and clarifications can be made accordingly. The interpersonal mode is most obvious in conversation, but both the interpersonal and negotiated dimensions can be realized through reading and writing, such as the exchange of personal letters or of electronic mail messages. (ACTFL PERFORMANCE GUIDELINES FOR K-12 LEARNERS, 1998).

"Interpretive mode of communication" means communication that is focused on the appropriate cultural interpretation of meanings that occur in written and spoken form where there is no recourse to the active negotiation of meaning with the writer or the speaker. Such instances of "one way" reading or listening include the cultural interpretation of texts, movies, radio and television broadcasts, and speeches. (ACTFL PERFORMANCE GUIDELINES FOR K-12 LEARNERS, 1998).

"Overarching goals" means relatively brief, very general statements that describe what students should know and be able to do. They should reflect the best and most recent theory and research in that area. They are more general than content standards, but provide a framework into which content standards can be organized.

"Performance standards" means standards that describe how well students perform the content standards. Performance standards gauge the degree to which content standards have been attained by individuals or groups, indicating the nature of the evidence and the quality of student performance on agreed-upon tasks or measurement instruments.

"Perspectives" means the attitudes, ideas, beliefs, viewpoints, or values of a cultural group.

"Presentational mode of communication" means communication that refers to the creation of messages in a manner that facilitates interpretation by members of the other culture where no direct opportunity for the active negotiation of meaning between members of the two cultures exists. Examples include the writing of reports and articles or the presentation of speeches. (ACTFL PERFORMANCE GUIDELINES FOR K-12 LEARNERS, 1998).

"Proficiency" means ability to communicate effectively in everyday real life situations in both oral and written forms in the cultures where the language is spoken.

"Recombination" means the ability to use previously learned vocabulary and structures to create new and unique expressions.

"Sequential language learning" means language learned in a continuous related order. In an articulated, sequential program, courses are scheduled every year and teachers follow a curriculum that spirals learning objectives from year to year

for the purpose of the students attaining communicative proficiency in the language learned.

"Tangible" means these types of products: a toy, a painting, an article of clothing, a cathedral, a piece of literature, a pair of chopsticks.

"Target culture" means the culture of the people who speak the target language.

"Target language" means the language that is being taught or learned.

210:15-3-134. Language(s) awareness k - grade 3 [REVOKED]

- (a) **Standard—communication.** Students will communicate in languages other than English.
 - (1) Understand limited one and two word phrases, cognates, and social greetings.
 - (2) Speak with one or two word phrases such as reciting numbers, colors, classroom objects, etc.
 - (3) Develop careful listening skills.
 - (4) Read isolated words when strongly supported by visuals.
 - (5) Copy familiar words for labeling, identifying, and organizing purposes.
- (b) **Standard—cultures.** Students will gain knowledge and understanding of other cultures.
 - (1) Develop an awareness of other cultures.
 - (2) Be able to identify areas of the world where the languages studied are spoken.
 - (3) Participate in developmentally appropriate cultural activities such as games and songs.
 - (4) Identify and reproduce distinctive cultural products of the culture of the languages studied.
 - (5) Imitate culturally appropriate etiquette in verbal and nonverbal communication during greetings, leave takings and daily classroom interactions.
- (c) **Standard—connections.** Students will connect with other disciplines and acquire information.
 - (1) Use isolated words from other content areas (math, science, geography, etc.) in foreign language class activities.
 - (2) View and listen to developmentally appropriate programs in the target language on topics from other content areas (math, science, geography, etc.);
- (d) **Standard—comparisons.** Students will develop insight into the nature of language and culture.
 - (1) Be aware of the differences among cultures and respect those differences.
 - (2) Develop awareness that the world has many languages.
 - (3) Compare holidays and celebrations.
 - (4) Compare daily practices of people in the target cultures with their own.
- (e) **Standard—communities.** Students will use the language both within and beyond the school setting.
 - (1) Develop an interest in future language(s) study.
 - (2) Explore the value of communicating in another language.

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- (3) Identify the target language in school and community environments.
- (4) Participate in activities related to special events celebrated in the target culture(s).

210:15-3-135. Novice level range [REVOKED]

~~(a) **Standard—interpersonal communication—speaking/writing.** Students will engage in conversations and/or written correspondence in which they provide and obtain information, express feelings and emotions, and exchange opinions.~~

- ~~(1) **Progress indicators.**~~
 - ~~(A) Initiate greetings, introductions, and leave taking.~~
 - ~~(B) Ask and answer basic questions based on self and familiar material such as family members, personal belongings, school and leisure activities, location of people and objects, time, and weather.~~
 - ~~(C) Express personal needs, preferences, and feelings.~~
 - ~~(D) Initiate simple commands.~~
- ~~(2) **Performance guidelines.**~~
 - ~~(A) Use memorized phrases and short sentences when communicating.~~
 - ~~(B) Use words and phrases primarily as lexical items without awareness of grammatical structure.~~
 - ~~(C) Comprehend and produce vocabulary that is related to everyday objects and actions on a limited number of familiar topics.~~
 - ~~(D) Rely on visual aids, gestures and repetitions to enhance communication.~~
 - ~~(E) Imitate modeled words and phrases using intonation and pronunciation similar to that of the model.~~
 - ~~(F) Communicate with pauses, false starts, some recourse to their native language and make frequent errors when taking risks with the language.~~
 - ~~(G) Are understood primarily by those very accustomed to interacting with language learners.~~
- ~~(3) **Classroom examples.**~~
 - ~~(A) Make five statements about yourself to a partner who must then agree or disagree with your self-perception.~~
 - ~~(B) Rank sports by preference and using highly practiced language, tell a friend why you like or dislike certain sports, and ask him/her what sports he/she likes.~~
 - ~~(C) Ask/Answer questions with a partner about the age and names of family members.~~
 - ~~(D) Write an e-mail to a friend listing the items in your school backpack, and then ask what is in his/her backpack.~~
 - ~~(E) Ask/answer questions with a friend about what you want to do this weekend, and at what time you want to do this.~~
 - ~~(F) Introduce friends and family members to others.~~

~~(b) **Standard—interpretive communication—listening/reading/Viewing.** Students will understand and interpret written and spoken language on a variety of topics.~~

- ~~(1) **Progress indicators.**~~
 - ~~(A) Comprehend simple daily communications on familiar topics, including simple instructions such as classroom procedures.~~
 - ~~(B) Understand key words in written material such as advertisements, schedules, and menus, etc.~~
 - ~~(C) Comprehend the main idea of selected, age-appropriate authentic recordings and broadcasts and videos.~~
 - ~~(D) Comprehend the main idea of selected, short, authentic written materials that use familiar vocabulary and language structures.~~
 - ~~(E) Respond to simple commands, familiar vocabulary, and language structures.~~
- ~~(2) **Performance guidelines.**~~
 - ~~(A) Understand short, simple conversations and narratives (live or recorded), within highly predictable and familiar contexts.~~
 - ~~(B) Recognize highly predictable key words and phrases and familiar structures by using contextual clues with strong visual support.~~
 - ~~(C) Rely on personal background experience to assist in comprehension.~~
 - ~~(D) Rely on repetition for understanding.~~
 - ~~(E) Determine meaning by recognition of cognates, prefixes, suffixes, and thematic vocabulary.~~
- ~~(3) **Classroom examples.**~~
 - ~~(A) Recognize key words on store fronts and identify the type of store or services provided (e.g., book store, bakery, video store).~~
 - ~~(B) Read and understand simple official forms (e.g., hotel registration, passport and visa applications).~~
 - ~~(C) Listen to your teacher tell you to place certain items in different parts of the classroom, and respond accordingly.~~
 - ~~(D) Listen to a patient explaining his/her symptoms of illness, including mention of various body parts, to a doctor and take simple notes listing what problems the patient is having.~~
 - ~~(E) Read advertisements from authentic magazines and list all of the cognates found in the ads.~~
 - ~~(F) Listen to authentic songs and write the main ideas expressed.~~
 - ~~(G) Listen to a conversation of two native speakers. Answer simple comprehension questions in English.~~
 - ~~(H) Listen to a simple story several times. Then draw what happened in the story.~~
- ~~(e) **Standard—presentational communication—speaking/writing.** Students will present information, concepts, and ideas to an audience of listeners or readers on a variety of topics.~~
 - ~~(1) **Progress indicators.**~~
 - ~~(A) Describe in written or spoken format basic information, such as self, family members and friends,~~

- events, interests, school activities, and personal belongings.
- (B) Give simple commands and make requests of another person or group.
- (C) Retell a simple story using familiar vocabulary and language structures.
- (D) Write personal journals and send brief messages to friends.
- (E) Dramatize student-created and/or authentic songs, short poems, skits or dialogs.
- (2) **Performance guidelines.**
- (A) Use memorized, short phrases and sentences in oral and written presentations based on familiar material.
- (B) Demonstrate some accuracy in pronunciation and intonation when presenting well-rehearsed material on familiar topics.
- (C) Rely heavily on repetition, gestures, facial expressions and visual aids to communicate their message orally.
- (D) Reproduce familiar material in written presentations.
- (E) Communicate with pauses, false starts, some recourse to their native language, and make frequent errors when taking risks with the language and attempting to produce language beyond the memorized.
- (F) Are understood primarily by those very accustomed to interacting with language learners.
- (3) **Classroom examples.**
- (A) Give short, simple directions to a person about how to get to the grocery store from your school parking lot.
- (B) Write a thank-you postcard to your grandmother/aunt/brother for a birthday gift that you received.
- (C) Prepare short messages in video or audio formats to be sent to your peers in the target culture on the things that you like to do.
- (D) Design a poster for a nutrition class showing foods that should and should not be eaten. Present it to the class in the target language.
- (E) Use a highly practiced vocabulary and visuals; retell a children's story to the class or group.
- (d) **Standard—practices of culture.** Students will demonstrate an understanding of the relationship between the practices and perspectives of the culture(s) studied.
- (1) **Progress indicators.**
- (A) Imitate patterns of behavior such as greetings or gestures used in formal and informal settings in the target culture.
- (B) Identify some customs and traditions such as celebrations and holiday practices of the target culture.
- (C) Participate in cultural activities such as games, songs, and dances of the target culture.
- (D) Identify some viewpoints of the target culture, such as those relating to time, school, transportation, pastimes, and the roles of family members.
- (E) Recognize and explore the process of stereotyping other cultures.
- (2) **Performance guidelines.**
- (A) Imitate the use of culturally appropriate vocabulary, idiomatic expressions, and nonverbal behaviors modeled by the teacher.
- (B) Use memorized phrases and short sentences when communicating in spoken or written formats.
- (C) Rely on visual aids, gestures, and repetition to enhance comprehensibility.
- (D) Comprehend written and spoken language better when content has been previously presented in an oral and/or visual context.
- (E) Understand a story line or event in written or oral contexts that reflect a cultural background similar to their own.
- (F) Use the student's native language only when the investigation of cultural perspectives extends beyond the novice-proficiency range.
- (3) **Classroom examples.**
- (A) Collaborate in creating a class book with illustrations and written descriptions of various aspects of daily life in the target cultures.
- (B) Write your key-pal with lists of personal interests (the contents of your backpack, the programs you watch on TV, or a list of your school holidays) and ask your key-pal to respond with lists of personal interests.
- (C) Identify and illustrate or perform a traditional custom or celebration.
- (D) Initiate and respond to formal and informal telephone calls.
- (e) **Standard—products of culture.** Students will demonstrate an understanding of the relationship between the products and perspectives of the culture(s) studied.
- (1) **Progress indicators.**
- (A) Identify objects, images and symbols, such as flags, currency, food, dress, and toys, that are commonly used in the target culture.
- (B) Identify some major contributions and historical figures from the target culture, including contributions in science, mathematics, government, and fine arts.
- (C) Identify some historical and contemporary influences from the target culture that are significant in the U.S. culture, such as explorers and settlers, music and sports.
- (D) Identify countries, regions, and geographic features where the target language is spoken.
- (E) Extract samples of the culture's perspectives from popular media in the target culture.
- (2) **Performance guidelines.**
- (A) Use memorized phrases and short sentences when communicating in spoken or written formats about cultural products.
- (B) Rely on visual aids, gestures, and repetition to enhance comprehensibility about cultural products.

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- (C) Comprehend written and spoken language about cultural products better when content has been previously presented in an oral and/or visual context.
- (D) Understand a story line or event in written or oral contexts that reflects a cultural background similar to their own.
- (E) Use the student's native language only when the investigation of cultural perspectives extends beyond the novice proficiency range.
- (3) **Classroom examples.**
- (A) Recite a poem/sing a song of the target language.
- (B) Demonstrate understanding of a story, folk tale, or legend by answering questions or retelling the story with or without visuals.
- (C) Listen to the teacher's description of the physical attributes and/or contributions of a famous person of the target culture and identify who it is.
- (f) **Standard—interdisciplinary studies.** Students will reinforce and further their knowledge of other content areas through the foreign language.
- (1) **Progress indicators.**
- (A) Identify and/or use selected information and skills from other content areas (such as the arts, health, social studies, sciences, mathematics, and English) in the target language classroom.
- (B) Using authentic target language resources, (such as the Internet, books, magazines), identify and/or use selected information to reinforce or expand learning in other content area classrooms (the arts, health, social studies, sciences, mathematics, English, etc.).
- (2) **Performance guidelines.**
- (A) Use memorized phrases and short sentences when communicating about selected content areas.
- (B) Rely on visual aids, gestures and repetitions to enhance communication about other content areas.
- (C) Understand short, simple conversations and narratives about other content areas (live or recorded), within highly predictable and familiar contexts.
- (D) Recognize highly predictable key words and phrases and familiar structures by using contextual clues with strong visual support.
- (E) Rely on personal background experience to assist in comprehension.
- (F) Rely on repetition for understanding.
- (G) Determine meaning by recognition of cognates, prefixes, suffixes and thematic vocabulary.
- (3) **Classroom examples.**
- (A) Use currency of the target culture to make change using bills and coins.
- (B) Prepare a healthy menu using typical foods of the target culture.
- (C) Use authentic instruments of the target culture to explore music and rhythms.
- (D) Learn the solar system, parts of a plant, life cycle of a butterfly.
- (g) **Standard—distinctive Viewpoints.** Students will acquire information and recognize the distinctive viewpoints that are only available through the foreign language and its cultures.
- (1) **Progress indicators.**
- (A) Extract information about the target culture from selected authentic sources (such as the Internet, books, magazines).
- (B) Use authentic target language sources to gain insight about the distinctive perspectives of the target culture.
- (2) **Performance guidelines.**
- (A) Understand general oral and written information when enhanced by illustrations within highly predictable contexts.
- (B) Increase their comprehension by looking for and recognizing key words or phrases.
- (C) Rely on personal background information to help in understanding something they read or hear.
- (D) Rely on memorized phrases and short sentences to describe distinctive viewpoints of the target culture.
- (E) Use the student's native language only when the discussion of distinctive viewpoints extends beyond the novice proficiency range.
- (3) **Classroom examples.**
- (A) With several other students, act out familiar folktales, fables, or legends known to children of the target culture while another student reads the story aloud.
- (B) Use the target language to describe an animal or plant that is indigenous to a particular region or country of the target culture.
- (C) Use authentic sources to identify the current popular products of the target culture.
- (h) **Standard—language comparisons.** Students demonstrate understanding of the nature of language through comparisons of the language studied with their own.
- (1) **Progress indicators.**
- (A) Recognize cognates and borrowed words and be aware of their usefulness in comprehending language.
- (B) Identify and compare the sound and writing systems of the target language with their own, including stress, intonation, punctuation, etc.
- (C) Identify basic grammatical structures of the language studied and compare these structures to their own language, including word order, gender, agreement, etc.
- (D) Recognize identified idiomatic expressions that cannot be directly translated into their own language.
- (2) **Performance guidelines.**
- (A) Rely primarily on memorized phrases or short sentences when describing language structure comparisons between cultures.
- (B) Rely heavily on visuals to get ideas across to the audience.

- (C) Rely on personal background information to help in understanding similarities and differences of grammatical structures between the cultures.
- (3) **Classroom examples.**
- (A) Create a graphic organizer to compare language structures in English and the target language.
- (B) Discuss the variations in vocabulary in English (apartment/flat, elevator/lift) as well as the variations in vocabulary among target language countries.
- (C) Listen as the teacher models how to express language structures (e.g., word order, number and gender agreement, question formation) in the target language and identify how it is different from English.
- (i) **Standard—culture comparisons.** Students demonstrate understanding of the concept of culture through comparisons of the cultures studied and their own.
- (1) **Progress indicators.**
- (A) Identify similarities and differences in verbal and nonverbal behavior between cultures.
- (B) Recognize cross-cultural similarities and differences in the practices of the culture studied.
- (C) Identify cross-cultural similarities and differences in the products of the culture studied.
- (D) Recognize cross-cultural similarities and differences in the perspectives within the target culture.
- (2) **Performance guidelines.**
- (A) Rely primarily on memorized phrases or short sentences when describing comparisons between cultures.
- (B) Rely heavily on visuals to get ideas across to the audience.
- (C) Rely on personal background information to help in understanding cultural similarities and differences between the culture studied and their own.
- (3) **Classroom examples.**
- (A) Follow the teacher's model to practice the table manners of the target culture and compare them with the student's own culture.
- (B) Identify the significance of signs and symbols in the target culture.
- (C) Make a Venn diagram comparing a celebration in the U.S. with the same or equivalent celebration in the target culture.
- (D) Compare the greetings, leave takings, and the use of personal space in the target culture and in the U.S.
- (E) Looking at pictures of restaurant scenes in the U.S. and the target country, compare similarities and differences of the scenes.
- (j) **Standard—school and community.** Students will use the language both within and beyond the school setting.
- (1) **Progress indicators.**
- (A) Identify professions/occupations which are enhanced by proficiency in another language.
- (B) Practice oral or written use of the foreign language with people outside the classrooms.
- (C) Communicate on a personal level with speakers of the language via short letters, e-mail, audio, and videotapes.
- (D) Produce short skits, stories, poems, multimedia shows, etc., and present their works at school and/or in the community.
- (2) **Performance guidelines.**
- (A) Use memorized phrases or short sentences with very familiar topics.
- (B) Write simple tasks, such as short messages or notes.
- (C) Be accurate in pronunciation when presenting well-rehearsed materials.
- (D) Understand general information when enhanced by visuals or gestures.
- (3) **Classroom examples.**
- (A) Keep an in-class log or chart of personal encounters with the target language outside of the school.
- (B) Establish a pen pal/key pal correspondence with someone from the target culture.
- (C) Locate/visit stores within the community that cater to the target culture.
- (D) Listen to radio broadcasts and list recognizable words from the target culture.
- (E) Teach basic expressions and level-appropriate songs and games from the target culture to children in a neighboring elementary or preschool or at home to members of the family.
- (k) **Standard—personal enrichment.** Students will show evidence of becoming lifelong learners by using the language for personal enjoyment and enrichment.
- (1) **Progress indicators.**
- (A) Demonstrate a willingness to interact with native speakers.
- (B) Discover and explore a variety of entertainment sources representative of the target culture.
- (C) Identify current issues of interest within the target culture.
- (D) Discover and explore samples of art, literature, music, etc., representative of the target culture.
- (2) **Performance guidelines.**
- (A) Be understood primarily by those very accustomed to interacting with language learners.
- (B) Exhibit increased comprehension when constructing meaning through recognition of key words or phrases embedded in familiar contexts.
- (C) Rely heavily on visuals to enhance comprehensibility in both oral and written presentations.
- (D) Use primarily memorized phrases and short sentences during highly predictable interactions on very familiar topics.
- (3) **Classroom examples.**
- (A) Use Web sites in the target language to make plans for a vacation in the target culture.
- (B) Select an audio clip of favorite music in the target language and share it with other members of the class.

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- (C) Attend cultural events of the target culture within the community.
- (D) Visit art exhibits of artists from the target culture.
- (E) Learn a dance of the target culture and host a dance with music only from the target culture.

210:15-3-136. Intermediate level range [REVOKED]

(a) ~~Standard—interpersonal communication—speaking/writing.~~ Students will engage in conversations and/or written correspondence in which they provide and obtain information, express feelings and emotions, and exchange opinions.

(1) ~~Progress indicators.~~

- (A) Sustain a conversation on selected topics about themselves and others, using details and descriptions.
- (B) Ask and answer a variety of questions, giving reasons for their answers.
- (C) Express personal preferences and feelings with some explanation.
- (D) Initiate a series of commands.

(2) ~~Performance guidelines.~~

- (A) Use strings of sentences when communicating on familiar topics.
- (B) Recombine learned vocabulary and structures to express their own thoughts within familiar contexts.
- (C) Use some paraphrasing and can find another way to express an idea/term to avoid a breakdown in communication, and can ask for clarification.
- (D) May mispronounce words in new context or words being read for the first time.
- (E) Continue to communicate with false starts and pause frequently to search for words when interacting with others.
- (F) Are understood by those accustomed to interacting with language learners.
- (G) Demonstrate control of present time and show evidence of some control of other time frames.

(3) ~~Classroom examples.~~

- (A) Write an apology (e.g., for missing a birthday, date, hurting someone's feelings)
- (B) Tell what you or others will be doing five years from now and ask someone else about his/her future plans.
- (C) Give instructions to someone to do something (how to study for a test, what to do in case of an emergency).

(b) ~~Standard—interpretive communication—listening/reading/viewing.~~ Students will understand and interpret written and spoken language on a variety of topics.

(1) ~~Progress indicators.~~

- (A) Understand spoken language that incorporates familiar vocabulary and structures including high frequency idioms.
- (B) Understand more detailed information in written advertisements, schedules, and menus.

(C) Comprehend the main idea and some supporting ideas of selected authentic materials including recordings, broadcasts, videos, and Internet resources.

(D) Comprehend the main idea and some supporting ideas of selected authentic written materials such as short stories, narratives, advertisements, and brochures on topics of personal interest.

(E) Respond to a series of commands.

(2) ~~Performance guidelines.~~

(A) Understand longer, more complex conversations and narratives as well as recorded material in familiar contexts.

(B) Identify main ideas and some specific information on a limited number of predictable topics.

(C) Use background knowledge to comprehend simple stories and personal correspondence.

(D) Depend on the use of paraphrase and restatement in order to understand the message.

(E) Infer meaning of some unfamiliar words in order to understand the gist of an oral or written text.

(3) ~~Classroom examples.~~

(A) Read and understand the directions for assembling a child's toy.

(B) Read and understand the general meaning of a movie review.

(C) Listen to and understand a native speaker describe a significant life event (e.g., obtaining his/her driving license, important sporting event, passing an exam, getting a job).

(D) Listen to and understand a sequence of directions about what to do during a tornado.

(c) ~~Standard—presentational communication—speaking and writing.~~ Students will present information, concepts, and ideas to an audience of listeners or readers on a variety of topics.

(1) ~~Progress indicators.~~

(A) Describe in written or spoken format a short presentation on familiar topics (e.g., school, community, or personal experiences).

(B) Give directions to someone in order to complete a multistep task.

(C) Recount an event incorporating some description and detail.

(D) Write one-page compositions and letters.

(E) Present student-created and/or authentic short plays, stories, skits, poems and songs.

(2) ~~Performance guidelines.~~

(A) Express their own thoughts, describe and narrate, using sentences and strings of sentences in oral and written presentations about familiar topics.

(B) Communicate oral and written information with sufficient accuracy that listeners and readers understand most of what is presented.

(C) Make occasional use of paraphrasing and can find another way to express an idea/term to avoid a breakdown in communication, and make efforts at self-correction.

- (D) Supplement their basic vocabulary for both oral and written presentations with expressions acquired from other sources such as dictionaries.
- (E) Continue to pause to search for words and shows some interference from the native language when attempting to present less familiar material.
- (F) Use pronunciation and intonation patterns that can be understood by those accustomed to interacting with language learners.
- (G) Formulate oral and written presentations primarily in present time but also, with preparation, in past and future time.
- (3) **Classroom examples.**
- (A) Give excuses or explanations for why you were late for class or why you did not do your work.
- (B) Retell a familiar fairy tale or short story.
- (C) Write a diary entry about an event that happened in the past, including background information and circumstances.
- (d) **Standard—practices of culture.** Students will demonstrate an understanding of the relationship between the practices and perspectives of the culture studied.
- (1) **Progress indicators.**
- (A) Interact with respect using culturally appropriate patterns of behavior in everyday informal and social situations.
- (B) Explain in simple terms the reasons for different traditions and customs of the target culture.
- (C) Experience cultural and social activities common to a student of similar age in the target culture such as school life, sports, music and other entertainment.
- (D) Identify and discuss perspectives typically associated with the target culture's business practices.
- (E) Discuss some commonly held generalizations about the target culture.
- (2) **Performance guidelines.**
- (A) Begin to use culturally appropriate vocabulary, idiomatic expressions, and nonverbal behaviors outside the memorized context.
- (B) Express their own thoughts, describe and narrate, using sentences and strings of sentences in oral and written presentations about cultural practices.
- (C) Demonstrate some cultural knowledge in oral and written presentations.
- (D) Recognize the reflections of practices, products, and perspectives of the target culture in oral and written texts.
- (E) Use knowledge of their own culture and that of the target culture to communicate more accurately about cultural practices.
- (F) Supplement their basic vocabulary about cultural practices from other sources such as dictionaries.
- (G) Use the student's native language when the investigation of cultural perspectives extends beyond the Intermediate Level Range.
- (3) **Classroom examples.**
- (A) Prepare messages on video or audio tape to be sent to peers in the target culture on topics of shared personal interest in their daily lives at home or at school.
- (B) Teach the class how to play a game/sport of the target country.
- (C) Prepare a presentation (written report, poem, dramatization) which describes ways in which the learner's views about the target culture have changed over time.
- (D) View a video depicting a cultural celebration and write a short letter in the language describing it and explaining its origin.
- (E) Using the Internet, research information about several common businesses in the target country and document such things as store hours, requirements for employment, and acceptable methods of payments.
- (e) **Standard—products of culture.** Students will demonstrate an understanding of the relationship between the products and perspectives of the culture studied.
- (1) **Progress indicators.**
- (A) Explain the significance of objects, images, and symbols, and products of the target culture.
- (B) Describe major contributions and historical figures from the target culture including contributions in science, mathematics, government, and fine arts.
- (C) Identify the influence of the target culture on the products of the U.S.
- (D) Explain the impact of the target country's geography on daily life in the target culture.
- (E) Identify the target culture's basic perspectives in its art, literature, music, dance, etc.
- (2) **Performance guidelines.**
- (A) Express their own thoughts, describe and narrate, using sentences and strings of sentences in oral and written presentations about cultural products.
- (B) Recognize the reflections of practices, products, and perspectives of the target culture in oral and written texts.
- (C) Demonstrate some cultural knowledge about cultural products in oral and written presentations.
- (D) Use the student's native language when the investigation of cultural perspectives extends beyond the intermediate proficiency range.
- (3) **Classroom examples.**
- (A) After reading about the lives of famous people of the target culture, the learner will summarize in writing and present orally information about one of the famous people.
- (B) Create and explain a visual display which illustrates the influence of the target culture on the student's home culture.
- (C) Develop a timeline which illustrates major contributions of the culture to the world community.
- (D) Write a letter describing how to get to a specific place in the target culture, including means of transportation, directions, landmarks, and distance.

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- (E) Paint an animal of your choice in the style of an artist from the target country.
- (F) Research and report on the symbolism found in the colors and symbols on the national flag of the target culture.
- (f) **Standard—interdisciplinary studies.** Students will reinforce and further their knowledge of other content areas through the foreign language.
- (1) **Progress indicators.**
- (A) Transfer and apply information and skills from other content areas (the arts, health, social studies, sciences, mathematics, English, etc.) to the target language classroom.
- (B) Apply the information gathered through target language resources in other content area classrooms (such as the arts, health, social studies, sciences, mathematics, English) in order to supplement learning.
- (2) **Performance guidelines.**
- (A) Use strings of sentences when communicating in oral or written contexts on familiar topics in selected content areas.
- (B) Recombine learned vocabulary and structures to express their own thoughts within familiar contexts.
- (C) Understand longer, more complex conversations and narratives as well as recorded material in familiar contexts about selected content areas.
- (D) Identify main ideas and some specific information on a limited number of predictable topics in selected content areas.
- (3) **Classroom examples.**
- (A) Explore the measuring system used in the target culture.
- (B) Present a dramatization of an historical event.
- (C) Prepare, conduct, and record results of a science experiment in the target language.
- (D) Use weather reports in newspapers to compare temperatures in Fahrenheit and Celsius.
- (E) Explain the historical reason for the origin of the geographical names found in the United States that are derived from the target language.
- (g) **Standard—distinctive Viewpoints.** Students will acquire information and recognize the distinctive viewpoints that are only available through the foreign language and its cultures.
- (1) **Progress indicators.**
- (A) Using authentic target language sources, (such as the Internet, books and magazines) acquire and apply information about the target culture.
- (B) Use authentic sources to explore the distinctive perspectives of the foreign culture.
- (2) **Performance guidelines.**
- (A) Understand longer, more complex oral and written information in familiar contexts.
- (B) Identify main ideas and some specific information on a limited number of topics found in the target culture.
- (C) Determine meaning by using contextual clues.
- (D) Are helped by the use of redundancy, paraphrase, and restatement in order to understand the message.
- (E) Use strings of sentences to describe distinctive viewpoints of the target culture.
- (F) Use the student's native language only when the discussion of distinctive viewpoints extends beyond the Intermediate Level Range.
- (3) **Classroom examples.**
- (A) Using a Web site for a department store in the target culture, identify the popular product lines you might not find in the U.S.
- (B) Apply the grammatical knowledge acquired in the foreign language to achieve a better understanding of English grammatical structures.
- (C) Show how the works of artists in the target culture have influenced the arts in the home culture.
- (h) **Standard—language comparisons.** Students demonstrate understanding of the nature of language through comparisons of the language studied with their own.
- (1) **Progress indicators.**
- (A) Explore the historical and cultural reasons for cognates and borrowed words.
- (B) Use knowledge of sound and writing systems (including stress, intonation, punctuation, etc.) to communicate on topics of personal interest.
- (C) Contrast identified structural patterns of the language studied (such as tense, gender, word order, agreement) to structural patterns in their own language.
- (D) Use appropriate idiomatic expressions in limited settings.
- (2) **Performance guidelines.**
- (A) Understand general concepts about language comparisons.
- (B) Express their own thoughts using sentences/strings of sentences when describing language structure comparisons.
- (C) Rely on paraphrase and restatement in order to understand or communicate about language structure comparisons between cultures.
- (3) **Classroom examples.**
- (A) Compare the target language and English titles for movies originating in the U.S. to determine whether the title in the target language is a literal translation of the English title, or if the title in the target language is meant to be a representation of the movie content.
- (B) Identify terms of respect and terms of affection used in the target language and compare them to terms used in English.
- (C) Discuss the various command forms of the target language compared with only one command form of English.
- (D) Discuss the idea of past tense in English and compare it to the past tense(s) of the target language.

(i) **Standard—culture comparisons.** Students demonstrate understanding of the concept of culture through comparisons of the cultures studied and their own.

(1) **Progress indicators.**

- (A) Give simple descriptions of the similarities and differences in verbal and non-verbal behavior between cultures.
- (B) Give basic descriptions of cross-cultural similarities and differences in the practices of the target culture.
- (C) Give basic descriptions of cross-cultural similarities and differences in the products of the target culture.
- (D) Give simple descriptions of cross-cultural similarities and differences in the perspectives of the target culture.

(2) **Performance guidelines.**

- (A) Express their own thoughts using sentences/strings of sentences when describing cultural comparisons between the culture studied and their own.
- (B) Understand general concepts about cultural similarities and differences.
- (C) Rely on paraphrase and restatement in order to understand or communicate about cross-cultural comparisons.

(3) **Classroom examples.**

- (A) Listen to a song always associated with a particular celebration in the target culture and compare it to the song sung in the U.S. for the same celebration.
- (B) Use Web sites, magazines, movies, and television programs to collect information about the favorite stars in the target culture. Compare them with the favorites in the U.S.
- (C) Compare the symbols/landmarks of the American culture to those found in the target culture.

(j) **Standard—school and community.** Students will use the language both within and beyond the school setting.

(1) **Progress indicators.**

- (A) Investigate and/or participate in activities where the ability to communicate in a second language is beneficial, such as local business visitations, exchange programs, and sister city projects.
- (B) Communicate with others who speak or have a working knowledge of the language about a variety of topics, such as sports, hobbies, or current events.
- (C) Establish contact with a native speaker through Internet, e-mail, personal travel, etc.
- (D) Take part in language-related activities to benefit their school and/or community such as tutoring, interpreting, or public performance.

(2) **Performance guidelines.**

- (A) Express their own thoughts using sentences/strings of sentences on familiar topics.
- (B) Demonstrate control of present time and some control of other time frames.
- (C) Describe and narrate in oral and written presentations on familiar topics.

(D) Understand main ideas and some specific information on a limited number of topics.

(3) **Classroom examples.**

- (A) Use the target language to communicate with speakers of the target culture while on community service projects/trips.
- (B) Listen to personal accounts from people who speak more than one language.
- (C) Keep a log of personal encounters with the target language in the school and community.
- (D) Research topics of interest in magazines, newspapers or on the Web.

(k) **Standard—personal enrichment.** Students will show evidence of becoming lifelong learners by using the language for personal enjoyment and enrichment.

(1) **Progress indicators.**

- (A) Exchange information with native speakers about topics of personal interest.
- (B) Explore various target language resources to expand their knowledge of individual hobbies or interests.
- (C) Research current issues of interest using various foreign language/culture sources.
- (D) Demonstrate extracurricular use of target language media as a source of entertainment.

(2) **Performance guidelines.**

- (A) Are understood by those very accustomed to interacting with language learners.
- (B) Identify main ideas and some specific information on a limited number of topics found in the products of the target culture such as those presented on TV, radio, video, or live and computer-generated presentations, although comprehension may be uneven.
- (C) Rely on the use of paraphrase and restatement in order to enhance comprehensibility in both oral and written presentations.
- (D) Express their own thoughts, describe and narrate, using sentences and strings of sentences, in oral and written presentations on familiar topics.

(3) **Classroom examples.**

- (A) Students will identify their "ideal home" and then use a Web site of homes for sale in the target culture to find a good match.
- (B) View videos, television programs, and/or movies of interest in the target language.
- (C) Invite/interact with classmates who are native speakers of the target language to school functions and interact with them in the target language.
- (D) Attend a service or meeting conducted in the target language.

210:15-3-137. Pre-advanced level range [REVOKED]

(a) **Standard—interpersonal communication—speaking/writing.** Students will engage in conversations, and/or written correspondence in which they provide and obtain information, express feelings and emotions, and exchange opinions.

(1) **Progress indicators.**

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- (A) Initiate, sustain and conclude communication on a variety of topics.
- (B) Ask and answer a variety of questions that require follow-up questions and responses for more information.
- (C) Support personal preferences, feelings, opinions with more complete explanation.
- (D) Persuade another person to do something.
- (2) **Performance guidelines.**
- (A) Use connected sentences and/or paragraphs when communicating on a variety of familiar topics, making use of transition words and phrases.
- (B) Interact with others in more complicated or unfamiliar contexts using vocabulary from a variety of topics.
- (C) Ask for clarification and suggest alternative words to ensure understanding.
- (D) Be able to use rules of pronunciation to correctly pronounce new words.
- (E) Use language more confidently and with fewer pauses.
- (F) Be understood by native speakers unaccustomed to interacting with language learners.
- (G) Demonstrate sustained control of basic structures in present time and partial control of more complex structures and time frames in the past and future.
- (3) **Classroom examples.**
- (A) In a panel discussion, discuss what constitutes a healthy diet and its impact on health.
- (B) Introduce yourself to an incoming freshman and give him/her pointers on how to survive at your school.
- (C) With three or four classmates debate the issue of whether family life is more or less important in today's world.
- (b) **Standard—interpretative communication—listening/reading/viewing.** Students will understand and interpret written and spoken language on a variety of topics.
- (1) **Progress indicators.**
- (A) Understand spoken language that incorporates more advanced vocabulary and structures, including idiomatic expressions.
- (B) Understand more complex written materials in both concrete and abstract contexts.
- (C) Comprehend the main ideas and supporting ideas of oral and written presentations, and selected authentic materials, including videos, radio and television broadcasts, and Internet resources.
- (D) Analyze the main elements of authentic literary texts.
- (E) Respond appropriately to compound directions, instructions, and commands.
- (F) Research and synthesize information from a variety of sources.
- (2) **Performance guidelines.**
- (A) Demonstrate growing independence as a reader or listener and generally comprehend what they read and hear without relying solely on formally learned vocabulary.
- (B) Understand main ideas and significant details on a variety of topics.
- (C) Deduce meaning in unfamiliar language passages by classifying words or concepts according to word order or grammatical use.
- (D) Apply rules of language to construct meaning from oral and written text.
- (E) Move beyond literal comprehension toward more critical reading and listening.
- (3) **Classroom examples.**
- (A) Read and understand an article in popular magazines and be able to give a brief global summary and find specific facts.
- (B) As the teacher describes the scene in a well-known painting, draw as you visualize it.
- (C) Listen to and understand excerpts from a film/play and demonstrate comprehension of plot and character traits.
- (c) **Standard—presentational communication—speaking/writing.** Students will present information, concepts, and ideas to an audience of listeners or readers on a variety of topics.
- (1) **Progress indicators.**
- (A) Describe in written or spoken format a presentation on a topic of personal interest.
- (B) Give a series of directions to someone, coaching the person in order to complete the tasks.
- (C) Recount an event with substantive description and detail.
- (D) Write formal compositions and letters for a variety of purposes.
- (E) Present student created works and excerpts of authentic literature.
- (2) **Performance guidelines.**
- (A) Report, narrate, and describe, using paragraph length and longer forms of discourse in oral and written presentations on topics of personal, school, and community interest.
- (B) Demonstrate conscious efforts at correct formulation and self-correction by use of self editing.
- (C) Make use of simplification, reformulation, and circumlocution to enhance written and oral communication.
- (D) Demonstrate control of an extensive vocabulary from a variety of topics.
- (E) Use language with ease and with few pauses.
- (F) Make use of a variety of resource materials and presentation methods to enhance communication.
- (G) Possibly show some inaccuracies and interference from the native language when presentations deal with multiple time frames.
- (3) **Classroom examples.**
- (A) Narrate an accident that you have experienced or witnessed.
- (B) Write and perform an original dialog based on two characters from a film or text.

- (C) Write a complaint about a familiar topic (dress code, food in the cafeteria, choice of course offerings) and give suggestions for changes.
- (D) Speculate about what life would be like elsewhere (on the moon, under the sea, in the target culture).
- (E) Present yourself in a job interview, explain your qualifications, why you want the job, why you would be better than other applicants, etc. (This presentation may be videotaped.)
- (d) **Standard—practices of culture.** Students will demonstrate an understanding of the relationship between the practices and perspectives of the culture(s) studied.
- (1) **Progress indicators.**
- (A) Interact according to the social and cultural requirements of most social and some formal contexts.
- (B) Discuss inappropriately used verbal and non-verbal expressions and analyze the cultural implications.
- (C) Participate in and analyze cultural events.
- (D) Exhibit deeper knowledge of historical background of the target culture that explain their cultural practices.
- (E) Analyze some commonly held generalizations about the target culture.
- (2) **Performance guidelines.**
- (A) Use language increasingly reflective of authentic cultural practices and perspectives.
- (B) Describe cultural practices by using connected narrative and descriptive sentences in present and other time frames.
- (C) Use culturally appropriate vocabulary, idioms, and nonverbal behaviors in an authentic situation.
- (D) Integrate culturally embedded words, phrases, and idioms in everyday communication.
- (E) Communicate with a fairly high degree of facility when making oral and written presentations about well researched topics of cultural practices.
- (F) Apply understanding of cultural practices to enhance comprehension of oral and written texts.
- (3) **Classroom examples.**
- (A) Read a short passage about the origins of a custom or cultural celebration in the language and do a presentation on it using the language.
- (B) Report on information gained from authentic texts (newspapers, magazines, letters, e-mail) on how people in the target culture view the role of the U.S. in world affairs.
- (C) Write a report giving examples of how media and texts in the target language reflect patterns of behavior, beliefs, and attitudes.
- (e) **Standard—products of culture.** Students will demonstrate an understanding of the relationship between the products and perspectives of the culture(s) studied.
- (1) **Progress indicators.**
- (A) Research the cultural significance of objects, images, and symbols of the target culture.
- (B) Describe the target culture through its visual arts, architecture, literature, and music.
- (C) Describe the role and significance of the contributions of the target culture in today's world.
- (D) Research an environmental issue from the target country and use the language to tell/write of its impact on the target country.
- (E) Identify some of the target language's literary masterpieces and authors and explore the cultural perspectives representative of their work.
- (2) **Performance guidelines.**
- (A) Describe cultural products by using connected narrative and descriptive sentences in present and other time frames.
- (B) Integrate culturally embedded words, phrases, and idioms in everyday communication.
- (C) Use language increasingly reflective of authentic cultural products and perspectives.
- (D) Communicate with a fairly high degree of facility when making oral and written presentations about well researched topics on cultural products
- (3) **Classroom examples.**
- (A) You are a tour guide in a tourist area of the target country. Give information about the sites to the group of tourists as the tour bus drives through the area.
- (B) While participating in a conversation with peers and/or adults, exchange information/opinions about causes and consequences of an historical event in the target language country.
- (C) After reading a literary text (short story, poem, novel, drama or viewing a film in the target language), participate in a panel presentation and share viewpoints/opinions about the text/film.
- (D) Prepare a display and orally present information about commercial trade patterns between the home and target culture.
- (f) **Standard—interdisciplinary studies.** Students will reinforce and further their knowledge of other content areas through the foreign language.
- (1) **Progress indicators.**
- (A) Interpret information and apply skills from other content areas (such as the arts, health, social studies, sciences, mathematics, English) to the target language classroom.
- (B) Locate target language resources in order to analyze and synthesize information for use in other content areas (such as the arts, health, social studies, sciences, mathematics, English).
- (2) **Performance guidelines.**
- (A) Use connected sentences and/or paragraphs when communicating on a variety of familiar topics studied in selected content areas.
- (B) Interact with others on information learned in other selected content areas.
- (C) Understand main ideas and significant details on topics studied in selected content areas.

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- (D) Make use of a variety of resource materials and presentation methods to enhance communication.
- (3) **Classroom examples.**
- (A) Measure and record distances, weights, and capacities of a variety of objects using the measuring system of the target cultures.
- (B) Make a display and orally present information about careers that require communicative competence in the target language.
- (C) Research the importance of a major historical event in the target culture.
- (D) Read newspaper accounts of the same event in English and the target language to compare the treatment of the event.
- (E) Demonstrate understanding of maps, graphs, charts, and other visuals by responding to questions that require the learner to identify patterns, note trends, and draw conclusions.
- (g) **Standard—distinctive Viewpoints.** Students will acquire information and recognize the distinctive viewpoints that are only available through the foreign language and its cultures.
- (1) **Progress indicators.**
- (A) Synthesize information about the target culture, using authentic sources.
- (B) Use authentic sources to analyze the distinctive perspectives of the target culture.
- (2) **Performance guidelines.**
- (A) Understand more complex written materials in both concrete and abstract contexts.
- (B) Apply rules of language to construct meaning from oral and written text.
- (C) Comprehend the main ideas and supporting ideas of oral and written presentations.
- (D) Use connected sentences and/or paragraphs when communicating about distinctive viewpoints of the target culture.
- (3) **Classroom examples.**
- (A) Access the Internet to find information about AIDS in the target culture.
- (B) Using authentic popular music, identify cultural perspectives associated with the target culture.
- (C) Use information gained from authentic texts to develop a timeline which illustrates major contributions of the target culture to the world community.
- (D) Research the interpretation of the same historical event from the home culture and the target cultures' points of view.
- (h) **Standard—language comparisons.** Students demonstrate understanding of the nature of language through comparisons of the language studied with their own.
- (1) **Progress indicators.**
- (A) Have some insight into the origins of cognates and borrowed words and speculate about what changes might occur in the future.
- (B) Apply knowledge of sound and writing systems in spontaneous communicative situations.
- (C) Use knowledge of structural patterns of their own language and the target language for effective communication.
- (D) Apply idiomatic expression in a variety of social contexts.
- (2) **Performance guidelines.**
- (A) Use connected sentences and/or paragraphs when communicating about basic language comparisons between cultures.
- (B) Use more specialized and precise vocabulary when describing language structure comparisons.
- (C) Use background knowledge to deduce meaning and to understand complex information about language structures.
- (D) Be able to clarify details about language structures by asking questions.
- (3) **Classroom examples.**
- (A) Compare how people express apologies, condolences, praise, reprimands, requests, etc., in the target language and English.
- (B) Analyze the differences among grammatical structures in English and the target language.
- (C) Explore authentic materials to find new words adapted from English.
- (D) Role play a shopping situation in a foreign market place using appropriate idiomatic expressions.
- (i) **Standard—culture comparisons.** Students demonstrate understanding of the concept of culture through comparisons of the cultures studied and their own.
- (1) **Progress indicators.**
- (A) Apply appropriate verbal and nonverbal behavior between cultures.
- (B) Analyze cross-cultural similarities and differences in the practices of the culture studied.
- (C) Analyze cross-cultural similarities and differences in the products of the culture studied.
- (D) Analyze and infer cross-cultural similarities and differences in the perspectives of the culture studied.
- (2) **Performance guidelines.**
- (A) Use connected sentences and/or paragraphs when communicating about similarities and differences between the culture studied and their own.
- (B) Use more specialized and precise vocabulary when describing cultural similarities and differences between cultures.
- (C) Use background knowledge to deduce meaning and to understand complex information about cultural similarities and differences.
- (D) Be able to clarify details about cultural differences by asking questions.
- (3) **Classroom examples.**
- (A) Study murals painted in both the USA and in the target culture and compare their artistic styles and political messages.

- (B) Discuss the similarities and differences of folk legends in the target culture with those found in the student's own culture.
 - (C) Analyze the differences of the concept of life/death between the target culture and the student's own culture.
 - (D) Discuss the similarities and differences in the perspectives of time/money/work ethic between the two cultures.
 - (E) Explore how ceremonies such as weddings or funerals differ between the target culture and the student's own culture.
- (j) **Standard—school and community.** Students will use the language both within and beyond the school setting.
- (1) **Progress indicators.**
 - (A) Research the benefits of being able to communicate in more than one language.
 - (B) Interact appropriately in the target language in real life situations.
 - (C) Maintain ongoing personal contact with a native speaker.
 - (D) Provide services such as tutoring, interpreting, and public performances within and beyond the school community using the target language.
 - (2) **Performance guidelines.**
 - (A) Narrate and describe using connected sentences and paragraphs in present and other time frames when interacting on topics of personal, school, and community interest.
 - (B) Communicate with a fairly high degree of facility when making oral and written presentations about familiar and well researched topics.
 - (C) May encounter difficulty comprehending language dealing with abstract topics.
 - (D) Understand main ideas and significant details on a variety of topics, although comprehension may be uneven.
 - (3) **Classroom examples.**
 - (A) Using e-mail communication, survey students in the target culture concerning U.S. involvement in world affairs and then compile and analyze the data.
 - (B) Intern with someone from the business community who uses the target language at work.
 - (C) Volunteer to interpret for a community service, such as a clinic, that serves speakers of the target language.
 - (D) Interview bilingual professionals to find out how being bilingual has enhanced opportunities in their field.
 - (E) Prepare and conduct a survey among corporations and businesses to identify second language skills required of their employees.
- (k) **Standard—personal enrichment.** Students will show evidence of becoming lifelong learners by using the language for personal enjoyment and enrichment.
- (1) **Progress Indicators.**
 - (A) Initiate and sustain long term associations with others proficient in the language.

- (B) Use a variety of sources for entertainment or personal growth such as films, books, Internet, or social events.
 - (C) Critically discuss current issues of the target culture.
 - (D) Pursue personal interests in various aspects of the target culture.
- (2) **Performance guidelines.**
- (A) Are able to be understood by those with whom they interact, although there may still be a range of linguistic inaccuracies, and on occasion the communication partner may need to make a special effort to understand the message.
 - (B) Understand main ideas and significant details on a variety of topics found in the products of the target culture such as those presented on TV, radio, video, or live and computer generated presentations, although comprehension may be uneven.
 - (C) Occasionally do not comprehend but usually are able to clarify details by asking questions.
 - (D) Formulate paragraph length and longer oral and written presentations in present time, on topics of personal, school, community and global interest.
 - (E) May show some inaccuracies and/or interference from the native language when presentations deal with multiple time frames and/or other complex structures.
- (3) **Classroom examples.**
- (A) Participate in a study abroad program and/or host an exchange student from the target culture.
 - (B) Interact with an exchange student in the target language.
 - (C) Volunteer in the community where the target language can be utilized.
 - (D) Attend performances presented in the target language.
 - (E) Using electronic media, report on current events from the target culture.
 - (F) Using the target language, teach others the rules and strategies of a popular sport of the target culture.

[OAR Docket #16-451; filed 6-14-16]

**TITLE 210. STATE DEPARTMENT OF
EDUCATION
CHAPTER 15. CURRICULUM AND
INSTRUCTION**

[OAR Docket #16-452]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

- Subchapter 27. Reading Sufficiency Act
- 210:15-27-1. Reading Sufficiency Plans and Summer Academy Reading Programs [AMENDED]
- 210:15-27-2. Good cause exemptions for promotion under the Reading Sufficiency Act [AMENDED]

Permanent Final Adoptions

210:15-27-3. Standards for mid-year promotion of retained third graders [AMENDED]

210:15-27-4. Program of reading instruction [NEW]

AUTHORITY:

70 O.S. § 3-104; 70 O.S. § 1210.508A et seq.; State Board of Education

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Approved by Governor's Declaration on June 9, 2016

FINAL ADOPTION:

June 9, 2016

EFFECTIVE:

August 25, 2016

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

ANALYSIS:

The Reading Sufficiency Act (RSA) rules must be updated to incorporate statutory changes made by Senate Bill 630 (2015). Proposed changes to the rules include the addition of State Board-approved screening instruments as a means of demonstrating reading competency following completion of a Summer Academy Reading Program, and clarification that only scores from the reading comprehension and vocabulary portions of the third grade criterion-reference test shall be used in promotion and retention decisions. An additional good cause exemption for promotion is added for students who have been granted a medical emergency exemption during the testing window when the student's class takes the third grade criterion-referenced test. A new rule, "Program of reading instruction", outlines the duties of Student Reading Proficiency Teams.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF AUGUST 25, 2016:

SUBCHAPTER 27. READING SUFFICIENCY ACT

210:15-27-1. Reading Sufficiency Plans and Summer Academy Reading Programs

(a) Each public school district will develop a district reading sufficiency plan that includes a plan for each site. The district and site reading plans must be updated annually and electronically submitted to and approved by the Office of Instruction of the State Department of Education as part of the requirements for receiving accreditation, provided that electronic submission and approval of annual updates to the district plan shall not be required if:

(1) The last plan submitted by the school district was approved; and

(2) Expenditures for the district's reading program include only expenses relating to:

- (A) Individual and small group tutoring;
- (B) Purchase of and training in the use of screening and assessment measures;
- (C) Summer school programs; or
- (D) Saturday school programs.

(b) If any expenditure for the district's reading program is deleted or changed or if any other type of expenditure for the district's reading program is implemented, the school district shall be required to submit the latest annual update for approval. Notwithstanding the provisions of (a)(1) and (2) of this Section, if a district has one or more schools that are not achieving the annual improvement goals as outlined in the Reading Sufficiency Act, or if a district has one or more schools designated as a school in need of improvement, the district shall submit its district reading sufficiency plan for approval.

(c) Each school district and each school site shall submit to the State Department of Education the information to be used for the required Reading Sufficiency Act Annual Reading Report Card by the submission deadline to be determined by the Office of Instruction of the State Department of Education.

(d) Each school district will submit to the State Department of Education the number of students in kindergarten, first, second and third grades found to be in need of remediation in reading based on screening instruments approved by the State Board of Education by the submission deadline to be determined by the Office of Instruction of the State Department of Education.

(e) Pursuant to the Reading Sufficiency Act, each school district which has any schools that are not achieving the required annual reading goal set forth in 70 O.S. § 1210.508B shall submit to the State Department of Education its annual improvement goals necessary to progress from the baseline established September 1, 2005, to achieving the reading goal for all third-grade students set forth at 70 O.S. 1210.508B(D).- These improvement goals shall be submitted to the State Board of Education by the submission deadline to be determined by the Office of Instruction of the State Department of Education.

(f) Contingent on the availability of appropriated funds designated for the Reading Sufficiency Act, the State Department of Education may allocate funds to public school districts in accordance with the provisions of 70 O.S. § 1210.508D.

(g) Reading sufficiency funds allocated pursuant to subsection (f) of this Section must be used for expenses relating to individual and small group tutoring, purchase of and/or development of instructional training in the use of screening assessment measures, summer academy reading sufficiency plan programs, Saturday school programs, and any other reading program or professional development training contemplated as necessary by the districts to perform the goals of the Reading Sufficiency Act for students in the kindergarten, first, second, and third grades who have been identified by the elementary site as in need of a program of reading instruction.

~~(h) Each district will submit the number of eligible students who may participate in an approved summer academy reading~~

~~program based on results from an approved assessment as outlined in the Reading Sufficiency Act by the submission deadline to be determined by the Office of Instruction of the State Department of Education.~~

(h) Summer academy reading programs for students shall be courses that:

- (1) provide at least four (4) weeks of tutoring a half (1/2) day each day for four days;
- (2) incorporate the content of a reading program that meets the criteria set forth in the Reading Sufficiency Act;
- (3) are taught by teachers who have successfully completed a professional development institute or program in reading as prescribed by the statutory provisions of the Reading Sufficiency Act; and
- (4) include only eligible students not reading at grade level based on results from an assessment approved by the State Board of Education.

(j) School districts observing a continuous learning calendar may request to implement a summer academy reading program on an alternative schedule throughout the extended school year (e.g., during intersession breaks) by submitting a proposed alternative summer academy reading program schedule to the State Department of Education for approval prior to the deadline established by the Office of Instruction of the State Department of Education, provided that any proposed alternative schedule must meet the requirements set forth in (i) of this Section.

(k) Superintendents of districts will sign and submit an assurance statement that their reading program(s) meet the requirements of the Reading Sufficiency Act prior to receipt of funding.

(l) Upon completion of a Summer Academy Reading Program pursuant to 70 O.S. § 1210.508E, a student may demonstrate successful completion of the required competencies for reading necessary for promotion to fourth grade upon the student's completion of either:

- (1) A student portfolio in accordance with the criteria set forth in 210:15-27-2(b)(4); or
- (2) An acceptable level of performance on an alternative reading assessment in accordance with the criteria set forth in 210:15-27-2(b)(3)(A); or

(3) An acceptable level of performance on one of the screening instruments approved by the State Board of Education.

210:15-27-2. Good cause exemptions for promotion under the Reading Sufficiency Act

(a) Beginning with the 2013-2014 school year, students who score at the Unsatisfactory level on the Reading portion of the third grade criterion-referenced test(s) may only be promoted to fourth grade if the student qualifies for a good cause exemption pursuant to 70 O.S. § 1210.508C. Only the scores from the reading comprehension and vocabulary portions of the third grade criterion-referenced test shall be used to determine the promotion and retention of third grade students pursuant to the Reading Sufficiency Act.

(b) Good cause exemptions shall be limited to the ~~six~~ seven (7) statutory exemptions outlined in 70 O.S. § 1210.508C (K) as follows:

(1) Students with limited English proficiency may be granted a good cause exemption for promotion to the fourth grade pursuant to 70 O.S. § 1210.508C(K)(1). To qualify for this exemption, the student must:

(A) Be identified as Limited-English Proficient (LEP)/English Language Learner (ELL) on a screening tool approved by the Oklahoma State Department of Education Office of Bilingual/Migrant Education and have a Language Instruction Educational Plan (LIEP) in place prior to the administration of the third grade criterion referenced test; and

(B) The student must have had less than two (2) years of instruction in an English Language Learner (ELL) program that meets the definition of a "language instruction educational program" set forth in 20 U.S.C. §7011.

(2) Students with disabilities who are assessed with alternate achievement standards (AA-AAS) under the Oklahoma School Testing Program (OSTP) with the Oklahoma Alternative Assessment Program (OAAP) qualify for the good cause exemption pursuant to 70 O.S. § 1210.508C(K)(2). To qualify for this exemption, the student must meet all of the following criteria:

(A) The student must be identified as needing special education services prior to the administration of the third grade criterion referenced test;

(B) The student must have an Individualized Education Program (IEP) in place prior to the administration of the third grade criterion referenced test; and

(C) The student's IEP must direct that the student is to be assessed with alternate achievement standards through the Oklahoma Alternative Assessment Program (OAAP) based upon the OSDE Criteria Checklist for Assessing Students with Disabilities on State Assessments.

(3) Students who demonstrate an acceptable level of performance on an alternative standardized reading assessment may be granted a good cause exemption for promotion to the fourth grade pursuant to 70 O.S. § 1210.508C(K)(3). To promote a student using an alternative standardized reading assessment, the following criteria shall apply:

(A) The student must score an acceptable level of performance on an approved alternative standardized reading assessment. The following are approved alternative standardized reading assessments that may be used to justify a good cause promotion pursuant to 70 O.S. § 1210.508C(K)(3). The listed score constitutes an acceptable level of performance, and the student must score at or above the following percentiles:

- (i) Stanford Achievement Test, Tenth Edition, (SAT 10) - 45th Percentile

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- (ii) Iowa Test of Basic Skills (ITBS) Complete Battery Form A, C or E, Level 9, Reading Comprehension - 45th Percentile
 - (iii) Iowa Test of Basic Skills (ITBS) Core Battery, Form A, C, or E, Level 9, Reading Comprehension - 45th Percentile
 - (iv) TerraNova, Third Edition Complete Battery Level 13, Reading - 45th Percentile
- (B) Alternative standardized reading assessments may only be administered following the administration of the Reading portion of the third grade criterion-referenced test(s). The spring test form of the exam shall be administered.
- (C) An approved alternative standardized reading assessment may be administered at any time prior to the start of the next academic year, if there are at least twenty (20) calendar days between administrations and different test forms are administered.
- (4) Students who can demonstrate evidence through a student portfolio that the student has mastered state standards beyond the retention level and that the student is reading on grade level or higher may be granted a good cause exemption pursuant to 70 O.S. § 1210.508C(K)(4). To promote a student through the use of a student portfolio, the following criteria shall apply:
- (A) The student portfolio shall include evidence demonstrating the student's mastery of the Oklahoma state standards in reading equal to grade level performance on the Reading portion reading comprehension and vocabulary portions of the statewide third grade criterion-referenced test(s). Such evidence shall be documented through an organized collection of work representing the student's mastery of such standards, including a demonstration of mastery of all of the following essential components of reading:
 - (i) ~~Phonological~~ Phonemic awareness;
 - (ii) Phonics (i.e., The student demonstrates awareness of letter-sound correspondence for consonants, vowels, and consonant digraphs, syllable types, and two to three syllable words);
 - (iii) ~~Vocabulary (i.e., The student demonstrates ability to determine the meaning of general academic specific and domain specific words and phrases in a text relevant to a grade three topic or subject area);~~
 - (iv) ~~Automaticity/Fluency~~ Reading fluency (i.e., The student demonstrates timed letter and word identification, sight words, modeled paragraph reading);
 - (v) Vocabulary (i.e., The student demonstrates ability to determine the meaning of general academic-specific and domain-specific words and phrases in a text relevant to a grade three topic or subject area); and
 - (vi) ~~Spelling/Writing (i.e., The student demonstrates proficiency in spelling and writing through spelling tests and writing samples).~~
 - (B) The student portfolio shall include clear evidence that the standards assessed by the ~~Reading portion reading comprehension and vocabulary portions~~ of the statewide third grade criterion-referenced test(s) have been met. Clear evidence must include multiple choice items and passages that are 50% literary text and 50% expository text that are between 200-600 words, with an average of 350 words. Such evidence could consist of:
 - (i) Chapter or unit tests from the district's adopted core reading curriculum that are aligned with the Oklahoma State Standards; or
 - (ii) Teacher-prepared assessments.
 - (C) Each standard and objective assessed by the ~~Reading portion reading comprehension and vocabulary portions~~ of the third grade criterion-referenced test(s) must include a minimum of four (4) work samples of mastery whereby the student attained a grade of 70% or above. Demonstrating mastery of each objective for each standard is required.
 - (D) The student portfolio shall include copies of the screening assessments and benchmark/progress monitoring assessments administered pursuant to 70 O.S. 1210.508C(B) and (C), as well as a copy of the student's Academic Progress Plan.
 - (E) The student portfolio shall be signed by the certified classroom teacher responsible for the student's Reading instruction and the principal of the school, attesting that:
 - (i) The portfolio is an accurate assessment of the student's reading achievement level;
 - (ii) The portfolio includes only work that has been independently produced by the student in the third grade, including programs of reading instruction provided after regular school hours, on Saturdays, and during the summer following the student's third grade year; and
 - (iii) The student possesses required reading skills to be promoted to fourth grade.
- (5) Students with disabilities who participate in the statewide criterion-referenced test and have an IEP may qualify for a good cause exemption pursuant to 70 O.S. § 1210.508C(K)(5). To qualify for this exemption, the student must meet the following criteria:
- (A) The student must have been previously retained in pre-kindergarten for academic reasons, kindergarten, first grade, second grade, or third grade; and
 - (B) The student's IEP must:
 - (i) Identify Reading as an area of education need for the student or identify some type of special education service in the area of Reading; and
 - (ii) Reflect that the student has received intensive remediation for more than two (2) years. Intensive remediation may include any type of

program offering intensive reading instruction that is identified as appropriate by the IEP team.

(6) Students who demonstrate a reading deficiency and have been previously retained may qualify for a good cause exemption pursuant to 70 O.S. § 1210.508C(K)(6). To qualify for this exemption, the student must meet the following criteria:

(A) The student must have been previously retained in pre-kindergarten for academic reasons, kindergarten, first grade, second grade, or third grade for a total of two (2) years; and

(B) The student must have received intensive reading instruction for two (2) or more years.

(7) Students who have been granted an exemption for medical emergencies by the State Department of Education may qualify for a good cause exemption pursuant to 70 O.S. § 1210.508C(K)(7). To qualify for this exemption, the student must have been granted a medical emergency exemption pursuant to 70 O.S. § 1210.508-2 and 210:10-13-23, applicable to the testing window during which the reading comprehension and vocabulary portions of the third grade criterion reference test were administered to the student's class.

(c) Each student completion of a transitional grade between kindergarten and third grade shall be considered a previous retention for purposes of 70 O.S. § 1210.508C(K). A transitional grade consists of subject area curriculum selected from two consecutive grade levels to provide differentiated instruction needed for a student to master appropriate skills required for promotion.

(d) Documentation shall be maintained in the student record of any student promoted on the basis of a good cause exemption listed in 70 O.S. § 1210.508C(K). Documentation shall include the student's criterion-referenced test score and any documentation relied upon to grant a good cause exemption or exemption pursuant to (b) of this Section.

(e) Any student promoted on the basis of a good cause exemption listed in 70 O.S. 1210.508C(K) should continue to receive intensive reading instruction and intensive instructional services and supports through the continued implementation of an Academic Progress Plan (APP) to remedy the reading deficiency.

(f) Each student's APP required under this section shall be documented on a form approved by the Office of Instruction of the State Department of Education, and shall include, but not be limited to, the following information:

(1) Identification of assessments used for diagnostic purposes and periodic progress monitoring;

(2) The results of the assessment(s) used to identify the reading deficiency;

(3) A list of the developmental reading skill areas targeted for improvement (i.e., ~~comprehension, phonics, phonological, phonemic awareness, spelling, phonics,~~ reading fluency, ~~or~~ vocabulary, ~~or~~ comprehension);

(4) A description of the supplemental and/or remedial services and supports provided to the student in accordance with the provisions of 70 O.S. § 1210.508C(N)(2);

(5) A description of parental involvement strategies; and

(6) Identification of any collaborative services provided to the child in order to facilitate the APP (i.e., Title I, IDEA, ELL/Title III).

~~(g) For purposes of the Reading Sufficiency Act, a "program of reading instruction" shall be based upon a three-tiered Response to Intervention ("RtI") model, and shall include:~~

~~(1) For students identified for Tier I intervention, a minimum of ninety (90) minutes of uninterrupted daily scientific research-based reading instruction;~~

~~(2) For students identified for Tier II intervention, at least thirty (30) to forty five (45) minutes of additional uninterrupted daily scientific research-based reading instruction in addition to the ninety (90) minutes of uninterrupted daily reading instruction provided under Tier I; and~~

~~(3) For students identified for Tier III intervention, at least forty five (45) to sixty (60) minutes of additional uninterrupted daily scientific research-based reading instruction in addition to the ninety (90) minutes of uninterrupted daily reading instruction provided under Tier I.~~

210:15-27-3. Standards for mid-year promotion of retained third graders

(a) District school boards of education shall adopt and implement a policy for the mid-year promotion of any student retained in third grade due to a reading deficiency as required by 70 O.S. § 1210.508C. Such mid-year promotions of retained third grade students must occur during the first semester of the academic year, and must occur prior to November 1 of that academic year.

(b) To be eligible for mid-year promotion, a student must demonstrate by reasonable expectation that he or she:

(1) Is a successful and independent reader as demonstrated by reading at or above grade level;

(2) Has progressed sufficiently to master appropriate fourth grade reading skills; and

(3) Has met any additional requirements, such as satisfactory achievement in other curriculum areas, as determined by the policies of the district school board.

(c) Standards that provide a reasonable expectation that the student has met the requirements of (b) of this Section include demonstrating a level of proficiency required to score above the Unsatisfactory level on the Grade 3 criterion referenced test(s) and mastery of reading skills, consistent with the month of promotion to fourth grade, as presented in the scope and sequence of the school district's core reading program. Evidence of demonstrated mastery shall be shown by the following:

(1) Successful completion of portfolio elements that meet state criteria in (d) of this Section; or

(2) Satisfactory performance on a subsequent alternative standardized assessment as specified in (e) of this Section.

(d) To promote a student mid-year using a student portfolio as provided for in (c)(1) of this Section, there must be evidence of the student demonstrating a level of proficiency required to score above the Unsatisfactory level on the Oklahoma state

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standards as assessed by the ~~Reading portion~~ reading comprehension and vocabulary portions of the Grade 3 criterion-referenced test(s), and mastery of the Oklahoma state standards as assessed by the ~~Reading portion~~ reading comprehension and vocabulary portions of the Grade 4 criterion-referenced test(s), as specified in (b) of this Section. The student portfolio must meet the following requirements:

- (1) Consist only of work selected by the certified classroom teacher responsible for the student's Reading instruction;
 - (2) Be an accurate representation of the student's reading achievement level, and only include work that has been independently produced by the student in the classroom of the certified classroom teacher responsible for the student's Reading instruction;
 - (3) Include evidence demonstrating a level of proficiency required to score above the Unsatisfactory level on the standards assessed by the ~~Reading portion~~ reading comprehension and vocabulary portions of the Grade 3 criterion-referenced test(s) by meeting all requirements set forth in 210:15-27-2(b)(4);
 - (4) Include evidence of beginning mastery of fourth grade state standards that are assessed by the Grade 4 ~~Reading portion~~ reading comprehension and vocabulary portions of the criterion-referenced test(s). Clear evidence must include multiple choice items and passages that are 50% literary text and 50% expository text that are between 200-600 words, with an average of 350 words. Such evidence could consist of:
 - (A) Chapter or unit tests from the district's adopted core reading curriculum that are aligned with the Oklahoma State Standards; or
 - (B) Teacher-prepared assessments;
 - (5) Each standard and objective assessed by the Grade 4 ~~Reading portion~~ reading comprehension and vocabulary portions of the criterion-referenced test(s) must include a minimum of three (3) work samples of mastery whereby the student attained a grade of 70% or above. Demonstrating mastery of each objective for each standard is required; and
 - (6) Be signed by the certified classroom teacher responsible for the student's reading instruction and the principal of the school, both attesting that the portfolio is an accurate assessment of the student's ability and that the student possesses the required reading skills to be promoted to fourth grade.
- (e) To promote a student mid-year using an alternative standardized assessment as provided for in (c)(2) of this Section, there must be evidence that the student scored at or above grade level on the reading portion of an alternative standardized reading assessment listed in OAC 210:15-27-2(b)(3)(A), as demonstrated by standard scores or percentiles consistent with the month of promotion to the fourth grade. Alternative assessments administered for the purpose of determining a student's eligibility for mid-year promotion must also comply with the requirements of 210:15-27-2(b)(3)(B)-(C) and the school district's policy for mid-year promotion, provided that

alternative assessments administered for this purpose may be administered until November 1 of the school year.

- (f) The Academic Progress Plan (APP) for any retained third grade student who has been promoted mid-year to fourth grade must continue to be implemented for the entire academic year.
- (g) A mid-year promotion shall only occur upon agreement of the parent or legal guardian of the student, and the principal of the school. Such decision should be made in consultation with the student's third and fourth grade teachers.

210:15-27-4. Program of reading instruction

(a) **Eligible students.** Each student enrolled in kindergarten, first, second, and third grade in the public schools of Oklahoma shall be assessed at the beginning and end of each school year using a screening instrument approved by the State Board of Education. Any student found not to be reading at grade level shall be provided a program of reading instruction designed to enable the student to acquire the appropriate grade level reading skills. Diagnostic assessment shall be provided if determined appropriate, and progress monitoring shall continue throughout the year.

(b) **Student Reading Proficiency Team.** For students found not to be reading at the corresponding grade level upon completion of an approved screening instrument, a Student Reading Proficiency Team shall be created. The following guidelines apply to Student Reading Proficiency Teams:

(1) For a student not reading at the corresponding grade level in first grade or second grade as identified by an approved screening instrument, the Student Reading Proficiency Team shall develop an individualized program of reading instruction. The team shall be composed of:

(A) The student's parent(s) or guardian(s);

(B) The teacher assigned responsibility for the student's reading instruction in that academic year;

(C) A teacher assigned responsibility for reading instruction in the student's next grade level; and

(D) A certified reading specialist, if available.

(2) For a third grade student who is not eligible for automatic promotion and who scores at the unsatisfactory or limited knowledge levels on the reading portion of the third-grade statewide criterion-referenced test, a Probationary Promotion Reading Proficiency Team may evaluate the student for probationary promotion. Upon the unanimous recommendation of the Probationary Promotion Reading Proficiency Team and approval of the school principal and district superintendent, a student recommended for probationary promotion shall be promoted to fourth grade. The Probationary Promotion Reading Proficiency Team shall be composed of:

(A) The student's parent(s) or guardian(s);

(B) The teacher assigned responsibility for the student's reading instruction in that academic year;

(C) A teacher assigned responsibility for reading instruction in the student's next grade level; and

(D) A certified reading specialist.

(c) **Program requirements.** Each program of reading instruction shall include provisions of the READ Initiative adopted by the school district as provided for in 70 O.S. §

1210.508C. For purposes of the Reading Sufficiency Act, a "program of reading instruction" shall be based upon a three-tiered Response to Intervention ("RtI") model, and shall include:

- (1) For students identified for Tier I intervention, a minimum of ninety (90) minutes of uninterrupted daily scientific-research-based reading instruction;
- (2) For students identified for Tier II intervention, at least an amount of uninterrupted scientific-research-based reading instructional time that is:

- (A) Based on specific student needs;
- (B) Reflects the needed intensity and/or frequency as identified on a screening tool, diagnostic assessment, and/or progress monitoring instrument; and
- (C) Is determined by the classroom teacher, reading specialist (if available), and building principal.

- (3) For students identified for Tier III intervention, at least forty-five (45) to sixty (60) minutes of additional uninterrupted daily scientific-research-based reading instruction in addition to the ninety (90) minutes of uninterrupted daily reading instruction provided under Tier I.

(d) **District review of program.** Each district shall conduct a review of the program of reading instruction for all students who score below the proficient level on the reading comprehension and vocabulary portions of the third grade statewide criterion-referenced tests and do not qualify for a good-cause exemption under 70 O.S. § 1210.508C(K). For each student retained under the provisions of the Reading Sufficiency Act, the school district shall require a student portfolio to be completed. The district review of each retained student's program of reading instruction shall address additional supports and services needed to remediate the identified areas of reading deficiency, which may include but not limited to:

- (1) Small group instruction;
- (2) Reduced teacher-student ratios;
- (3) More frequent progress monitoring;
- (4) Tutoring or mentoring;
- (5) Transition classes containing third and fourth grade students;
- (6) Extended school day, week, or year; and
- (7) Summer reading academies as provided for in 70 O.S. § 1210.508E, if available.

(e) **Transition to ACE remediation for students approved for probationary promotion.** For a student who is approved for probationary promotion, the Probationary Promotion Reading Proficiency Team shall continue to review the student's reading performance and repeat the evaluation and recommendation process described in 1210.508C(H)(4) each academic year until the student demonstrates grade-level proficiency on an approved screening instrument or transitions to remediation provided under the Achieving Classroom Excellence Act (ACE).

[OAR Docket #16-452; filed 6-14-16]

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 15. CURRICULUM AND INSTRUCTION**

[OAR Docket #16-453]

RULEMAKING ACTION:
PERMANENT final adoption

RULES:
Subchapter 37. Workplace Safety Training in Schools [NEW]
210:15-37-1. Workplace Safety Training in Schools [NEW]

AUTHORITY:
70 O.S. § 3-104; 70 O.S. § 11-103.6j; State Board of Education
SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:

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August 25, 2016

SUPERSEDED EMERGENCY ACTIONS:
n/a

INCORPORATIONS BY REFERENCE:
n/a

ANALYSIS:
A new rule encouraging school districts to incorporate workplace safety training for students in 7th through 12th grade is being established pursuant to statute. Senate Bill 262 (2015) directs the Oklahoma State Department of Education (OSDE) to make available to school districts workplace safety information that has been developed by the Department of Labor, and the rule announces that this curriculum is available on the OSDE website. This rule does not impose an obligation on school districts.

CONTACT PERSON:
Lori Murphy, Assistant General Counsel, Oklahoma State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Telephone number: (405) 522-5260

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF AUGUST 25, 2016:

SUBCHAPTER 37. WORKPLACE SAFETY TRAINING IN SCHOOLS

210:15-37-1. Workplace safety training in schools

School districts are encouraged to inform teachers of students in grades seven (7) through twelve (12) about the importance of incorporating workplace safety training in their curriculum. The Oklahoma Department of Labor has prepared a

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free "Youth @ Work Talking Safety" curriculum for this purpose, available through the Oklahoma State Department of Education website.

[OAR Docket #16-453; filed 6-14-16]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 20. STAFF

[OAR Docket #16-455]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 9. Professional Standards: Teacher Education and Certification

Part 1. General Teaching Certification Requirements

210:20-9-10.2. Teacher Competency Review Panel; recommendation for certification; fee assessment [REVOKED]

AUTHORITY:

70 O.S. § 3-104; 70 O.S. § 6-202; State Board of Education

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:

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n/a

INCORPORATIONS BY REFERENCE:

n/a

ANALYSIS:

This rule has been revoked because the authorizing statute was repealed. The Teacher Competency Review Panel that was described by 70 O.S. § 6-202 is no longer in place, so the accompanying regulations must be revoked.

CONTACT PERSON:

Lori Murphy, Assistant General Counsel, Oklahoma State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Telephone number: (405) 522-5260

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF AUGUST 25, 2016:

SUBCHAPTER 9. PROFESSIONAL STANDARDS: TEACHER EDUCATION AND CERTIFICATION

PART 1. GENERAL TEACHING CERTIFICATE REQUIREMENTS

210:20-9-10.2. Teacher Competency Review Panel; recommendation for certification; fee assessment [REVOKED]

~~A fee of \$100 shall be assessed to all candidates seeking certification to teach through recommendation of the Teacher Competency Review Panel pursuant to 70 O.S. § 6-202 said fee to be utilized to fund the functions of the Teacher Competency Review Panel.~~

[OAR Docket #16-455; filed 6-14-16]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 20. STAFF

[OAR Docket #16-454]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 9. Professional Standards: Teacher Education and Certification

Part 1. General Teaching Certificate Requirements

210:20-9-9. Kinds, types, classes, and processing fees of certificates [AMENDED]

AUTHORITY:

70 O.S. § 3-104; State Board of Education

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SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

ANALYSIS:

The rule that lists classes of teacher and administrator certificates had contained outdated references to a specific "license" category for first-year teachers, a certification status that no longer exists. The amendments strike references to this obsolete category.

CONTACT PERSON:

Lori Murphy, Assistant General Counsel, Oklahoma State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Telephone number: (405) 522-5260

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF AUGUST 25, 2016:

**SUBCHAPTER 9. PROFESSIONAL STANDARDS:
TEACHER EDUCATION AND CERTIFICATION**

**PART 1. GENERAL TEACHING CERTIFICATE
REQUIREMENTS**

**210:20-9-9. Kinds, types, classes, and processing fees
of certificates**

(a) **Kinds of certificates.** The specific use of each kind of certificate, in terms of the nature of services which the holder is permitted to render, is regulated by rules of the State Board of Education. The kinds of certificates available are:

- (1) Administrative certificate
 - (A) Elementary principal (Grades Pre-Kindergarten (Pre-K) through eight (8))
 - (B) Middle level principal (Grades five (5) through nine (9) (optional))
 - (C) Secondary principal (Grades five (5) through twelve (12))
 - (D) Superintendent (Grades Pre-Kindergarten (Pre-K) through twelve (12))
- (2) Early childhood education certificate (Grades Pre-Kindergarten (Pre-K) through three (3))
- (3) Elementary school certificate (Grades one (1) through eight (8))
- (4) Middle level certificate (Grades five (5) through eight (8) (optional))
- (5) Pre-Kindergarten - secondary certificate (Grades Pre-Kindergarten (Pre-K) through twelve (12))
- (6) Secondary school certificate (Grades five (5) through twelve (12))
- (7) Other certified personnel certificate (Grades Pre-Kindergarten (Pre-K) through twelve (12))
- (8) Career technology certificate (Grades five (5) through twelve (12))

(b) **Types of certificates.** The endorsement indicates the type of license/certificate issued.

(c) **Classes of certificates.** The class determines the term of validity. The classes of certificates are:

- ~~(1) License issued to beginning teachers with zero years of experience for a period of one (1) year validity~~
- ~~(2) Standard certificate - valid for five (5) years and renewal upon compliance with prescribed conditions~~
- ~~(3) Provisional certificate - term of validity varies depending upon regulatory basis for issuance~~

(d) **Processing fees of certificates.**

- (1) Certificate \$50.00
- (2) Renewals \$50.00
- ~~(3) License \$50.00~~
- ~~(4) Alternative Placement Application/Evaluation \$50.00~~
- ~~(5) All other transactions will be \$50 or less~~

[OAR Docket #16-454; filed 6-14-16]

**TITLE 210. STATE DEPARTMENT OF
EDUCATION
CHAPTER 20. STAFF**

[OAR Docket #16-456]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 9. Professional Standards: Teacher Education and Certification
Part 9. Teacher Certification
210:20-9-91. Application for new licenses/certificates [AMENDED]

AUTHORITY:

70 O.S. § 3-104; 70 O.S. § 6-190; State Board of Education

**SUBMISSION OF PROPOSED RULES TO GOVERNOR AND
CABINET SECRETARY:**

December 23, 2015

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June 9, 2016

EFFECTIVE:

August 25, 2016

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

ANALYSIS:

The rule governing the issuance of new teaching certificates is being amended to incorporate statutory changes. Senate Bill 20 (2015) directs the State Board of Education to issue teaching certificates to persons who hold valid teaching certifications from other states. The certificate issued to an out-of-state applicant will only be for those subject areas and grade levels most closely aligned to the subject areas and grade levels recognized on the out-of-state certificate. An out-of-state teacher with at least five (5) years of teaching experience will not be required to take any competency examinations, and an out-of-state teacher with fewer than five (5) years of experience will have to pass the same subject area competency examinations that are required for in-state applicants for a new certificate.

CONTACT PERSON:

Lori Murphy, Assistant General Counsel, Oklahoma State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Telephone number: (405) 522-5260

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN,
THE FOLLOWING RULES ARE CONSIDERED
FINALLY ADOPTED AS SET FORTH IN 75 O.S.,
SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE
DATE OF AUGUST 25, 2016:**

**SUBCHAPTER 9. PROFESSIONAL STANDARDS:
TEACHER EDUCATION AND CERTIFICATION**

PART 9. TEACHER CERTIFICATION

Permanent Final Adoptions

210:20-9-91. Application for new licenses/certificates

The application processes for individuals seeking new licenses/certificates are described separately for individuals completing requirements at an in-state college or an out-of-state college.

(1) **Graduates of Oklahoma colleges and universities.** The application process for graduates of Oklahoma colleges and universities is as follows:

(A) The completed application may be submitted to the director of teacher education at the recommending college or sent directly to the State Department of Education along with an official up-to-date transcript(s) and the appropriate processing fee. See 210:20-9-9

(d)

(B) The signature of the director of teacher education verifies that the applicant has met the requirements of the institution's approved teacher education program for the license/certificate sought and that the applicant possesses the character and general fitness to be a teacher. Application approval by the State Department of Education verifies that the applicant has met an approved program.

(i) Vocational license/certificate applicants: The director of teacher education at the recommending institution or the applicant will forward the application to the appropriate state supervisor at the ~~State Oklahoma~~ Department of ~~Vocational Technical Education~~ Career and Technology Education. After approving the application the state supervisor will send it, along with supporting documents, to the State Department of Education.

(ii) Nonvocational license/certificate applicants: The director of teacher education at the recommending institution ~~may~~ shall forward the approved application, along with supporting documents, to the State Department of Education.

(2) **Graduates of out-of-state colleges and universities.** The application process for graduates of out-of-state colleges and universities is as follows:

(A) The applicant will submit the following items to the State Department of Education as part of the application process:

- (i) the completed application form
- (ii) official up-to-date transcripts of all college course work
- (iii) ~~a copy of a valid out of state teaching certificate in the area sought~~ documentation the applicant has completed an accredited teacher preparation program
- (iv) ~~verification of out of state teaching experience~~
- (iv) the appropriate processing fee for each class of certificate sought. See 210:20-9-9 (d)

(B) For vocational license/certificate applications, the applicant will submit all items in (2) (A) of this section directly to the State Department of Education.

(C) ~~All teachers certified out of state after submitting requested items in (2) (A) of this section as well~~

as out of state applicants who have held a certificate and hold a master's degree and have accumulated an additional 15 or more semester hours in a teaching field may obtain certification through one of the following options:

(i) ~~Option I have a current certificate issued by the National Board for Professional Teaching Standards.~~

(ii) ~~Option II receive a two year certificate allowing the applicant to meet requirements I and II for Standard Certification:~~

(I) ~~Meet the following requirements: successfully complete the residency program as a licensed teacher, if applicable; and successfully complete one year of employment in an Oklahoma accredited school or, if not subject to the Residency program, employment may be in an accredited college or university. An administrator will provide supervision and a teacher or appropriate colleague will provide assistance as needed. Ultimately, certification is contingent on the district or college/university level evaluation of the candidate.~~

(II) ~~Meet requirements of section (a) of 210:20-9-10.1, ". . . shall pass the applicable state competency examination(s)."~~

(3) **Applicants who are certified out-of-state.** The following provisions apply to applicants for Oklahoma teaching certificates who already hold certificates issued by another state:

(A) The State Board of Education shall issue a certificate to an applicant who submits a valid out-of-state teaching certificate, and has on file with the State Department of Education a current Oklahoma criminal history record check from the Oklahoma State Bureau of Investigation and a national criminal history record check as defined in 74 O.S. § 150.9. The applicant shall be responsible for the costs of the criminal history record checks. The Oklahoma certificate shall be valid only for the subject areas and grade levels most closely aligned to those recognized on the applicant's out-of-state certificate.

(B) An applicant who submits documentation of five (5) years or more of successful teaching experience as a certified teacher in an accredited school shall not be required to take any competency examinations in the subject areas and grade levels most closely aligned to those recognized on the applicant's out-of-state certificate. An applicant with fewer than five (5) years of successful teaching experience as a certified teacher in an accredited school must attain a passing score on the Oklahoma Subject Area Test (OSAT) for each area in which certification is sought.

[OAR Docket #16-456; filed 6-14-16]

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 20. STAFF**

[OAR Docket #16-457]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 9. Professional Standards: Teacher Education and Certification
Part 9. Teacher Certification
210:20-9-94. Period of validity of certificates [AMENDED]

AUTHORITY:

70 O.S. § 3-104; State Board of Education

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:

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INCORPORATIONS BY REFERENCE:

n/a

ANALYSIS:

The amendments remove language that referred to a certification category which is no longer in use, a former one year license for first-year teachers. A provision is also added to the subsection on emergency certification. The amendment to the emergency certification subsection provides that the one (1) year validity period of an emergency teaching certificate may be extended for one (1) additional year at the request of the superintendent of the employing district.

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF AUGUST 25, 2016:

SUBCHAPTER 9. PROFESSIONAL STANDARDS: TEACHER EDUCATION AND CERTIFICATION

PART 9. TEACHER CERTIFICATION

210:20-9-94. Period of validity of certificates

(a) Standard certificates normally have a validity period of five (5) years. The standard certificate will expire five (5)

years from the nearest thirtieth day of June either preceding or following the effective date of the certificate.

~~(b) A license normally has a validity period of one (1) school year. The license will expire the thirtieth day of June of the school year for which it was issued.~~

~~(eb) Provisional certificates, vocational and/or nonvocational, will have a validity period established by the State Department of Education.~~

(ec) Emergency certificates normally have a validity period of one (1) school year. The certificate will expire the thirtieth day of June of the school year for which it was issued. The validity period for an emergency certificate may be extended for one (1) additional school year at the request of the superintendent of the employing district, subject to the approval of the State Board of Education. The maximum validity period for an emergency certificate extended by State Board approval will be two (2) years.

[OAR Docket #16-457; filed 6-14-16]

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 20. STAFF**

[OAR Docket #16-458]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 9. Professional Standards: Teacher Education and Certification
Part 9. Teacher Certification
210:20-9-95. Effective date of teaching certificates and licenses [AMENDED]

AUTHORITY:

70 O.S. § 3-104; State Board of Education

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Subchapter 9. Professional Standards: Teacher Education and Certification
Part 9. Teacher Certification
210:20-9-95. Effective date of teaching certificates and licenses [AMENDED]

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Permanent Final Adoptions

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INCORPORATIONS BY REFERENCE:

n/a

ANALYSIS:

Senate Bill 29 (2015) established new effective dates for renewed teaching certificates, which required an emergency amendment to update this rule accordingly. The permanent version also aligns the effective dates of newly issued teaching certificates with the dates established for renewed certificates under SB 29. Under these amendments, the certificate of an applicant who completes all requirements for certification and submits an application and supporting documentation between May 1 and December 31 will have an effective date of July 1. The certificate of an applicant who submits the required documentation between January 1 and April 30 will be dated the first day of the month in which the application and documents are received.

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF AUGUST 25, 2016:

SUBCHAPTER 9. PROFESSIONAL STANDARDS: TEACHER EDUCATION AND CERTIFICATION

PART 9. TEACHER CERTIFICATION

210:20-9-95. Effective date of teaching certificates and licenses

(a) **New licenses/certificates.** A license/certificate issued to an applicant who completes all requirements and applies for the license/certificate between May 1 and ~~September 1~~December 31 will be dated and become effective July 1 of the year the application and all supporting documentation are received, provided that an applicant may be employed for a maximum of sixty (60) days pending receipt of results of a national criminal history record check pursuant to 70 O.S. § 5-142. A license/certificate issued to an applicant who completes all requirements and applies for the license/certificate between ~~September~~January 1 and ~~May 1~~April 30 will be dated and become effective the first day of the month in which the application and all supporting documents are received by the State Board of Education.

(b) **Renewal of standard certificates and licenses.** Renewed standard certificates ~~and licenses~~ will become effective July 1 following receipt of the application provided the application is made prior to the expiration of the certificate/license. ~~If the application for renewal is made after the certificate/license has expired, the renewed certificate/license will be dated the first day of the month in which the application and all supporting documents are received.~~ If a certificate has expired and a renewal application is submitted by December 31 of the year in which the certificate expired, the certificate shall be renewed with an effective date of July 1 of the year in which it expired. If a certificate has expired and a renewal application is submitted after December 31 of the year in

which the certificate expired, the renewed certificate will be dated the first day of the month in which the application and all supporting documents are received. In the event an educator's certificate/license cannot be renewed due to failure to comply with Oklahoma's tax laws, the renewed certificate/license will be dated the date the State Department of Education receives notice from the Tax Commission that the educator has come into compliance.

[OAR Docket #16-458; filed 6-14-16]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 20. STAFF

[OAR Docket #16-459]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 9. Professional Standards: Teacher Education and Certification

Part 9. Teacher Certification

210:20-9-96. Requirements for renewal or reissuance of certificates
[AMENDED]

AUTHORITY:

70 O.S. § 3-104; State Board of Education

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:

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SUPERSEDED EMERGENCY ACTIONS:

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INCORPORATIONS BY REFERENCE:

n/a

ANALYSIS:

The rule that lists requirements for the renewal of teaching certificates contains outdated references to a specific "license" category for first-year teachers, a certification status no longer in use. The proposed amendments strike references to this obsolete category, and also to a "Professional certificate" category that has also been discontinued.

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF AUGUST 25, 2016:

**SUBCHAPTER 9. PROFESSIONAL STANDARDS:
TEACHER EDUCATION AND CERTIFICATION**

PART 9. TEACHER CERTIFICATION

210:20-9-96. Requirements for renewal or reissuance of certificates

(a) Standard certificate.

(1) To renew a standard certificate a teacher must submit the appropriate application, pay the appropriate processing fee specified in subsection 210:20-9-9 (d) and complete one of the following options:

(A) Option I--the applicant shall have completed a minimum of three (3) years of school experience in an accredited school during the five (5) year validity of the standard certificate. Applicants who have completed fewer than three (3) years of school experience may substitute coursework in professional education and/or specialization from an accredited college or university for each year of experience they are lacking at the following rate: with two (2) years of experience, complete three (3) semester hours; with one (1) year of experience, complete four (4) semester hours; or with zero (0) years of experience, complete five (5) semester hours. College credit must be completed within the five (5) year period immediately preceding the date of application for renewal. Teachers who teach one-half day in an accredited school each school year for the five (5) year validity period of their certificate may renew a standard certificate. The following provisions apply if the certificate has been expired more than five (5) years: If the certificate has been expired for more than five years and the teacher was certified in and teaching in another state and has three years of experience within the five year period immediately preceding the date of application for renewal the experience will apply toward renewal.

(B) Option II--a teacher or administrator who is not employed as a teacher or administrator and holds a valid Oklahoma Standard Teaching Certificate may satisfy requirements for renewal of the Standard Teacher Certificate by completing seventy-five (75) points in professional development programs, conferences and seminars approved by a public school district. A combination of professional development points, higher education credits and/or teaching experience may also be used for renewal of a valid standard teaching certificate. Only programs, conferences and seminars recognized for professional development credit by an Oklahoma public school district at the time the teacher attends the programs, conferences or seminars may be used to fulfill the renewal requirement. The individual seeking certification renewal is responsible to maintain his/her professional development attendance forms to submit to the State Department of Education. Exact combinations of professional development points, college credit hours

and years of teaching experience will be determined by the Professional Standards Section of the State Department of Education.

(C) Option III--Issue a two-year certificate immediately and then complete the following requirement. Successful employment for one year in an Oklahoma accredited school or accredited college or university. An administrator will provide supervision and a teacher or appropriate colleague will provide assistance as needed. Ultimately, certification is contingent on the district or college/university-level evaluation of the candidate.

(2) School experience, for purposes of renewing a standard certificate, is experience as a teacher, supervisor, or administrator in a school, college, or university accredited by either a state board of education or state board of regents.

(3) If a standard certificate has been expired for one (1) year or more, the applicant must undergo a new criminal history record check, as provided for at 70 O.S. § 5-142. Applicant is responsible for any fees associated with the criminal history record check.

~~(b) Professional certificates. A professional certificate may be renewed if it has not been expired for more than five (5) years and renewal requirements are met.~~

~~(1) To renew a professional certificate the applicant must submit the appropriate application and pay the appropriate processing fee. See 210:20-9-9 (d).~~

~~(2) The applicant must have completed a minimum of five (5) years of school experience in an accredited school during the seven (7) year validity period of the certificate. Applicants who have fewer than five (5) years of school experience during the validity period of their professional certificate may substitute coursework in professional education or specialization from an accredited college or university for each year of school experience they are lacking at the following rate:~~

~~(A) with four (4) years of experience, complete three (3) semester hours;~~

~~(B) with three (3) years of experience, complete four (4) semester hours;~~

~~(C) with two (2) years of experience, complete five (5) semester hours;~~

~~(D) with one (1) year of experience, complete six (6) semester hours; or~~

~~(E) with zero (0) years of experience, complete seven (7) semester hours.~~

~~(3) Teachers who teach one half day in an accredited school each school year for the seven (7) year validity period of their certificate may renew a professional certificate.~~

~~(4) The issuance of new professional certificates will be discontinued after December 31, 1988.~~

~~(5) Individuals holding a valid professional certificate on December 31, 1988, will be allowed to retain that certificate by meeting renewal requirements.~~

~~(6) School experience, for purposes of renewing a standard certificate, is experience as a teacher, supervisor, or~~

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administrator in a school, college, or university accredited by either a state board of education or state board of regents.

(7) If a professional certificate has been expired for one (1) year or more, the applicant must undergo a new criminal history record check, as provided for at 70 O.S. § 5-142. Applicant is responsible for any fees associated with the criminal history record check.

(eb) Licenses, provisional

(1) Licenses.

(A) A license will be in renewable status until conclusion of the Residency Program, at which time a recommendation regarding certification will be made. A license cannot be reissued to an individual who has served two (2) years in the residency program without receiving the residency committee's recommendation for a certificate.

(B) Application for reissuance of a license shall be submitted directly to the State Department of Education along with the appropriate processing fee. See 210:20-9-9 (d).

(21) **Nonvocational provisional certificates.** Nonvocational provisional certificates may be renewed if requirements outlined by the State Department of Education toward meeting requirements for a standard certificate are met during the term of validity of the provisional certificate.

(32) **Vocational provisional certificates.** Vocational provisional certificates may be renewed if requirements outlined by the State Department of Education and/or the Oklahoma Department of Vocational and Technical Education toward meeting requirements for a standard certificate are met during the term of validity of the provisional certificate.

(ec) Supplemental renewal regulations.

(1) Experience as a professional employee of a state education agency or professional educational organization is considered valid experience for the renewal of a standard or professional certificate.

(2) Teachers who teach one-half day in an accredited school (nursery--higher education) each year for the validity period of their certificate may renew a standard or professional certificate.

(3) Teaching experience with the Oklahoma Department of Corrections Educational System, the Oklahoma Department of Human Services as a vocational rehabilitation counselor, with optional/special function schools in Oklahoma accredited by the North Central Association of Colleges and Schools, experience in the Head Start Program, full-time active military service, or experience as a member of the Oklahoma Legislature may be accepted in meeting requirements for renewal of a standard or professional certificate.

(4) The State Board of Education shall recognize full-time service as a member of the staff of the house of representatives, the senate or the legislative service bureau in an area related to education as valid experience

for renewal of the standard certificate. This experience is calculated at the same rate as it is for other teachers.

(5) Any person who is receiving retirement compensation from the Teacher Retirement System may renew the last standard or professional certificate for the purpose of substitute teaching.

(6) A minimum of two-thirds of a school year (120 days) acquired in not more than two (2) contractual school years during the validity of the certificate in accredited schools may be considered as one (1) year of school experience.

(7) A teacher who has taught more than one-half of a day for 120 days or more will be considered as having had one year of experience.

(8) Substitute teachers, unless under contract, may count experience acquired in not more than two (2) consecutive years during the validity of the certificate.

(9) Student teaching, experience in nonaccredited schools, experience while not holding a valid certificate, and experience while providing contracted services will not be accepted as school experience for purposes of renewal.

(10) Applications for renewal of standard or professional certificates or reissuance of licenses will not be accepted prior to January 1 of the year in which the certificate or license expires.

[OAR Docket #16-459; filed 6-14-16]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 20. STAFF

[OAR Docket #16-460]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 9. Professional Standards: Teacher Education and Certification

Part 9. Teacher Certification

210:20-9-98. Administrative requirements of teacher certification [AMENDED]

AUTHORITY:

70 O.S. § 3-104; 56 O.S. § 71; 8 U.S.C. § 1621; State Board of Education

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Subchapter 9. Professional Standards: Teacher Education and Certification

Part 9. Teacher Certification

210:20-9-98. Administrative requirements of teacher certification

[AMENDED]

Gubernatorial approval:

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15-805

INCORPORATIONS BY REFERENCE:

n/a

ANALYSIS:

The amendments update the rule on the administrative requirements for teacher certification to reflect changes in federal and state law since the rule was drafted. In federal law, 8 U.S.C. § 1621 classifies a professional license issued by a state agency as a "State or local public benefit". In Oklahoma law, 56 O.S. § 71 provides that "every agency...of this state shall verify the lawful presence in the United States of any natural person...who has applied for state or local public benefits, as defined in 8 U.S.C., Section 1621". The rule is updated with language providing for this verification. References to teaching "licenses" are also stricken, because that certification category is no longer in use.

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF AUGUST 25, 2016:

SUBCHAPTER 9. PROFESSIONAL STANDARDS: TEACHER EDUCATION AND CERTIFICATION

PART 9. TEACHER CERTIFICATION

210:20-9-98. Administrative requirements of teacher certification

(a) **Evaluation of foreign credentials.** Foreign credentials must be either analyzed by a recognized translation service or an Oklahoma college before the State Department of Education will accept them.

(b) **Noncitizens of the United States.** Requirements for noncitizens seeking an Oklahoma teaching credential are as follows:

(1) Noncitizens of the United States will be required to submit ~~an unexpired United States Citizenship and Immigration Services (USCIS) employment authorization document~~ documentation proving lawful presence with the application before an Oklahoma teaching credential may be issued ~~or reissued.~~

(2) The Oklahoma teaching credential may be issued/reissued for no longer than the validity of the ~~employment authorization document~~ documentation proving lawful presence. If the documentation proving lawful presence does not have an expiration date that affects

the duration of a noncitizen's lawful presence, then the teaching credential shall have the same validity period as the teaching credential of a U.S. citizen.

(c) **Noncitizen Visiting Teacher Certification.** The State Board of Education may, upon request of a local school district, issue an international visiting teacher certification pursuant to 70 O.S. § 3-104(6).

(1) An international visiting teacher certification may be issued to applicants who meet the following criteria:

(A) Applicant presents a document from an accredited public school district in this state offering employment following certification;

(B) Applicant must be a citizen of a country other than the United States and hold a J-1 visa issued by the United States Department of State;

(C) Applicant holds the equivalent of a bachelor's degree or higher from an accredited college or university in the subject area the applicant intends to teach and in the case of world languages, if the applicant is not a proficient native speaker of the target language to be taught, applicant has completed a major in the target language to be taught;

(D) Applicants who seek to teach world languages must have a minimum of three years of teaching experience in the target language requested to be taught unless the applicant is a proficient native speaker of the target language to be taught;

(E) Applicant is a participant in a visiting teacher program approved by the Oklahoma State Department of Education;

(F) Applicant must demonstrate proficiency at the advanced-low level of the American Council on the Teaching of Foreign Languages' (ACTFL) proficiency scale in both spoken and written English; and

(G) Applicant must complete an orientation program prior to employment and must be assigned a mentor teacher by the district.

(2) Applicants meeting all qualifications shall be granted a one-year teaching credential which may be renewed on a year-to-year basis for a maximum of three years upon request of the employing district.

(d) **Native American Language Teacher Certification.** The State Board of Education may, upon application, issue a teacher certification in Native American Languages. For purposes of this subchapter, a "Native American Language" means the historical, traditional languages spoken by Native Americans. For purposes of this subchapter, "Native American" shall have the meaning set forth in 25 U.S.C § 2902(1)-(2).

(1) A Native American language certification may be issued to applicants who meet the qualifications set forth in 210:20-9-104(b) and provide documentation that the applicant has met the following criteria:

(A) Applicant has obtained a certification of proficiency in the language sought to be certified in accordance with the provisions of 210:20-9-104(b);

(B) Applicant has completed a background check conducted by the State Department of Education in

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- accordance with the provisions of 70 O.S. § 5-142; and
- (C) Applicant has submitted a portfolio documenting applicant's experience in teaching the Native American language in which the applicant has been certified by a tribe and any other experience related to education.
- (D) Any applicant who does not hold an Oklahoma traditional or alternative teaching credential must complete a school orientation program prior to employment and must be assigned a mentor teacher by the district.
- (2) Applicants meeting all of the criteria set forth in this subsection shall be granted a provisional Native Language teacher certification for a period of one year. After the expiration of the one year provisional term, the Native Language teacher certification may be renewed in accordance with the following provisions:
- (A) For an applicant who does not hold an Oklahoma traditional or alternative teaching credential, the Native Language certification may be renewed on a year-to-year basis if:
- Renewal is requested by the employing district; and
 - As a condition of the first two renewals of the teaching certificate, applicant provides evidence of completion of 60 clock hours/points of a professional teaching development program each year. For purposes of (ii) of this subparagraph, a professional teaching development program may include:
 - Programs, seminars, or conferences recognized for professional development credit by an Oklahoma public school district at the time the teacher attends; or
 - Higher education coursework in teacher education from an accredited college or university.
- (B) For an applicant who holds an Oklahoma traditional or alternative teaching certificate, the Native Language teacher certification may be renewed for a five (5) year period.
- (e) **Privacy and access.** Any person, with proper identification, that makes a written or oral request, will be informed of the certification status of any individual subject to certification. No other information will be given to a third party without the written consent of the person about whom the information is sought.
- College transcripts and other supporting documents will neither be duplicated by nor released by the State Department of Education.
 - An original out-of-state teaching certificate may be returned, upon written request, to the applicant.
- (f) **Multiple applications.** When application is made at the same time for two (2) or more certificates of the same class, only a single processing fee will be charged.
- Applications may be made for multiple classes of certificates on one (1) form. There is a fee for each class.
 - When application is made at different times for two (2) or more certificates, a fee will be charged for each certificate requested.
 - Duplicate/update certificates.** A certificate/~~license~~ may be duplicated or updated by submitting a written request and paying the fee.
 - Change of name.** A legal change of last name on a certificate/~~license~~ may be accomplished at any time upon written request and paying the fee.
 - Refusal of certification.** No certificate/~~license~~ will be issued unless all requirements for the certificate/~~license~~ in question are fully met. In addition, no certificate/~~license~~ will be issued if the attempt to become certified is based on misrepresentation, forgery, or fraud.
 - Grounds for cancellation of certificates.** Any certificate/~~license~~, credential, or endorsement obtained by misrepresentation, forgery, fraud, or issued by error will be cancelled. Upon written request the holder must surrender the certificate/~~license~~ in question to the State Department of Education.
 - Felony as grounds for noncertification.** No person shall receive an Oklahoma certificate/~~license~~ who has been convicted of a felony, any crime involving moral turpitude, or a felony violation of the narcotics laws of the United States or the State of Oklahoma, provided the conviction was entered within the ten (10) year period immediately preceding application for teacher certification.
 - Revocation of teaching certificate.** Teaching certificates/~~licenses~~ issued by authority of the Oklahoma State Board of Education may be revoked by the board for willful violation of any rule or regulation of the board or any federal or state law or other proper cause. A certificate/~~license~~ will be revoked only after a sufficient hearing has been given to the teacher before the State Board of Education in accordance with the hearing procedures set forth at 210:1-5-6.
 - No person whose certificate/~~license~~ has been revoked in Oklahoma or any other state shall be issued an Oklahoma certificate/~~license~~ unless the revoked certificate/~~license~~ has been fully reinstated by the revoking state and grounds for the revocation do not conflict with Oklahoma law.
 - A person who has either voluntarily surrendered a teaching certificate in another state, been denied certification/~~license~~ in another state or has had a certificate suspended in another state is not eligible for Oklahoma certification until an investigation has resolved the issues surrounding the surrender, denial, or suspension of certification.
 - Extending provisional certificates.** A request for extension of validity of any expired provisional certificate will be presented to the State Board of Education only when extenuating circumstances seem to justify its consideration. These requests shall be submitted in writing by the employing superintendent. A superintendent who holds an expired provisional certificate needs to have the president of the local board of education make the written request.

(n) **Degree/college credit accepted for certification regulations.** Only degrees conferred by state or regionally accredited colleges and universities recognized by the Oklahoma State Board of Education will be accepted by the Professional Standards Section as part of the requirements for teacher certification. Only work completed in state and regionally accredited colleges and universities, or transfer credit validated by them, will be accepted as a basis for teacher certification. For purposes of Oklahoma certification, state-accredited colleges and universities are considered to be colleges and universities accredited by the Oklahoma State Regents for Higher Education or their counterpart in other states (a statewide higher education coordinating board/agency of control). Regionally accredited colleges and universities are considered to be colleges and universities accredited by regional institutional accrediting bodies recognized by the United States Department of Education.

(o) **Fee for duplicate licenses and certificates.** The State Board of Education shall charge and collect reasonable fees for the issuance and duplication of licenses and certificates.

[OAR Docket #16-460; filed 6-14-16]

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 20. STAFF**

[OAR Docket #16-461]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 9. Professional Standards: Teacher Education and Certification

Part 9. Teacher Certification

210:20-9-100. Teacher Competency Review Panel [REVOKED]

AUTHORITY:

70 O.S. § 3-104; 70 O.S. § 6-202; State Board of Education

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:

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SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

ANALYSIS:

This rule has been revoked because the authorizing statute was repealed. The Teacher Competency Review Panel that was described by 70 O.S. § 6-202 is no longer in place, so the accompanying regulations must be revoked.

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF AUGUST 25, 2016:

SUBCHAPTER 9. PROFESSIONAL STANDARDS: TEACHER EDUCATION AND CERTIFICATION

PART 9. TEACHER CERTIFICATION

210:20-9-100. Teacher Competency Review Panel [REVOKED]

(a) ~~The Teacher Competency Review Panel shall meet at the call of the State Superintendent. Applicants to the Alternative Placement Program who have completed the requirements in law and State Board of Education rules shall submit one copy of the following items to the Teacher Competency Review Panel for evaluation of qualifications and career accomplishments pursuant to 70 O.S. Supp. 2001 § 6-202:~~

- ~~(1) résumé of experience,~~
- ~~(2) written explanation of why the applicant wants to become a teacher, and~~
- ~~(3) criminal background history check conducted by the Oklahoma State Bureau of Investigation.~~

~~(b) An interview with the Teacher Competency Review Panel is required.~~

~~(c) The Teacher Competency Review Panel shall notify applicants in writing of the panel's recommendation to license or not to license. If the Teacher Competency Review Panel's recommendation is not to license an applicant, the panel shall state the reasons for the recommendation in the letter to the applicant.~~

~~(d) Any applicant to the alternative placement program who does not receive a favorable recommendation from the panel may submit a letter to the Oklahoma State Board of Education within 90 days of the panel's recommendation to appeal the recommendation.~~

~~(e) The State Board of Education may access and review any documents or materials relevant to the applicant's initial application and appeal.~~

~~(f) The State Board of Education may accept the panel's recommendation not to license or may reverse the recommendation and issue a license to applicant.~~

~~(g) Notice of the State Board of Education's decision shall be sent to the applicant.~~

[OAR Docket #16-461; filed 6-14-16]

Permanent Final Adoptions

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 20. STAFF

[OAR Docket #16-462]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 9. Professional Standards: Teacher Education and Certification

Part 9. Teacher Certification

210:20-9-102. Career development program for paraprofessionals [AMENDED]

AUTHORITY:

70 O.S. § 3-104; 70 O.S. § 6-127A; State Board of Education

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:

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n/a

INCORPORATIONS BY REFERENCE:

n/a

ANALYSIS:

The rule governing the paraprofessional career development program provides that a person seeking a provisional or standard teaching certificate through the paraprofessional program must complete one full school year of relevant employment at a public school. The amendment adds language to provide that the teaching experience applicants are required to document may include teaching in either a public or accredited private school. The same teacher certification requirements that apply to public schools in Oklahoma apply to accredited private schools, so this teaching experience should appropriately apply toward the requirements of the paraprofessional program.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF AUGUST 25, 2016:

SUBCHAPTER 9. PROFESSIONAL STANDARDS: TEACHER EDUCATION AND CERTIFICATION

PART 9. TEACHER CERTIFICATION

210:20-9-102. Career development program for paraprofessionals

(a) **Paraprofessional credential.** The State Department of Education shall issue a paraprofessional credential to an applicant who meets all of the following requirements:

- (1) Has a high school diploma or a General Educational Development (GED) Diploma;
- (2) Has met a career development paraprofessional program approved by the State Board of Education; and
- (3) Has on file with the Board a current Oklahoma criminal history record from the Oklahoma State Bureau of Investigation as well as a national fingerprint-based criminal history record provided by the Federal Bureau of Investigation. Upon receipt of the Oklahoma criminal history record, the Board may issue a temporary credential which shall be effective until receipt of the national fingerprint-based criminal history record. The person applying for a credential shall be responsible for the cost of the criminal history records.

(b) **Provisional teaching certificates - paraprofessional.**

The State Department of Education shall issue a one-year provisional teaching certificate, renewable for up to three years, in early childhood, elementary education, or special education to a paraprofessional who meets all of the following requirements:

- (1) Has been employed for one full school year (i.e., two consecutive semesters, three consecutive trimesters, or four consecutive quarters) with an accredited public or private school as a paraprofessional in the area for which a ~~license~~ certificate is being pursued. For purposes of this paragraph, experience obtained while teaching with a non-traditional certification in special education issued in accordance with the provisions of 210:20-9-105 shall not count toward the one year experience requirement;
- (2) Has earned at least a bachelor's degree from a college or university whose accreditation is recognized by the Oklahoma State Regents for Higher Education and has attained a cumulative grade point average of not less than 2.5 on a 4.0 scale;
- (3) Has passed all of the following teacher competency examinations adopted by the Oklahoma Commission for Teacher Preparation prior to July 1, 2014, or adopted by the Commission for Educational Quality and Accountability on and after July 1, 2014:
 - (A) The Oklahoma General Education Test (OGET);
 - (B) The Oklahoma Subject Area Test (OSAT) in Early Childhood, Elementary Education, or Special Education; and
 - (C) The Oklahoma Professional Teaching Exam (OPTE) (PK-8);
- (4) Has on file with the State Board of Education a current Oklahoma criminal history record from the Oklahoma State Bureau of Investigation as well as a national fingerprint-based criminal history record provided by the Federal Bureau of Investigation. Upon receipt of the Oklahoma criminal history record, the Board may issue a temporary credential which shall be effective until receipt

of the national fingerprint-based criminal history record. The person applying for a credential shall be responsible for the cost of the criminal history records;

(5) Has made application to the Oklahoma State Department of Education.

(c) **Standard teaching certificate - paraprofessional.** The State Department of Education shall issue a standard teaching certificate to individuals who have met all of the requirements of (b) of this section and met all of the following requirements:

(1) The applicant has successfully completed at least one (1) full school year (i.e., two consecutive semesters, three consecutive trimesters, or four consecutive quarters) of teaching service in a public or private school accredited by the State Board of Education or a private school accrediting organization approved by the Board;

(2) The applicant provides at least two (2) favorable recommendations for granting a standard teaching certificate to the applicant from:

- (A) A school district board of education; and
- (B) The chair or director of the accredited teacher preparation program in which the applicant completed the coursework requirements set forth in (3) of this subsection.

(3) Within three (3) years of initial issuance of the provisional teaching certificate in accordance with the provisions of (b) of this Section, the applicant has successfully completed twelve (12) semester hours of professional education coursework from an institution of higher education whose accreditation is recognized by the Oklahoma State Regents for Higher Education. The twelve (12) hours of coursework required by this paragraph shall consist of coursework that:

- (A) Is offered in a teacher preparation program that has been accredited by the Oklahoma Commission for Teacher Preparation prior to July 1, 2014 or accredited by the Commission for Educational Quality and Accountability on and after July 1, 2014;
- (B) Is related to the area of teacher certification sought;
- (C) Includes a minimum of three (3) semester hours in reading instruction.

(d) **Reporting.** Any individual who has been issued a provisional certificate in accordance with the provisions of (b) of this Section shall be reported on the certified personnel report and be considered as any other certified employee.

[OAR Docket #16-462; filed 6-14-16]

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 20. STAFF**

[OAR Docket #16-463]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 27. Support Personnel

210:20-27-1. Support personnel; reporting requirements [AMENDED]

AUTHORITY:

70 O.S. § 3-104; State Board of Education

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:

August 25, 2015

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SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

ANALYSIS:

The rule governing school district reporting requirements for support personnel is updated to incorporate changes made in 2015 to the reporting dates in the certified personnel rule. The submission deadlines for the first and final support personnel reports of the year are shifted later, to align with the newly established submission dates for the certified personnel reports. The names of two of the reports are also updated to reflect the changes made to the certified personnel rule in 2015. The list of required elements for the support personnel report is also simplified.

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF AUGUST 25, 2016:

SUBCHAPTER 27. SUPPORT PERSONNEL

210:20-27-1. Support personnel; reporting requirements

(a) **Reporting requirements.**

(1) No later than October 15 of each year, all public school districts must file a ~~an~~ "Preliminary (Pre-Print) Initial Support Personnel Report" with the State Department of Education. The report shall list all support employees in their employ.

(2) No later than February 1 of each year, all public school districts must file a revised "Final Mid-Year Support Personnel Report" with the State Department of Education. The report shall contain any corrections, deletions, and additions that have occurred since the ~~preliminary initial~~ 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 "Final Mid-Year Support Personnel

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Report" by February 1. Only after the report has been received by the State Department of Education shall the withheld State Aid funds be released to the school district.

(3) No later than ~~June~~ July 15 of each year, all public school districts must file a "Supplemental Support Personnel Report" with the State Department of Education showing the changes for support personnel previously listed as well as all information required on any new support employees not previously listed. This report shall contain any corrections or changes to be made to the "~~Final~~ Mid-Year Support Personnel Report."

(b) **Information to be reported.** The following information is required on the Support Personnel Reports:

- (1) Name
 - (2) Social Security Number
 - (3) Building site code
 - (4) Gender
 - (5) Race
 - (6) Position(s) and salary
 - (7) Months, hours per day, and estimated hours per year assigned
 - (8) Other information as deemed necessary
 - (9) Job code and function
 - (A) ~~01 Noncertified Business Manager, District Treasurer and Administrative Assistant~~
 - (B) ~~02 Secretarial and Clerical~~
 - (C) ~~03 Teacher's Assistant~~
 - (D) ~~04 Maintenance and Plant Operation~~
 - (E) ~~05 Food Service~~
 - (F) ~~06 Regular Bus Drivers~~
 - (G) ~~07 Substitute and Activity Drivers~~
 - (H) ~~08 Noncertified Health Care, i.e. LPN, etc.~~
 - (I) ~~09 Technicians, such as occupations requiring knowledge and manual skills which can be obtained by approximately two years post high school education (programmers, draftsman, inspectors, etc.)~~
 - (J) ~~10 Skilled Crafts, such as mechanics, electrician, etc.~~
 - (K) ~~11 Other Personnel~~
 - (L) ~~12 Early Childhood/CDA~~
 - (M) ~~13 OPAT Teacher (Oklahoma Parents As Teachers)~~
 - (N) ~~14 Physical Therapist (state licensed, but not certified by the State Department of Education)~~
 - (O) ~~15 Occupational Therapist (state licensed, but not certified by the State Department of Education)~~
 - (P) ~~16 Security~~
 - (Q) ~~17 Library Support Staff~~
- The report shall list all support personnel in the district and shall list for each person their demographic information, salary and fringe benefits received by job class, hours worked per day, number of days employed, and other information as deemed necessary by the State Department of Education.

[OAR Docket #16-463; filed 6-14-16]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 25. FINANCE

[OAR Docket #16-464]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 3. Funding Criteria
210:25-3-4. Personnel [AMENDED]

AUTHORITY:

70 O.S. § 3-104; State Board of Education

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SUPERSEDED EMERGENCY ACTIONS:

Superseded rules:

Subchapter 3. Funding Criteria
210:25-3-4. Personnel [AMENDED]

Gubernatorial approval:

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33 Ok Reg 144

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INCORPORATIONS BY REFERENCE:

n/a

ANALYSIS:

The amendment removes language that too broadly stated a certain category of teachers' eligibility for credit granted for years of teaching service. Certified teachers employed by charter schools are eligible to accrue years of service in the same manner as teachers in traditional public schools, although the minimum salary schedule itself does not apply to charter schools. However, some Statewide Virtual Charter Schools do not directly contract with their teachers and instead contract with a third party education services provider which employs the teachers. Because teachers who work for these third party contractors are not actually employees of the school, years of service cannot be counted for these indirectly employed teachers. The amendment is necessary because the language of subsection (o) is overbroad, implying that all teachers at Statewide Virtual Charter Schools are eligible for years of service credit regardless of their employment status. Certified teachers who contract directly with Statewide Virtual Charter Schools are and will remain eligible for credit for years of service, but striking the problematic language from the rule will prevent confusion over eligibility.

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF AUGUST 25, 2016:

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.
- (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 not 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

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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) Certified personnel teaching in virtual charter schools shall be considered as teaching in a school approved by the State Board of Education for increment purposes as provided for by Oklahoma School Law.~~

[OAR Docket #16-464; filed 6-14-16]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 25. FINANCE

[OAR Docket #16-465]

RULEMAKING ACTION:
PERMANENT final adoption

RULES:
Subchapter 5. Budgeting and Business Management
Part 1. Implementation
210:25-5-5. Auditing [AMENDED]

AUTHORITY:

70 O.S. § 3-104; 70 O.S. § 22-101 et seq.; 2 C.F.R. Part 200; State Board of Education

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June 9, 2016

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August 25, 2016

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

ANALYSIS:

The Auditing rule is amended to reflect changes to federal regulations. Office of Management and Budget Circular A 133 has been replaced by the Uniform Administrative Requirements in 2 C.F.R. Part 200, and the rule is updated to incorporate the new reference. The proposed amendments also clarify that when submitting an annual audit report to the State Department of Education, a school district must include any written correspondence from the auditor.

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF AUGUST 25, 2016:

SUBCHAPTER 5. BUDGETING AND BUSINESS MANAGEMENT

PART 1. IMPLEMENTATION

210:25-5-5. Auditing

(a) The statutes of the State of Oklahoma require the board of education of each school district to cause an annual audit of the district's financial activity. The audit must be made in accordance with State Statutes, State Board of Education Regulations and ~~Federal Office of Management and Budget (OMB) Circular A-133, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. Part 200).~~ The State Board of Education shall examine each audit report and demand corrections of any existing deficiencies. It is mandatory that State Aid payments be withheld during noncompliance with the "School Audit Law" at 70 O.S. § 22-101 et seq.

(b) Auditing is process of examining documents, reports, systems of internal control, accounting and financial procedures, and other evidence to ascertain:

- (1) That the statements prepared from the accounts present fairly the financial position and results of financial operations of each of the school's funds;
- (2) That the school administration has properly complied with statutory requirements and the rules and regulations of the State Board of Education in the conduct of its financial transactions;
- (3) That the school's financial transactions have been conducted with mathematical accuracy and have been properly recorded;
- (4) That the school has complied with the terms of grants and special agreements;
- (5) That adequate stewardship has been exercised by the school board, its officers and employees in the conduct of their duties in the administration of school assets.

(c) The audit must encompass all of the school district's funds. The requirements in (b) of this Section form the basis for the reporting of the school's general, special revenue, capital projects and debt service funds. School activity funds, including school lunch funds, and other trust or fiduciary funds must also be included in the audit report.

(d) The accounting principles by which all audits will be performed are as follows:

- (1) The school district's accounting system must conform with the laws of the State of Oklahoma and the rules and regulations of the State Board of Education.
- (2) The school district's accounting system shall make it possible to demonstrate compliance with legal provisions.
- (3) The school district's accounting system shall clearly reflect the financial operations of the school district.
- (4) If accounting principles, procedures, or standards conflict with legal or regulatory provisions, the legal or regulatory provisions shall take precedence.
- (5) The accounting system shall be kept in the manner prescribed by the State Board of Education or in the manner of an accounting system approved by the State Board of Education.
- (6) The school district shall establish the funds prescribed or authorized by law and necessitated by sound financial judgment. The classification of funds shall be faithfully followed in the Estimate of Needs, Accounting System, ~~and Financial Reports,~~ and Audits.
- (7) A complete self-balancing group of accounts shall be established for each fund. Each such group will include all the accounts necessary to set forth the financial operations of the fund and to reflect compliance with legal and regulatory provisions.
- (8) If a fixed asset fund is maintained, the accounts shall be kept on the basis of original cost, or the estimated cost if the original cost is not available, or in the case of gifts, the appraised value at the time received.

(9) The accounting system shall provide for budgetary control for both revenues and expenditures, and the financial statements will reflect, among other things, budgetary information.

(10) The accounts, except activity funds, shall be maintained on a modified cash basis in accordance with the laws of the State of Oklahoma or a school district may elect to file an application with the State Board of Education to convert to Generally Accepted Accounting Principles (GAAP) accounting. The State Board of Education will approve or reject the application based on the district's ability to implement the practice.

(11) Revenue and expenditures shall be classified in accordance with State Board of Education regulations in order to provide uniform accounting and consistent statistics.

(12) A cost accounting system is required. Cost accounting is in addition to a required financial accounting system, however, and must not be allowed to interfere with its uniform application. Although depreciation is not included in a required accounting system, it should be considered in determining unit cost when a cost accounting system is used.

(13) A common terminology and classification based upon that prescribed by State Board of Education rules and regulations, shall be used consistently throughout the estimate of needs, accounts, and financial reports.

(e) Primary audit procedures will consist of the following:

(1) Each Local Education Agency (LEA) will engage an independent auditor, approved by the Oklahoma State Auditor and Inspector, to examine its financial statements. Each LEA superintendent shall notify the State Board of Education, prior to the end of the fiscal year to be audited, of the independent auditor who has been engaged to conduct the audit.

(2) Where there are differences in state and federal standards due to the statutory and regulatory requirements in both levels of government, the LEA and the auditor will examine and adhere to both in order to be in total compliance.

(3) The Oklahoma State Department of Education will establish and maintain a monitoring system to assure that federal and state audit requirements are met. The Oklahoma State Department of Education will review each audit report and notify the appropriate federal program administrator of any deficiencies reported by the independent auditor regarding federal programs. The administrator will implement the procedures deemed necessary to resolve the exceptions noted by the auditor. The final result of the action taken will be filed with the audit report no later than 90 days after the program administrator has been advised of the auditor's findings.

(4) The State Board of Education may make inquiries and request additional documentation and response related to exceptions, recommendations or comments noted by an auditor.

(f) Audit report requirements are as follows:

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- (1) Audit reports may be presented in the following formats:
- (A) Schools which have obtained prior approval from the State Board of Education to use generally accepted accounting principles (GAAP), must use a straight GAAP Governmental Accounting Standards Board (GASB) No. 34 compliant presentation.
 - (B) Schools using the regulatory basis of accounting as defined by Oklahoma Statutes may use GASB 34 compliant audit report presentations.
 - (C) Schools using the regulatory basis of accounting as defined by Oklahoma Statutes may use another comprehensive basis of accounting as prescribed by the Oklahoma State Department of Education. An example of a school district single audit report presented in conformity with another comprehensive basis of accounting as prescribed by the Oklahoma State Department of Education is available in the Financial Accounting Section, State Department of Education. Schools need only present the funds and note disclosures that apply to the specific district. The example is not intended to take precedence over professional reporting standards and requirements.
- (2) Informational statements will specify
- (A) Board members and officers
 - (B) Statutory bonds
 - (C) Other fidelity or honesty bonds
 - (D) Insurance coverage
 - (E) Other desirable statements
- (3) Size of audit report will conform to the specified dimensions:
- (A) Length = Maximum, 11"
 - (B) Width = Maximum, 8 1/2"
- (4) Each audit report shall be presented to and reviewed with the local board of education in a public meeting as required by law. Each audit report must contain a signed Acknowledgement Page on a form supplied by the State Department of Education. The Acknowledgement Page will verify who presented the audit to the school board, the date the audit was reviewed with the local school board as well as the school board's acknowledgement that as the governing body of the district responsible for the district's financial and compliance operations the audit findings, ~~and~~ exceptions, and any written correspondence from the auditor relating to the audit have been presented to them.
- (g) Requirements specific to Federal programs must be included in each audit.
- (1) Federal regulations (~~OMB Circular A-133, Uniform Administrative Requirements at 2 C.F.R. Part 200~~ and OMB Compliance Supplement) require a financial and compliance audit of programs receiving federal funds. These regulations (in accordance with P.L. 98-502) ensure that audits be made on an organization-wide basis rather than a grant-by-grant basis and according to the standards and procedures expressed therein. The Oklahoma State Department of Education shall serve as the recipient agency for ~~A-133~~ these purposes for the local education agencies. Overclaim assessments may be levied where necessary when there has been a lack of compliance and treated as a current expenditure.
 - (2) This rule and the adoption of the standards and regulations for audits of local boards of education does not limit the authority of federal or state agencies to make audits of programs in the local education agencies, and is in keeping with ~~OMB Circular A-133~~ Uniform Administrative Requirements, 2 C.F.R. Part 200. Some state and local governmental units in Oklahoma prepare their financial statements in conformity with a comprehensive basis of accounting other than generally accepted accounting principles. ~~A-133~~ The Uniform Administrative Requirements ~~does~~ do not prohibit such practice; nonetheless, ~~it~~ they ~~requires~~ require, as do generally accepted auditing standards, that auditors state in their report the departures from generally accepted accounting principles. However, any additional audit work must build on the work already done.
 - (3) The auditor should clearly understand that ~~A-133~~ Uniform Administrative Requirements audits require the expression of opinions and inclusion of comments in audit reports which go beyond the standard opinions and comments usually presented. Specifically, the audit report shall include:
 - (A) Financial statements, including footnotes, of the recipient organization.
 - (B) The auditors' comments on the financial statements which should:
 - (i) Identify the statements examined, and the period covered.
 - (ii) Identify the various programs under which the organization received Federal funds, and the amount of the awards received.
 - (iii) Identify by a schedule showing receipts and disbursements for each grant program.
 - (iv) State that the audit was done in accordance with the "General Accounting Office Standards for Audit of Governmental Organizations, Programs, Activities, and Functions," the "Guidelines for Financial and Compliance Audits of Federally Assisted Programs," any compliance supplements approved by OMB, and generally accepted auditing standards established by the American Institute of Certified Public Accountants.
 - (v) Express an opinion as to whether the financial statements are fairly presented in accordance with generally accepted accounting principles. If an unqualified opinion cannot be expressed, state the nature of the qualification.
 - (C) The auditors' comments on compliance and internal control should:
 - (i) Include comments on weaknesses in and noncompliance with the systems of internal control, separately identifying material weaknesses.
 - (ii) Identify the nature and impact of any noted instances of noncompliance with the terms of agreements and those provisions of Federal law or

regulations that could have a material effect on the financial statements and reports.

(iii) Contain an expression of positive assurance with respect to compliance with requirements for tested items, and negative assurance for untested items.

(D) Comments on the accuracy and completeness of financial reports and claims submitted to state or federal agencies for federal fund advances or reimbursements.

(E) Comments on corrective action taken or planned by the recipient.

(F) Comments as to whether the indirect cost rates are appropriately calculated and applied.

(G) Audit findings should be reported in accordance with 2 C.F.R. § 200.516, "Audit findings."

(4) These requirements are common to nearly all state and local funds and federal programs:

(A) Funds disbursed by other governments were received and properly identified.

(B) Interest earned on idle funds was credited to the proper funds.

(C) Unexpended funds or unearned federal funds advanced or overpaid were correctly accounted for.

(D) A system of encumbrance accounting was maintained which reported the amount obligated, disbursed, remaining unobligated balance, and outstanding unliquidated obligations for each fund and program.

(E) Obligations reported were actually incurred during the fiscal year or approved program period, and, upon liquidation, were properly adjusted.

(F) Payments reported: Were actually made to the vendors, contractors and employees; were supported by adequate evidence of delivery of goods or performance of services; and conformed to applicable laws and regulations, including procurement requirements.

(G) Refunds, discount, etc., were properly applied as reductions of the gross expenditures of the specific funds or programs.

(H) Costs, direct and indirect, were correctly prorated to the proper funds or programs.

(I) The same expenditure was not claimed under more than one program or reported as an expenditure for two fiscal or program years.

(J) Inventory requirements for materials and equipment purchased with federal funds were maintained.

[OAR Docket #16-465; filed 6-14-16]

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 25. FINANCE**

[OAR Docket #16-466]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 7. Classification of Financial Transactions
210:25-7-1. Oklahoma Cost Accounting System [AMENDED]

AUTHORITY:

70 O.S. § 3-104; 2 C.F.R. § 200.33; State Board of Education

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:

September 25, 2015

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October 15, 2015 through November 16, 2015

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November 16, 2015

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December 17, 2015

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December 21, 2015

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Approved by Governor's Declaration on June 9, 2016

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June 9, 2016

EFFECTIVE:

August 25, 2016

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

ANALYSIS:

The rule governing the Oklahoma Cost Accounting System (OCAS) must be updated to reflect changes to federal regulations and guidance. The definition for "Equipment" includes an acquisition cost of at least \$2,500, which will be amended to \$5,000 to reflect a revised dollar amount in the Code of Federal Regulations definition. A reference to an outdated handbook is also updated, and a statement is added referring to the availability of the OCAS manual on the State Department of Education website.

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF AUGUST 25, 2016:

SUBCHAPTER 7. CLASSIFICATION OF FINANCIAL TRANSACTIONS

210:25-7-1. Oklahoma Cost Accounting System

(a) **Definitions.** The following words and terms, when used in this section, shall have the following meaning unless the context clearly indicates otherwise:

(1) **"Equipment"** means an article of nonexpendable tangible personal property having a useful life of more than one year and an acquisition cost of at least

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~~\$2,500~~\$5,000 as established by the State Department of Education.

(2) **"Fiscal year"** means a twelve month period of time, from July 1, through June 30, to which the annual budget applies and at the end of which the district determines its financial position and the results of its operations.

(3) **"Function"** means the activity being performed for which a service or material object is required.

(4) **"Fund"** means a fiscal and accounting entity, with a self-balancing set of accounts recording resources, liabilities, residual balances or changes therein.

(5) **"Job Classification"** means a classification used to identify expenditures for salaries and employee benefits by employee's job.

(6) **"Object"** means the service or goods obtained.

(7) **"Operational Unit"** means a classification used to identify the accredited instructional site according to grade span or the non-accredited/non-instructional site at which personnel serve the entire district.

(8) **"Program"** means the plan of activities and procedures designed to accomplish a predetermined objective.

(9) **"Project Reporting"** means a reporting dimension which permits LEAs to accumulate expenditures to meet a variety of specialized management and reporting requirements, regardless of whether they are district, state, or federal. Expenditures and revenues may be accumulated under individual projects with the flexibility of accommodating additional projects that LEAs might wish to account for on a permanent or temporary basis.

(10) **"Source of Revenue"** means a segregation of revenues by source. The primary classification differentiates district, intermediate, State and Federal revenue sources. Revenues from restricted sources would be further classified using the Project/Reporting dimension.

(11) **"Subject"** means a group of related subjects which allows accumulation of costs in particular academic or curricular subject areas.

(b) **Source; interpretation.** The Oklahoma Cost Accounting System uses the account classification system developed by the National Center for Education Statistics in the handbook FINANCIAL ACCOUNTING FOR LOCAL AND STATE SCHOOL SYSTEMS, ~~1990~~2014 Edition. Specific account codes by name and number are published in the State Department of Education publication OKLAHOMA COST ACCOUNTING SYSTEM MANUAL. A current edition of this publication shall be available from the administrative head of the Finance Division and on the Financial Accounting website.

(c) **Dimension codes.** Dimension codes are divided into expenditures and revenues. Each is further subdivided into the following codes.

(1) Expenditure dimensions include:

- (A) Fiscal year
- (B) Fund
- (C) Project reporting
- (D) Function
- (E) Object

- (F) Program
 - (G) Subject
 - (H) Job classification
 - (I) Operational unit
- (2) Revenue dimensions include:
- (A) Fiscal year
 - (B) Fund
 - (C) Project reporting
 - (D) Source of revenue
 - (E) Program
 - (F) Operational unit

[OAR Docket #16-466; filed 6-14-16]

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

[OAR Docket #16-467]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 3. Standards for Elementary, Middle Level, Secondary, and Career and Technology Schools

Part 23. Standard XII: Deregulation, Waivers, and the School District Empowerment Program—Rules and Procedures

210:35-3-228. Required application criteria to be considered for requests for deregulations, waivers of statutory requirements, and participation in the School District Empowerment Program [AMENDED]

AUTHORITY:

70 O.S. § 3-104; 70 O.S. § 3-124 et seq.; 70 O.S. § 3-129.1 et seq.; State Board of Education

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:

January 25, 2016

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February 16, 2016 through March 17, 2016

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June 9, 2016

EFFECTIVE:

August 25, 2016

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

ANALYSIS:

The amendment to the rule governing statutory waivers and rule deregulations changes the maximum duration of a waiver or deregulation granted by the State Board of Education from one (1) year to three (3) years. The new timeframe aligns with the duration available for School District Empowerment Program requests, and is intended to reduce the administrative burden on school districts which currently must apply annually for each deregulation requested.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF AUGUST 25, 2016:

SUBCHAPTER 3. STANDARDS FOR ELEMENTARY, MIDDLE LEVEL, SECONDARY, AND CAREER AND TECHNOLOGY SCHOOLS

PART 23. STANDARD XII: DEREGULATION, WAIVERS, AND THE SCHOOL DISTRICT EMPOWERMENT PROGRAM—RULES AND PROCEDURES

210:35-3-228. Required application criteria to be considered for requests for deregulations, waivers of statutory requirements, and participation in the School District Empowerment Program

(a) **Applications.** The State Department of Education shall develop an application for use by school districts in seeking approval from the State Board of Education of requests for:

- (1) Waivers from a statutory requirement;
- (2) Deregulation from a State Department of Education regulation; or
- (3) Participation in the School District Empowerment Program, by obtaining a waiver from all statutory requirements and State Board of Education rules from which charter schools are exempt under the Oklahoma Charter Schools Act.

(b) **Criteria for applications for deregulation, waivers, or participation in the School District Empowerment Program.** The application submitted shall meet all of the following requirements:

- (1) **Alternate strategies.** The application shall clearly state the alternate strategy(ies) which the school district proposes to utilize and the needed resources to meet clearly stated objectives as a result of the proposed deregulation, waiver, or participation in the School District Empowerment Program. The specific objectives to be focused on as a result of deregulated status shall be clearly delineated.
- (2) **Student performance.** The application shall clearly specify and describe the expected student performance levels to be demonstrated and evaluated as a result

of the proposed deregulation, waiver, or participation in the School District Empowerment Program.

(3) **Standard(s) to be deregulated or statutes to be waived.** The application shall clearly identify/state the regulation(s) from which the school district is proposing to be deregulated or the statute(s) for which the school district seeks a waiver.

(4) **Financial impact.** The application shall clearly delineate the projected financial impact the proposed deregulation, waiver, or participation in the School District Empowerment Program would create.

(5) **Timeline(s).** The application shall clearly delineate the proposed timeline(s) which, if approved, will apply to the deregulation, waiver, or participation in the School District Empowerment Program. The proposed timeline for implementation shall include:

- (A) The date(s) the school district proposes to implement the deregulation, waiver, or participation in the School District Empowerment Program; and
- (B) The date(s) proposed to terminate the deregulation, waiver, or participation in the School District Empowerment Program, which shall be no longer than:

- (i) Waivers and deregulations: ~~One Three (13)~~ year~~years~~ from the date of implementation of a waiver or deregulation;
- (ii) School District Empowerment Program: Three (3) years from the date of implementation of the district's empowerment plan.

(6) **Local board approval.** The application shall contain the original signature of the school district superintendent and the president of the local board of education certifying that the local board of education has approved the application for deregulation, waiver, or participation in the School District Empowerment Program in accordance with the provisions in the bylaws, policies, and/or procedures of the school board governing transaction of business.

(c) **Applications for School District Empowerment Program.** In addition to the requirements set forth in (b) of this Section, all applications by the school district for participation in the School District Empowerment Program shall submit a comprehensive plan which identifies the goals sought to be achieved through deregulation and the anticipated educational and fiscal benefits, impacts, and outcomes for all schools in the district resulting from participation in the School District Empowerment Program. Applications for participation in the School District Empowerment Program shall be submitted and reviewed in accordance with the procedures set forth in 210:35-3-229.

[OAR Docket #16-467; filed 6-14-16]

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

[OAR Docket #16-468]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 7. Additional Standards for Middle Level Schools
Part 9. Standard V: The School Staff
210:35-7-41. Staffing: pupil/professional staff ratio [AMENDED]
Subchapter 9. Additional Standards for Secondary Schools
Part 9. Standard V: The School Staff
210:35-9-41. Staffing: pupil/professional staff ratio [AMENDED]

AUTHORITY:

70 O.S. § 3-104; 70 O.S. § 18-113.1 et seq.; State Board of Education

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:

November 30, 2015

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Approved by Governor's Declaration on June 9, 2016

FINAL ADOPTION:

June 9, 2016

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August 25, 2016

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

ANALYSIS:

The amendments to the pupil/professional staff ratio rules provide that a teacher and school district may agree in writing to waive the minimum weekly teacher planning time established by the rules, as long as the teacher is compensated with a stipend. School districts were previously required to request exceptions to the minimum weekly planning time through the deregulation process, which requires applying directly to the State Board of Education. Providing for the mutually agreed exception directly in the rules will reduce the administrative burden on school districts and the State Board, as well as the State Department of Education offices that process deregulation applications.

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF AUGUST 25, 2016:

SUBCHAPTER 7. ADDITIONAL STANDARDS FOR MIDDLE LEVEL SCHOOLS

PART 9. STANDARD V: THE SCHOOL STAFF

210:35-7-41. Staffing: pupil/professional staff ratio

(a) For the purpose of computing and paying state-appropriated funds, if a school district groups its grades as grades 1 through 5, grades 6 through 8, and grades 9 through 12, then as to such district the class size provisions for grades 7 through 9 in 70: ~~O.S. § 18-113.3 shall apply to grade 6. [Reference: 70:18-113.1 (D)]~~

(b) No teacher who is counted in class size computation for grades 6, 7, 8, and 9 shall be responsible for the instruction of more than one hundred forty (140) students on any ~~given~~ hourfull length school day. ~~[Reference: 70:18-113.3 (C)]~~

(c) Classes in Physical Education, Chorus, Band, Orchestra, and other similar music classes shall not be subject to the class size limitations. ~~[Reference: 70:18-113.1 (C)]~~

(d) To enhance the safety of students enrolled in industrial arts/technology education classes, other than drafting, consideration should be given to the facilities and only the number of students equal to the work stations shall be enrolled. No more than twenty-five (25) students shall be assigned to any class.

(e) A minimum of two hundred (200) minutes of scheduled time shall be provided each week for each classroom teacher for individual planning and/or preparation and consultation, unless otherwise voluntarily agreed in writing between the teacher and the school district, with a stipend being provided to any teacher who forgoes planning time.

SUBCHAPTER 9. ADDITIONAL STANDARDS FOR SECONDARY SCHOOLS

PART 9. STANDARD V: THE SCHOOL STAFF

210:35-9-41. Staffing: pupil/professional staff ratio

(a) No teacher who is counted in class size computation for grades 9, 10, 11, and 12 shall be responsible for the instruction of more than one hundred forty (140) students on any ~~given~~ hourfull length school day. ~~[70:18-113.3 (C)]~~

(b) Classes in Physical Education, Chorus, Band, Orchestra, and other similar music classes shall not be subject to the class size limitations. ~~[Reference: 70:18-113.1 (C)]~~

(c) To enhance the safety of students enrolled in industrial arts/technology education classes, other than drafting, consideration should be given to the facilities and only the number of students equal to the work stations shall be enrolled. No more than twenty-five (25) students shall be assigned to any class.

(d) A minimum of two hundred twenty-five (225) minutes of scheduled time shall be provided each week for each classroom teacher for individual planning and/or preparation and consultation during the instructional day, unless otherwise voluntarily agreed in writing between the teacher and the school district, with a stipend being provided to any teacher who forgoes planning time.

[OAR Docket #16-468; filed 6-14-16]

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

[OAR Docket #16-469]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 9. Additional Standards for Secondary Schools
Part 7. Standard IV: Curriculum, Instruction, Assessment and Climate
210:35-9-31. Program of studies and graduation requirements
[AMENDED]

AUTHORITY:

70 O.S. § 3-104; 70 O.S. § 11-103.6f; State Board of Education

**SUBMISSION OF PROPOSED RULES TO GOVERNOR AND
CABINET SECRETARY:**

August 25, 2015

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June 9, 2016

EFFECTIVE:

August 25, 2016

SUPERSEDED EMERGENCY ACTIONS:

Superseded rules:

Subchapter 9. Additional Standards for Secondary Schools
Part 7. Standard IV: Curriculum, Instruction, Assessment and Climate
210:35-9-31. Program of studies and graduation requirements
[AMENDED]

Gubernatorial approval:

September 14, 2015

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33 Ok Reg 66

Docket number:

15-806

INCORPORATIONS BY REFERENCE:

n/a

ANALYSIS:

House Bill 1330 (2015) directed the State Board of Education to adopt rules implementing a waiver of the Oklahoma History graduation requirement for children of military families by December 1, 2015. The amendment adds a provision to the graduation requirements rule that directs school district boards of education to waive the Oklahoma History requirement for children of military families who have already completed a similar history class in another state.

CONTACT PERSON:

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**PURSUANT TO THE ACTIONS DESCRIBED HEREIN,
THE FOLLOWING RULES ARE CONSIDERED
FINALLY ADOPTED AS SET FORTH IN 75 O.S.,
SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE
DATE OF AUGUST 25, 2016:**

**SUBCHAPTER 9. ADDITIONAL STANDARDS
FOR SECONDARY SCHOOLS**

**PART 7. STANDARD IV: CURRICULUM,
INSTRUCTION, ASSESSMENT AND CLIMATE**

**210:35-9-31. Program of studies and graduation
requirements**

(a) **General provisions.** Every student at every high school shall have the opportunity to acquire all the competencies to matriculate at a comprehensive graduate institution of the Oklahoma State System of Higher Education without the necessity of enrolling at the university in secondary-level courses. Each student will have the opportunity to attain proficiency in the Priority Academic Student Skills.

(b) **Definitions.** The following definitions shall apply to this subsection:

(1) **"Contextual methodology"** means academic content and skills taught by utilizing real-world problems and projects in a way that helps students understand the application of that knowledge.

(2) **"Courses approved for college admission requirements"** means courses which are approved by the Oklahoma State Regents for Higher Education for admission to an institution within the Oklahoma State System of Higher Education.

(3) **"Qualified agricultural courses"** means courses that have been determined by the State Board of Education to offer the sets of competencies set forth in the Oklahoma Academic Standards for one or more science content areas and which correspond to academic science courses and are taught by teacher who is certified and considered "highly qualified" to teach in the science course taught. Qualified agricultural education courses shall include, but are not limited to, Horticulture, Plant and Soil Science, Natural Resources and Environmental Science, and Animal Science.

(4) **"Rigor"** means a level of difficulty that is appropriate for the grade level and that meets state and/or national standards;

(5) **"Sets of competencies"** means instruction in those skills and competencies that are specified skills and competencies adopted by the State Board of Education without regard to specified instructional time;

(6) **"Unit"** means a Carnegie Unit which is given for the successful completion of a course that meets the equivalent of 120 clock hours within the school year.

(c) **Total minimum graduation requirements.** In order to graduate with a standard diploma from a public high school accredited by the State Board of Education, students shall complete twenty-three (23) units or sets of competencies in grades nine (9) through twelve (12), which shall include either:

(1) Seventeen (17) units or sets of competencies of the college preparatory/work ready curriculum requirements set forth in (d) of this Section, plus six (6) elective units or sets of competencies; or

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- (2) Fifteen (15) units or sets of competencies of the core curriculum requirements set forth in (e) of this Section, plus eight (8) elective units or sets of competencies.
- (d) **College preparatory/work ready curriculum requirements.** In order to graduate with a standard diploma from a public high school accredited by the State Board of Education, students shall complete the following college preparatory/work ready curriculum units or sets of competencies at the secondary level:
- (1) Four (4) units or sets of competencies of English to include:
 - (A) Grammar;
 - (B) Composition;
 - (C) Literature; or
 - (D) Any English course approved for college admission requirements;
 - (2) Three (3) units or sets of competencies of mathematics, limited to:
 - (A) Algebra I;
 - (B) Algebra II;
 - (C) Geometry;
 - (D) Trigonometry;
 - (E) Math Analysis;
 - (F) Calculus;
 - (G) Advanced Placement Statistics; or
 - (H) Any mathematics course with content and/or rigor above Algebra I and approved for college admission requirements;
 - (3) Three (3) units or sets of competencies of laboratory science, limited to:
 - (A) Biology;
 - (B) Chemistry;
 - (C) Physics; or
 - (D) Any laboratory science course with content and/or rigor equal to or above Biology and approved for college admission requirements;
 - (4) Three (3) units or sets of competencies of history and citizenship skills, including:
 - (A) One (1) unit of American History;
 - (B) One-half (1/2) unit of Oklahoma History;
 - (C) One-half (1/2) unit of United State Government; and
 - (D) One (1) unit of a course that has been approved for college admission requirements in one of the following subjects:
 - (i) History;
 - (ii) Government;
 - (iii) Geography;
 - (iv) Economics;
 - (v) Civics; or
 - (vi) Non-Western culture;
 - (5) Two (2) units or sets of competencies in one (1) of the following:
 - (A) Two (2) units of the same foreign, Native American, or non-English language; or
 - (B) Two (2) units of computer technology approved for college admission requirements, whether taught at a high school or a technology center school, including:
 - (i) Computer programming;
 - (ii) Computer hardware;
 - (iii) Business computer applications (excluding keyboarding or typing courses) such as:
 - (I) Word processing;
 - (II) Databases;
 - (III) Spreadsheets;
 - (IV) Graphics;
 - (6) One (1) additional unit or set of competencies selected from:
 - (A) The categories of units or sets of competencies set forth in (1) through (5) of this subsection; or
 - (B) Career and technology courses approved for college admission requirements;
 - (7) One (1) unit or set of competencies of
 - (A) Fine arts such as music, art, or drama; or
 - (B) Speech.
- (e) **Core curriculum requirements in lieu of college/work ready curriculum requirements.** Upon written approval of the parent or legal guardian of a student, a student may enroll in the core curriculum requirements in lieu of the college/work ready curriculum requirements set forth in (d) of this Section. The fifteen (15) units of credit required for high school graduation with a standard diploma in accordance with the provisions of this subsection are:
- ~~(A1)~~ Language Arts: Four (4) units or sets of competencies, to consist of:
 - ~~(iA)~~ One (1) unit or set of competencies of grammar and composition; and
 - ~~(iiB)~~ Three (3) units or sets of competencies which may include, but are not limited to, the following courses:
 - ~~(i)~~ American Literature;
 - ~~(ii)~~ English Literature;
 - ~~(iii)~~ World Literature; or
 - ~~(iv)~~ Advanced English Courses or
 - ~~(v)~~ Any other English courses with content and/or rigor equal to or above grammar and composition;
 - ~~(B2)~~ Mathematics: Three (3) units or sets of competencies, to consist of:
 - ~~(iA)~~ One (1) unit or set of competencies of Algebra I or Algebra I taught in a contextual methodology; and
 - ~~(iiB)~~ Two (2) units or sets of competencies which may include, but are not limited to, the following courses:
 - ~~(i)~~ Algebra II;
 - ~~(ii)~~ Geometry or Geometry taught in a contextual methodology;
 - ~~(iii)~~ Trigonometry;
 - ~~(iv)~~ Math Analysis or Precalculus;
 - ~~(v)~~ Calculus;
 - ~~(vi)~~ Statistics and/or Probability;
 - ~~(vii)~~ Computer Science, if taught by a teacher who is certified to teach mathematics;

- ~~(VIIIviii)~~ Other contextual mathematics courses which enhance technology preparation taught at a comprehensive high school;
 - ~~(IXix)~~ Other contextual mathematics courses which enhance technology preparation taught at a technology center school by a teacher certified in the secondary subject area, when taken in the eleventh (11th) or twelfth (12th) grade, and approved by the State Board of Education and the independent district board of education; or
 - ~~(Xx)~~ Any other mathematics courses with content and/or rigor equal to or above Algebra I.
- ~~(C3)~~ Science: Three (3) units or sets of competencies, to consist of;
- ~~(iA)~~ One (1) unit or set of competencies of Biology I or Biology I taught in a contextual methodology; and
 - ~~(iiB)~~ Two (2) units or sets of competencies in the areas of life, physical, or earth science or technology which may include, but are not limited to, the following courses:
 - ~~(i)~~ Chemistry I;
 - ~~(ii)~~ Physics;
 - ~~(iii)~~ Biology II;
 - ~~(iv)~~ Chemistry II;
 - ~~(v)~~ Physical Science;
 - ~~(vi)~~ Earth Science;
 - ~~(vii)~~ Botany;
 - ~~(viii)~~ Zoology;
 - ~~(ix)~~ Physiology;
 - ~~(x)~~ Astronomy;
 - ~~(xi)~~ Applied Biology/Chemistry;
 - ~~(xii)~~ Applied Physics;
 - ~~(xiii)~~ Principles of Technology;
 - ~~(xiv)~~ Qualified agricultural education courses; or
 - ~~(xv)~~ Other contextual science courses which enhance technology preparation taught at a comprehensive high school;
 - ~~(xvi)~~ Other contextual science courses which enhance technology preparation taught at a technology center school when taken in the eleventh (11th) or twelfth (12th) grade, taught by a certified teacher, and approved by the State Board of Education and the independent district board of education;
 - ~~(xvii)~~ Other science courses with content and/or rigor equal to or above Biology I.
- ~~(D4)~~ Social Studies: Three (3) units or sets of competencies, to consist of:
- ~~(iA)~~ One (1) unit or set of competencies of United States History;
 - ~~(iiB)~~ One-half (1/2) to one (1) unit or set of competencies of United States Government;
 - ~~(iiiC)~~ One-half (1/2) unit or set of competencies of Oklahoma History; and
 - ~~(ivD)~~ One-half (1/2) to one (1) unit or set of competencies which may include, but are not limited to, the following courses:
 - ~~(i)~~ World History;
 - ~~(ii)~~ Geography;
 - ~~(iii)~~ Economics;
 - ~~(iv)~~ Anthropology; or
 - ~~(v)~~ Other social studies courses with content and/or rigor equal to or above United States History, United States Government, and Oklahoma History; and
- ~~(E5)~~ Arts: Two (2) units or sets of competencies which may include, but are not limited to, courses in Visual Arts and General Music.
- (f) **Other curriculum requirements.** In addition to the curriculum requirements set forth in (c) through (e) of this subsection, each secondary school shall ensure that the following curriculum requirements are met:
- (1) **Personal Financial Literacy Passport.** Beginning with the seventh grade, students shall fulfill the requirements for a Personal Financial Literacy Passport in order to graduate with a standard diploma from a public high school accredited by the State Board of Education.
 - (A) The requirements for a Personal Financial Literacy Passport shall be the satisfactory completion and demonstration of satisfactory knowledge in all fourteen (14) areas of instruction during grades seven (7) through twelve (12). The fourteen (14) areas of instruction are:
 - (i) Understanding interest, credit card debt, and online commerce;
 - (ii) Rights and responsibilities of renting or buying a home;
 - (iii) Savings and investing;
 - (iv) Planning for retirement;
 - (v) Bankruptcy;
 - (vi) Banking and financial services;
 - (vii) Balancing a checkbook;
 - (viii) Understanding loans and borrowing money, including predatory lending and payday loans;
 - (ix) Understanding insurance;
 - (x) Identity fraud and theft;
 - (xi) Charitable giving;
 - (xii) Understanding the financial impact and consequences of gambling;
 - (xiii) Earning an income; and
 - (xiv) Understanding state and federal taxes.
 - (B) Instruction in these fourteen areas must align and meet the Personal Financial Literacy academic standards as adopted by the Oklahoma State Board of Education.
 - (C) School districts shall have the option of determining when each of the fourteen (14) areas of instruction listed above shall be presented to students in grades seven (7) through twelve (12). Options include:
 - (i) Integration into one or more existing courses of study;
 - (ii) A separate Personal Financial Literacy course; and/or

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- (iii) Use of State Department of Education Personal Financial Literacy online modules of learning.
- (D) The Oklahoma State Department of Education online modules of learning and the assessments shall be available to all students as determined by the local school district.
- (E) In order to facilitate the monitoring of student progress towards achieving the Personal Financial Literacy Passport, districts shall maintain a Personal Financial Literacy Passport cumulative record. The Personal Financial Literacy Passport cumulative record shall be a uniform document used by all school districts within the state. The State Department of Education shall provide an electronic version of the Personal Financial Literacy Passport cumulative record to the districts. Completion of the fourteen (14) areas of instruction of Personal Financial Literacy shall be documented on the student's high school transcript. The Personal Financial Literacy Passport cumulative record shall accompany the student when transferring to a new district.
- (F) Elementary districts, PK-8, may enter into a vertical articulated curriculum agreement with an independent district, PK-12, for facilitating and sharing of the personal financial literacy curriculum and instruction.
- (G) Teachers providing instruction in personal financial literacy shall be certified in accordance with the provisions of the Passport to Financial Literacy Act at 70 O.S. § 11-103.6h.
- (H) School districts shall assess the knowledge of all students who transfer into an Oklahoma school district from out of state after the seventh grade.
- (i) If the school district determines that the transferred student has successfully completed instruction in any or all of the areas of personal financial literacy instruction at the previous school in which the student was enrolled, or if the student demonstrates satisfactory knowledge of any or all of the areas of personal financial literacy instruction through an assessment approved by the State Department of Education, the school district may exempt the student from completing instruction in that area of personal financial literacy instruction.
- (ii) Students who transfer into an Oklahoma school district from out of state after the junior year of high school may be granted an exception from the requirements of the personal financial literacy passport in accordance with the provisions of 70 O.S. 11-103.6.
- (2) **Recommended curriculum.** School districts shall strongly encourage students to complete two units or sets of competencies of foreign languages and two units or sets of competencies of physical and health education.
- (3) **Credit toward graduation requirements.** Credits for meeting curriculum requirements toward graduation shall be determined in accordance with all of the following provisions:
- (A) No student shall receive credit for high school graduation more than once for completion of the same unit or set of competencies to satisfy the core curriculum requirements.
- (B) Credit for all units or sets of competencies required in (d) and (e) of this Section shall be given when such units or sets of competencies are taken prior to ninth (9th) grade if:
- (i) The teachers are certified or authorized to teach the subjects for high school credit; and
- (ii) The required rigor of the course is maintained.
- (C) Notwithstanding the provisions of (3)(B) of this subsection, the three units or sets of competencies in mathematics required in (d) or (e) of this Section shall be completed in the ninth (9th) through twelfth (12th) grades. If a student completes any required courses or sets of competencies in mathematics prior to ninth grade, the student may take any other mathematics courses or sets of competencies to fulfill the requirement to complete three (3) units or sets of competencies in grades nine (9) through twelve (12) after the student has satisfied the requirements of subsection (d) or (e) of this Section.
- (D) Successful completion of an alternative assessment set forth in 210:10-13-16(b)(7)-(8) shall not constitute a basis for awarding a student credit for any course in which a student has failed the end-of-instruction exam and failed to attend in accordance with local district attendance policies.
- (4) **Achieving Classroom Excellence Act.** The curriculum requirements for graduation set forth in (c) through (f) of this Section and 70 O.S. § 11-103.6 are in addition to and separate from the requirements of the Achieving Classroom Excellence Act set forth at 70 O.S. § 1210.523 and the accompanying regulation at 210:10-13-16. Students must fulfill the applicable requirements (or, in some cases, qualify for applicable exceptions or exemptions) of both statutes to be eligible to be awarded a standard diploma.
- (g) **Additional accreditation requirements.** In addition to the curriculum requirements set forth in (c) through (f) of this Section, all public school districts shall ensure that its schools' secondary programs are designed to meet all of the following requirements:
- (1) As a condition of receiving accreditation from the State Board of Education, all school districts shall require all students in grades nine (9) through twelve (12) to enroll in a minimum of six periods, or the equivalent in block scheduling or other scheduling structure that allows for instruction in sets of competencies, of rigorous academic and/or rigorous vocational courses each day, which may include arts, vocal and instrumental music, speech classes, and physical education classes. However, students re-enrolled in high school solely for the purpose of receiving

ACE remediation in accordance with the provisions of 210:10-13-16(g) shall be exempt from this requirement.

(2) Each high school's academic program shall be designed to prepare all students for employment and/or post-secondary education. The secondary academic program shall be designed to provide the teaching and learning of the skills and knowledge in the Priority Academic Student Skills. All high schools accredited by the State Department of Education shall offer the college preparatory/work ready curriculum required for the students to earn a standard diploma during grades nine (9) through twelve (12). To meet graduation requirements, local options may include courses taken by advanced placement, concurrent enrollment, correspondence courses, supplemental online courses, or courses bearing different titles.

(3) The secondary academic programs may also provide the traditional units of credit to be offered in grades nine (9) through twelve (12) with each secondary school offering and teaching at least thirty-eight (38) units or their equivalent each school year. Four (4) of these units may be offered on a two-year alternating plan with thirty-four (34) units or their equivalent to be taught in the current school year. In schools with other than a four-year organization, these units shall be offered and taught in conjunction with the affiliated schools containing those grade levels. Career and technology center courses in which secondary students are enrolled may count toward the thirty-eight (38) required units of credit or their equivalent.

(4) District boards of education can make exceptions to state high school graduation curriculum requirements for students who move to this state from another state after their junior year of high school.

(A) After a student from another state enrolls in an accredited Oklahoma high school the school board can make an exception to the high school graduation curriculum requirements of 70 O.S. §11-103.63. Individual exceptions can only be made when there are differing graduation requirements between the two states and completing Oklahoma graduation requirements will extend the student's date of graduation beyond the graduation date for the student's class.

(B) The district must report all exceptions made to state graduation requirements for these senior students to the State Department of Education each school year. All exceptions made at each district high school will be forwarded to the State Department of Education on or before July 1 of each year. Districts may report the information on the Annual Statistical Report. This reporting provision does not include students who have individualized education programs pursuant to the Individuals with Disabilities Education Act (IDEA) and who satisfy graduation requirements through the individualized education program.

(5) District boards of education shall waive the Oklahoma History graduation requirement for children of military families who transition with the military from another state and who have satisfactorily completed a similar state history class in another state. "Children of military families", as defined in 70 O.S. § 510.1, means "a school-aged child(ren), enrolled in Kindergarten through Twelfth grade, in the household of an active duty member".

(56) In order for a course offered by a supplemental educational organization to be counted for purposes of student academic credit and towards graduation requirements, the local board of education must verify that the course meets all requirements in 70 O.S. § 11-103.6.) Upon verification, the local school board of education's request for course approval shall be submitted to the State Board of Education for final approval.

[OAR Docket #16-469; filed 6-14-16]

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 40. GRANTS AND PROGRAMS-IN-AID**

[OAR Docket #16-470]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 75. Parent Education Programs

210:40-75-2. Definitions [AMENDED]

210:40-75-4. ~~Program requirements~~Requirements for the Oklahoma Parents as Teachers Programprogram of parent education [AMENDED]

210:40-75-6. Funding [AMENDED]

210:40-75-7. Solicitation, acceptance, and evaluation of district applications for state-funded Oklahoma Parents as Teachers (OPAT) Grantsgrants for programs of parent education [AMENDED]

AUTHORITY:

70 O.S. § 3-104; 70 O.S. § 3-162; 70 O.S. § 10-105.3; State Board of Education

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:

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n/a

INCORPORATIONS BY REFERENCE:

n/a

Permanent Final Adoptions

ANALYSIS:

Senate Bill 285 (2015) changed the name of the program formerly known as the Oklahoma Parents as Teachers (OPAT) program, and shifted program authority from the State Board of Education to the State Department of Education. The amendments to Subchapter 75 implement changes to the name of the program, and are updated to note that program authority rests with the State Department of Education.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF AUGUST 25, 2016:

SUBCHAPTER 75. PARENT EDUCATION PROGRAMS

210:40-75-2. Definitions

The following words and terms, when used in the Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Community Advisory Committee" means a local school district committee whose membership includes interested citizens representing a variety of community organizations.

"Consortium" means one or more school districts joined together to total a minimum of 500 students.

"Internal Coordinating Committee" means a committee comprised of local school district personnel whose membership shares with the parent education program administrator the ongoing responsibility for successful implementation of the program.

"~~Parent Coordinator~~" "Family Support Provider" means a person who has completed training ~~and certification approved by the Oklahoma State Department of Education through the National Parents As Teachers Center.~~ The ~~coordinator~~ Family Support Provider plans and implements the ~~Oklahoma Parents As Teachers~~ program of parent education in accordance with the guidelines and the rules and regulations of the Oklahoma State Department of Education. In some situations the ~~coordinator~~ Family Support Provider may serve as a part-time parent educator.

"Parent Education Program Administrator" means a person employed by the local school district who is designated as responsible for the implementation of the program.

"Parent Educator" means a person employed through the local school district who has completed training ~~and certification~~ approved by the Oklahoma State Department of Education.

210:40-75-4. ~~Program requirements~~ **Requirements for the Oklahoma Parents As Teachers Program program of parent education**

(a) Programs funded by the State Department of Education with funds provided in support of the parent education program legislation (~~HB 1017, Section 35A and B~~ 70 O.S. § 10-105.3), must meet the following basic program requirements. The ~~Oklahoma Parents As Teachers Program~~ program of parent education must:

- (1) Be voluntary and free to parents.
- (2) Employ as parent educator(s), persons who have earned a minimum of sixty hours of college credit and completed training ~~and certification~~ approved by the Oklahoma State Department of Education. ~~It is recommended that each part time parent educator serve a maximum of 30-35 children.~~
- (3) Employ a ~~coordinator~~ Family Support Provider who has a minimum of a bachelor's degree in early childhood development or related field and has completed training ~~and certification~~ approved by the State Department of Education, if more than one parent educator is required. In some situations, the ~~coordinator~~ Family Support Provider may serve as a part-time parent educator.
- (4) Implement the curriculum approved by the State Department of Education.
- (5) Be conducted a minimum of 10 months of the year.
- (6) Include ten personalized contacts per year with each parent/family group involved in the program, including:
 - (A) monthly home visits to each parent/family group involved in the program, and scheduled at the convenience of the parent/family group (during evening hours or on Saturday, if necessary); and
 - (B) ~~monthly parent group meetings~~ Family Support Meetings.
- (7) Include an internal coordinating committee and a community advisory committee.
- (8) Provide evidence of coordination of services with other community programs with similar purposes.
- (9) Be open to all parents in the community, with a demonstrated effort to balance participation among various groups through active encouragement of the involvement of first time parents, teen parents, and high challenge families.
- (10) Conduct child developmental screening, including but not limited to, vision, hearing, the understanding and use of language, motor development and eye-hand coordination, and health and physical development, use forms designated by the State Department of Education.
- (11) Serve parents with children from birth to age 3 (0-36 months).
- (12) Provide reports and program information as determined necessary by the State Department of Education.
- (13) Designate a room, or space in an existing room, for parenting and child growth and development materials for use by parents and children participating in the program.
- (14) Be operated by the district or the district may contract with private, nonprofit corporations or associations

or with any public or private agency or institution (i.e., Head Start).

(b) School district must have an enrollment of at least 500 students or form a consortium with other districts to total a minimum of 500 students for the development and operation of ~~an OPAT~~ a program of parent education.

210:40-75-6. Funding

(a) In order to receive state funds for the development and operation of ~~an Oklahoma Parents As Teachers~~ a program of parent education or a Parent Education Training Program, a local board of education shall submit to the State Department of Education an application and description of the program.

(b) The application and description shall be prepared in such form and manner as the State ~~Board~~ Department of Education shall require and shall be submitted at a time determined and specified by State ~~Board~~ Department of Education.

(c) In the application for state funds the applicant must assure that he/she is aware that this grant is to be spent between July 1 and June 30 of the current fiscal year.

210:40-75-7. Solicitation, acceptance, and evaluation of district applications for state-funded Oklahoma Parents as Teachers (OPAT) Grants for programs of parent education

(a) **Purpose;** ~~OPAT—Grants to serve eligible school districts. OPAT grants~~ Grants for programs of parent education shall be awarded to local school districts or consortia for programs serving school districts approved by the State ~~Board~~ Department of Education.

(b) The State Department of Education shall notify all school districts of the eligibility and availability of ~~OPAT~~ grant funds for programs of parent education and of the deadline for submitting grant applications.

(c) ~~OPAT—programs~~ Programs shall address the following: composition of the ~~OPAT—~~ advisory committee, assessment of needs, community(ies) to be served, goals and objectives, proposed activities and implementation plan, and proposed budget.

(d) ~~OPAT—grant~~ Grant applications shall be reviewed by a committee and approved by the State ~~Board~~ Department of Education.

(e) ~~OPAT—grant~~ Grant recipients shall identify a program administrator or ~~coordinator~~ Family Support Provider, and shall maintain financial records according to the Oklahoma Cost Accounting System (OCAS).

(f) Each funded school district shall agree to abide by the guidelines, rules, and regulations of the Oklahoma State Department of Education (OSDE) in implementing the ~~OPAT~~ grant program, and shall provide program and budget reports as required by the OSDE.

(g) The amount of funding available for each school district will be determined based on the annual appropriation and the following categories:

- (1) Districts/Consortia with ADM of 30,000 or more students;

- (2) Districts/Consortia with ADM of 18,000 or more students;
- (3) Districts/Consortia with ADM of 3,000 or more students
- (4) Districts/Consortia with ADM of 1,000 or more students;
- (5) Districts/Consortia with ADM of 500 or more students.

[OAR Docket #16-470; filed 6-14-16]

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 40. GRANTS AND PROGRAMS-IN-AID**

[OAR Docket #16-471]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 87. Rules for Payments to Charter Schools

210:40-87-5. Charter school application [AMENDED]

210:40-87-7. Charter school contracts [NEW]

210:40-87-8. Appeals for sponsorship to the State Board of Education [NEW]

210:40-87-9. Applications for renewal of charter school contracts [NEW]

AUTHORITY:

70 O.S. § 3-104; 70 O.S. § 3-130 et seq.; State Board of Education

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n/a

INCORPORATIONS BY REFERENCE:

n/a

ANALYSIS:

Updates to the charter school rules were required due to extensive statutory changes. Senate Bill 782 (2015) made several changes to the Oklahoma Charter Schools Act, including adding authorized sponsors and laying out detailed application and contract requirements. The charter school rule update adds guidance on the new provisions of the Oklahoma Charter Schools Act, and establishes a procedure for submitting a sponsorship appeal to the State Board of Education if a school district has denied a proposed charter school's application for sponsorship. The update also adds guidelines for renewing an existing charter school contract.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED

Permanent Final Adoptions

FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF AUGUST 25, 2016:

SUBCHAPTER 87. RULES FOR PAYMENTS TO CHARTER SCHOOLS

210:40-87-5. Charter school application

(a) **Training.** Prior to submission of any additional applications to a proposed sponsor to establish a charter school, the prospective charter school applicant shall complete training as provided by the State Department of Education. The training shall include but not be limited to the following:

- (1) Process and requirements for establishing a charter school
- (2) Relevant Rules and Statutes pertaining to Charter Schools
- (3) Child Nutrition/Free and Reduced Lunch
- (4) Audits/State Aid/OCAS Reporting
- (5) School Personnel/Transportation
- (6) Curriculum/Gifted and Talented/Student Assessment
- (7) The WAVE Requirements
- (8) Open Meeting/Open Records/Ethics
- (9) Special Education

(b) **Establishment of a new charter school.** A new charter school will be considered established when a charter school application complies with 70 O.S. § 3-134 and is approved by the governing board of a sponsoring entity set forth in 70 O.S. § 3-132, or by the State Board of Education following a successful appeal under the procedure established pursuant to state law.

(c) **Processing the receipt of approved charter school applications.** All charter schools established pursuant to 70 O.S. Supp 2007 § 3-132(3)(4) must file charter documents with the State Department of Education, Office of Accreditation Legal Services Section. The following documents must be filed:

- (1) ~~a~~ A copy of the sponsor's board minutes approving the charter school application; and
- (2) ~~a~~ A copy of the completed charter school application;
- (3) A copy of the approved contract for the new charter school; and
- (4) A letter addressed to the Office of Accreditation that includes the following:
 - (A) A request for the school to be assigned a county code, district code, and site code;
 - (B) The physical and mailing addresses of the charter school;
 - (C) Contact information for the school administrator or a designee;
 - (D) Grades served; and
 - (E) The month and year the charter school will begin operation.

~~(d) **Determining the number of new charter schools.** Determinations regarding the statutory maximum number of new charter schools established annually shall be made by~~

~~the Oklahoma State Department of Education based upon the order of receipt of the documents referenced in section e of this rule. Funding for a new charter school shall not be allocated if the establishment of a new charter school exceeds the statutory limit referenced in 70 O.S. § 3-142.~~

~~(d) **Application requirements.** An applicant seeking to establish a charter school shall submit a written application to the proposed sponsor. The application must include all statutorily required items listed in 70 O.S. § 3-134(B).~~

~~(e) **School district sponsors.** A school district may sponsor a charter school located within the geographic boundaries of the sponsoring district, subject to the virtual education restrictions of 70 O.S. § 3-145.6. Pursuant to 70 O.S. § 3-132(A)(8), an applicant that has been denied a charter by the local school district in which it seeks to operate shall be eligible to appeal to the State Board of Education under the provisions of 210:40-87-8.~~

~~(f) **Other sponsors.** A non-school-district sponsor shall give priority to applicants that have demonstrated a record of operating at least one school or similar program that demonstrates academic success and organizational viability and serves student populations similar to those the proposed charter school seeks to serve. In making this assessment, a sponsor must consider the statutory factors listed in 70 O.S. § 3-132(C).~~

~~(g) **Arbitration available if non-school-district sponsor denies application.** If a non-school-district sponsor rejects an application which has been revised and re-submitted pursuant to 70 O.S. § 3-134(E), the applicant may proceed to binding arbitration under the commercial rules of the American Arbitration Association. The costs of arbitration will be borne by the proposed sponsor. Arbitration is not available to applicants for charter schools proposed to be sponsored by school district boards of education, which may appeal to the State Board under the provisions of 210:40-87-8 if the proposed district sponsor rejects an application which has been revised pursuant to 70 O.S. § 3-134(E).~~

210:40-87-7. Charter school contracts

(a) **Contract requirement.** The sponsor of a charter school must enter into a written contract with the governing body of the charter school. The initial contract for sponsorship shall be for a period of five (5) years. The contract must meet all statutory requirements listed in 70 O.S. § 3-135(A). A charter contract may provide for one or more schools by the same applicant, to the extent approved by the sponsor and consistent with applicable law. An applicant or the governing board of an applicant may hold one or more charter contracts. Each charter school that is part of a charter contract shall be separate and distinct from any other charter school under the same charter contract, and the sponsor shall evaluate each charter school's performance separately.

(b) **Written procedure for consideration, approval, and disapproval.** Sponsors shall establish a written procedure and criteria for accepting, approving, and disapproving charter school applications in accordance with 70 O.S. § 3-134(E). A copy of this procedure and criteria shall be made available on

request to charter school applicants, potential applicants, and members of the public.

(c) **Performance provisions.** Each charter contract shall contain performance provisions based on a performance framework that sets forth the academic and operational performance indicators, measures, and metrics that will guide the sponsor's evaluations of the charter school. The sponsor shall not request any metric or data from a charter school that it does not produce or publish for all school sites in the district or under its sponsorship, unless the metric or data is unique to the charter school. To avoid duplication of administrative efforts, the sponsor shall require that data submitted under the performance provisions must be submitted by the charter school in the exact format required for submission of data to the Oklahoma State Department of Education (OSDE). Alternately, a sponsor may allow a charter school to provide permission to OSDE to share data required by the performance framework with the sponsor of the school. The performance framework must include measures that indicate, at a minimum:

- (1) Student academic proficiency;
- (2) Student academic growth;
- (3) Achievement gaps in both proficiency and growth among major student subgroups;
- (4) Student attendance;
- (5) Recurrent enrollment from year to year as determined by the methodology used for public schools in Oklahoma;
- (6) In the case of high schools, graduation rates as determined by the methodology used for public schools in Oklahoma;
- (7) In the case of high schools, postsecondary readiness;
- (8) Financial performance and sustainability; and
- (9) Governing board performance and stewardship, including compliance with all applicable laws, regulations, and terms of the charter contract.

(d) **Copies of all modified contracts to be sent to State Department of Education.** A charter school must provide the OSDE Office of Accreditation with a copy of any modified contract within thirty (30) calendar days of execution. The requirement to send a copy of any modified charter contract to the OSDE Office of Accreditation applies to any change in terms, not only to changes that could potentially affect state funding.

210:40-87-8. Appeals for sponsorship to the State Board of Education

(a) **Circumstances permitting appeal.** When an applicant has been denied a charter by the local school district in which it seeks to operate following submission of a revised application, the applicant may apply to the State Board of Education for sponsorship, subject to the limitations on number of State Board sponsored charter schools under 70 O.S. § 3-132(A)(8).

(b) **Submission of an appeal to the State Board.** A charter school applicant that has been denied a charter by a school district and wishes to appeal to the State Board for sponsorship must submit a request in writing to the Executive Secretary of the Board within thirty (30) days of the denial. In considering

whether the conditions for State Board sponsorship have been met, the Board will not conduct a de novo consideration of the application, but will review the record on appeal. The written request submitted by the applicant must therefore include, at a minimum:

- (1) The original charter application, the revised application submitted pursuant to 70 O.S. § 3-134(E), and all supporting documentation submitted by the applicant to the sponsor; and
- (2) The written record of the local board of education's decision.

(c) **Timeframe for hearing appeal.** The State Board of Education shall hear the appeal no later than sixty (60) calendar days from the date received by the Executive Secretary. Appeals may be considered at any regular or special meeting of the Board.

(d) **Determination of the number of new charter schools sponsored by the State Board.** The county code assigned to the school district by the Oklahoma State Department of Education (OSDE) Office of Accreditation shall be the basis for determining whether the district is located in a county with a population of fewer than five hundred thousand (500,000). The State Board is authorized to sponsor no more than five (5) charter schools per year in counties with a population of fewer than five hundred thousand (500,000), with no more than one (1) new charter school sponsored in a single school district per year. Requests for appeal that meet the requirements in subsection (b) shall be scheduled for hearing in the order in which they are received by the Executive Secretary of the State Board. There is no annual limitation on the number of charter schools the State Board is authorized to sponsor in counties with a population greater than five hundred thousand (500,000).

(e) **Conditions required for State Board sponsorship.** In order to authorize a charter school that has been denied a charter by the local district, the State Board must find evidence of the following:

- (1) A thorough and high-quality charter school application from the applicant, based on the authorizing standards in 70 O.S. § 3-134(B);
- (2) A clear demonstration of community support for the charter school; and
- (3) The grounds and basis of objection by the school district for denying the operation of the charter are not supported by the greater weight of evidence and the strength of the application.

210:40-87-9. Applications for renewal of charter school contracts

(a) **General requirements.** All applications for renewal of a charter contract must meet the requirements of 70 O.S. § 3-137. Every charter contract renewed after August 20, 2015, must incorporate the requirements of 70 O.S. § 3-135 as amended by Senate Bill 782 (2015), even if the original contract was entered prior to August 20, 2015. Prior to the beginning of the next-to-last year of operation of a charter school under its existing contract, the sponsor shall issue a charter school performance report and renewal application guidance to the school and the charter school board. Prior to

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the beginning of the last year of operation under its existing contract, the charter school may apply for renewal of the contract with the sponsor.

(b) Duration of renewed charter contract. A charter contract may be renewed for successive five (5) year terms of duration. The sponsor may also vary the renewal term to a period other than five (5) years based on the performance, demonstrated capacities, and particular circumstances of each charter school. If the sponsor determines that a duration other than five (5) years is appropriate for a renewal contract, the renewal contract shall state the reason(s) for the varied term.

(c) Renewal with conditions. A sponsor may grant renewal with specific conditions for necessary improvements to a charter school. If a sponsor grants a renewal under which specific conditions must be met, the conditions shall be explicitly stated in the renewal contract.

(d) Performance report requirements. A charter school shall have forty-five (45) calendar days to respond to the performance report and submit any corrections or clarifications to the sponsor. The charter school performance report issued by the sponsor prior to the next-to-last year of operation shall provide to the charter school:

(1) A summary of the performance record of the charter school to date, based on the data required by the Oklahoma Charter Schools Act and the charter contract, and taking into consideration the percentage of at-risk students enrolled in the school; and

(2) Notice of any weaknesses or concerns perceived by the sponsor that may jeopardize the charter school's position in seeking renewal if not timely rectified.

(e) Renewal application guidance requirements. The renewal application guidance issued by the sponsor to the charter school prior to the next-to-last year of operation shall include or explicitly refer to the criteria that will guide the renewal decisions of the sponsor, which shall be based on the performance framework set forth in the charter contract and consistent with the Oklahoma Charter Schools Act. The renewal application guidance shall, at a minimum, provide an opportunity for the charter school to:

(1) Present additional evidence, beyond the data contained in the performance report, supporting its case for charter renewal;

(2) Describe improvements undertaken or planned for the school; and

(3) Detail the plan for the next charter term for the school.

(f) Guidelines for renewal decisions. A sponsor which does not intend to renew a charter contract must give written notice of its intent to deny a request for renewal at least eight (8) months prior to the expiration of the contract. In making renewal decisions, a sponsor shall:

(1) Ground decisions on evidence of the school's performance over the term of the charter contract, evaluated in accordance with the performance framework set forth in the contract, and taking into consideration the school's percentage of at-risk students;

(2) Grant renewal to schools that have achieved the standards and performance expectations set forth in the

contract, are organizationally and fiscally viable, and have been faithful to the terms of the contract and all applicable laws and administrative rules;

(3) Ensure that data used in making renewal decisions are available to the school and the public; and

(4) Provide a public report summarizing the evidence used as the basis for the decision.

(g) Binding arbitration upon request of charter school denied renewal. If a sponsor other than a school district has denied a charter school's request for renewal, the school may request that the governing board of the sponsor proceed to binding arbitration as provided for in 70 O.S. § 3-134(G). If a school district sponsor has denied a charter school's request for renewal, the school may appeal to the State Board of Education under the procedure set forth in 210:40-87-8.

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TITLE 218. OFFICE OF EDUCATIONAL QUALITY AND ACCOUNTABILITY CHAPTER 10. EDUCATIONAL QUALITY

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Subchapter 5. Educator Preparation Program Accreditation

218:10-5-1 [AMENDED]

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Subchapter 7. Educator Assessment

218:10-7-1 [AMENDED]

Appendix A. Competency Exam Requirements by Certification Areas [REVOKED]

Appendix A. Competency Exam Requirements by Certification Areas [NEW]

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Adopted rules align the educator preparation program accreditation processes with those of the Council for Accreditation of Educator Preparation and reflect changes in assessment requirements for out-of-state certified educators.