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

MEMORANDUM

TO: The Honorable Members of the State Board of Education
FROM: Joy Hofmeister
DATE: November 15, 2016
SUBJECT: Administrative Rule Promulgation

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

- (1) Title 210. State Department of Education
Chapter 15. Curriculum and instruction
Subchapter 11. Early Childhood Education Programs
**210:15-11-2. Rules and regulations for early childhood education programs
[AMENDED]**

House Bill 2404 (2016) directs the State Board of Education to promulgate a rule creating exemptions to the maximum age at which a child may attend an early childhood (pre-kindergarten or "pre-k") program. The proposed rule provides that school districts are authorized to adopt policies providing for exemptions to the maximum age limit for enrollment in the district's early childhood programs. Under the proposed rule, school districts are encouraged to consider exemption guidelines which take into consideration that young children may differ in developmental age due to factors including, but not limited to, premature birth and illness or injury during childhood.

- (2) Title 210. State Department of Education
Chapter 15. Curriculum and Instruction
Subchapter 39. Student Apprenticeship, Internship, and Mentorship Programs
[NEW]
**210:15-39-1. Student apprenticeship, internship, and mentorship programs
[NEW]**

The Apprenticeships, Internships and Mentorships (AIM) Act of 2016 (House Bill 2535) authorizes the governing board of any public, charter, or private school in Oklahoma to enter into agreements with public or private organizations, beginning in school year 2017-2018, for the purpose of creating internship or apprenticeship programs for high school students. Under the Act, each school's governing board is encouraged to adopt relevant policies. The Act requires the State Department of Education to promulgate rules, and the proposed rule directs school districts to have a policy in place before entering an internship, mentorship, or apprenticeship program agreement with a public or private organization.

- (3) Title 210. State Department of Education
Chapter 20. Staff
Subchapter 29. Standards of Performance and Conduct for Teachers
Part 2. Personnel and Procedures
210:20-29-5. Principle III [AMENDED]

The Standards of Performance and Conduct for Teachers are required to include the statutory grounds for dismissal of career teachers, which are codified in the rules as "Principle III". House Bill 2957 (2016) and previous bills amended the statutory "Reasons for Dismissal of Career Teachers" (70 O.S. § 6-101.22), and the rule must be aligned with the new language of the law.

One change to the statute that must be incorporated into the rule is the requirement to dismiss a teacher who has been convicted of an offense requiring sex offender registration. The amendment also adds the new statutory language allowing for dismissal of a teacher who has been found to have engaged in acts that could form the basis of criminal charges that would result in certificate revocation under 70 O.S. § 3-104(6)(a), which lists crimes involving the exploitation of children.

- (4) Title 210. State Department of Education
Chapter 35. Standards for Accreditation of Elementary, Middle Level, Secondary, and Career and Technology Schools
Subchapter 3. Standards for Elementary, Middle Level, Secondary, and Career and Technology Schools
Part 19. Standard X: School Facilities
210:35-3-188. Child Abuse and Neglect Hotline signs in schools [NEW]

House Bill 2432 (2016) requires each public school to post a clearly visible sign in English and Spanish that contains the telephone number of the Child Abuse and Neglect Hotline operated by the Department of Human Services. 70 O.S. § 1210.162 directs the State Board of Education to promulgate rules relating to the size and location of the required signs.

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 15. CURRICULUM AND INSTRUCTION
SUBCHAPTER 11. EARLY CHILDHOOD EDUCATION PROGRAMS**

210:15-11-2. Rules and regulations for early childhood education programs

- (a) The number of children in a group shall not exceed twenty (20). The adult child ratio shall not exceed 1:10. Any enrollment that exceeds ten (10) shall require the employment of a teacher assistant.
- (b) The school district shall ensure the teacher assistant is provided professional development in early childhood education.
- (c) A child may attend less than the two and one-half (2 1/2) hours a day the first five (5) days of the semester.
- (d) The program shall encourage family involvement to support the child's education experience.
- (e) The learning environment shall:
 - (1) be arranged to provide for individual and group learning experiences
 - (2) be equipped with movable furniture of the correct size
 - (3) have adequate materials and supplies available in sufficient quantities to meet the needs of the children in the class
 - (4) have restroom facilities that will accommodate four-year-olds
 - (5) provide for a playground area that is accessible and safe
- (f) It is recommended that space requirements be based on thirty-five (35) square feet per child, and that the classroom have a sink with running water.
- (g) The curriculum shall be appropriate for the age and developmental level of the students. A process to provide continuity between the early childhood program and the kindergarten program shall be established.
- (h) The school district shall provide for individual student screening and referral for vision and hearing.
- (i) A school district is authorized to adopt a policy providing for exemptions to the maximum age limit for half-day or full-day early childhood programs. Such a policy may allow for enrollment in the district's early childhood programs by students who are older than five (5) if they meet the district's criteria for early childhood program age exemptions. A school district that adopts an early childhood program age exemption policy is encouraged to consider guidelines which take into account that young children may differ in developmental age due to factors including, but not limited to, premature birth and significant illness or injury during early childhood. Adoption of a maximum age exemption policy for early childhood programs does not relieve a school district of its obligations to identify and serve students with disabilities under the Individuals with Disabilities Education Act (IDEA). A student who is granted an exemption and enrolled in a school district's early childhood program under an age exemption policy shall be included as a half-day or full-day early childhood program student for State Aid purposes in the district's weighted pupil grade level calculations.

RULE IMPACT STATEMENT

210:15-11-2. Rules and regulations for early childhood programs [AMENDED]

- a. **What is the purpose of the proposed rule change?**
House Bill 2404 (2016) added a new provision to the statute on free attendance at public schools. 70 O.S. § 1-114(B)(3) directs the State Board of Education to promulgate a rule creating exemptions to the maximum age at which a child may attend an early childhood (prekindergarten or "pre-k") program. The proposed rule provides that school districts are authorized to adopt policies providing for exemptions to the maximum age limit for enrollment in the district's early childhood programs. Under the proposed rule, school districts are encouraged to consider exemptions guidelines that take into consideration that young children may differ in developmental age due to factors including, but not limited to, premature birth and serious illness or injury during childhood.
- b. **What classes of persons will be affected by the proposed rule change and what classes of persons will bear the costs of the proposed rule change?**
The proposed change will affect school districts and students who qualify for age exemptions under district policies.
- c. **What classes of persons will benefit from the proposed rule change?**
The proposed changes will benefit school districts and students who qualify for age exemptions.
- d. **What is the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions?**
The agency does not anticipate any economic impact upon affected classes of persons or political subdivisions as a result of implementation of the proposed rule change at this time.
- e. **What is the probable cost to the agency to implement and enforce the proposed rule change?**
The agency does not anticipate any cost to the agency to implement and enforce as a result of the proposed change in the rule at this time. Additional record keeping, if any, will be performed by existing staff.
- f. **What is the economic impact on any political subdivision to implement the proposed rule change?**
The agency does not anticipate any economic impact on any political subdivision to implement the proposed rule change at this time.
- g. **Will implementing the rule change have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act?**
The agency does not anticipate any adverse economic impact on small business as a result of the proposed rule change at this time.
- h. **Are there any other methods which are less costly, nonregulatory, or less intrusive to achieve the purpose of the proposed rule change?**
No.
- i. **Will the rule change impact the public health, safety, and environment, and is the change designed to reduce significant risks to the public health, safety, and environment? If so, explain nature of risk and to what extent the proposed rule change will reduce the risk.**

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

j. **What detrimental effect will there be on the public health, safety, and environment if the rule change is not implemented?**

The agency does not anticipate any detrimental effect on public health, safety, or environment as a result of failure to implement the proposed rule at this time.

k. **Date Prepared:** September 27, 2016

STATUTORY AUTHORITY FOR 210:15-11-2

Oklahoma Statutes

Title 70. Schools

Chapter 1 - School Code of 1971

Article I - Scope, Organization, and Definitions

Section 1-114 - Right to Attend School Free of Charge

A. All children between the ages of five (5) years on or before September 1, and twenty-one (21) years on or before September 1, shall be entitled to attend school free of charge in the district in which they reside.

B. All children who are at least four (4) years of age but not more than five (5) years of age on or before September 1 and who have not attended a public school kindergarten shall be entitled to attend half-day or full-day early childhood programs at any public school in the state where such programs are offered; provided, no child shall be required to attend any early childhood education program. The following paragraphs shall govern early childhood programs:

1. Children who are at least four (4) years of age but not more than five (5) years of age on or before September 1 shall be entitled to attend either half-day or full-day early childhood programs in their district of residence free of charge as long as the district has the physical facilities and teaching personnel to accommodate the child. For purposes of calculation of State Aid, children in an early childhood education program shall be included in the average daily membership of the district providing the program;

2. A child who has not reached the age of five (5) years on or before September 1 and who resides in a district which does not offer an early childhood program shall be eligible for transfer to a district where an early childhood program is offered if the district that offers the early childhood program agrees to the transfer. A district offering early childhood programs may refuse to accept a nonresident child if the district does not have the physical facilities or teaching personnel to accommodate the child in an early childhood education class. If the child requesting the transfer has not reached the age of four (4) years on or before September 1, the district may refuse to accept the nonresident child if the district determines the child is not ready for an early childhood program. Children who are accepted in a program outside their district of residence as provided in this paragraph shall be included in the average daily membership of the district providing the program for State Aid funding subject to the State Aid formula weight limitations set forth in paragraph 1 of this subsection; and

3. The State Board of Education shall promulgate rules that create exemptions relating to the maximum age at which a child may attend half-day or full-day early childhood programs.

C. No child shall be enrolled in kindergarten unless he or she will have reached the age of five (5) years on or before September 1 of the school year. No child shall be enrolled in the first grade unless he or she will have reached the age of six (6) years on or before September 1 of the school year.

D. No nonresident and nontransferred pupil shall be allowed to attend school in any school district unless a tuition fee equal to the per capita cost of education for a similar period in such district during the preceding year has been paid to the receiving district in advance yearly or by semester as determined by the district board of education of the receiving district. If the State Board of Education discovers that such attendance has been allowed without prior payment of the tuition fee in advance as required, no further payment of any State Aid Funds shall be made to the district until such district has shown to the satisfaction of the State Board of Education that all such tuition fees have been paid or that such tuition pupil will no longer be allowed to attend school until the required tuition fee has been paid.

E. Any parent, guardian, person or institution having care and custody of a child who pays ad valorem tax on real property in any other school district other than that in which that person resides may, with the approval of the receiving board, enroll the child in any school district in which ad valorem tax is paid and receive a credit on the nonresident tuition fee equal to the amount of the ad valorem tax paid for school district purposes in the school district in which the child is enrolled. Provided, the credit shall not exceed the total amount required for the tuition payment.

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 15. CURRICULUM AND INSTRUCTION
SUBCHAPTER 39. STUDENT APPRENTICESHIP, INTERNSHIP, AND
MENTORSHIP PROGRAMS**

Changes to proposed language following public comment appear in red.

210.15-39-1. Student apprenticeship, internship, and mentorship programs

(a) **Policies authorized.** The governing body of any public school, charter school, or private school in Oklahoma is authorized to adopt policies regarding student internship, mentorship, and apprenticeship programs *for high school students pursuant to 70 O.S. § 1210.528-1.* Such policies may provide for participation in the programs by high school juniors and seniors. ~~Policies may allow participation in internship, mentorship, or apprenticeship programs to satisfy elective course requirements as a student's schedule permits, but a student may not use program participation to replace any other state education requirement.~~

Any policy adopted by a school's governing body under this authorization shall include qualifying criteria that public or private organizations must meet to be eligible for an internship, mentorship, and/or apprenticeship program agreement.

(b) **Agreements authorized.** Beginning with the 2017-2018 school year, the governing body of each public school district, charter school, or private school may enter into an agreement with one or more public or private organizations for the purpose of creating internship, mentorship, and/or apprenticeship programs as addressed in the policies of the governing body. *The provisions of 70 O.S. § 1210.528-1 notwithstanding, a school district that has an existing agreement with an outside entity to offer internships or similar arrangements as part of an alternative education program prior to November 1, 2016 may continue to participate in such existing agreements as a component of the district's alternative education program.*

PUBLIC COMMENT SUMMARY

210:15-39-1. Student apprenticeship, internship, and mentorship programs [NEW]

Summary of Public Comment	Agency Response
<p>Commenter (Tulsa Public Schools) requests language expanding apprenticeship, internship, and mentorship programs to all high school students. Comment notes that students should be assessed individually by their district for program readiness rather than prohibited by grade level.</p> <p>"Apprenticeship, internship, and mentorship programs show students the relevance of school work. Being able to make this connection as soon as possible is critical to a student's success in high school. Knowing this, we would ask that all high school students be included in the rule allowing the local districts to assess individual students readiness for the programs."</p>	<ul style="list-style-type: none"> • The authorizing statute, 70 O.S. § 1210.528-1, provides that "[a]pprenticeships, internships, and mentorships may be available to high school juniors and seniors as permitted by each school." The original language proposed for the rule explicitly limited program participation to "high school juniors and seniors". <p>While OSDE does not have authority to alter statutory authorizations through rule, the explicit reference to "juniors and seniors" has been stricken and replaced with the language "for high school students pursuant to 70 O.S. § 1210.528-1". This change ensures the rule aligns with the statute, without imposing an additional limitation on districts in the event the statute is amended or interpreted not to restrict participation by students in lower high school grades. (See Alternative Education comment and response below.)</p>
<p>Commenter (Oklahoma Technical Assistance Center) points out that many Alternative Education programs throughout the state have already established work-study and internship programs for alternative education students. The rule, as proposed, would appear to restrict some aspects of those existing programs, such as the grade level of participants (some are high school freshmen and sophomores). Commenter requests exemption of Oklahoma's Alternative Education programs from the rule.</p>	<ul style="list-style-type: none"> • OSDE does not interpret the authorizing statute as imposing new limitations on existing Alternative Education programs. The purpose appears to be to expand internship programs to more students (those outside the alternative education context), rather than exclude students who already participate. <p>A sentence has been added to the proposed rule to clarify that Alternative Education programs that already participate in similar arrangements are not affected by 70 O.S. § 1210.528-1.</p>

RULE IMPACT STATEMENT

210:15-39-1. Student apprenticeship, internship, and mentorship programs [NEW]

- a. **What is the purpose of the proposed rule change?**
The Apprenticeships, Internships and Mentorships (AIM) Act of 2016 (House Bill 2535) authorizes the governing board of any public, charter, or private school in Oklahoma to enter into agreements with public or private organizations, beginning in school year 2017-2018, for the purpose of creating internship or apprenticeship programs for high school juniors and seniors. Under the Act, each school's governing board is authorized to adopt relevant policies. The Act requires the State Department of Education to promulgate rules, and the proposed rule directs schools to have a policy in place before entering an internship, mentorship, or apprenticeship program agreement with a public or private organization.
- b. **What classes of persons will be affected by the proposed rule change and what classes of persons will bear the costs of the proposed rule change?**
The proposed change will affect school districts, high school students, and organizations that enter into agreements with school districts under the AIM Act.
- c. **What classes of persons will benefit from the proposed rule change?**
The proposed changes will benefit school districts, high school students, and organizations that enter into agreements with school districts under the AIM Act.
- d. **What is the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions?**
The agency does not anticipate any economic impact upon affected classes of persons or political subdivisions as a result of implementation of the proposed rule change at this time.
- e. **What is the probable cost to the agency to implement and enforce the proposed rule change?**
The agency does not anticipate any cost to the agency to implement and enforce as a result of the proposed change in the rule at this time. Additional record keeping, if any, will be performed by existing staff.
- f. **What is the economic impact on any political subdivision to implement the proposed rule change?**
The agency does not anticipate any economic impact on any political subdivision to implement the proposed rule change at this time.
- g. **Will implementing the rule change have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act?**
The agency does not anticipate any adverse economic impact on small business as a result of the proposed rule change at this time.
- h. **Are there any other methods which are less costly, nonregulatory, or less intrusive to achieve the purpose of the proposed rule change?**
No.
- i. **Will the rule change impact the public health, safety, and environment, and is the change designed to reduce significant risks to the public health, safety, and environment? If so, explain nature of risk and to what extent the proposed rule change will reduce the risk.**

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

j. **What detrimental effect will there be on the public health, safety, and environment if the rule change is not implemented?**

The agency does not anticipate any detrimental effect on public health, safety, or environment as a result of failure to implement the proposed rule at this time.

k. **Date Prepared:** [UPDATE] November 4, 2016

STATUTORY AUTHORITY FOR 210:15-39-1

Oklahoma Statutes

Title 70. Schools

Chapter 22 - Testing and Assessment

Apprenticeships, Internships and Mentorships (AIM) Act of 2016

Section 1210.528-1 - Creation and Availability of Apprenticeships, Internships, and Mentorships for High School Juniors and Seniors

A. Beginning with the 2017-2018 school year, the governing body of each public, private, magnet, charter or virtual charter school in this state (the school) is authorized to enter into an agreement with private or public organizations for the purpose of creating apprenticeship, internship and mentorship programs. Apprenticeships, internships and mentorships may be available to high school juniors and seniors as permitted by each school. The apprenticeship, internship or mentorship may fill the requirement of elective courses as the student's schedule permits. A student may not use the apprenticeship, internship or mentorship to replace any other state education requirement.

B. The governing body of each school shall have the authority to adopt policies regarding the creation of apprenticeships, internships and mentorships that include the registration and qualifications for private or public organizations to participate in the apprenticeship, internship or mentorship program.

TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 20. STAFF
SUBCHAPTER 29. STANDARDS OF PERFORMANCE AND CONDUCT
FOR TEACHERS

210:20-29-5. Principle III

(a) ~~A career teacher may be dismissed or not reemployed for.~~ A career teacher may be dismissed or not reemployed for:

- (1) ~~Willful neglect of duty;~~ Willful neglect of duty;
- (2) ~~Repeated negligence in performance of duty;~~ Repeated negligence in performance of duty;
- (3) ~~Mental or physical abuse to a child;~~ Mental or physical abuse to a child;
- (4) ~~Incompetency;~~ Incompetency;
- (5) ~~Instructional ineffectiveness;~~ Instructional ineffectiveness;
- (6) ~~Unsatisfactory teaching performance;~~ or Unsatisfactory teaching performance;
- (7) ~~Any reason involving moral turpitude.~~ Any reason involving moral turpitude; or
- (8) Abandonment of contract.

(b) ~~Subject to the provisions of the Teacher Due Process Act, a probationary teacher may be dismissed or not reemployed for cause.~~ Subject to the provisions of the Teacher Due Process Act, a probationary teacher may be dismissed or not reemployed for cause.

(c) ~~A teacher convicted of a felony shall be dismissed or not reemployed unless a presidential or gubernatorial pardon has been issued.~~ A teacher shall be dismissed or not reemployed, unless a presidential or gubernatorial pardon has been issued, if during the term of employment the teacher is convicted in any state or federal court of any felony offense, or any sex offense subject to the Oklahoma Sex Offenders Registration Act or any other state or federal sex offender registration provisions.

(d) ~~A teacher may be dismissed, refused employment or not reemployed after a finding that such person has engaged in criminal sexual activity or sexual misconduct that has impeded the effectiveness of the individual's performance of school duties. As used in this subsection:~~

- (1) ~~"Criminal sexual activity" means the commission of an act as defined in Section 886 of Title 21 of the Oklahoma Statutes, which is the act of sodomy; and~~
- (2) ~~"Sexual misconduct" means the soliciting or imposing of criminal sexual activity. [70:6-101.22]~~ A teacher may be dismissed, refused employment, or not reemployed after a finding that such person has engaged in acts that could form the basis of criminal charges sufficient to result in the denial or revocation of a certificate for a reason set forth in subparagraph a of paragraph 6 of 70 O.S. § 3-104.

RULE IMPACT STATEMENT
210:20-29-5. Principle III

- a. **What is the purpose of the proposed rule change?**
The Standards of Performance and Conduct for Teachers, which are codified as administrative rules, are required by law to incorporate the statutory grounds for dismissal of career teachers. House Bill 2957 (2016) and previous bills amended 70 O.S. § 6-101.22, "Reasons for Dismissal of Career Teachers", and the rule addressing grounds for dismissal must be aligned with the new statutory language. One change to the statute that must be incorporated into the rule is the requirement to dismiss a teacher who has been convicted of an offence requiring sex offender registration. The amendment also adds the new statutory language allowing for dismissal of a career teacher who has been found to have engaged in acts that could form the basis of criminal charges that require the revocation of a certificate under 70 O.S. § 3-104(6)(a), which primarily lists crimes involving the sexual exploitation of children.
- b. **What classes of persons will be affected by the proposed rule change and what classes of persons will bear the costs of the proposed rule change?**
The proposed changes will affect teachers and school districts.
- c. **What classes of persons will benefit from the proposed rule change?**
The proposed changes will benefit teachers and school districts by ensuring the rule reflects the current dismissal law.
- d. **What is the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions?**
The agency does not anticipate any economic impact upon affected classes of persons or political subdivisions as a result of implementation of the proposed rule change at this time.
- e. **What is the probable cost to the agency to implement and enforce the proposed rule change?**
The agency does not anticipate any cost to the agency to implement and enforce as a result of the proposed change in the rule at this time. Additional record keeping, if any, will be performed by existing staff.
- f. **What is the economic impact on any political subdivision to implement the proposed rule change?**
The agency does not anticipate any economic impact on any political subdivision to implement the proposed rule change at this time.
- g. **Will implementing the rule change have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act?**
The agency does not anticipate any adverse economic impact on small business as a result of the proposed rule change at this time.
- h. **Are there any other methods which are less costly, nonregulatory, or less intrusive to achieve the purpose of the proposed rule change?**
No.
- i. **Will the rule change impact the public health, safety, and environment, and is the change designed to reduce significant risks to the public health, safety, and environment? If so, explain nature of risk and to what extent the proposed rule change will reduce the risk.**

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

j. **What detrimental effect will there be on the public health, safety, and environment if the rule change is not implemented?**

The agency does not anticipate any detrimental effect on public health, safety, or environment as a result of failure to implement the proposed rule at this time.

k. **Date Prepared:** September 6, 2016

Oklahoma Statutes

Title 70. Schools

Chapter 1 - School Code of 1971

Teachers Due Process Act of 1990

Article VI - Teachers

Section 6-101.22 - Reasons for Dismissal of Career Teachers

A. Subject to the provisions of the Teacher Due Process Act of 1990, a career teacher may be dismissed or not reemployed for:

1. Willful neglect of duty;
2. Repeated negligence in performance of duty;
3. Mental or physical abuse to a child;
4. Incompetency;
5. Instructional ineffectiveness;
6. Unsatisfactory teaching performance;
7. Commission of an act of moral turpitude; or
8. Abandonment of contract.

B. Subject to the provisions of the Teacher Due Process Act of 1990, a probationary teacher may be dismissed or not reemployed for cause.

C. During the 2017-2018 school year and thereafter:

1. A career teacher who has received a district evaluation rating of "ineffective" for two (2) consecutive school years shall be dismissed or not reemployed on the grounds of instructional ineffectiveness by the school district, subject to the provisions of the Teacher Due Process Act of 1990. However, the superintendent may recommend and the school district board of education may approve continued employment of the teacher; and
2. A career teacher who has received a district evaluation rating of "needs improvement" or lower for three (3) consecutive school years may be dismissed or not reemployed on the grounds of instructional ineffectiveness by the school district, subject to the provisions of the Teacher Due Process Act of 1990.

D. During the 2017-2018 school year and thereafter:

1. A probationary teacher who has received a district evaluation rating of "ineffective" as measured pursuant to the TLE for two (2) consecutive school years may be dismissed or not reemployed by the school district subject to the provisions of the Teacher Due Process Act of 1990; and
2. A probationary teacher who has not attained career teacher status within a four-year period may be dismissed or not reemployed by the school district, subject to the provisions of the Teacher Due Process Act of 1990.

E. A teacher shall be dismissed or not reemployed, unless a presidential or gubernatorial pardon has been issued, if during the term of employment the teacher is convicted in this state, the United States or another state of:

1. Any sex offense subject to the Sex Offenders Registration Act in this state or subject to another state's or the federal sex offender registration provisions; or

2. Any felony offense.

F. A teacher may be dismissed, refused employment or not reemployed after a finding that such person has engaged in acts that could form the basis of criminal charges sufficient to result in the denial or revocation of a certificate for a reason set forth in subparagraph a of paragraph 6 of [Section 3-104](#) of this title.

G. As used in this section, "abandonment of contract" means the failure of a teacher to report at the beginning of the contract term or otherwise perform the duties of a contract of employment when the teacher has accepted other employment or is performing work for another employer that prevents the teacher from fulfilling the obligations of the contract of employment.

H. A school district shall notify the State Board of Education within ten (10) days of the dismissal or nonreemployment of a probationary or career teacher for reasons outlined in subsection F of this section.

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 35. STANDARDS FOR ACCREDITATION OF ELEMENTARY, MIDDLE
LEVEL, SECONDARY, AND CAREER AND TECHNOLOGY SCHOOLS
SUBCHAPTER 3. STANDARDS FOR ELEMENTARY, MIDDLE LEVEL,
SECONDARY, AND CAREER AND TECHNOLOGY SCHOOLS
PART 19. STANDARD X: SCHOOL FACILITIES**

Changes to proposed language following public comment appear in red.

210.35-3-188. Child Abuse and Neglect Hotline signs in schools

(a) Requirement to post a visible sign. Each public school in Oklahoma shall post a sign or signs, in English and Spanish, showing the toll-free telephone number of the Child Abuse and Neglect Hotline operated by the Department of Human Services (DHS). Sample signs in English and Spanish are available on the State Department of Education website.

(b) Content. For school districts that choose to design their own hotline awareness signs, the following guidelines apply to content:

(1) The English and Spanish text must communicate the same information;

(2) The words "child abuse **or neglect**" and the telephone number of the DHS hotline must be prominent in the design; and

(3) The content should convey that anyone who suspects child abuse **or neglect** should contact the hotline (for example, "You can stop child abuse. If you think that a child is the victim of abuse, neglect, or exploitation, tell someone.").

(c) Location. The sign(s) shall be posted in a clearly visible location in a public area of the school that is readily accessible to students. If separate signs are used for the Spanish and English versions, both must be displayed in the same location. The bottom edge of the sign(s) should be a minimum of forty inches (40") and a maximum of seventy inches (70") from the floor, unless the architecture of the public location chosen for display requires a higher placement height. Examples of appropriate public areas to post the sign(s) include, but are not limited to: near the school's main entry doors, outside the school's main office, or inside the cafeteria or another room frequented by all students. A school may post additional copies of the sign(s) in less public areas, such as inside restrooms or classrooms, provided at least one English and Spanish version are posted in a clearly visible public area.

(d) Size and font. If separate signs are used for English and Spanish text versions, the minimum size of each sign shall be eight and one-half by eleven inches (8 ½" x 11"). If both English and Spanish text appear on the same sign, the minimum size shall be eight and one-half by fourteen inches (8 ½" x 14"). Based on the visibility guidelines of the Americans with Disabilities Act, the font used shall not be italic, script, or highly decorative, and the words "child abuse" and the telephone number of the DHS hotline should appear in a font size at least one inch (1") high on the printed sign(s). For signs placed higher than seventy inches (70") above the floor, all text must be at least one inch (1") high. The colors of the sign background and the text should contrast for easy visibility, for example dark colors should be used for text if the background is a light color, and white or a very light color should be used for text if the background is a dark color. School districts that design their own signs are encouraged to consider color blindness and other potential visibility issues when choosing a design.

PUBLIC COMMENT SUMMARY

210:35-3-188. Child Abuse and Neglect Hotline signs in schools [NEW]

Summary of Public Comment	Agency Response
<p>Commenter (Oklahoma State School Boards Association) expresses concern that the rule exceeds the statutory authority of 70 O.S. § 1210.162 by addressing the <i>content</i> of the signs, and not merely "size and location" as directed by the rule mandate.</p> <p>Comment requests removal of all language regarding content. "If the State Department of Education is not willing to remove the content information, the content information must be modified as the rule only addresses 'child abuse' and the law clearly provides that the phone number is for child abuse and neglect."</p>	<ul style="list-style-type: none">• OSDE acknowledges the importance of maintaining fidelity between administrative rules and their authorizing statutes. The agency believes giving guidance regarding what the sign should contain is within the intent of the statute, as districts have discretion in how to phrase/frame the content required by the statute and addressed by the rule. <p>The phrase "or neglect" has been inserted in subsection (b) of the rule.</p>

RULE IMPACT STATEMENT

210:35-3-188. Child Abuse and Neglect Hotline signs in schools [NEW]

- a. **What is the purpose of the proposed rule change?**
House Bill 2432 (2016) requires each public school to post a clearly visible sign in English and Spanish that displays the telephone number of the Child Abuse and Neglect Hotline operated by the Department of Human Services (DHS). 70 O.S. § 1210.162 directs the State Board of Education to promulgate rules relating to the size and location of the required signs, and the proposed rule gives guidelines on placement and visibility.
- b. **What classes of persons will be affected by the proposed rule change and what classes of persons will bear the costs of the proposed rule change?**
The proposed changes will affect school districts and students.
- c. **What classes of persons will benefit from the proposed rule change?**
The proposed changes will benefit students and school districts, making information accessible that can lead to help for abused or neglected children.
- d. **What is the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions?**
The agency does not anticipate any economic impact upon affected classes of persons or political subdivisions as a result of implementation of the proposed rule change at this time.
- e. **What is the probable cost to the agency to implement and enforce the proposed rule change?**
The agency does not anticipate any cost to the agency to implement and enforce as a result of the proposed change in the rule at this time. Additional record keeping, if any, will be performed by existing staff.
- f. **What is the economic impact on any political subdivision to implement the proposed rule change?**
The agency does not anticipate any economic impact on any political subdivision to implement the proposed rule change at this time.
- g. **Will implementing the rule change have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act?**
The agency does not anticipate any adverse economic impact on small business as a result of the proposed rule change at this time.
- h. **Are there any other methods which are less costly, nonregulatory, or less intrusive to achieve the purpose of the proposed rule change?**
No.
- i. **Will the rule change impact the public health, safety, and environment, and is the change designed to reduce significant risks to the public health, safety, and environment? If so, explain nature of risk and to what extent the proposed rule change will reduce the risk.**
The agency does not anticipate any impact on public health, safety, or environment as a result of implementation of the proposed rule at this time.
- j. **What detrimental effect will there be on the public health, safety, and environment if the rule change is not implemented?**

The agency does not anticipate any detrimental effect on public health, safety, or environment as a result of failure to implement the proposed rule at this time.

k. **Date Prepared:** September 27, 2016

STATUTORY AUTHORITY FOR 210:15-11-2

Oklahoma Statutes

Title 70. Schools

Chapter 15 - Health and Safety

Abuse-Prevention Instructional Programs

Section 1210.162 - Schools Must Display Child Abuse or Neglect Reporting Telephone Number

A. Each public school shall post in a clearly visible location in a public area of the school that is readily accessible to students a sign in English and Spanish that contains the toll-free telephone number operated by the Department of Human Services pursuant to Section 1-2-101 of Title 10A of the Oklahoma Statutes to receive reports of child abuse or neglect.

B. The State Board of Education shall promulgate rules relating to the size and location of the sign required by subsection A of this section.