

# **Standards for Accreditation of Oklahoma Schools**



**OKLAHOMA  
Education**

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## **PART I Standards for Accreditation of Oklahoma Schools and Technology Centers**

### **STANDARD I: PHILOSOPHY (AND/OR MISSION) AND GOALS**

#### **In this standard:**

- › Statement of the standard
- › Written statement of philosophy and goals
- › Information to be utilized to determine achievement of goals
- › Objectives to be consistent with goals
- › Parents/guardians and community to be informed of philosophy and goals

## **STANDARD I**

### **PHILOSOPHY (AND/OR MISSION) AND GOALS**

#### Oklahoma Administrative Code (OAC) 210:35-3-1. **Statement of the standard**

Oklahoma schools have the responsibility of meeting the educational needs of all students, providing equitable educational opportunities, and fostering lifelong learning as they prepare to participate in a democratic society. In order to establish priorities, aid in decision making, and provide an effective basis for a comprehensive and continuous evaluation, each school site shall develop and maintain a written statement of the philosophy and goals to be served by educational programs that are based on the belief that all students can learn. The school's philosophy and goals must reflect consensus among the school site, the community, the local board, and the school staff. The educational programs shall address the academic, personal/social, and career/vocational development of students as they prepare for the future.

#### OAC 210:35-3-6. **Written statement of philosophy and goals**

There shall be a written statement of philosophy and goals, which is the governing document for the school and its program, with provisions made for review and appropriate modification .

1. The statement shall be developed with appropriate participation by the school staff, parents, students, and community representatives.
2. The statement shall reflect the individual character of the school. It shall be in harmony with:
  - a. the state's philosophy
  - b. the district's philosophy
  - c. the characteristics of its youth and adults, and
  - d. the principles and spirit of American democracy .
3. The statement shall reflect an understanding of the abilities and learning requirements and provide an assurance that students have equitable opportunities to develop competencies in the basic skills and higher order thinking skills
4. The statement shall contain priorities for the school's various responsibilities. Implementation of such priorities shall be evident in the educational program .

#### OAC 210:35-3-7. **Information to be utilized to determine achievement of goals**

Information from a variety of sources shall be utilized to determine the extent to which the school's goals are being achieved .

#### OAC210:35-3-8. **Objectives to be consistent with goals**

The objectives identified for the elements of the educational program shall be consistent with the major goals of the school .

#### OAC 210:35-3-9. **Parents/guardians and community to be informed of philosophy and goals**

Each year parents/guardians and the community shall be informed of the philosophy and goals of the school.

## **STANDARD II: SCHOOL COMMUNITY RELATIONSHIPS**

### **In this standard:**

- › Statement of the standard
- › School to provide opportunities for school community expression
- › School to communicate to school community



[OAC](#)<sup>1</sup> 210:35-3-21. **Statement of the standard**

The school establishes relationships with its parents and community that result in a feeling of mutual trust. These relationships are based on open, two-way communication. Parents and the community are involved in developing and monitoring the school's expected outcomes. The school displays a willingness to respond to the parents and the community, and the community supports the school and its program.

[OAC](#) 210:35-3-26. **School to provide opportunities for school community expression**

The school shall provide opportunities for both individual parents and for groups of parents and other members of the school community to express their desires, identify their concerns, ask questions, and make suggestions concerning the school and its program. (92)

[OAC](#) 210:35-3-27. **School to communicate to school community**

The school shall make systematic efforts to explain its mission, policies, procedures, needs, program, and status to the school community. Further, there shall be a planned communications program using a variety of media such as television, radio, newspaper, school publications, and other means to inform the school community about its schools.

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<sup>1</sup> **PLEASE NOTE:** The Oklahoma Administrative Code is available online, but only permits linking to the front page. To view OAC material, click on the hyperlinked "OAC", then select "View Code" from the options at the left side of the screen. Select the appropriate Title (210 for State Department of Education), then chapter number and subchapter, until you have reached the desired code section.

## **STANDARD III: ADMINISTRATION AND ORGANIZATION**

### **In this standard:**

- › Statement of the standard
- › Administrative and supervisory services
- › Length of term
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- › Administrative and supervisory services

## **ADDITIONAL STANDARDS FOR SECONDARY SCHOOLS**

- › Administrative and supervisory services

## **ADDITIONAL STANDARDS FOR CAREER EDUCATION PROGRAMS**

- › Administrative and supervisory services

## **STANDARD III ADMINISTRATION AND ORGANIZATION**

### **OAC 210:35-3-41. **Statement of the standard****

The school is organized to ensure the achievement of its goals. The working relationships among the local board, superintendent, principal, and staff are such as to facilitate the successful functioning of all phases of the school's program. The principal of the school has the autonomy and authority to provide the leadership needed to accomplish the goals of the school. The school is provided with sufficient professional and service personnel to ensure effective operation of all phases of the school's program. The school is organized in a manner that encourages new and innovative ideas designed to improve the program and to help the school adapt to changing conditions.

### **OAC 210:35-3-46. **Administrative and supervisory services****

- A.** The school site shall be part of a system employing a full-time superintendent. No board of a school district having average daily membership (ADM) of fewer than 500 students shall be prohibited from allowing a superintendent with the appropriate certificate to serve simultaneously as a principal. [[70 O.S. § 5-106](#)] If a vacancy occurs in the superintendency during the course of the school year, a certified replacement must be employed within 45 school days.
- B.** It shall further be the responsibility of the local board, upon the recommendation of the superintendent, to employ an administrative head to be known as a principal for each of the schools within the district. Private schools shall employ a full-time principal/headmaster. An elementary district shall employ a full-time elementary superintendent. With the exception of requirements for certification, the term superintendent as used in these standards shall mean an elementary school superintendent, headmaster, or superintendent. Full-time is defined as employed full time, and therefore allows these administrators to teach
- C.** Instructional leadership shall be the chief function of the school's principal. The principal shall be responsible for the improvement of instruction and be given the authority and resources needed to accomplish this goal. The principal shall help clarify the goals of the school, help obtain resources for it, coordinate its various activities, and promote its continuous evaluation to determine improvements needed
- D.** Lines of administrative and supervisory authority between the central office staff and the principal shall be defined clearly and shall give the principal responsibility for initiating appropriate changes to meet the needs of the students.
- E.** The principal shall be involved in the selection, assessment, evaluation, retention, and promotion of all personnel assigned to the school.
  - 1. All certified administrative personnel designated by a local board to conduct evaluations shall be required to participate in training conducted by the State Department of Education prior to evaluating. [[§§ 6-101.10](#)]
  - 2. No teacher shall be dismissed during the term of a contract or refused reemployment except at an official meeting of the board of education. The

reemployment or dismissal of teachers shall be in accordance with the school laws of Oklahoma. [[70 O.S. § 6-101.20](#), [6-101.21](#), [6-101.22](#), [6-101.23](#), [6-101.24](#), [6-101.25](#), [6-101.26](#), [6-101.28](#), [6-101.29](#), [6-101.30](#)]

- F.** (While working with faculty, staff, or students in the school, central office and other supplementary personnel shall coordinate their activities through the principal.
- G.** The principal shall have the responsibility and the authority for the administration of the non-instructional programs in the school.
- H.** The local board shall adopt a school calendar and school day consistent with statutory requirements in Oklahoma.
  - 1. The standard school year shall consist of not less than 180 days; or,
  - 2. For not less than one thousand eighty (1080) hours with a minimum of one hundred sixty-five days of instruction each school year. Each school year, if a district board of education adopts a school-hours policy and notifies the State Board of Education prior to October 15 of the applicable school year. [[70 O.S. § 1-109](#)]
  - 3. A school district may not count more than thirty (30) hours each school year that are used for attendance of professional meetings toward the one hundred eighty (180) days or one thousand eighty (1,080) hours of classroom instruction time required in subsection A of this section. [[70 O.S. § 1-109B](#)] Teachers off contract with an employing district shall not be required by the employing school district to attend professional meetings unless the teacher is paid additional compensation for the additional time. Subject to district board of education policy or collective bargaining agreement, additional paid professional leave days may be granted for individual teachers to attend or participate in professional meetings, staff development training, or National Board certification portfolio development as provided for in Section [6-204.2](#) of this title. [[70 O.S. § 1-109C](#)]
  - 4. The standard school day shall consist of not less than 6 hours devoted to school activities, exclusive of lunch, with the exception of nursery, early childhood education, kindergarten, and alternative education. [[70 O.S. § 1-111](#)]
  - 5. The early childhood school day shall consist of not less than two and one-half hours per session.
  - 6. The kindergarten school day shall consist of not less than two and one-half hours per day. The requirement to attend kindergarten may be satisfied by attendance in either a half-day or full-day program. Membership in a kindergarten for either two and one-half (2 1/2) hours or six (6) hours per school day shall be counted as one (1) day for average daily membership purposes. It shall be the duty of every school district in this state to provide and offer a full six-hour day of kindergarten free of tuition for every child residing in the district who attains the age of five (5) years on or before the first day of September during the school year kindergarten is offered, provided that this duty may be satisfied by intra-district transfer to a school offering full-day kindergarten, by transferring kindergarten children to other

school districts which will accept them and can provide kindergarten for such children, or by contracting for classroom space with a licensed public or licensed private child care provider based on the selection criteria established by the district. [[70 O.S. § 18-108](#)]

7. A school district board of education may adopt and implement an extended day schedule for grades nine through twelve. All of the following conditions must be met:

- a. The annual number of hours of instruction must equal or exceed 1,080 hours which is equivalent to 180 days of instruction.
- b. Only one day per week shall consist of not less than five hours of academic instruction in a regular classroom setting.
- c. The district must hold a public hearing prior to the adoption of an extended day schedule.
- d. The district must document the impact on student achievement as determined by the academic performance index score and any other relevant factors that are a result of the implementation of an extended day schedule.
- e. The district must provide an annual report to the State Board of Education on the result of the extended day schedule and the impact on student achievement. [[70 O.S. § 1-109](#)]

I. If, because of emergency situations, school has been missed more than fifteen (15) days, the State Board of Education will consider forgiving a portion of those days or in rare instances all days missed, on a case-by-case basis. Exceptions to the fifteen (15) day minimum will be made at the recommendation of the State Superintendent and forgiveness will be considered by the State Board of Education on a case-by-case basis.

J. If a school district determines that it is necessary to deviate from the required 6-hour school day because of severe weather conditions or fire, the superintendent should report this, in writing, to the State Department of Education, Accreditation Section, within 72 hours. Any loss of school time shall require the superintendent to report the amount of time lost and the procedures to be used to make up the lost time

K. Schools shall obtain permission from the State Board of Education before conducting Saturday classes to complete a standard school term including professional days. [[70 O.S. § 1-112](#)]

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

1. The minimum length of term the school year will be one hundred eighty (180) days or one thousand eighty (1,080) hours, ten (10) months, (180 days actually taught), provided not to exceed up to five (5) days or thirty (30) hours per school year of 180 days required may be used for attendance of professional meetings. A school district that adopts a 1,080 hours policy (minimum 165 day) rather than a 180 day policy shall notify the State Board of Education

prior to October 15 of the applicable school year. Where professional days are taken, they shall be so recorded in the register of attendance in a like manner as holidays are recorded. The legal aggregate days attendance will be divided by days actually taught to obtain the legal average daily attendance. Any school district holding less than a full term will have its state aid reduced proportionately. No district may have less than a full term of school unless conditions over which it has no control exist that would prevent the district's holding a full term. In cases where sites within a district have different length terms the average daily membership (ADM) and average daily attendance (ADA) should be calculated for each site separately.

2. School activities must be under the direction or supervision of the teacher or supervisor whether such activities take place within or without the school building or school grounds in order to be considered a school day or part of a school day. Pupils dismissed and not under the direction or supervision of the teacher cannot be considered as participating in scheduled school activities. A student serving as a Page to the Legislature may be counted in attendance.
3. All pupils attending any school within a school district including underage, overage, non-resident, and non-transferred pupils shall have their names entered in the attendance register and have their attendance recorded in the same manner as any other pupil.

[OAC 210:35-3-47](#). **School reports and records**

Well delineated policies and procedures for records and reports shall be developed and kept current. School districts may store all documents and information in student records either electronically or in paper format.

1. Records and reports needed for effective planning, operation, evaluation, and reporting shall be kept relative to the following components of the educational program:
  - a. Administrative operations
  - b. Curriculum
  - c. Guidance
  - d. Health services
  - e. Instructional supplies
  - f. Media services
  - g. School plant
  - h. Staff
  - i. Student activities
  - j. Student personnel
2. The permanent record of the student shall be current and filed in the superintendent's or principal's office. Standardized test results, student's school activities, attendance and citizenship dates shall be included as a

part of the permanent records . Proper safeguards shall be taken with these records to protect the confidentiality of individuals and the human rights of all students. Health and immunization records should be kept separately .

3. One person in each school shall be responsible for all personally identifiable information to assure that no unauthorized person will be able to obtain the information without written parental permission .
4. Students shall be officially enrolled upon receipt of their immunization records as required by law and transcripts or grade cards. Information pertaining to grades, graduation tests, college admission tests, rank in class of graduating seniors, and other pertinent information required under [70 O.S. § 24-114](#) shall be recorded on the transcript. A student’s transcript shall be maintained by the school district for not less than eighty (80) years following the graduation, transfer, or withdrawal of the student from the district. Because of the likelihood of changes to electronic data storage systems and practices during the timeframe that transcripts must be maintained, districts that store student records electronically are encouraged to make any necessary format conversions of student transcript records each time the district makes a significant change to its electronic data storage system, so that transcripts will be retrievable if the original storage format becomes obsolete.
5. Principals shall furnish transcripts and immunization records of students within three business days when requested to do so by school officials. [[70 O.S. § 24-101.4](#)] However, a local board of education may withhold a student’s transcript or other records of the school relating to any school child who fails to return a textbook or make payment for the textbook if not returned. The term “transcript” includes any record of a grade or grades given to a student by a teacher. Local boards in their board policies shall include considerations for the inability to pay for a textbook and reasons for the non-return of the textbook. However, nothing herein shall be deemed to prevent any school child from actually receiving a grade that he is otherwise entitled to for completion of a course of study, from graduating upon completion of the requirements, or from obtaining any records or information supplied to the school or otherwise owned by the child. [[70 O.S. § 16 -121](#)]
6. School administrators shall be familiar with and assure compliance with state attendance laws.
7. A school district shall excuse a student from attending school for the purpose of observing religious holy days if before the absence, the parent, guardian, or person having custody or control of the student submits a written request for the excused absence. The school district shall excuse a student for the days on which the religious holy days are observed and for the days on which the student must travel to and from the site where the student will observe the holy days. [[70 O.S. § 10-105](#)(B)(4)]
8. A school district shall excuse a student from attending school for the purpose of participating in a military funeral honors ceremony upon approval of the school principal. [[70 O.S. § 10-105](#)(B)]



9. Closing classroom work early for seniors for commencement or other activities is prohibited by the State Board of Education. Any school district which does not require students to attend school for the full term shall be in violation of the State Board of Education policy and shall be cited for the violation on the final accreditation report as presented for approval by the State Board of Education for the upcoming school year.
10. Classroom activities and instruction shall continue until the end of the school term. Students given excused absences during examination periods, for sickness or any other reason, shall not be counted as being in attendance.
11. Attendance records and teachers' grade books shall be filed with the district superintendent or his/her designee at the close of the school year.
12. Permanent records of staff and students shall be retained in the school. The duplicate of said records shall be filed in a building separate and apart from the building where the original copy is filed or shall be filed in a fireproof vault designed for the purpose of protecting permanent records. [[70 O.S. § 24-114](#)]
13. Beginning in the 2007-08 school year, the parent or guardian of each student enrolled in kindergarten at a public school in this state shall provide certification to school personnel that the student has passed a vision screening within the previous twelve (12) months or during the school year. Such screening shall be conducted by personnel listed on the statewide registry as maintained by the State Department of Health, which may include, but not be limited to, Oklahoma licensed optometrists and ophthalmologists. Beginning in the 2007-08 school year, the parent or guardian of each student enrolled in first or third grade at a public school in the state shall provide within thirty (30) days of the beginning of the school year certification to school personnel that the student passed a vision screening within the previous twelve (12) months. Such screening shall be conducted by personnel listed on the statewide registry as maintained by the State Department of Health; provided, Oklahoma licensed optometrists and ophthalmologists shall be exempt from such standards. No student shall be prohibited from attending school for a parent's or guardian's failure to furnish a report of the student's vision screening or an examiner's failure to furnish the results of the student's comprehensive eye examination required by this section. School districts shall notify parents or guardians of students who enroll in kindergarten, first, or third grade for the 2007-08 school year and each year thereafter of the requirements of this section. [[70 O.S. § 1210.284](#)]
14. Except for transcript records as defined in [[70 O.S. § 24-114](#)], school districts shall dispose of information in a student record at a time established by district policy that is between five (5) and seven (7) years after the student has graduated, transferred, or withdrawn from the district. Prior to the destruction of student records under this provision, school districts shall provide notification to the student or, if the student is under eighteen (18), to the student's parent or guardian, that the student's non-transcript records are scheduled to be destroyed. Notifications may be sent to the student or parent/guardian's last known mailing address and/or email address. Such

notification must include an option for the student/parent to request the physical records, if in hard copy format, or a copy of the records if they are stored electronically. Students/parents shall be allowed at least thirty (30) days following notification to request the records before the records may be destroyed by the school district. If a district's policy includes the option for students/parents to request the student records scheduled for destruction by postal mail, the district may require the student/parent to pay the necessary postage, provided that no fee shall be charged if the student/parent retrieves the records in person. A school district shall be deemed to have fulfilled the requirement to notify a student/parent prior to the destruction of student records if notification is directed to the last known contact information available to the district

#### OAC 210:10-1-5. Audits

- A.** Financial audit. All schools are required to make available to personnel of the State Department of Education all records pertaining to Federal programs, state aid appropriations, and expenditures from the general fund of the previous year, making it possible to complete an audit on all funds. Public officials, members of the boards of education, superintendents, principals, and any other persons whose duty it is to make appropriations and/or expenditures in accordance with the provisions of applicable state and federal law, the regulations of the State Department of Education, and the adopted policies of the State Board of Education will be held responsible for any misappropriation or illegal expenditure of such funds. [70 O.S. § 22-108](#) Requires one copy of the auditor's opinions and related financial statements shall be maintained by the district board of education as a public record for public inspection at all reasonable times at the office of the district board of education. A copy or a hyperlink to a copy of the most recent audit shall be posted on the front page of the school district website for public inspection. All records shall be kept at least five (5) years
- B.** Penalty. If it is discovered that a school district is unable to pay its current year's obligations through careless handling of funds by a school administrator, the State Board of Education may require the administrator to show cause why their administrator's certificate should not be revoked.
- C.** Student attendance record audits.
  - 1. Regional Accreditation Officers of the State Department of Education are required to audit the student attendance records of all Oklahoma public school districts.
  - 2. In addition to the Statistical Report, the official document for student attendance accounting and auditing is the Student Attendance Register. All other student attendance documents, reports, and summaries only support the accuracy of the Student Attendance Register and the Statistical Report.
  - 3. A school or program within a district that has a different school year from the district must present a separate Statistical Report and Attendance information reflecting the different school year for that school or program. The school or program will be audited separately from the district.
  - 4. Each person who keeps a Student Attendance Register is required to make

all entries in ink, record the attendance data for each pupil each day, keep the Register in a safe place and understand that the Register is subject to audit at any time. The Student Attendance Register may be maintained in an electronic format, provided that a school district maintaining its Student Attendance Register in an electronic format implements appropriate strategies for backing up data in the event of a potential system failure or other threat to digital record storage and retention.

5. If the attendance records show that school was maintained for less than a full annual term without approval of the State Board of Education, state aid will be reduced accordingly unless it can be shown that the attendance records as originally presented were in error.
6. When attendance, membership, or transportation is deducted for any reason by the audit, state aid will be reduced accordingly. Factual information may be presented by the school within ninety (90) calendar days from the date of the audit showing acceptable evidence that indicates the audit is in error.

#### **D.** Enrollment .

1. Enrollment means recording the name of a pupil on a class roll. Total Enrollment for an attendance period or for the year, whether for a class or for an entire school is the number of all enrollments so recorded. If a student is promoted or moves from one district or school to another during a school year, the student's name will be recorded on each class roll concerned. A record of that student's enrollment will be included in the original and every subsequent roll even though the pupil will be dropped from the original roll and every subsequent roll except the current one.
2. All students attending any school within a school district shall have their names entered in the attendance register and have their attendance recorded. Students are to be placed on roll the first day that the student actually attends class or participates in their instructional program.
3. All Entries and Exits are to be entered in the Student Attendance Register on the day that the transaction occurs. Students are not considered on roll until they actually attend class or participate in instructional activities. Students are always considered on roll until an exit code is entered.

#### **E.** Entry and exit.

1. Entry codes will always be placed on the Student Attendance Register. An entry code indicates where the student is coming from, e.g., another school in the district, another school district in Oklahoma, another state or country, or a private school or other placement. The Basis of Admission will be entered on the date that the student begins school. A Basis of Admission code indicates why a student is enrolling, e.g., because they are a district resident, a transfer student, an out-of-home placement student, or another authorized basis for enrollment applies.
2. Entry codes are recorded on the first day the student actually attends class or participates in instructional activities. Each different Basis of Admission must

have its own unique code on the Student Attendance Register, and must be reported to the State Department of Education using the appropriate code from the most recent requirements document for the SIF (Schools Interoperability Framework)-compliant statewide student data system, available on the agency website.

3. When a pupil enrolls in a public school in this state a second or succeeding time during the current school year, the entry must be reported to the State Department of Education using the appropriate entry code from the most recent requirements document for the SIF-compliant statewide student data system, available on the agency website.
4. An exit code is recorded each time a student withdraws from school, and in certain other limited cases such as when a student changes grade level mid-year or changes to a different academic calendar through entrance into an alternative education program. Exit codes are to be recorded on the date when the exit occurred. A student is not considered to be off roll until an exit code is recorded. A student exit must be reported to the State Department of Education using the appropriate exit code from the most recent requirements document for the SIF-compliant statewide student data system, available on the agency website.

#### **F. Attendance and absence.**

1. A student is to be considered present only on those days when in actual attendance in school or when participating in scheduled school activities under the direction and supervision of a regular member of the faculty. A student who is excused from attending school because of sickness or for any other reason shall not be counted in attendance. Students authorized by law to attend a partial school day or partial school week schedule shall not be counted as absent if they are in attendance during their scheduled education program.
2. All student attendance, absence and transportation information is compiled on a half-day basis with the exception of attendance, absence, and transportation information for half-day early childhood or kindergarten programs which are recorded on a full-day basis. A student must be in attendance for two-thirds ( $2/3$ ) of the first half of the school day to be recorded present for one-half day; likewise, a student must be in attendance for two-thirds ( $2/3$ ) of the second half of the school day to be recorded present for one-half day.
3. As a condition of receiving accreditation from the State Board of Education, all students in grades nine (9) through twelve (12) shall enroll in a minimum of six (6) periods, or the equivalent in block scheduling, of rigorous academic and/or rigorous vocational courses each day, which may include arts, vocal and instrumental music, speech classes, and physical education classes.
4. A student who is absent from instruction without excuse for ten (10) consecutive days is to be recorded as absent each day. On day eleven (11), the pupil is to be exited from the roll.

5. A school day for kindergarten or early childhood can either be a half-day of at least two and one half (2 ½) hours, or the district's standard full school day. However, kindergarten and early childhood absence and attendance is always recorded on a full day basis. Three (3) year old students authorized to attend public school under the Individuals with Disabilities Education Act (IDEA) should not be indicated as absent if they are in attendance for their scheduled education program, including partial school day or partial school week instructional schedules.
- G.** School activities. School activities may take place either on the school premises or off the school premises. In order for a student to be counted in attendance, the school activity must be under the direction and supervision of a teacher. Students dismissed and not under the direction and supervision of a teacher cannot be considered as participating in a school activity and cannot be counted in attendance. A student serving as a legislative page is to be counted in attendance at the school.
- H.** Parent-teacher conference days. Only students active in membership are to be counted in attendance on parent-teacher conference days. For districts that use a one hundred eighty (180) day academic calendar, only one parent-teacher conference day per semester will be counted for attendance purposes as a regular school day and included as part of the one hundred eighty (180) days of required instruction. Other days are encouraged above the one day per semester for parent-teacher conferences, but will not be counted for attendance purposes as regular school days. For a school district which has implemented a one thousand eighty (1,080) hour school year pursuant to [70 O.S. § 1-109](#), parent-teacher conferences may be counted as instructional time for no more than six (6) hours per semester, for a total of up to twelve (12) hours per school year.
- I.** Concurrent enrollment. A school district may receive full average daily attendance on a high school student who is participating in concurrent enrollment. In determining a legal school day for a student who is concurrently enrolled the district can use a combination of local school enrollment, college enrollment, and travel time. A student participating in concurrent enrollment is considered present when traveling to or from and while attending the college.
- J.** Professional meeting day.
1. The State Board of Education has defined a professional meeting day to be any day on which the faculty of a school district is engaged in the educational planning for improvement of the local school system; or that the faculty engages in a local, county, district or state education planning workshop or teacher's meeting. Such a day shall be identified as a professional day in each attendance register on the day the meeting occurred.
  2. Days used to work at the beginning or at the end of the school year shall not be counted as professional development activities. Preparing the classroom for instruction, grading papers, recording grades, completing report cards or enrolling students are not examples of professional development activities.
  3. A school district may not count more than thirty (30) hours each school year that are used for attendance of professional meetings toward the one

hundred eighty (180) days or one thousand eighty (1,080) hours of classroom instruction time that school is required to be in session.

**K.** Transportation .

1. A student must reside one and one-half (1 ½) miles or more by commonly traveled road from the school attended to be considered transported. Students living less than one-and one-half miles from the school may be transported but shall not be counted as transported pupils on the Transportation Report for state aid purposes.
2. Transportation may be provided for early childhood and kindergarten students to and from school during the normally scheduled morning and afternoon bus operation. Districts may also provide additional transportation, at local expense, for either early childhood or kindergarten students at midday. However, the school district is not required to provide midday transportation to either early childhood or kindergarten students. Midday transportation for early childhood and kindergarten pupils shall not be recorded on the Transportation Report.
3. A legally transferred or tuition student residing outside of the school district's ~~approved transportation area~~ may be transported to the school. ~~provided the student meets the bus within the transporting district's approved transportation area.~~ However, tuition students may not be counted as transported students on the Transportation Report. [70 O.S. § 9-105](#)

**L.** Authority for birth .

1. Documentation that can be used to verify school age . Examples of Authority for Birth are:
  - a. Birth certificate
  - b. Attending physician's certificate
  - c. Permanent school record
  - d. Family bible
  - e. Parent statement
  - f. Last year's attendance register
  - g. Other official scholastic record
2. Birth certificates, if available, must be provided for early childhood, kindergarten, and first grade students who are first-time enrollees. Each different Authority for Birth must have its own unique code on the Student Attendance Register

**M.** Career and Technology Center. Students are considered in attendance when traveling to or from and while attending a Career and Technology Center

**N.** Home-based program. An educational program for special education students who are unable to participate in a full-day educational program at school, or for students

who are unable to attend school in person for a period of time due to extended medical or other issues, and who receive education services from the school district at their home or an equivalent non-school site such as a hospital, provided by one or more certified teachers. Home-based pupils are considered on roll and in attendance for the duration of the time period they receive offsite education services from the school district.

- O.** Out-of-home placement. A student who is not a resident of the district but is housed and educated in a residential child facility or a treatment center located in the district. Out-of-home placement students are carried on roll and are considered in attendance if they are present for their scheduled education program, whether at a school site or through offsite services provided by the district.

**10 O.S. § 701** – **Statutory Form for Power of Attorney to Delegate Parental or Legal Authority Over Child** – see statute for the form: <http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=473786>

**OAC 210:10-1-17**. **Student Residency**

- a.** The residence of a student for school purposes is defined by [70 O.S. § 1-113](#).
- b.** The school district in which a student is presented for enrollment shall verify that the student is either a resident of the school district or is otherwise entitled to attend school in that school district for any other reason authorized by law.
- c.** Each school district shall adopt a policy which provides for the procedures and criteria to determine if a student is a resident of the school district. Local board of education policy shall include, but not be limited to, documented evidence provided by the parent, guardian or person having care and custody of the student. Such documentation may include proof of provisions of utilities, payment of ad valorem taxes, local agreements or contract for purchasing/leasing housing. The criteria for residency adopted in such policy shall not be in conflict with statutory provisions relating to the residence of students. Such policy shall provide for educational services for homeless children to the extent required by [Public Law 100-77, Title VII, Subsection B](#).
- d.** Pursuant to [70 O.S. § 18-111](#) a pupil moving from a school district during a school term shall be entitled to attend such school for the remainder of that school term.
- e.** A school district may, as part of its procedures for determining student residency, require reverification of student residency at the beginning of each school term.
- f.** Procedures for resolving residency disputes are specified in this subsection. Each school district shall designate a residency officer. In addition, each district shall include in their written policy information on how to request a review of a residency dispute and how the residency officer may be contacted. Any question or dispute as to the residence of a student shall be determined by the residency officer pursuant to the following procedures.

1. If a school district initially denies admittance of a student who claims to be a resident of that district, the parent, guardian or person having care and custody (hereafter parent) of the student shall be informed that they may request a review of the decision of the local residency officer. Each district may develop a residency review form .
2. If, during the course of the school year, a dispute arises as to the residence of a student who is enrolled and attending school, the student shall be allowed to continue in that school until these dispute procedures have been exhausted.
3. The parent of the student must notify the residency officer in writing of the review request within three (3) school days from denial of admittance. Upon receipt of a request for review, the residency officer shall allow the parent, guardian or person having care and custody to provide additional pertinent information in accordance with the district's criteria and the statutory provisions regarding residency. Said information must be submitted with the request for review .
4. The residency officer must render a decision and notify the parent of the decision and reasoning therefore in writing within three (3) school days of the receipt of the request for review .
5. In the event the parent disagrees with the decision, the parent shall notify the residency officer, within three (3) school days of receipt of the residency officer's decision, who will submit his/her findings and all documents reviewed to the local board of education. The local board of education will review the decision and the documents submitted on behalf of the district and the student and render a decision at the next board meeting. The local board's decision shall be the final administrative decision .
6. In an effort to place students in school as quickly as possible, timelines shall be followed, unless due to emergency circumstances both parties agree to an extension of timelines .

#### [70 O.S. §8-101.2 - Transfers](#)

**Beginning January 1, 2022**, the transfer of a student from the district in which the student resides to another school district furnishing instruction in the grade the student is entitled to pursue shall be granted at any time in the year unless the number of transfers exceeds the capacity of a grade level for each school site within a school district. If the capacity of a grade level for each school site within a school district is insufficient to enroll all eligible students, the school district shall select transfer students in the order in which the district received the student transfer applications. The capacity of a school district shall be determined by the school district board of education. A student may be granted a one-year transfer and may automatically continue to attend the school each school year to which the student transferred with the approval of the receiving district.

At the end of each school year, a school district may deny continued transfer of the



student for:

1. The acts and reasons outlined in [70 O.S. § 24-101.3](#) of this title as a basis for denial of a transfer; and
2. A history of absences as a basis for denial of a transfer. For the purposes of this section, "history of absences" means ten or more absences in one semester.

Any brother or sister of a student who transfers may attend the school district to which the student transferred, if the school district policy gives preference to sibling transfers regardless of capacity, as long as the school district has capacity and the brother or sister of the transferred student does not meet a basis for denial.

Any child in the custody of the Department of Human Services in foster care who is living in the home of a student who transfers may attend the school to which the student transferred. Except for a child in the custody of the Department of Human Services in foster care, a transfer student shall not transfer more than two (2) times per school year to one or more school districts in which the student does not reside, provided that the student may always reenroll at any time in his or her school district of residence. At the discretion of the receiving district as a resident student for at least (3) years prior to becoming eligible to apply as a transfer student may be allowed to transfer to the school district regardless of capacity.

If the grade a student is entitled to pursue is not offered in the district where the student resides, the transfer shall be automatically approved.

Each school district board of education shall adopt a policy to determine the number of transfer students the school district has the capacity to accept in each grade level for each school site within a school district no later than January 1, 2022. The policy may include:

1. The acts and reasons outlined in [70 O.S. § 24-101.3](#) of this title as a basis for denial of a transfer; and
2. A history of absences as a basis for denial of a transfer. For the purposes of this section, "history of absences" means ten or more absences in one semester.

The policy shall be publicly posted on the school district website.

By the first day of January, April, July and October, the school district board of education shall establish the number of transfer students the school district has the capacity to accept in each grade level for each school site within a school district.

After establishing the number of transfer students the school district has the capacity to accept in each grade level for each school site within a school district, the board of education shall:

1. Publish in a prominent place on the school district website the number of transfer students for each grade level for each school site within a school district which the school district has the capacity to accept; and
2. Report to the State Department of Education the number of transfer

students for each grade level for each school site within a school district which the school district has the capacity to accept.

If a transfer request is denied by the school district, the parent of the student may appeal the denial within ten (10) days of notification of the denial to the receiving school district board of education. The receiving school district board of education shall consider the appeal at its next regularly scheduled board meeting. If the receiving school district board of education denies the appeal, the parent of the student may appeal the denial within ten (10) days of notification of the appeal denial to the State Board of Education. The parent shall submit to the State Board of Education and the superintendent of the receiving school a notice of appeal on a form prescribed by the State Board of Education. The appeal shall be considered by the State Board of Education at its next regularly scheduled meeting, where the parent and a representative from the receiving school district may address the Board.

Each school district board of education shall submit to the State Department of Education the number of student transfers approved and denied and whether each denial was based on capacity, acts and reasons outlined in [Section 24-101.3](#) of this title or a history of absences as provided for in paragraph 2 of subsection B of this section. The State Department of Education shall publish the data on its website and make the data available to the Office of Educational Quality and Accountability.

Each year, the Office of Educational Quality and Accountability shall randomly select ten percent (10%) of the school districts in the state and conduct an audit of each district's approved and denied transfers based on the provisions of the policies adopted by the respective school district board of education. If the Office finds inaccurate reporting of capacity levels by a school district, the Office shall set the capacity for the school district.

[70 O.S. § 8-103](#) In order that any student may be transferred, an application form specified by the State Board of Education must be completed by the parents of the student. For purposes of the Education Open Transfer Act, the term "parent" means the parent of the student or person having custody of the student as provided for in paragraph 1 of subsection A of [Section 1-113](#) of this title. The application shall be filed with the superintendent of the receiving school district for transfers to school districts in this state and with the State Board of Education for transfers to school districts in another state.

On or before the first day of January, April, July and October, it shall be the duty of the superintendent of the receiving school district to file with the State Board of Education and each resident district a statement showing the names of the students granted transfers to the school district, the resident school district of the transferred students and their respective grade level.

For students who are deaf or hearing impaired who wish to transfer to a school district with a specialized deaf education program, applications may be filed at any time during the school year. The student may transfer to the receiving school district at any time during the school year.

The school district shall enroll transfer students in the order in which they submit their applications. If the number of student transfer applications exceeds the capacity of a receiving school district, as determined by subsection A of [Section 8-101.2](#) of this title,

the district shall select transfer students in the order in which the district received the student transfer applications .

If a transfer application is denied based on the receiving school district's open transfer policy adopted pursuant to subsection B of [Section 8-101.2](#) of this title, the parent of the student may appeal the decision as provided for in subsection E of [Section 8-101.2](#) of this title .

[70 O.S. § 8-103.1](#) – **Transfer of Student – Non-Resident - Military**

**A.** A local school district board of education which receives a request for a transfer for a student who does not reside in the school district may refuse the transfer in accordance with the provisions of the open transfer policy adopted by the local school district board of education and subject to the provisions of subsections B and C of this section. Each local board of education shall adopt an open transfer policy for the school district which specifies its criteria and standards for approval of transfers of students who do not reside in the district. The policy shall include, but shall not be limited to, provisions relating to the availability of programs, staff, or space as criteria for approval or denial of transfers. A school district may include in the policy as the basis for denial of a transfer, the reasons outlined in [Section 24-101.3](#) of this title .

In considering requests for students to transfer into a school district, the board of education shall consider the requests on a first-come, first-serve basis. A school district shall not accept or deny a transfer based on ethnicity, national origin, gender, income level, disabling condition, proficiency in the English language, measure of achievement, aptitude, or athletic ability .

Notwithstanding the provisions of the Education Open Transfer Act, transfers of children with disabilities shall be granted as authorized in [Section 13-103](#) of this title .

**B.** A local school district board of education shall adopt a policy for the school district regarding the transfer of students who are the dependent children of a member of the active uniformed military services of the United States on full-time active duty status and for whom Oklahoma is the home of record and students who are the dependent children of a member of the military reserve on active duty orders and for whom Oklahoma is the home of record. The policy shall provide for the approval of the transfer if:

1. At least one parent of the student has a Department of Defense-issued identification card;
2. At least one parent can provide evidence that he or she will be on active duty status or active duty orders, meaning the parent will be temporarily transferred in compliance with official orders to another location in support of combat, contingency operation or a natural disaster requiring the use of orders for more than thirty (30) consecutive days; and
3. The student will be residing with a relative of the student who lives in the receiving school district or who will be living in the receiving school district within six (6) months of the filing of the application for transfer.

**C.**

1. A student shall be considered in compliance with the residency provisions of [Section 1-113](#) of this title if he or she is a student whose parent or legal guardian is transferred or is pending transfer to a military installation within the state while on active military duty pursuant to an official military order.
2. A school district shall accept applications by electronic means for enrollment including enrollment in a specific school or program within the school district and course registration for students described in paragraph 1 of this subsection.
3. The parent or legal guardian of a student described in paragraph 1 of this subsection shall provide proof of residence in the school district within ten (10) days after the published arrival date provided on official documentation. A parent or legal guardian may use the following addresses as proof of residence:
  - a. a temporary on-base billeting facility,
  - b. a purchased or leased home or apartment, or
  - c. federal government or public-private venture off-base military housing.

**D.** For purposes of this section:

1. "Active military duty" means full-time military duty status in the active uniformed service of the United States including members of the National Guard and Military Reserve on active duty orders; and
2. "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship or other installation under the jurisdiction of the Department of Defense or the United States Coast Guard.

A school district shall not accept or deny a transfer based on ethnicity, national origin, gender, income level, disabling condition, proficiency in the English language, measure of achievement, aptitude, or athletic ability.

Notwithstanding the provisions of the Education Open Transfer Act, transfers of children with disabilities shall be granted as authorized in Section 13-103 of this title.

**[70 O.S. § 8-113](#) Student Transfer to School District that Employs Parent or Legal Guardian as a Teacher**

A student shall be allowed to transfer to a school district in which the parent or legal guardian of the student is employed by the district, if the school district policy on student transfers grants preference for children of employees, regardless of school district capacity.

**[OAC 210:10-1-19](#) Special Education and Gifted Education Transfers**

- A.** It shall be the duty of each school district to provide special education and related services for all children with disabilities who reside in that school district

in accordance with the Individuals with Disabilities Education Act (IDEA), U.S.C. §§ 1400, et seq. A school district/LEA may fulfill this duty, to provide FAPE, by one of the following:

1. The district directly providing special education for such children;
2. The district joining a cooperative program with another district or districts to provide special education;
3. The district joining in a written agreement with a private or public institution, licensed residential childcare and treatment facility or day treatment facility within the district to provide special education and related services to students with disabilities;
4. The district entering into a written agreement with another school district whereby the resident district agrees that the receiving school district will provide FAPE to an eligible student with a disability on behalf of the resident district. This agreement is an IEP Service Agreement, entered into solely for the purpose of providing special education and related services (FAPE) to an eligible student with a disability. In this case, all funds remain with the resident school district, which agrees to pay tuition to the receiving district. Further, the average daily membership (ADM) of the student is credited to the resident district. The resident district has the responsibility to provide FAPE, special education and related services, including transportation for students serviced pursuant to this provision. Representatives of the resident district are responsible for the development and implementation of the IEP and must be provided the opportunity to participate in all IEP meetings. In the event of a due process complaint, the resident district retains responsibility.
  - a. IEP Service Agreements entered into pursuant to this section for three (3) consecutive years to the same school district shall lead to automatic renewal of the agreement each year. In these cases, the resident district shall continue to pay tuition as provided by law. Automatic renewal occurs only in cases where districts have entered into IEP Service Agreements.
  - b. IEP Service Agreements are granted by approval of both the resident and receiving school districts. Such agreements shall be memorialized in writing and documented in State Department of Education's student information system. This agreement should not be documented as a transfer pursuant to the Education Open Transfer Act.
  - c. All transfers involving a student with disabilities are transfers and shall be conducted in accordance with the Education Open Transfer Act, 70 [O.S. § 13-101](#), et seq., and State Department of Education rules. Transfers granted to students who are incidentally special needs students shall be governed by [OAC](#) 210:10-1-18 and governing state law. Consideration shall be given to the original purpose of the transfer.
1. In the event a student with disabilities requests a transfer for any reason other than to receive FAPE, the following provisions shall apply:

- a. The receiving school district shall establish availability of the appropriate program, staff, and services prior to the approval of the transfer; and
      - b. The receiving school district shall consult the resident school district and the parents of the student to determine how FAPE will be provided to the student. Services comparable to those described in the IEP shall be provided until the receiving school district adopts the child's IEP from the resident district or develops, adopts and implements a new IEP that meets IDEA requirements.
    2. Upon approval of the transfer pursuant to the Education Open Transfer Act, the receiving district shall claim the child in the average daily attendance for membership (ADM) for state and federal funding purposes and shall assume responsibility for education of the child. For state funding purposes, the State Department of Education shall include the appropriate grade level weight and all category weights to which the pupil is assigned to calculate State Aid pursuant to [70 O.S. § 18-200.1](#), et seq.
      - c. In the event of an IEP Service Agreement, it is the responsibility of the resident school district to provide transportation to a child who has been granted a transfer for the purpose of providing a free appropriate public education (FAPE). In the event of an open transfer, the receiving school district is responsible for providing transportation if necessary to provide FAPE to the student with a disability.
  1. The need for transportation must be determined on an individualized basis by the IEP team. If the IEP team determines that transportation is a related service the child needs in order to access FAPE, then the service will be provided regardless of the distance the child resides from the school. The need for, frequency, and duration of these services must not be determined by the category of disability, the availability of services, or the distance the child lives from the school where the special education program is to be delivered. If the child requires transportation to receive, benefit from, or obtain access to a special education program, the district shall provide it at no cost to the student. When possible, children on an IEP should be transported with nondisabled peers.
    - a. Under federal regulations, transportation and such developmental, corrective, and other supportive services may be required for a child with a disability to benefit from special education. Transportation includes travel to and from school and between schools, travel in and around school buildings, and specialized equipment required to provide transportation to a child with disability, such as special or adapted buses, lifts, and ramps.
    - b. The provision of transportation for preschool children with disabilities must be considered on an individual basis by the IEP team. The team must consider transporting a preschool aged child to the site where special education and related services are provided, if that site is different from the site at which the child receives other preschool services.
    - c. The school district may provide transportation services directly or

contract with parents or some other person to furnish transportation . The miles driven and cost per mile to be paid by the school district should be specified in the IEP . Based on a mutual agreement between two school districts, a school district offering special education classes may extend its transportation services to include the transportation of children qualifying for special education in an adjacent district that does not offer special education classes .

- d.** Children with disabilities are entitled to the same length of school day offered to all children as established in Oklahoma state law. Transportation, scheduling, or administrative conveniences are not acceptable reasons for students with disabilities to have shortened school days. Additionally, academic schedules may not be lengthened or shortened to accommodate transportation .
- 2.** Independent school districts are responsible for providing FAPE to children aged three (3) through twenty-one (21) years old . Elementary school districts are responsible for providing FAPE to children aged three (3) through the highest-grade level of the school . A school district’s responsibility to provide transportation to children with disabilities extends to the grade offered by that school district .
  - a.** If a child transfers to an independent school district upon completion of the highest grade offered by an elementary school district, and the student lives within the independent school’s transportation area, that independent district must provide transportation for that child .
          - b.** Other independent school districts may also enroll any transferred high school child, but they are not required to provide this transportation service outside their transportation area .
          - c.** In the event that transportation is included as a related service in the IEP and the IEP is reviewed and adopted by the receiving independent school district, the receiving school district will be required to provide transportation regardless of the transportation area where the child resides .
          - d.** It shall be the duty of each school district to provide gifted child educational programs and to serve those children, as defined in [70 O.S. § 1210.307](#) . This duty may be satisfied by:
            - 1.** The district directly providing gifted child educational programs for such children ;
            - 2.** The district joining in a cooperative program with another district or districts to provide gifted child educational programs for such children ;
            - 3.** The district joining in a cooperative program with a private or public institution within such district ; or
            - 4.** The district entering into a written agreement with another school district whereby the resident district agrees that the receiving school district will provide appropriate gifted child educational programs .

- a. No transfer shall be made without the consent of the board of education of the receiving school district;
- b. The resident school district shall provide transportation for the transferred student; and
- c. The resident school district shall pay an amount of tuition equal to the proportion of the operating costs of the program to the receiving district

**OAC 210:20-23-2. Requirements for school board member candidacy; notification; contests of candidacy**

- A. The school board president or designee shall notify the State Department of Education in writing when any newly elected, reelected, or appointed school board member takes office, and submit the member's name and mailing address, seat number and the beginning and ending date of the term of office.
- B. The local school board president or designee shall notify the State Department of Education in writing when a board member is deceased, has resigned, or otherwise leaves office.
- C. Each local board of education shall establish a policy which includes:
  - 1. a procedure for notifying school board members of their New School Board Member and continuing education requirements, and;
  - 2. identification of the individual responsible for notifying the State Department of Education of any changes in board membership.

**OAC 210:20-23-3. Requirements for new and incumbent school board member training**

- a. Definitions. The following words and terms, when used in this subchapter, shall have the following meaning:
  - 1. "Approved instruction" means instruction provided through workshops for the purpose of meeting the school board member instruction and continuing education requirements set forth in [70 O.S. §§5-110](#) and [5-110.1](#). Workshops providing instruction to qualify for credit pursuant to this Section and [OAC 210:20-23-4](#) shall include all in-state workshops, seminars, conferences, and/or conventions that are conducted by the State Department of Education, the Oklahoma Department of Career and Technology Education, the Oklahoma State School Boards Association, and all approved local professional development programs of the board member's district. Other programs must have prior approval in writing by the State Department of Education. Requests for such approval must be in writing.
  - 2. "Incumbent school board member" means an individual who currently serves as a member of a district school board by either election or appointment and who also served as a school board member through either election or appointment to the term immediately prior to the current term of office, but does not include individuals who served a short-term appointment of fifteen (15) months or less during the previous term.



3. "New school board member" means an individual who has been elected or appointed to serve as a member of a district school board and who has not been previously appointed or elected to serve as a school board member to the term immediately prior to the current term for which the member has been elected or appointed. For purposes of training requirements, an individual who has served a short appointment of fifteen (15) months or less during the previous term is considered a new school board member.

**B.** Training for new school board members . Within fifteen (15) months of the date of election or appointment, each new school board member shall complete at least twelve (12) hours of approved instruction on education issues that meet all of the following requirements:

1. At least one (1) hour on public school finance and/or, if appropriate, Career Technology finance;
2. At least one (1) hour on the Oklahoma Open Records Act and Oklahoma Open Meeting Act;
3. At least one (1) hour on ethics; and,
4. At least nine (9) hours of approved instruction in other educational issues in the following areas:
  - a. Legal issues impacting local school districts;
  - b. School employment and due process law;
  - c. New laws;
  - d. Special education law; or
  - e. Additional hours of instruction in issues related to topics set forth in (1) through (3) of this subsection, provided that no hour of instruction shall be counted more than once to meet the required twelve (12) hours of new board member instruction .

**C.** Training for incumbent school board members. Within fifteen (15) months of the date of election or appointment, each incumbent school board member shall complete at least six (6) hours of approved instruction that meets all of the following requirements:

1. At least one (1) hour of instruction in public school finance and/or, if appropriate, Career Technology finance;
2. At least one (1) hour of instruction on the Oklahoma Open Records Act and the Oklahoma Open Meeting Act;
3. At least one (1) hour of instruction on ethics; and
4. At least three (3) hours of approved instruction in other educational issues in the topics referenced in this subsection and/or in (b)(1) through (b)(4) of this Section, provided that no hour of instruction shall be counted more than once to meet the required six (6) hours of training required by this subsection.

- D.** Short-term appointments. School board members who hold their seats by appointment for less than fifteen (15) months prior to the date of the next election shall be excused from the training requirements in (b) and (c) of this Section. While training is not required for short-term appointees, in the event a short-term appointee is elected to serve on the board for the subsequent term, any hours of approved instruction earned during the short-term appointment may carry forward to apply toward the training requirements of [70 O.S. §5-110](#) or [70 O.S. §5-110.1](#).
- E.** Excess approved instruction credits. Any hours of approved instruction in excess of the requirements of this Section that have been earned during a school board member's current term of office may be applied toward the continued education requirements of [70 O.S. §5-110.1](#), provided that:
1. With the exception of approved training hours earned during short-term appointments, no excess hours of approved instruction shall be permitted to carry over into a subsequent term of office; and
  2. No hour of instruction shall be counted more than once to meet any of the training requirements set forth in this Section or in 210:20-23-4.

**[19 O.S. § 138.17](#) – Duty of Candidates and Elected Officers to File Statements of Financial Interests**

All candidates for county office and all elected county officers shall be required to file a notarized statement of financial interests with the county election board subject to the same requirements as set forth for statements of financial interests filed with the Ethics Commission under Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution.

**[70 O.S. § 5-110](#) – Instruction for New and Incumbent Board Members – Expenses**

- A.** A school district elector who is elected or appointed to be a member of a school district board of education prior to January 1, 2014, shall obtain instruction on education issues in accordance with rules promulgated by the State Board of Education. Except as provided in subsection B of this section, at the time a school district elector files a notification and declaration of candidacy for the office of school district board of education membership or is appointed to be a member of a school district board of education on or after January 1, 2014, the elector shall agree and pledge in writing that, within fifteen (15) months of election or appointment as a member of the district board of education, the member will complete at least twelve (12) hours of instruction on education issues, in the following areas: school finance; legal issues, which include but are not limited to employment, due process, new laws, the Oklahoma Open Records Act and the Oklahoma Open Meeting Act; and duties and responsibilities, which include but are not limited to special education and ethics, of district board of education members. Each elector shall agree and pledge in writing to complete at least one (1) hour of instruction in school finance, one (1) hour of instruction in the Oklahoma Open Records Act and the Oklahoma Open Meeting Act and one (1) hour of instruction in ethics. The remaining hours may be satisfied by attending a two-day workshop to be held within the state by the State Department of Education, by the Oklahoma Department of Career and Technology Education, or by attending workshops, seminars or classes which address the above-mentioned subject

matter, and which are sponsored by any organization approved by the State Board of Education, including but not limited to institutions of higher education. The State Board of Education shall promulgate rules by which an organization or particular courses offered by an organization may be approved for purposes of fulfilling the instructional requirements set out in this section .

- B.** When an incumbent of a district board of education files a notification and declaration of candidacy for reelection to the district board of education, the member shall be required to agree and pledge in writing that upon reelection the member will complete six (6) hours of instruction, within fifteen (15) months of election, including one (1) hour of instruction in school finance, one (1) hour of instruction in the Oklahoma Open Records Act and the Oklahoma Open Meeting Act and one (1) hour of instruction in ethics. The remaining hours may be satisfied by attending a workshop, class or seminar addressing the education issues set forth in subsection A of this section .
- C.** The State Department of Education shall, immediately after the annual elections of various district board of education members, determine the members of the district boards of education pledged to complete the instructional requirements established in subsections A and B of this section, and shall notify the members of the time and place where workshops, classes and seminars are to be conducted. Upon completion of the instructional requirements, the certificate of completion shall be included in the public records of the school board's minutes. Each school board member, except for an incumbent member, shall be required within fifteen (15) months following or preceding election to complete the workshop established by subsection A of this section or to attend twelve (12) hours of other state workshops, classes or seminars conducted as instruction on the subjects of school finance, legal issues, and the ethics, duties and responsibilities of district board of education members, including at least one (1) hour of instruction in school finance, one (1) hour of instruction in the Oklahoma Open Records Act and the Oklahoma Open Meeting Act and one (1) hour of instruction in ethics.
- D.** If a school board member, including an incumbent member, has not satisfied the instructional requirements as set forth in this section within fifteen (15) months of election, reelection or appointment, the district board of education shall declare the seat of the member vacant and fill the vacancy according to law. A school board member who is required to vacate a school board seat pursuant to this subsection shall be ineligible to be reappointed or to run for reelection to that respective board seat on the school district board of education or to run for election to any other board seat on the board of education for a three-year period for three-member boards, for a four-year period for seven-member boards or for a five-year period for five-member boards .
- E.** All government departments, agencies and institutions of this state are directed to lend assistance as may be required by the State Department of Education for the proper conduct and administration of the workshops as authorized in subsection A of this section. The State Department of Education shall maintain a permanent record of each district board of education member who successfully completes a workshop and shall issue a certificate of completion to the member.
- F.** The State Department of Education, the Oklahoma Department of Career and

Technology Education, and, upon approval of the State Board of Education, any organization or association representing district boards of education in this state are authorized to charge persons pledged to attend a workshop, class or seminar for purposes of meeting the instructional requirements of this section, a registration fee sufficient to defray the estimated costs of presenting the workshop, class or seminar and to collect the fees at the time of registration .

- G.** Any member of a district board of education or any individual elected, certified as the elected member by the county election board, but not sworn in and seated as a member of a district board of education at the time of a workshop, class or seminar presented by the State Board of Education, the Oklahoma Department of Career and Technology Education, or an organization or association representing district boards of education within the state who attends and successfully completes a workshop, class or seminar as required by subsection A or B of this section shall be reimbursed by the school district in accordance with the travel reimbursement policy of the district.

**OAC 210:20-23-4. Requirements for continuing education; certificates; costs**

- A.** Continuing education requirements. In addition to the training requirements set forth in 210:20-23-3, every new and incumbent school board member elected to a full term of office of three (3) years or more shall meet the continuing education requirements set forth in [70 O.S. 5-110.1\(A\)](#) as follows:
  1. Members elected to a full term of three (3) years or more shall be required to attend a minimum of nine (9) hours of continuing education;
  2. Members elected to a full term of four (4) years or more shall be required to attend a minimum of twelve (12) hours of continuing education; and
  3. Members elected to a full term of five (5) years or more shall be required to attend at least fifteen (15) hours of continuing education.
- B.** Approved instruction . Workshops which qualify for credit shall include all in-state workshops, seminars, conferences, and/or conventions that are conducted by the State Department of Education, the Oklahoma Department of Career and Technology Education, the Oklahoma State School Boards Association and all approved local professional development programs of the board member's district. Other programs must have joint prior approval in writing by the State Department of Education and the Oklahoma Department of Career and Technology Education. Requests for such approval must be in writing.
- C.** Certificates of completion. School board members who complete any approved workshop shall receive a certificate of completion at the end of the workshop. Copies of the certificate shall be forwarded to the State Department of Education by the director of the workshop. Upon completion of local professional development workshops, copies of the certificate, signed by the professional development coordinator, shall be forwarded by the board president or designee to the State Department of Education .

**OAC 210:20-23-5. Records management**

- (3) Three times a year, the State Department of Education shall notify the school

superintendent of the credit hours completed by each member of the board.

[OAC210:10-1-7](#). **Board(s) of education**

- A.** The Oklahoma School Code in part, provides that each school district shall be a body corporate and shall possess the usual powers of a corporation for public purposes and it may sue and be sued and be capable of contracting and being contracted with and holding such real and personal estate as it may come into possession of as authorized by law. It further provides that the governing board of each school district in Oklahoma is designated to be known as the board of education of such district, and that the superintendent of schools appointed and employed by such board shall be the executive officer of said board and shall perform such duties as said board directs. These sections of the School Code emphasize the legal responsibilities of the board of education for the acts or business transacted by the school district and its responsibility of outlining, defining, and fixing the sphere within which its superintendent is to perform the assigned duties.
- B.** Each responsibility mentioned elsewhere for the superintendent legally is a responsibility delegated by the board of education. Hence the first and most important responsibility of the board of education is a complete and comprehensive set of written policies giving the framework of authority assigned to its executive officer, the superintendent of schools. It is proper practice for the board of education to grant authority to its executive officer to represent it during the interim between board meetings on routine business management problems which can be handled within established policies.
- C.** A person serving on a board of education should remember that he/she is only another citizen in the school district except when the governing board of the school district is in a regular or special meeting for the purpose of transacting business for the school district. Again he/she should remember that as a member of the board of education while it is in a meeting transacting the district's business he/she participates in determining the board's judgment but when the board as such adjourns he/she reverts to his/her status as a citizen of the school district and all acts of the board should be referred to by him/her as "the board of education in its meeting made this decision" without reference to persons or individuals who happen to be members of such board.
- D.** If a board of education has not prescribed and written down its policies for its executive officer, then a point of departure would be to require the superintendent to furnish the leadership and secure the necessary consultative service to perfect such policies as would be sound in nature and functional for the management and operation of the district's business.

[26 O.S. §13A-110](#) - **School Board Vacancies** If vacancies occur which result in a loss of a majority of members of the board of education of a school district or technology center school district, the Governor shall appoint a member or members necessary to constitute a quorum to the board of education. Such appointment shall only be for the remainder of the term of office.

[OAC 210:35-3-48](#). **Local board responsibilities/staff relationships**

- A.** The local board shall have the responsibility for the operation of the school, and for performance of their powers and duties as specified in statute. [[70 O.S. § 5-117](#)]
1. The local board shall be responsible for developing and adopting effective policies for the operation of the school(s), which must include those policies required by statute. The staff, students, and community shall be involved in the development of the policies which relate to them. The local board's policies shall be prepared in printed form and shall be made available to staff, students, and community.
  2. The governing local board shall be responsible for the selection and evaluation of its chief executive officer who shall be the superintendent or other designated head of the school system.
  3. The local board and its individual members shall refrain from involvement in or interference with the administrative functions of the school.
  4. Individual board members shall not engage in transactions for the school or the district without prior and specific authorization of the entire board.
  5. Local board meetings shall be announced sufficiently in advance to give proper notice to board members, staff, and community.
  6. Prior to each local board meeting, the superintendent, in cooperation with the board, shall prepare an agenda for the meeting which is in compliance with the Oklahoma Open Meeting Act. Copies of the agenda shall be available to the public.
  7. Local board meetings shall be open to the public, except for executive sessions which shall be limited to topics prescribed by statute.
  8. The local board shall transact official business with professional staff members and other school employees only through the superintendent. The board shall adopt procedures which permit hearing viewpoints of the staff, students, and community during board meetings.
    - a. All school equipment, books, and supplies purchased with federal funds shall be labeled or designated when delivered to the school. This labeling shall include the title of the Act and the year purchased.
    - b. Lack of harmony in the teaching staff, board, or community, when such conditions affect the quality and effectiveness of instruction and climate of the school, shall be considered sufficient cause for not accrediting a school. Political and special interest groups or individuals shall not interfere in the operation of the schools.
    - c. The local board of education shall adopt policies and procedures pertaining to admission, placement, promotion, retention, and graduation requirements for students which shall be disseminated to students and parents/guardians.
    - d. For any instances in which the school charges tuition, as provided by law, the school shall have a policy, approved by the local board, regarding procedures to be used in the refunding of tuition if the student withdraws

from the school.

**B.** The Elementary superintendent will be responsible in an Elementary school district.

1. The chief executive officer of an independent school district or Elementary superintendent of an Elementary school district shall be expected to attend all meetings of the board of education. The superintendent may be excused from a board meeting during the time his or her employment or salary is under consideration.
2. The superintendent shall be responsible for developing and administering rules and procedures in accord with local board policies for proper operation of the schools. The staff, students, and community shall be involved, when appropriate, in the development of the rules and procedures which relate to them. The superintendent shall keep the local board informed of the status of all aspects of the school's operation.
3. The superintendent shall be responsible for the selection, assignment, and evaluation of school employees, the management of the buildings and equipment, and the administration and supervision of the educational and communications program. The chief executive officer shall prepare, or have prepared, and submit annually for the board's consideration a budget of anticipated income and expenditures.

**C.** The working relationships among the principal and the staff shall be such as to facilitate the effective administration and operation of the educational program.

**Oklahoma Open Meeting Act - [25 O.S. § 304](#) - Definitions**

1. "Public body" means the governing bodies of all municipalities located within this state, boards of county commissioners of the counties in this state, boards of public and higher education in this state.
2. "Meeting" means the conduct of business of a public body by a majority of its members being personally together or, as authorized by [Section 307.1](#) of this title, together pursuant to a videoconference. Meeting shall not include informal gatherings of a majority of the members of the public body when no business of the public body is discussed;
3. "Regularly scheduled meeting" means a meeting at which the regular business of the public body is conducted;
4. "Special meeting" means any meeting of a public body other than a regularly scheduled meeting or emergency meeting;
5. "Emergency meeting" means any meeting called for the purpose of dealing with an emergency. For purposes of the Oklahoma Open Meeting Act, an emergency is defined as a situation involving injury to persons or injury and damage to public or personal property or immediate financial loss when the time requirements for public notice of a special meeting would make such procedure impractical and increase the likelihood of injury or damage or immediate financial loss;
6. "Continued or reconvened meeting" means a meeting which is assembled

for the purpose of finishing business appearing on an agenda of a previous meeting. For the purposes of the Oklahoma Open Meeting Act, only matters on the agenda of the previous meeting at which the announcement of the continuance is made may be discussed at a continued or reconvened meeting;

7. "Videoconference" means a conference among members of a public body remote from one another who are linked by interactive telecommunication devices or technology and/or technology permitting both visual and auditory communication between and among members of the public body and/or between and among members of the public body and members of the public. During any videoconference, both the visual and auditory communications functions shall attempt to be utilized; and
8. "Teleconference" means a conference among members of a public body remote from one another who are linked by telecommunication devices and/or technology permitting auditory communication between and among members of the public body and/or between and among members of the public body and members of the public.

In all meetings of public bodies, the vote of each member must be publicly cast and recorded. [25 O.S § 305](#)

No informal gatherings or any electronic or telephonic communications, except teleconferences or videoconferences as authorized by Section 307.1 of this Title, among a majority of the members of a public body shall be used to decide any action or to take any vote on any matter. [25 O.S. § 306](#)

[25 O.S. § 307](#) - Executive Sessions

[25 O.S. § 307.1](#) -Video Conference Exceptions

[25 O.S § 311](#) - Public Notice

[25 O.S. § 312](#) - Written Minutes

[21 O.S. § 280](#) - **Disturbance at a School Board Meeting**

It is unlawful for any person, alone or in concert with others and without authorization, to willfully disturb, interfere or disrupt state business or the business of any political subdivision, which includes publicly posted meetings, or any agency operations or any employee, agent, official or representative of the state or political subdivision.

It is unlawful for any person who is without authority or who is causing any disturbance, interference or disruption to willfully refuse to disperse or leave any property, building or structure owned, leased or occupied by state officials or any political subdivision or its, employees, agents or representatives, used proper notice by a peace officer, sergeant-at-arms, or other security personnel.

[70 O.S. § 6-101.6a](#) - **Provisions of Contracts for Employment – Restrictions on Inquiry**

- A. No contract for employment of, or related employee information worksheets for, a teacher, administrator or other school district personnel shall inquire of the



applicant whether he or she has children or where the applicant plans to enroll his or her children if hired.

- B.** Beginning with the 2013-2014 school year, a school district board of education and administrator shall be prohibited from taking into consideration or making a condition of employment the enrollment status of an applicant's children.

#### 70 O.S. § 5-106 - **Governing Body of a School District**

- A.** The governing board of each school district in Oklahoma is hereby designated and shall hereafter be known as the board of education of such district. Except as otherwise provided in this section, the superintendent of schools appointed and employed by the board shall be the executive officer of the board and shall perform duties as the board directs.
- B.** The board may contract with a superintendent for a term as mutually agreed upon but not to exceed three (3) years beyond the fiscal year in which the contract is approved by the board and accepted by the superintendent. The contract shall include all other terms and conditions as agreed upon in writing by the board and the superintendent
- C.** The boards of two or more school districts may contract with one superintendent to serve as superintendent of the school districts as provided in Section 4 of this act.
- D.** No board of a school district having average daily membership (ADM) of fewer than five hundred (500) pupils shall be prohibited from allowing a superintendent to serve simultaneously as a principal.
- E.** The chief executive officer of the board of education of a district in which a public developmental research school is established shall be the director of the school appointed as provided in Section 1210.577 of this title.

#### 70 O.S. § 6-101 **(A), (E), (J), (K) – Teachers - Contract**

- A.** Except as provided in subsection E of this section, no person shall be permitted to teach in any school district of the state without a written contract, except as provided herein for substitute teachers and except teachers of classes in adult education. Except as provided in subsection J of this section, the board of education of each school district, wherein school is expected to be conducted for the ensuing year, shall employ and contract in writing with qualified teachers for and in the name of the district. One copy of the contract shall be filed with the clerk of the board of education and one copy shall be retained by the teacher.
- E.** A board of education shall have authority to enter into written contracts with teachers for the ensuing fiscal year prior to the beginning of such year. If, prior to the first Monday in June, a board of education has not entered into a written contract with a regularly employed teacher or notified the teacher in writing by registered or certified mail that a recommendation has been made not to reemploy the teacher for the ensuing fiscal year, and if, by fifteen (15) days after the first Monday in June, such teacher has not notified the board of education in writing by registered or certified mail that such teacher does not desire to be reemployed in such school district for the ensuing year, such teacher shall be considered as employed on a continuing contract basis and on the same salary schedule used for other for other

teachers in the school district for the ensuing fiscal year, and such employment and continuing contract shall be binding on the teacher and on the school district.

**J.** A board of education shall have authority to enter into written contracts for the ensuing fiscal year prior to the beginning of the year with persons who are not certified or licensed to teach by the State Board of Education as long as the person is actively in the process of securing certification or licensure. The person shall not be allowed to teach in a classroom until the person has met or completed all of the requirements for licensure or certification as provided for in [Section 6-190](#) of this title. If the person has not obtained valid certification or licensure by the first day of the ensuing school year, the contract shall be terminated.

**K.** A board of education of a school district shall have the authority to enter into written contracts for employment for the ensuing fiscal year with persons who are student teachers as defined in Section 1-116 of this title while such persons are still student teachers. A student teacher shall not be allowed to teach in a classroom during the ensuing fiscal year until meeting or completing all of the requirements for certification as provided for in Section 6-190 of this title. If the student teacher has not obtained valid certification by the first day of the ensuing school year, the contract shall be terminated. A board of education of a school district shall have the authority to commit to payment of a stipend or signing bonus to a student teacher as defined in Section 1-116 of this title while that person is still a student teacher, if that person has entered into a written contract for employment for the ensuing fiscal year. A board of education shall make any such student teacher stipend or signing bonus conditional on such person fulfilling the first year of their contract for the ensuing fiscal year. Any stipend or signing bonus paid under the terms of this subsection shall not be considered compensation for purposes of teacher retirement or the minimum salary schedule.

**[70 O.S. § 5-141](#) (A), (D), (E) - Adoption of Minimum Salary Schedule - Employment Contracts - Salary and Fringe Benefit Schedule**

**A.** Each school district of this state shall adopt a minimum salary schedule and shall transmit a copy of it to the State Board of Education within thirty (30) days after adoption. A school district shall not calculate salaries of teachers solely as a proportion of the salaries of the administrators of the district.

**D.** Each school district shall file within fifteen (15) days of signing the contract, the employment contract of the superintendent of the school district with the State Department of Education. The Department shall keep all contracts available for inspection by the public. The school district shall not be authorized to pay any salary, benefits or other compensation to a superintendent which are not specified in the contract on file and shall not pay administrators any amounts for accumulated sick leave that are not calculated on the same formula used for determining payment for accumulated sick leave benefits for other full-time employees of that school district and shall not pay administrators any amounts for accumulated vacation leave benefits that are not calculated on the same formula used for determining payment for accumulated vacation leave benefits for other twelve-month full-time employees of that school district.

- E. By October 1 of each year each district board of education shall prepare a schedule of salaries and fringe benefits paid administrators employed by the district, including a description of the fringe benefits. The schedule shall be a public record and shall be disclosed as required by the Oklahoma Open Records Act. The board shall file a copy of the schedule with the State Department of Education within one week of completion .

**70 O.S. § 6-101.4 - Exercise of Powers and Duties of Superintendent in Elementary School Districts**

The powers and duties set forth in [Section 6-101](#) et seq. of Title 70 of the Oklahoma Statutes for the superintendent of a school district shall be exercised by the elementary superintendent in elementary school districts.

**70 O.S. § 5-138 - School Employees – Residence**

No school district board of education shall require any employee to reside within the boundaries of that school district; however, a district board may establish a policy that may require the district superintendent to reside within the boundaries of the district.

**ADDITIONAL STANDARDS FOR MIDDLE LEVEL SCHOOLS**

**OAC 210:35-7-21. Administrative and supervisory services**

- A. A middle level school shall include one or more grades in the fifth through ninth grade sequence. Any change in the organizational structure must have prior approval of the Accreditation Section of the State Department of Education.
- B. If a middle level school is housed in the same building with the elementary grades or senior high school, a definite floor, wing, or section of the building shall be designated as the middle level school.

**ADDITIONAL STANDARDS FOR SECONDARY SCHOOLS**

**OAC210:35-9-21. Administrative and supervisory services**

A high school may be a two, three, or four year school that includes at least two consecutive grades between 9 and 12 in its organization.

**ADDITIONAL STANDARDS FOR CAREER TECH EDUCATION PROGRAMS IN COMPREHENSIVE SECONDARY SCHOOLS AND CAREER AND TECHNOLOGY SCHOOLS**

**OAC 210:35-11-21. Administrative and supervisory services**

Students may enroll in CareerTech courses at the comprehensive high school or in the technology centers or both. The technology center curriculum is an extension of the high school for students currently enrolled in a high school. The technology center is a separate entity in that it also serves adult students.

1. All high school students shall be enrolled through a cooperative effort of sending comprehensive high schools and the technology center except in cases where the student’s parent or guardian has provided an affidavit and sufficient evidence that he/she is participating in a home-schooled education plan in accordance with [70 O.S. § 10-105](#).
2. Student discipline and control shall be a cooperative effort between the comprehensive high school and the technology center. Each institution

shall enforce rules and regulations in accordance with their board approved policies. Both institutions shall recognize the student's right to due process.

3. The comprehensive high school shall notify the technology center when students wish to withdraw from the technology center.
4. Attendance records and records of course work completed by a student in a technology center in Oklahoma shall be certified by the technology center to the sending school in which the student is regularly enrolled and shall be entered on the student's transcript according to the appropriate course title. These units of course work shall be counted toward meeting local and state requirements for graduation.
5. The standard school year shall consist of not less than 180 days. Courses offered in the technology center on the secondary level shall meet at least 175 days per school year and be accredited for three units. Comprehensive schools may elect to give the student four units of credit each year if the technology center class meets for a length of time equal to that where four units of credit are offered in the comprehensive school. Request for credit to be offered other than specified in the approved program of studies for career technology education must be made to and approved by the appropriate division of the Oklahoma Department of Career and Technology Education and the Accreditation Section of the State Department of Education.
6. Secondary career technology classes offered for credit outside the time frame of the regular school day shall meet the following criteria:
  - a. The curriculum must be an accredited program and be taught by a certified instructor.
  - b. Classes must meet a minimum of 60 hours for one-half unit or 120 hours for one unit of credit.
7. Secondary Students: Secondary CareerTech programs in the technology centers may be offered to secondary students. Students who are on an Individualized Education Program (IEP) may participate in the technology center program for up to four years within the parameters of current legislation. The maturity level of the student should be considered by the IEP team prior to enrolling a 9th grade student at the technology center.

## **STANDARD IV: CURRICULUM, INSTRUCTION, ASSESSMENT, CLIMATE, AND GRADUATION REQUIREMENTS**

In this standard:

- › Statement of the standard
- › Curriculum
- › American Sign Language – Teaching in Public School
- › Physical Education Programs
- › School Improvement Plan – Submit to State Board of Education
- › Instruction
- › Assessment
- › Climate
- › Programs of Study

### ADDITIONAL STANDARDS FOR SECONDARY SCHOOLS

- › Program of studies and graduation requirements
- › Curricular Standards for Instruction of Students in Public Schools
- › Passport to Financial Literacy Act
- › Oklahoma School Testing Program
- › Statewide System of Student Assessments - Remediation for Students not Performing at Proficiency Level
- › Rules for Transferees After Junior Year of High School

## **STANDARD IV**

### **CURRICULUM, INSTRUCTION, ASSESSMENT, CLIMATE, AND GRADUATION REQUIREMENTS**

#### **[OAC](#) <sup>2</sup> 210:35:3-61. **Statement of the standard****

The curriculum translates the school's statement of philosophy (and/or mission) and goals into learning objectives and activities. The core curriculum shall be designed to teach competencies for which students shall be tested. The curriculum shall be designed to prepare all students for employment and/or postsecondary education. The school shall use varied measures to determine the extent to which individual students are achieving the goals and levels of competencies. The instructional program is designed to impart the knowledge and skills essential to function successfully in a democratic society. Instruction is based on the selection and implementation of activities which enable each student to achieve the goals and objectives of the curriculum. Curricular activities are learning activities within the instructional process that occur in an accredited course during the school day to assist students in achieving the Priority Academic Student Skills. The co-curricular activities are an integral part of instructional programs which foster the Priority Academic Student Skills that are consistent with the stated goals and objectives of the various disciplines. To accomplish these stated goals and objectives, selected activities may be offered off campus as an extension of classroom instruction. Extracurricular activities enhance the educational process but are not essential to the achievement of the Priority Academic Student Skills.

#### **[OAC](#) 210:35-3-66. **Curriculum****

- A.** Quality curriculum shall be accessible for all students.
- B.** The curriculum shall reflect the school's statement of philosophy (and/or mission) and goals.
- C.** The written curriculum shall include the state Priority Academic Student Skills.
- D.** The school shall provide an organizational structure and curriculum which allows each student to progress in accordance with her/his individual growth and development.
- E.** The curriculum shall reflect principles of human growth and development and the specific learning theories accepted by the school.
- F.** The curriculum shall reflect the needs, the goals, and the values of the community.
- G.** The curriculum shall utilize the resources of the community.
- H.** The curriculum shall be developed, evaluated, and revised by the professional staff, with the appropriate involvement by the community and the students.
- I.** The curriculum shall be broad in scope and shall provide a wide range in student rate,

readiness, and potential for learning through a balanced program of skills and knowledge

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<sup>2</sup> PLEASE NOTE: The Oklahoma Administrative Code is available online, but only permits linking to the front page. To view OAC material, click on the hyperlinked "OAC", then select "View Code" from the options at the left side of the screen. Select the appropriate Title (210 for State Department of Education), then chapter number and subchapter, until you have reached the desired code section.

1. Information Skills shall be integrated into the curriculum to facilitate the development of proficiency in locating, selecting, organizing and communicating information .
2. The curriculum shall emphasize the interrelationships among areas of learning .
3. Procedures shall be established and implemented which foster vertical and horizontal program articulation (scope and sequence) with the school and within affiliated schools .
4. The Priority Academic Student Skills shall be in writing and shall be available to parents and teachers. Such student skills shall be reviewed periodically and shall be utilized in assessing student performance on the Priority Academic Student Skills .
5. The instructional staff members shall participate in the selection of appropriate content, methods, teaching materials, and learning activities used to achieve the Priority Academic Student Skills and the goals of the local school district and/or school site .

Note: For specific curriculum requirements, please refer to the text of [70 O.S. §§ 11-103.1](#) (ASL); [11-103.6](#) (Core Curriculum for High School); [11-103.9](#) (PE).

**Curriculum, Prohibition of Race and Sex Discrimination** [[OAC 210:10-1-23](#)]

No teacher, administrator or other employee of a school district, charter school or virtual charter school shall require or make part of a course the following concepts:

- A.** One race or sex is inherently superior to another race or sex,
- B.** an individual, by virtue of his or her race or sex, is inherently racist, sexist or oppressive, whether consciously or unconsciously,
- C.** an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex,
- D.** members of one race or sex cannot and should not attempt to treat others without respect to race or sex,
- E.** an individual's moral character is necessarily determined by his or her race or sex,
- F.** an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex,
- G.** any individual should feel discomfort, guilt, anguish or any other form of psychological distress on account of his or her race or sex, or
- H.** meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race to oppress members of another race.

**[70 O.S. § 11-103.1](#) American Sign Language – Teaching in Public School**

American Sign Language is hereby recognized as a language art and may be taught in the public schools of the state in educational programs for both hearing and deaf students. American Sign Language classes taught in the public schools may be



counted by a public school in fulfilling elective course offerings and shall be granted the same credit as a foreign language. For the purposes of this section, American Sign Language may be taught in the public schools by any qualified teacher under the supervision of a certified teacher.

**70 O.S. § 11-103.9 Physical Education Programs**

- A.** Except as otherwise provided for in this section, the State Board of Education shall require, as a condition of accreditation, that school districts provide to all students physical education programs which may include athletics.
- B.** The Board shall require, as a condition of accreditation, that public elementary schools provide instruction, for students in full-day kindergarten and grades one through five, in physical education or exercise programs for a minimum of an average of sixty (60) minutes each week. The time students participate in recess shall not be counted toward the sixty-minutes-per-week physical education requirement. Schools may exclude from participation in the physical education or exercise programs required in this subsection those students who have been placed into an in-house suspension or detention class or placement or those students who are under an in-school restriction or are subject to an administrative disciplinary action.
- C.** The Board shall require, as a condition of accreditation, that public elementary schools provide to students in full-day kindergarten and grades one through five, in addition to the requirements set forth in subsection B of this section, an average of sixty (60) minutes each week of physical activity, which may include, but not be limited to, physical education, exercise programs, fitness breaks, recess, and classroom activities, and wellness and nutrition education. Each school district board of education shall determine the specific activities and means of compliance with the provisions of this subsection, giving consideration to the recommendations of each school's Healthy and Fit Schools Advisory Committee as submitted to the school principal pursuant to the provisions of [Section 24-100a](#) of this title.
- D.** The Board shall disseminate information to each school district on the benefits of physical education programs and shall strongly encourage districts to provide physical education instruction to students in grades six through twelve. The Board shall also strongly encourage school districts to incorporate physical activity into the school day by providing to students in full-day kindergarten and grades one through five at least a twenty-minute daily recess, which shall be in addition to the sixty (60) minutes of physical education as required by subsection B of this section, and by allowing all students brief physical activity breaks throughout the day, physical activity clubs, and special events.
- E.** School districts shall provide to parents or guardians of students a physical activity report . The report shall be provided to parents and guardians at least annually and shall include:
  - 1. A summary on how physical activity is being incorporated into the school day;
  - 2. A summary of the types of physical activities the students are exposed to in the physical education programs;

3. Suggestions on monitoring the physical activity progress of a child and how to encourage regular participation in physical activity; and
  4. Information on the benefits of physical education and physical activity.
- F.** Instruction in physical education required in this section shall be aligned with the subject matter standards as adopted by the Board.
- G.** The physical education curriculum shall be sequential, developmentally appropriate, and designed, implemented, and evaluated to enable students to develop the motor and self-management skills and knowledge necessary to participate in physical activity throughout life. Each school district shall establish specific objectives and goals the district intends to accomplish through the physical education curriculum.
- H.** In identifying the essential knowledge and skills, the State Board of Education shall ensure that the subject matter standards for physical education:
1. Emphasizes the knowledge and skills capable of being used during a lifetime of regular physical activity;
  2. Is consistent with national physical education standards for:
    - a. the information that students should learn about physical activity, and
    - b. the physical activities that students should be able to perform;
  3. Requires that, on a weekly basis, at least fifty percent (50%) of the physical education class be used for actual student physical activity and that the activity be, to the extent practicable, at a moderate or vigorous level;
  4. Offers students an opportunity to choose among many types of physical activity in which to participate;
  5. Offers students both cooperative and competitive games;
  6. Meets the needs of students of all physical ability levels, including students who have a disability, chronic health problem, or other special need that precludes the student from participating in regular physical education instruction but who might be able to participate in physical education that is suitably adapted and, if applicable, included in the student's individualized education program;
  7. Teaches self-management and movement skills;
  8. Teaches cooperation, fair play, and responsible participation in physical activity;
  9. Promotes student participation in physical activity outside of school; and
  10. Allows physical education classes to be an enjoyable experience for students.
- I.** The Board shall adopt rules to implement the provisions of this section.

**[70 O.S. § 1210.528.1](#) - **Apprenticeship, Internship or Mentorship Participation****

The governing body of each public, private, magnet, charter or virtual charter school in Oklahoma is authorized to enter into an agreement with private or public

organizations for the purpose of creating apprenticeship, internship and mentorship programs. These programs may be available to high school sophomores age sixteen (16) or older, juniors and seniors as permitted by each school. The apprenticeship, internship and mentorship programs may fill the requirements of elective courses as the student schedule permits.

[70 O.S. § 5-117.4](#) **(A) School Improvement Plan – Submit to State Board of Education**

**A.** Each local board of education shall, after convening an advisory council that includes teachers and parents, and after holding at least one public hearing, adopt a six-year school improvement plan for the district. Each school improvement plan shall include stated goals that clearly delineate educational expectations, and shall be annually monitored and updated as necessary. The alternative education plan for the school district as required in subsection B of Section [1210.566](#) of this title shall be included in the school improvement plan. The plan shall also include a specific program of improvement through academic skill reinforcement and/or remediation pursuant to the provisions of the Oklahoma School Testing Program Act. The plan shall include an evaluation of the instructional program in the basic skills areas as specified in paragraphs 1 and 2 of subsection A of Section [11-103](#) of this title and specific plans whereby schools within the district will initiate the planning process of meeting or exceeding the accreditation requirements in Section [3-104.4](#) of this title. The six-year school improvement plan shall include a consideration of the feasibility of participation in any programs which consist of state exemption from educational-related statutes or rules.

[70 O.S. §3-167](#)

A. 1. The State Board of Education shall exempt all school districts from or waive any policy, rule or law which requires school districts to form, convene, or participate in any advisory council or committee, including but not limited to the requirement to convene an advisory council when preparing the school improvement plan as set forth in [Section 5-117.4](#) of this title.

2. The provisions of paragraph 1 of this subsection shall cease to be effective during the fiscal year which begins on the July 1 immediately succeeding the legislative session during which the measure appropriating monies to the State Board of Education for the financial support of public schools is enacted as law and such appropriation amount is at least Fifty Million Dollars (\$50,000,000.00) greater than the amount of money appropriated to the State Board of Education for the financial support of public schools for the fiscal year ending June 30, 2019, pursuant to Chapter 146, O.S.L. 2018. Provided, the Fifty Million Dollars (\$50,000,000.00) shall not include any amount of appropriations dedicated for support or certified employee salary increases.

B. School districts shall not be exempted from forming, convening or participating in an advisory council or committee if required by federal law or regulation.

[OAC 210:35-3-67](#). **Instruction**

**A.** Special instruction, services, materials, and testing programs shall be available for those students having exceptional needs.

- B.** The overall educational program shall incorporate high expectations and successful experiences for all students.
- C.** Students and parents/guardians shall be informed about the Oklahoma Academic Standards for the core curriculum areas.
- D.** The placement of students in instructional skill groups within classes shall be reviewed frequently and adjustments shall be made in accordance with student needs and Oklahoma Academic Standards performance.
- E.** All instructional/learning materials shall be selected with consideration for the appropriate treatment of racial, ethnic, and cultural groups and the avoidance of stereotyping.
- F.** Appropriate instructional materials and equipment for core curriculum areas shall be provided in the amount and types needed to ensure that all students demonstrate competency in the Oklahoma Academic Standards.
- G.** Students and parents/guardians shall be informed in writing about their rights and responsibilities pertaining to the school curriculum.
- H.** The school shall protect the legal rights of students and parents/guardians as those rights relate to the curriculum.
- I.** Instructional methods shall provide for cooperative group learning in addition to competitive and individualized learning formats.
- J.** Learning activities and assessment procedures shall be congruent with the Oklahoma Academic Standards.
- K.** Learning activities shall be supported by supplementary or alternative instructional services as required by individual student needs.
- L.** Teacher/student interaction shall be utilized in planning of instructional options for learning activities.
- M.** All activities to teach Oklahoma Academic Standards shall provide for the different learning styles of students by including a diversity of appropriate learning opportunities.
- N.** Learning activities shall provide for the use of a variety of instructional materials and equipment.
- O.** Teachers shall use classroom practices which make the most productive use of class time.
- P.** The school's administrators shall enforce procedures and regulations which protect student learning time.

**OAC 210:35-3-68. **Assessment****

- A.** The principal, teachers, and parents/guardians shall be responsible for assessing the effectiveness of the curriculum and for planning improvement of the curriculum.
- B.** Students shall receive regular and frequent assessment of their progress toward

proficiency in the Oklahoma Academic Standards.

- C.** The school shall evaluate the major aspects of its curriculum through use of performance indicators and criteria for monitoring student progress. [[70 O.S. § 1210.508](#)]
- D.** Evaluation data derived from a variety of measures shall include information on:
  - 1. Student achievement
  - 2. School climate
  - 3. Expectations of parents/guardians
- E.** Student achievement data shall include, when appropriate:
  - 1. Norm-referenced tests
  - 2. Criterion-referenced tests
  - 3. Teacher-made tests
  - 4. CareerTech assessments
  - 5. College admission and placement tests
  - 6. Alternative assessments
- F.** A variety of assessments shall be used to evaluate the performance of each student in order to improve instruction.
- G.** The school shall provide diagnostic and prescriptive services for special class placement of exceptional students.
- H.** The result of the school's student assessment program shall be used to modify curriculum and instructional methodology. The assessment program shall include criterion and, where appropriate, norm-referenced and end-of-instruction tests. [[70 O.S. § 1210.508](#)]
- I.** The school shall make appropriate use of follow-up information concerning its former students to assist in the assessment and improvement of the curriculum.
- J.** Through written reports and individual conferences, parents/guardians shall be informed frequently and regularly about student progress.

**[70 O.S. §1210.508.5](#) - **ASVAB Test and Military Recruiters****

Each public school district and public charter school shall provide students in grades ten through twelve an opportunity to take the Armed Services Vocational Aptitude Battery (ASVAB) test and consult with a military recruiter.

The ASVAB test shall be scheduled during normal school day hours at a time that limits conflicts with extracurricular activities.

Each public school district and public charter school shall provide each student in grades ten through twelve and his or her parent or legal guardian with the date, time and location of the scheduled administration of the ASVAB test.

A public school district and public charter school may elect not to provide the ASVAB test if the district or charter school provides an alternative test that:

1. Assesses a student's aptitude for success in a career field other than a career field that requires postsecondary education .
2. Is free to administer .
3. Requires minimal training and support of district or charter school faculty and staff to administer the test.
4. Provides the student with a professional interpretation of the test results that allows the student to explore occupations that are consistent with his or her interests and skills and to develop strategies to attain career goals.

**OAC 210:35-3-69. **Climate****

- A.** The school climate shall be conducive to learning .
- B.** The school staff shall assess its climate, share the results of the assessment with the staff, and have a plan for maintaining an atmosphere that is responsive to the needs of the students .
- C.** There shall be activities within the school that provide for and/or facilitate the positive self-esteem of students and staff members .
- D.** The school shall provide appropriate opportunities for involving students, parents, staff members, and community representatives in decision-making .
- E.** The school shall assist parents in developing those skills and attitudes necessary for helping their children succeed in school .
- F.** The school shall provide a handbook for students, parents, and teachers which includes information on such matters as homework policies, behavior codes, grading policies, and other kinds of information important to students, parents, guardians, and staff members. The behavior code shall be developed with the appropriate involvement of students, staff, and parents .
- G.** The school shall provide organizations, activities, and leadership groups that offer opportunities for recognition of student accomplishments .
- H.** Parents shall receive regular and frequent communication from the school. Other members of the community shall be kept informed about school activities .
- I.** The school shall have procedures to address absenteeism, vandalism, and disruptive student behavior. [[70 O.S. § 24-100.4](#), [70 O.S. § 24-102](#), [70 O.S. § 24-101.1](#)]
- J.** Students shall be appropriately involved in the development and monitoring of the school's rules of conduct and scholarship standards .

**OAC 210:35-5-31. **Programs of Study****

- A.** School districts are required to provide physical education programs to all students. These programs may include athletics .
- B.** Public elementary schools must provide instruction in physical education for all

students in full-day kindergarten through Grade 5 for an average of 60 minutes per week.

- C.** Beginning with the 2008-2009 school year, the Board shall require, as a condition of accreditation, that public elementary schools provide to students in full-day kindergarten and grades one through five, in addition to the requirements set forth in subsection b of this section, an average of sixty (60) minutes each week of physical activity, which may include, but not be limited to, physical education, exercise programs, fitness breaks, recess, and classroom activities, and wellness and nutrition education. Each school district board of education shall determine the specific activities and means of compliance with the provisions of this subsection, giving consideration to the recommendations of each school’s Healthy and Fit Schools Advisory Committee as submitted to the school principal. Schools may exclude from participation in the physical education or exercise programs required in this subsection those students who have been placed into an in-house suspension or detention class or placement or those students who are under an in-school restriction or are subject to an administrative disciplinary action. [[70 O.S. § 11-103.9](#)]
- D.** Physical education instruction must be aligned with the Oklahoma Academic Standards.

[70 O.S. § 11-103.6](#) - **Computer Science**

Beginning in the 2024-2025 school year, all public high schools and public charter high schools shall offer a minimum of one computer science course to students.

Beginning in the 2024-2025 school year, all public middle and elementary schools and public charter middle and elementary schools shall offer instruction aligned to the Oklahoma Academic Standards for Computer Science. Instruction may be offered through stand-alone computer science courses or through integration in other courses.

Each course or offering shall be:

1. Be aligned to the Oklahoma Academic Standards for Computer Science and current research-based instructional practices.
2. Be of high quality, as defined by the State Board of Education; and
3. Be offered in an in-person setting or as a virtual or distance course option only when a traditional classroom setting is not feasible.

By June 30, 2025, and by June 30 each year thereafter, the State Department of Education shall publish on its website a report regarding computer science courses or content offered at each school and district during the previous school year. The report shall include the names and course codes of computer science courses offered in each school including a course description, to the extent such information is available.

**ADDITIONAL STANDARDS FOR SECONDARY SCHOOLS**

[OAC 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 a 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
  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
  - e. 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:
- a. Language Arts: Four (4) units or sets of competencies, to consist of:
    - I. One (1) unit or set of competencies of grammar and composition, and

- II. 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;

**b. Mathematics:** Three (3) units or sets of competencies, to consist of:

- I. One (1) unit or set of competencies of Algebra I or Algebra I taught in a contextual methodology; and
- II. 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;
  - viii. Other contextual mathematics courses which enhance technology preparation taught at a comprehensive high school;
  - ix. 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
  - x. Any other mathematics courses with content and/or rigor equal to or above Algebra I.

**C. Science:** Three (3) units or sets of competencies, to consist of

- I. One (1) unit or set of competencies of Biology I or Biology I taught in a contextual methodology; and

- II. 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;
- I. Other science courses with content and/or rigor equal to or above Biology I.

**D. Social Studies:** Three (3) units or sets of competencies, to consist of:

- I. One (1) unit or set of competencies of United States History;
- II. One-half (1/2) to one (1) unit or set of competencies of United States Government;
- III. One-half (1/2) unit or set of competencies of Oklahoma History; and

- IV. 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
- E. 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
  - 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.
- 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 completing curricular requirements as authorized by [[70 O.S. § 11-103.6\(Q\)](#)] shall be exempt from this requirement.

2. Each high school's academic program shall be designed to prepare all students for employment and/or postsecondary 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 Standard Diploma during a student's time 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. §11-103.6](#). 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.
  - c. In order to avoid denying a student who transfers into an Oklahoma school district from another state after the junior year of high school



a standard diploma due to differing assessment requirements, school districts should evaluate such a student's assessment records to determine whether the student was on track to meet assessment requirements in the state where they previously attended school. If it is determined that the student was on track to meet assessment requirements in the state where they previously attended school, the school district shall have the option of waiving Oklahoma School Testing Program (OSTP) requirements for the student. A school district that waives an eligible student's OSTP assessment requirements shall indicate such a waiver on the student's transcript.

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".
6. 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.

#### **70 O.S. § 11-103.6 - U.S. Naturalization Test to Graduate High School**

The subject matter standards for history, social studies and United States Government shall include study of important historical documents, including the United States Constitution, Declaration of Independence, Emancipation Proclamation, Federalist Papers and other documents with significant history and heritage of the United States, and the content of the United States naturalization test, with an emphasis on the specific content of the test and the ideas and concepts it references.

Beginning with the 2022 2023 school year, the United States naturalization test shall be administered each year. Districts may begin administering the test earlier in order to provide the graduation class of 2025 ample opportunities to take the exam.

The subject matter standards for United States Government shall include an emphasis on civics, the structure and relationship between the national, state, county and local governments and simulation of the democratic process. For the purposes of this section, "civics" means the study of the rights and duties of Oklahoma and United States citizens and of how those governments work.

Beginning with ninth graders in the 2021-2022 school year, in order to graduate from a public high school accredited by the State Board of Education, students shall pass the United States naturalization test as a requirement to graduate school districts shall offer the United States naturalization test to students at least once per school year, beginning as early as eighth grade at the discretion of the school district; provided, any student may retake the exam upon request, and as often as desired, until earning a passing score.

School districts shall exempt students with disabilities whose individualized education program (IEP), consistent with state law, indicates that the student is to be assessed with alternate achievement standards through the Oklahoma Alternate Assessment

Program (OAAP).

Refer to the text of [70 O.S. § 11-103.6](#) below for specific curriculum requirements.

[70 O.S. § 1210.508-6](#) **Graduation Requirements - FAFSA – Exemptions**

**A.** Except as provided for in subsection B of this section, beginning with the 2024-2025 school year, in order to graduate from a public high school accredited by the State Board of Education, students shall complete and submit a Free Application for Federal Student Aid (FAFSA).

**B.** A student shall not be required to comply with the provisions of subsection A of this section if:

1. The student’s parent or legal guardian submits a signed form authorizing the student to opt out of the requirement of subsection A of this section;
2. A student age eighteen (18) or older submits a signed form authorizing him or her to opt out of the requirement of subsection A of this section; or
3. A school counselor authorizes a student to opt out of the requirement of subsection A of this section.

**C.** The State Department of Education shall develop and publish:

1. Materials for students, parents, and legal guardians explaining the requirements to complete the FAFSA, the benefits to completing the FAFSA, and the opt-out provisions described in subsection B of this section; and
2. An opt-out form to be used by school districts, charter schools, and virtual charter schools for the purposes outlined in subsection B of this section.

**D.** The superintendent of each school district in this state shall designate a school employee to collect information regarding student compliance with subsection A or B of this section. The collection and storage of the information shall comply with the Family Educational Rights and Privacy Act of 1974 (FERPA).

**E.** The State Board of Education shall promulgate rules to implement the provisions of this section, which shall address the method by which a student is to provide proof to a school district, public charter school, or virtual charter school that the student has completed and submitted the FAFSA as required by subsection A of this section.

[70 O.S. § 24-160](#) **Tribal Regalia at Graduation Ceremonies**

**A. 1.** A student enrolled in a public school district, a public charter school, or a technology center school may wear tribal regalia during the school’s official graduation ceremonies, whether held at a public or private location.

2. Nothing in this subsection shall limit or alter the authority of school personnel to regulate student behavior pursuant to the School Safety and Bullying Prevention Act.

**B.** A student enrolled in an institution within The Oklahoma State System of Higher Education may wear tribal regalia during the institution’s official graduation ceremonies, whether held at a public or private location.

C. A school district board of education, a governing board of a charter school, a governing board of a technology center school, or the board of regents of an institution within The Oklahoma State System of Higher Education may adopt a policy pursuant to the provisions of this section, which may specify the characteristics of any garment, jewelry, other adornment, or object that the school or institution finds will endanger the safety of a student or others or interfere with graduation ceremonies if worn by a student.

D. For the purposes of this section, "tribal regalia" means traditional garments, jewelry, other adornments such as an eagle feather, an eagle plume, a beaded cap, a stole, or similar objects of cultural and religious significance worn by members of a federally recognized Indian tribe or the tribe of another country. Tribal regalia does not include any firearm or other weapon. Tribal regalia does not include any object that is otherwise prohibited by federal law, except in compliance with an appropriate federal permit.

**70 O.S. § 11-103.6 Curricular Standards for Instruction of Students in Public Schools**

**A. Curricular Standards for Instruction of Students in Public Schools**

1. The State Board of Education shall adopt subject matter standards for instruction of students in the public schools of this state that are necessary to ensure there is attainment of desired levels of competencies in a variety of areas to include language, mathematics, science, social studies and communication .
2. School districts shall develop and implement curriculum, courses and instruction in order to ensure that students meet the skills and competencies as set forth in this section and in the subject matter standards adopted by the State Board of Education .
3. All students shall gain literacy at the elementary and secondary levels. Students shall develop skills in reading, writing, speaking, computing and critical thinking. For purposes of this section, critical thinking means a manner of analytical thinking which is logical and uses linear factual analysis to reach a conclusion. They also shall learn about cultures and environments - their own and those of others with whom they share the earth. Students, therefore, shall study social studies, literature, languages, the arts, mathematics and science. Such curricula shall provide for the teaching of a hands-on career exploration program in cooperation with technology center schools
4. The subject matter standards shall be designed to teach the competencies for which students shall be tested as provided in Section 1210.508 of this title, and shall be designed to prepare all students for active citizenship, employment and/or successful completion of postsecondary education without the need for remedial coursework at the postsecondary level.
5. The subject matter standards shall be designed with rigor as defined in paragraph 3 of subsection F of this section .
6. The subject matter standards for English Language Arts shall give Classic Literature and nonfiction literature equal consideration to other literature. In addition, emphasis shall be given to the study of complete works of literature.

7. At a minimum, the subject matter standards for mathematics shall require mastery of the standard algorithms in mathematics, which is the most logical, efficient way of solving a problem that consistently works, and for students to attain fluency in Euclidian geometry .

**B.** Subject to the provisions of subsection C of this section, in order to graduate from a public high school accredited by the State Board of Education with a standard diploma, students shall complete the following college preparatory/work ready curriculum units or sets of competencies at the secondary level:

1. Four units or sets of competencies of English to include Grammar, Composition, Literature, or any English course approved for college admission requirements;
2. Three units or sets of competencies of mathematics, limited to Algebra I, Algebra II, Geometry, Trigonometry, Math Analysis, Calculus, Advanced Placement Statistics, or any mathematics course with content and/or rigor above Algebra I and approved for college admission requirements;
3. Three units or sets of competencies of laboratory science approved for college admission requirements, including one unit or set of competencies of life science, meeting the standards for Biology I; one unit or set of competencies of Physical Science, meeting the standards for Physical Science, Chemistry or Physics; and one unit or set of competencies from the domains of Physical Science, life science or earth and space science such that the content and rigor is above Biology I or Physical Science;
4. Three units or sets of competencies of history and citizenship skills, including one unit of American History, 1/2 unit of Oklahoma History, 1/2 unit of United States Government and one unit from the subjects of History, Government, Geography, Economics, Civics, or non-Western culture and approved for college admission requirements;
5. Two units or sets of competencies of the same foreign or non-English language or two units of computer technology approved for college admission requirements, whether taught at a high school or a technology center school, including computer programming, hardware, and business computer applications, such as word processing, databases, spreadsheets, and graphics, excluding keyboarding or typing courses;
6. One additional unit or set of competencies selected from paragraphs 1 through 5 of this subsection or career and technology education courses, concurrently enrolled courses, Advanced Placement courses or International Baccalaureate courses approved for college admission requirements; and
7. One unit or set of competencies of fine arts, such as music, art, or drama, or one unit or set of competencies of speech.

**C.** In lieu of the requirements of subsection B of this section which requires a college preparatory/work ready curriculum, a student may enroll in the core curriculum as provided in subsection D of this section upon written approval of the parent or legal guardian of the student. School districts may require a parent or legal guardian of the student to meet with a designee of the school prior to enrollment in the core curriculum. The State Department of Education shall develop and distribute to school districts a form suitable for this purpose, which shall include information on the benefits to students of completing the college preparatory/work ready

curriculum as provided for in subsection B of this section.

- D.** For those students subject to the requirements of subsection C of this section, in order to graduate from a public high school accredited by the State Board of Education with a standard diploma, students shall complete the following core curriculum units or sets of competencies at the secondary level:
1. Language Arts – 4 units or sets of competencies, to consist of 1 unit or set of competencies of grammar and composition, and 3 units or sets of competencies which may include, but are not limited to, the following courses:
    - a. American Literature
    - b. English Literature,
    - c. World Literature
    - d. Advanced English Courses, or
    - e. other English courses with content and/or rigor equal to or above grammar and composition;
  2. Mathematics – 3 units or sets of competencies, to consist of 1 unit or set of competencies of Algebra I or Algebra I taught in a contextual methodology, and 2 units or sets of competencies which may include, but are not limited to, the following courses:
    - a. Algebra II,
    - b. Geometry or Geometry taught in a contextual methodology,
    - c. Trigonometry,
    - d. Math Analysis or Precalculus,
    - e. Calculus,
    - f. Statistics and/or Probability,
    - g. Computer Science,
    - h.
      - I. contextual mathematics courses which enhance technology preparation, or
      - II. a science, technology, engineering and math (STEM) block course meeting the requirements for course competencies listed in paragraph 2 of subsection B of this section, whether taught at a:
        - i. comprehensive high school, or
        - ii. technology center school when taken in the tenth, eleventh or twelfth grade, taught by a certified teacher, and approved by the State Board of Education and the independent district board of education,
    - i. mathematics courses taught at a technology center school by a teacher certified in the secondary subject area when taken in the tenth, eleventh or twelfth grade upon approval of the State Board of Education and the

independent district board of education, or

- j.** equal to or above Algebra I;
3. Science – 3 units or sets of competencies, to consist of 1 unit or set of competencies of Biology I or Biology I taught in a contextual methodology, and 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:
- a.** Chemistry I,
  - b.** Physics,
  - c.** Biology II,
  - d.** Chemistry II,
  - e.** Physical Science,
  - f.** Earth Science,
  - g.** Botany,
  - h.** Zoology,
  - i.** Physiology,
  - j.** Astronomy,
  - k.** Applied Biology/Chemistry,
  - l.** Applied Physics,
  - m.** Principles of Technology,
  - n.** qualified agricultural education courses,
  - o.** (o)
    - i.** (1) contextual science courses which enhance technology preparation, or
    - ii.** (2) a science, technology, engineering and math (STEM) block course meeting the requirements for course competencies listed in paragraph 3 of subsection B of this section, whether taught at a:
      - i.** comprehensive high school, or
      - ii.** technology center school when taken in the tenth, eleventh or twelfth grade, taught by a certified teacher, and approved by the State Board of Education and the independent district board of education,
  - p.** science courses taught at a technology center school by a teacher certified in the secondary subject area when taken in the tenth, eleventh or twelfth grade upon approval of the State Board of Education and the independent district board of education, or
  - q.** other science courses with content and/or rigor equal to or above Biology I;
4. Social Studies – 3 units or sets of competencies, to consist of 1 unit or set of

competencies of United States History, 1/2 to 1 unit or set of competencies of United States Government, 1/2 unit or set of competencies of Oklahoma History, and 1/2 to 1 unit or set of competencies which may include, but are not limited to, the following courses:

- a. World History,
  - b. Geography,
  - c. Economics,
  - d. Anthropology, or
  - e. other social studies courses with content and/or rigor equal to or above United States History, United States Government, and Oklahoma History;
5. Arts – 1 unit or set of competencies which may include, but is not limited to, courses in Visual Arts and General Music; and
  6. Computer Education or World Language - 1 unit or set of competencies of computer technology, whether taught at a high school or a technology center school, including computer programming, hardware and business computer applications, such as word processing, databases, spreadsheets and graphics, excluding keyboarding or typing courses, or 1 unit or set of competencies of foreign or non-English language.

**E.**

1. In addition to the curriculum requirements of either subsection B or D of this section, in order to graduate from a public high school accredited by the State Board of Education students shall complete the requirements for a personal financial literacy passport as set forth in the Passport to Financial Literacy Act and any additional course requirements or recommended elective courses as may be established by the State Board of Education and the district school board. 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.
2. 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 curriculum requirements of this section.
3. A school district shall not be required to offer every course listed in subsections B and D of this section, but shall offer sufficient courses to allow a student to meet the graduation requirements during the secondary grade years of the student.

**F.** For purposes of this section:

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. "Qualified agricultural education courses" means courses that have been determined by the State Board of Education to offer the sets of competencies

for one or more science content areas and which correspond to academic science courses. Qualified agricultural education courses shall include, but are not limited to, Horticulture, Plant and Soil Science, Natural Resources and Environmental Science, and Animal Science. The courses shall be taught by teachers certified in agricultural education and comply with all rules of the Oklahoma Department of Career and Technology Education;

3. "Rigor" means a level of difficulty that is thorough, exhaustive and accurate and is appropriate for the grade level;
4. "Sets of competencies" means instruction in those skills and competencies that are specified in the subject matter standards adopted by the State Board of Education and other skills and competencies adopted by the Board, without regard to specified instructional time; and
5. "Unit" means a Carnegie Unit as defined by the North Central Association's Commission on Schools.

**G.**

1. The State Board of Education shall adopt a plan to ensure that rigor is maintained in the content, teaching methodology, level of expectations for student achievement, and application of learning in all the courses taught to meet the graduation requirements as specified in this section.
2. The State Board of Education shall allow as much flexibility at the district level as is possible without diminishing the rigor or undermining the intent of providing these courses. To accomplish this purpose, the State Department of Education shall work with school districts in reviewing and approving courses taught by districts that are not specifically listed in subsections B and D of this section. Options may include, but shall not be limited to, courses taken by concurrent enrollment, advanced placement, or correspondence, or courses bearing different titles.
3. The State Board of Education shall approve an advanced placement computer science course to meet the requirements of course competencies listed in paragraph 2 of subsection B of this section if the course is taken in a student's senior year and the student is concurrently enrolled in or has successfully completed Algebra II.
4. Technology center school districts may offer programs designed in cooperation with institutions of higher education which have an emphasis on a focused field of career study upon approval of the State Board of Education and the independent district board of education. Students in the tenth grade may be allowed to attend these programs for up to one-half (1/2) of a school day and credit for the units or sets of competencies required in paragraphs 2, 3 and 6 of subsection B or D of this section shall be given if the courses are taught by a teacher certified in the secondary subject area; provided, credit for units or sets of competencies pursuant to subsection B of this section shall be approved for college admission requirements.
5. If a student enrolls in a concurrent course, the school district shall not be responsible for any costs incurred for that course, unless the school district



does not offer enough course selection during the student's secondary grade years to allow the student to receive the courses needed to meet the graduation requirements of this section. If the school district does not offer the necessary course selection during the student's secondary grade years, it shall be responsible for the cost of resident tuition at an institution in The Oklahoma State System of Higher Education, fees, and books for the concurrent enrollment course, and providing for transportation to and from the institution to the school site. It is the intent of the Legislature that for students enrolled in a concurrent enrollment course which is paid for by the school district pursuant to this paragraph, the institution charge only the supplementary and special service fees that are directly related to the concurrent enrollment course and enrollment procedures for that student. It is further the intent of the Legislature that fees for student activities and student service facilities, including the student health care and cultural and recreational service fees, not be charged to such students.

6. Credit for the units or sets of competencies required in subsection B or D of this section shall be given when such units or sets of competencies are taken prior to ninth grade if the teachers are certified or authorized to teach the subjects for high school credit and the required rigor is maintained.
7. The three units or sets of competencies in mathematics required in subsection B or D of this section shall be completed in the ninth through twelfth 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 units or sets of competencies in grades nine through twelve after the student has satisfied the requirements of subsection B or D of this section.
8. All units or sets of competencies required for graduation may be taken in any sequence recommended by the school district.

**H.** As a condition of receiving accreditation from the State Board of Education, all students in grades nine through twelve shall 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.

**I.**

1. Academic and vocational-technical courses designed to offer sets of competencies integrated or embedded within the course that provide for the teaching and learning of the appropriate skills and knowledge in the subject matter standards, as adopted by the State Board of Education, may upon approval of the Board, in consultation with the Oklahoma Department of Career and Technology Education if the courses are offered at a technology center school district, be counted for academic credit and toward meeting the graduation requirements of this section.
2. Internet-based courses offered by a technology center school that are

taught by a certified teacher and provide for the teaching and learning of the appropriate skills and knowledge in the subject matter standards may, upon approval of the State Board of Education and the independent district board of education, be counted for academic credit and toward meeting the graduation requirements of this section .

3. Internet-based courses or vocational-technical courses utilizing integrated or embedded skills for which no subject matter standards have been adopted by the State Board of Education may be approved by the Board, in consultation with the Oklahoma Department of Career and Technology Education if the courses are offered at a technology center school district, if such courses incorporate standards of nationally recognized professional organizations and are taught by certified teachers.
  4. Courses offered by a supplemental education organization that is accredited by a national accrediting body and that are taught by a certified teacher and provide for the teaching and learning of the appropriate skills and knowledge in the subject matter standards may, upon approval of the State Board of Education and the school district board of education, be counted for academic credit and toward meeting the graduation requirements of this section.
- J.** The State Board of Education shall provide an option for high school graduation based upon attainment of the desired levels of competencies as required in tests pursuant to the provisions of Section 1210.508 of this title. Such option shall be in lieu of the amount of course credits earned.
- K.** The State Board of Education shall prescribe, adopt and approve a promotion system based on the attainment by students of specified levels of competencies in each area of the core curriculum.
- L.** Children who have individualized education programs pursuant to the Individuals with Disabilities Education Act (IDEA), and who satisfy the graduation requirements through the individualized education program for that student shall be awarded a standard diploma .
- M.** Students who enter the ninth grade in or prior to the 2007-08 school year who are enrolled in an alternative education program and meet the requirements of their plans leading to high school graduation developed pursuant to Section 1210.568 of this title shall be awarded a standard diploma .
- N.** Any student who completes the curriculum requirements of the International Baccalaureate Diploma Program shall be awarded a standard diploma .
- O.** Any student who successfully completes an advanced mathematics or science course offered pursuant to Section 1210.404 of this title shall be granted academic credit toward meeting the graduation requirements pursuant to paragraph 2 or 3, as appropriate, of subsection B or D of this section .
- P.** For purposes of this section, the courses approved for college admission requirements shall be 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 .

- Q.** Students who have been denied a standard diploma by the school district in which the student is or was enrolled for failing to meet the requirements of this section may re-enroll in the school district that denied the student a standard diploma following the denial of a standard diploma. The student shall be provided remediation or intervention and the opportunity to complete the curriculum units or sets of competencies required by this section to obtain a standard diploma. Students who re-enroll in the school district to meet the graduation requirements of this section shall be exempt from the hourly instructional requirements of Section 1-111 of this title and the six-period enrollment requirements of this section.
- R.** The State Department of Education shall collect and report data by school site and district on the number of students who enroll in the core curriculum as provided in subsection D of this section.

[70 O.S. § 1210.704](#) -**Advanced Placement Classes**

Beginning with the 2024–2025 school year, all public high schools in this state shall make a minimum of four advanced placement courses available to students.

School district boards of education shall be responsible for ensuring annually that all high school students have access to advanced placement courses beginning in the 2024-2025 school year. Such access may be provided through enrollment in courses offered through:

1. A school site or sites within the district;
2. A technology center school institution within the district;
3. A program offered by the Statewide Virtual Charter School Board or one of its vendors; or
4. A school site or sites in another school district.

Statewide Charter School Board shall maintain an online learning platform to provide high quality online learning opportunities for Oklahoma students that are aligned with the subject matter standards adopted by the State Board of Education pursuant to [70 O.S. § 11-103.6](#). The Board shall implement online courses, with an emphasis on science, technology, engineering, and math (STEM) courses, foreign language courses and advanced placement courses. The online platform shall be available to all Oklahoma school districts.

The State Department of Education shall provide information to all boards of education, to be distributed to their students and parents, on available opportunities and the enrollment process for students to take advanced placement courses. The information shall explain the value of advanced placement courses in preparing students for postsecondary-level coursework, enabling students to gain access to postsecondary opportunities, and qualifying for scholarships and other financial aid opportunities. The State Department of Education shall retain records of which options the local boards of education selected for their students and make the information available on the Department’s website.

[70 O.S. § 11-103.6h](#) - **Passport to Financial Literacy Act**

- A.** Personal financial literacy education shall be taught in the public schools of this state . Personal financial literacy education shall include, but is not limited to, the following areas of instruction
1. Understanding interest, credit card debt, and online commerce;
  2. Rights and responsibilities of renting or buying a home;
  3. Savings and investing;
  4. Planning for retirement;
  5. Bankruptcy;
  6. Banking and financial services;
  7. Managing a bank account;
  8. Understanding the Free Application for Federal Student Aid (FAFSA), loans and borrowing money, including predatory lending and payday loans;
  9. Understanding insurance;
  10. Identity fraud and theft;
  11. Charitable giving;
  12. Understanding the financial impact and consequences of gambling;
  13. Earning an income; and
  14. Understanding state and federal taxes.
- B.** In order to graduate from a public high school accredited by the State Board of Education with a standard diploma, students shall fulfill the requirements for a personal financial literacy passport . The requirements for a personal financial literacy passport shall be satisfactory completion in all areas of instruction in personal financial literacy as listed in subsection A of this section during grades seven through twelve or demonstration of satisfactory knowledge as provided for in subsection E of this section .
- C.** School districts shall provide instruction in personal financial literacy to students during grades seven through twelve . School districts shall have the option of determining when each area of instruction listed in subsection A of this section shall be presented to students .
- D.** Personal financial literacy instruction shall be integrated into one or more existing courses of study or provided in a separate personal financial literacy course . School districts shall have the option of determining into which course or courses each area of instruction listed in subsection A of this section shall be integrated .
- E.** Students with the most significant cognitive disabilities (MSCD) who have an Individualized Education Program (IEP) that directs that the student is to be assessed with alternate achievements standards through the Oklahoma Alternative Assessment Program may demonstrate satisfactory knowledge in each area of instruction listed in subsection A of this section upon a determination, supported by

documentation, by the school district that the student has met the following criteria:

1. Receives substantive and substantial instruction in life-skills curriculum; and
2. Demonstrates the acquired knowledge of the student with MSCD by alternate measures as required by the IEP.

**F.** The State Board of Education shall identify and adopt curriculum standards for personal financial literacy instruction that reflect the areas of instruction listed in subsection A of this section. The standards shall be incorporated into the state academic content standards adopted by the Board pursuant to Section 11-103.6 of this title.

**G.** The State Department of Education shall:

1. Develop guidelines and material designed to enable schools to infuse personal financial literacy within any course of study currently offered by the school district or offer personal financial literacy as a separate course. The guidelines shall outline the areas of instruction to be taught based on the curriculum standards adopted by the Board;
2. Develop professional development programs that are designed to help teachers provide instruction in personal financial literacy and incorporate the curriculum into an existing course or courses or develop curriculum for a separate personal financial literacy course;
3. Provide and identify resources, including online curricula, for integrating the teaching of personal financial literacy into an existing course or courses of study or for developing a separate personal financial literacy course. Any online curricula provided or identified by the Department shall include an assessment component for each area of instruction listed in subsection A of this section;
4. Provide and identify resources, including online curricula, and materials designed to enable students identified as English language learners to understand and use the personal financial literacy information presented; and
5. Utilize funds deposited into the Personal Financial Literacy Education Revolving Fund created in Section 3 of this act for the purpose of and to fund the Passport to Financial Literacy Act. Such funds may be used for developing and providing guidelines, materials and resources for personal financial literacy for students and teachers including, but not limited to, online curricula, training and professional development for teachers in the area of personal financial literacy as required in this subsection. The Department may use such funds to contract or work in conjunction with a third-party, Oklahoma-based not-for-profit organization that has proven expertise in the development of standards and curricula. The Department may further use a third-party organization to deliver professional development for teachers in the area of personal financial literacy.

**H.** The Department may work with one or more not-for-profit organizations that have proven expertise in the development of standards and curriculum and delivery of

teacher professional development in personal financial literacy for the purpose of developing and providing guidelines, materials, resources, including online curricula, and professional development .

**I.**

1. For students who transfer into an Oklahoma school district from out of state after the seventh grade, school districts shall assess the knowledge of the student in each of the areas of instruction listed in subsection A of this section. 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 a 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, the school district may exempt the student from completing instruction in that area of personal financial literacy instruction. School districts may use the assessment contained in the online curricula provided or identified by the State Department of Education pursuant to subsection G of this section to determine the personal financial literacy knowledge level of the student. School districts may also use the online curricula to present an area of instruction to transferred students who have not completed or who did not demonstrate satisfactory knowledge in one or more of the areas of personal financial literacy instruction .
2. For students who transfer into an Oklahoma school district from out of state after the junior year of high school, school districts may make an exception to the requirements for a personal financial literacy passport pursuant to the provisions of Section 11-103.6 of this title.

- J.** The State Textbook Committee created in Section 16-101 of this title may, when selecting textbooks for mathematics, economics, or similar courses, select those textbooks which contain substantive provisions on personal finance .
- K.** In order to deliver high-quality consistent personal financial literacy instruction, school districts shall to the extent possible assign the responsibility for teaching personal financial literacy to the same teacher or teachers on a continuing basis .
- L.** Beginning with the 2020-2021 school year, all teachers who are assigned the responsibility for teaching personal financial literacy shall complete ongoing professional development training in the areas of personal financial literacy instruction in accordance with guidelines established by the State Department of Education .

**70 O.S. § 1210.507 - Oklahoma School Testing Program**

- A.** The State Board of Education shall promulgate rules necessary for the implementation and administration of the provisions of the Oklahoma School Testing Program Act .
- B.** The State Board of Education shall require school district boards of education to annually provide information to the district’s students, parents of students, and the public at large about the proper meaning and use of assessments administered pursuant to the provisions of the Oklahoma School Testing Program Act. The

Department shall develop materials and make them available to school districts regarding the Oklahoma School Testing Program .

**C.**

1. Students enrolled in an online course or program that is offered by a school district or charter school that is not the district of residence or is not located in the district of residence of the student shall be provided the opportunity to take any assessment required pursuant to the Oklahoma School Testing Program Act or any other assessment generally required of students by the school district in which the student is enrolled at an alternative testing location approved by the State Board of Education . The alternative testing locations may be at sites that are not in the school district that is offering the online course or program or the district of residence. Alternative testing locations may include technology center school sites or any other testing location selected by the school district or charter school offering the online course or program. All alternative testing locations shall be subject to testing location rules promulgated by the State Board of Education . The school district or charter school offering the online course or program shall be responsible for any cost incurred in providing an alternative testing location and any additional cost of administering an assessment at an alternative testing location. In order to provide alternative testing locations at geographically dispersed sites, the school district or charter school offering the online course or program shall, at a minimum, provide not less than six alternative testing locations, with at least one location in each quadrant of the state and in each of the two metropolitan areas in the state. Additional alternative testing locations may be provided by the school district or charter school offering the online course .
2. The performance of students on any assessment required pursuant to the Oklahoma School Testing Program Act or any other assessments generally required of students by the school district who are enrolled full-time in an online program that is offered by a school district or charter school that is not the district of residence or is not located in the district of residence of the student shall be reported separately by the school district or charter school and shall not be included when determining the performance levels of the school district or charter school in the Oklahoma School Testing Program as reported in the Oklahoma Educational Indicators Program .

**D.** The State Board of Education shall seek to establish and post on the Internet a sample assessment item bank that will be made available to teachers and will allow them to create and deliver classroom assessments throughout the school year to check for student mastery of key concepts assessed by the assessments administered to students pursuant to the Oklahoma School Testing Program Act. Subject to the availability of funds, the Board shall annually release assessment items and make them available to the public .

**E.** The State Board of Education shall post on the Internet sample assessments for each grade level and subject matter assessment administered to students pursuant to the Oklahoma School Testing Program Act for the purpose of communicating expectation concerning the difficulty level and format to teacher, parents and

students. The Board shall maintain the sample assessments on the Internet throughout the year and, as changes are made in the state academic content standards, shall update the sample assessments. The Board shall seek to expand the number of sample assessments items each year and to revise items as needed. The sample assessments shall reflect the actual assessments administered to students and may contain questions used on actual assessments given in previous years.

- F.** The State Board of Education may implement an electronic delivery system for all assessments administered pursuant to the Oklahoma School Testing Program Act that will allow students to participate in computer-based assessments in order to expedite the delivery and use of the results. If the Board implements an electronic delivery system for assessments, the Board shall continue to administer all assessments by another means, including but not limited to printed assessments. If options are available, school districts shall have the authority to select the means of administration of all assessments administered in that district. In circumstances where the administration or delivery of an online or computer-based assessment has been or will be disrupted, delayed or cause problems with student participation, the Board may stop or cancel the online or computer-based assessment and administer the assessment by another means.

**[70 O.S. § 1210.508](#) – Statewide System of Student Assessments - Remediation for Students not Performing at Proficiency Level**

**A.**

1. By no later than December 31, 2016, the State Board of Education shall adopt a statewide system of student assessments in compliance with the Elementary and Secondary Education Act of 1965 (ESEA), as reauthorized and amended by P.L. No. 114-95, also known as the Every Student Succeeds Act (ESSA).
2. The statewide student assessment system adopted by the Board pursuant to this subsection shall be aligned with the Oklahoma Academic Standards as adopted by the Board and which prepare students for college and careers.

**B.**

1. The Board shall issue a request for proposals for the selection of assessments to be administered to students in grades three through twelve as a part of the statewide student assessment system adopted by the Board pursuant to this section.
2. The Board shall adopt assessments from the selected proposals that were submitted pursuant to paragraph 1 of this subsection. The adopted assessments shall be administered by the Board for a period that is in coordination with the six-year subject area textbook adoption cycle unless the vendor does not fulfill the terms of the contract or fails to comply with or violates the terms of the contract. The Board shall administer the assessments beginning with the 2017-2018 school year.

- C.** The statewide student assessment system adopted by the Board pursuant to this section shall include assessments that:



1. Are aligned with the Oklahoma subject matter standards as adopted by the Board;
2. Provide a measure of comparability among other states;
3. Yield both norm-referenced scores and criterion-referenced scores;
4. Have a track record of statistical reliability and accuracy; and
5. For assessments administered in high school, provide a measure of future academic performance.

**D.** For the 2016-2017 school year, the Board shall administer assessments in:

1. English Language Arts or Reading and Mathematics in grades three through eight and at least once in high school, during the grade span of nine through twelve;
2. Science not less than once during each grade span of three through five, six through nine and ten through twelve; and
3. United States History not less than once during the grade span of nine through twelve.

**E.**

1. Beginning with the 2017-2018 school year, the statewide student assessment system shall include assessments in:
  - a. English Language Arts and Mathematics in grades three through eight and at least once in high school, during the grade span of nine through twelve,
  - b. Science not less than once during each grade span of three through five, six through nine and ten through twelve, and
  - c. United States History not less than once during the grade span of nine through twelve.
2. Beginning with the 2017-2018 school year, the statewide student assessment system may include:
  - a. assessments in Reading and Writing in certain grades as determined by the Board, and
  - b. contingent upon the availability of funds, an additional nationally recognized college- and career-readiness assessment or assessments as recommended by the State Department of Education which will be administered to students in high school at no cost to the student.

**F.**

1. Beginning with students entering the ninth grade in the 2017-2018 school year, each student shall take the assessment or assessments included in the statewide student assessment system adopted by the Board pursuant to subsection A of this section in order to graduate from a public high

school with a standard diploma. All students shall take the assessment or assessments prior to graduation, unless otherwise exempt by law.

2. Beginning with students entering the ninth grade in the 2017-2018 school year, each student, in addition to taking the assessment or assessments included in the statewide student assessment system adopted by the Board pursuant to subsection A of this subsection, shall meet any other high school graduation requirements adopted by the Board pursuant to Section 5 of this act in order to graduate from a public high school with a standard diploma.
3. For students who start the ninth grade prior to or during the 2016-2017 school year, school districts shall adopt a plan that establishes the assessment or assessments those students are required to take in order to graduate from a public high school with a standard diploma. The plan may also include any or all of the other high school graduation requirements adopted by the Board pursuant to Section 5 of this act that those students will be required to meet in order to graduate from a public high school with a standard diploma.
4. The Board shall promulgate rules to ensure that students who transfer into an Oklahoma school district from out-of-state after the junior year of high school shall not be denied the opportunity to be awarded a standard diploma due to differing testing requirements.

**G.** In order to provide an indication of the levels of competency attained by the student in a permanent record for potential future employers and institutions of higher education, school districts shall report on the high school transcript of the student the highest-achieved score on the assessment or assessments included in the statewide student assessment system adopted by the Board pursuant to subsection A of this subsection and any business- and industry-recognized endorsements attained.

**H.** Students who do not perform at a proficiency level on assessments shall be remediated as established in the assessment requirements adopted by the Board pursuant to Section 5 of this act, subject to the availability of funding.

**I.** (i)

1. All assessments required by this section shall measure academic competencies in correlation with the subject matter standards adopted by the Board pursuant to Sections 11-103.6 and 11-103.6a of this title and referred to as the Oklahoma Academic Standards. The State Board of Education shall evaluate the subject matter standards to ensure the competencies reflect high standards, are specific, well-defined, measurable, challenging, and will prepare elementary students for next-grade-level course work and secondary students for postsecondary studies at institutions of higher education or technology center schools without the need for remediation. All subject matter standards shall reflect the goals as set forth in Section 11-103.6 of this title and of improving the state average ACT score.
2. The State Department of Education shall annually evaluate the results of the assessments. The State Board of Education shall ensure that preliminary results for all statewide assessments are reported to districts no later than June 1 of each year and are presented in a manner that yields detailed,

diagnostic information for the purpose of guiding instruction and student remediation. As improvements are made to the assessments required by this section, the Board shall seek to increase the depth of knowledge assessed for each subject. The State Board of Education shall seek to ensure that data yielded from the assessments required in this section are utilized at the school district level to inform instruction, professional development, school improvement and remediation for students.

3. The Commission for Educational Quality and Accountability shall determine the cut scores for the performance levels on all statewide assessments. The Commission shall conduct an ongoing review to compare the statewide assessment content and performance descriptors with those of other states. Upon receipt of the review, the Commission may adjust the cut scores as necessary.
4. The State Board of Education, for the purposes of conducting reliability and validity studies, monitoring contractor adherence to professionally accepted testing standards, and providing recommendations for testing program improvement, shall retain the services of an established, independent agency or organization that is nationally recognized for its technical expertise in educational testing but is not engaged in the development of aptitude or achievement tests for elementary or secondary level grades. These national assessment experts shall annually conduct studies of the reliability and validity of the statewide assessments administered pursuant to this section. Validity studies shall include studies of decision validity and concurrent validity.

**J.**

1. The State Board of Education shall promulgate rules setting the assessment window dates for each statewide assessment so that the assessments are administered according to recommended testing protocols, and so that the assessment results are reported back to school districts in a timely manner. The vendor shall provide a final electronic data file of all school site, school district, and state results to the State Department of Education and the Office of Educational Quality and Accountability prior to August 1 of each year. The Department shall forward the final data files for each school district and each school site in that district to the school district. The Board shall ensure the contract with the vendor includes a provision that the vendor report assessment results directly to the Office of Educational Quality and Accountability at the same time it is reported to the Board.
2. State, district, and site level results of all assessments required in this section shall be disaggregated by gender, race, ethnicity, disability status, migrant status, English proficiency, and status as economically disadvantaged, except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student. Each school site shall notify the student's parents of the school's performance levels in the Oklahoma School Testing Program as reported in the Oklahoma Educational Indicators Program at the

end of each school year.

- K.** The State Board of Education shall be responsible for the field-testing and validation of the statewide assessment system required in subsection A of this section.
- L.** The State Board of Education shall develop, administer, and incorporate as a part of the Oklahoma School Testing Program, other assessment programs or procedures, including appropriate accommodations for the assessment of students with disabilities as required by the Individuals with Disabilities Education Act (IDEA), 20 U.S.C., Section 1400 et seq.
- M.** For purposes of developing and administering alternate assessments for students with the most significant cognitive disabilities, the State Board of Education shall not be subject to subsections D and E of Section 11-103.6a of this title. (16)

[70 O.S. § 11-103.6f](#) - **Rules for Transferees After Junior Year of High School**

- A.** Prior to September 1, 2003, the State Board of Education shall adopt rules to ensure that students who transfer into an Oklahoma school district from out of state after the junior year of high school of the student shall not be denied, due to differing graduation requirements, the opportunity to be awarded a standard diploma.
- B.** The rules shall allow district boards of education to make exceptions on an individual student basis to the high school graduation requirements of Section 11-103.6 of this title for such students who would be unable to meet the specific graduation requirements without extending the date of graduation. Each district board of education that grants exceptions pursuant to this subsection shall report to the State Department of Education on or before July 1 of each year the number of students granted exceptions and reasons for the exceptions.
- C.** By December 1, 2015, the State Board of Education shall adopt rules requiring school district boards of education to waive the Oklahoma history high school graduation requirements of Section 11-103.6 of this title for children of military families as defined in the Interstate Compact on Educational Opportunity for Military Children, set forth in Section 510.1 of this title, who transition with the military from another state and who have satisfactorily completed a similar state history class in another state.

## **STANDARD V: THE SCHOOL STAFF**

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ADDITIONAL STANDARDS FOR CAREER TECH SCHOOLS

- › Staff qualifications
- › Professional development

## **STANDARD V**

### **THE SCHOOL STAFF**

#### [OAC 210:35-3-81](#). **Statement of the standard**

The schools of Oklahoma shall be staffed by administrators and teachers who are well-qualified for their respective positions. Administrators and staff shall work together in a collegial, cooperative school environment. The staff shall participate in decision making affecting the school program and teach under conditions favorable to effective performance. Administrators and teachers participate in staff development to enhance professional and instructional skills and to meet locally identified school improvement needs.

#### [OAC 210:35-3-86](#). **Qualifications; personnel records**

- A.** All professional personnel, with the exception of some instructors in Career Technology programs, shall hold a baccalaureate degree from an accredited institution, provide evidence of adequate professional education preparation, meet the certification standards of Oklahoma, and be assigned to teach in areas for which they are certified.
- B.** The superintendent who is the administrative head of the school system shall hold a valid Oklahoma superintendent's certificate. The Technology Center superintendent who is the administrative head of the school system shall also hold the technology center superintendent endorsement issued by the State Board of Education. In addition, the technology center superintendent shall have a Standard Area School Administrator Credential which is issued by the Oklahoma Department of Career and Technology Education.
- C.** A deputy or assistant superintendent shall hold the same certification/credentials as the superintendent.
- D.** Administrative assistants shall have education training or experience appropriate to their responsibilities.
- E.** Any administrative assistant whose responsibilities include the supervision of certificated personnel and/or educational program shall hold a valid administrative certificate appropriate to the grade level(s) that he/she supervises.
- F.** Other professional staff shall hold the appropriate certification for their job assignment.
- G.** Official up-to-date transcripts showing the work of all school teachers and nurses in all districts shall be kept on file during the year in the office of the superintendent with copies at school sites. All districts shall also keep on file during the year, in the office of the site principal and the superintendent. Districts may accept official transcripts from educational institutions in either hard copy or electronic form. Acceptance of an official transcript in electronic form may require direct submission to the State Department of Education by the educational institution.

#### [70 O.S. § 6-101](#) - **Teachers - Contract**

- A.** Except as provided in subsection E of this section, no person shall be permitted to teach in any school district of the state without a written contract, except

as provided herein for substitute teachers and except teachers of classes in adult education. Except as provided in subsection J of this section, the board of education of each school district, wherein school is expected to be conducted for the ensuing year, shall employ and contract in writing with qualified teachers for and in the name of the district. One copy of the contract shall be filed with the clerk of the board of education and one copy shall be retained by the teacher.

- B.** Except as otherwise provided by subsections J and K of this section and any other law, no board of education shall have authority to enter into any written contract with a teacher who does not hold a valid certificate issued or recognized by the State Board of Education authorizing said teacher to teach the grades or subject matter for which the teacher is employed. Any board of education paying or authorizing the payment of the salary of any teacher not holding a certificate, as required herein, shall be adjudged to be guilty of a fraudulent expenditure of public funds and members voting for such payment shall be held jointly responsible for the return of the amount of any public monies thus expended, upon suit brought by the district attorney or by any interested citizen in the district where such funds have been expended.
- C.** It shall be the duty of the superintendent of schools under whose supervision teachers have been contracted to teach to certify to the treasurer of the contracting district the names of the teachers holding valid certificates and student teachers with whom contracts have been made and the names of substitute teachers employed in accordance with law. The treasurer shall not register any warrant issued in payment of salary to any teacher whose name is not included in such list and shall be liable on the official bond for the treasurer for the amount of any warrant registered in violation of the provisions of this section.
- D.** Whenever any person shall enter into a contract with any school district in Oklahoma to teach in such school district the contract shall be binding on the teacher and on the board of education until the teacher legally has been discharged from the teaching position or released by the board of education from the contract. Except as provided in [Section 5-106A](#) of this title, until such teacher has been thus discharged or released, the teacher shall not have authority to enter into a contract with any other board of education in Oklahoma for the same time covered by the original contract. If upon written complaint by the board of education in a district any teacher is reported to have failed to obey the terms of the contract previously made and to have entered into a contract with another board of education without having been released from the former contract except as provided in [Section 5-106A](#) of this title, the teacher, upon being found guilty of such charge at a hearing held before the State Board of Education, shall have such teacher's certificate suspended for the remainder of the term for which the contract was made.
- E.** A board of education shall have authority to enter into written contracts with teachers for the ensuing fiscal year prior to the beginning of such year. If, prior to the first Monday in June, a board of education has not entered into a written contract with a regularly employed teacher or notified the teacher in writing by registered or certified mail that a recommendation has been made not to reemploy the teacher for the ensuing fiscal year, and if, by fifteen (15) days after the first Monday in June, such teacher has not notified the board of education in writing by registered or certified mail that such teacher does not desire to be reemployed in such school



district for the ensuing year, such teacher shall be considered as employed on a continuing contract basis and on the same salary schedule used for other teachers in the school district for the ensuing fiscal year, and such employment and continuing contract shall be binding on the teacher and on the school district.

- F.** Whenever a school district is engaged in contract negotiations with teachers employed by that school district after the school year has begun and the teachers are employed on a continuing contract basis, the school district shall, beginning at the first of the school year, pay the teachers any state-mandated salary increases and salary schedule increases to which each teacher is otherwise entitled.
- G.** No school district or any member of the board of education of a district shall be liable for the payment of compensation to a teacher or administrator under the provisions of any contract for the ensuing year, if it becomes necessary to close the school because of insufficient attendance, disorganization, annexation, consolidation, or by dispensing with the school according to law, provided, such cause is known or action is taken prior to July 1 of such ensuing year.
- H.** No school district or any member of a board of education shall be liable for the payment of compensation to any teacher or administrator for the unexpired term of any contract if the school building to which the teacher or administrator has been assigned is destroyed by accident, storm, fire, or otherwise and it becomes necessary to close the school because of inability to secure a suitable building or buildings for continuation of school. Teachers and administrators shall be entitled to pay for any time lost when school is closed on account of epidemics or otherwise when an order for such closing has been issued by a health officer authorized by law to issue the order.
- I.** A teacher may contract with more than one school district for the same school year as provided in [Section 5-106A](#) of this title.
- J.** A board of education shall have authority to enter into written contracts for the ensuing fiscal year prior to the beginning of the year with persons who are not certified to teach by the State Board of Education as long as the person is actively in the process of securing certification. The person shall not be allowed to teach in a classroom until the person has met or completed all of the requirements for certification as provided for in [Section 6-190](#) of this title. If the person has not obtained valid certification by the first day of the ensuing school year, the contract shall be terminated.
- K.** A board of education of a school district shall have the authority to enter into written contracts for employment for the ensuing fiscal year with persons who are student teachers as defined in [Section 1-116](#) of this title while such persons are still student teachers. A student teacher shall not be allowed to teach in a classroom during the ensuing fiscal year until meeting or completing all of the requirements for certification as provided for in [Section 6-190](#) of this title. If the student teacher has not obtained valid certification by the first day of the ensuing school year, the contract shall be terminated. A board of education of a school district shall have the authority to commit to payment of a stipend or signing bonus to a student teacher as defined in [Section 1-116](#) of this title while that person is still a student teacher, if that person has entered into a written contract for employment for the ensuing

fiscal year. A board of education shall make any such student teacher stipend or signing bonus conditional on such person fulfilling the first year of their contract for the ensuing fiscal year. Any stipend or signing bonus paid under the terms of this subsection shall not be considered compensation for purposes of teacher retirement or the minimum salary schedule.

**70 O.S § 1-116 - Student Teacher Compensation**

A student teacher enrolled in an institution of higher learning approved by the State Board of Education for teacher training and who is jointly assigned by the institution of higher learning and a board of education of a school district to perform practice teaching under the direction of a regularly employed and certified teacher shall be accorded the same protection of the laws as that accorded the certified teacher and shall be eligible to receive compensation beginning on the first day of the internship for up to one full school year. Such compensation shall not be considered compensation for purposes of teacher retirement or the minimum salary schedule.

**70 O.S . § 6-105 - Substitute Teachers**

- A.** If, because of sickness or other reason, a teacher is temporarily unable to perform regular duties, a substitute teacher may be employed for the position for the time of the absence. A substitute teacher shall be paid in an amount and under such terms as may be agreed upon in advance by the substitute teacher and the board of education or according to regulations of the board. If a teacher is absent for reason of personal business the school district shall deduct from the salary of the teacher only the amount necessary to pay the substitute.
- B.** No substitute teacher shall be employed for a total period of time in excess of one hundred thirty-five (135) school days during a school year; or one hundred forty-five (145) school days during the school year if the substitute teacher holds a lapsed or expired certificate or has a bachelors level college degree; or no limit of school days during the school year if the substitute teacher holds a valid certificate. Each school district shall adopt a policy which sets forth the maximum number of days a substitute teacher may be employed for the same assignment if the substitute teacher does not hold a valid certificate.
- C.** Substitute teachers who do not hold a valid certificate and who are employed to teach special education for students with physical disabilities or students with intellectual disabilities shall not be subject to the restrictions on total time a substitute teacher may be employed if no certified teachers are available to teach such students and the students would be denied instruction in special education if the substitute teacher were not employed. Beginning with the 2007-08 school year, any substitute teacher employed to teach special education for the same assignment for more than fifteen (15) consecutive or thirty (30) total school days during a school year who does not hold a valid certificate to teach special education shall be required to complete in-service training as prescribed by the State Board of Education. The training shall be provided at no cost to the substitute teacher. Availability of certified teachers shall be determined after the school has consulted the State Board of Education and any other resources for filling the vacant position with a certified teacher.
- D.** A school district may request a waiver of the restrictions on total time a substitute

teacher may be employed from the State Board of Education for a substitute teacher who does not hold a valid certificate. The school district shall submit evidence on the availability of certified substitute teachers and the qualifications of the substitute teacher. The Board shall develop procedures for the filing and processing of substitute teacher waivers pursuant to this subsection.

- E.** Payment of salary to a substitute shall have no effect on the amount of salary to which the absent regular teacher is entitled under the applicable leave plan.
- F.** Any substitute or cadet teacher employed in any school system on a monthly or annual basis shall hold a certificate and have a written contract in the manner and under the same conditions as for regular teachers.
- G.** Teachers who are members of the Reserve Forces of the Army, the Navy, the Marine Corps, the Coast Guard, the Air Force, or any other component of the Armed Forces of the United States, including members of the Air or Army National Guard, shall, when ordered by the proper authority to active duty or service, be entitled to a leave of absence from such civil employment for the period of such active service without loss of status or efficiency rating and without loss of pay during the first thirty (30) days of such leave of absence.
- H.** School districts in this state may contract with outside providers for the training and employment of substitute teachers. The State Board of Education shall promulgate guidelines to assist school districts in the sanctioning and approval of an outside provider in accordance with this section.

**70 O.S. § 509.12 - Leaves of Absence – To Hold Office**

- A.** A school district board of education may approve a request from a school district employee for a leave of absence to hold office as an officer, director, trustee, or agent of a national, statewide, or school district employee association. The employee requesting the leave shall provide the school district superintendent with proof of election and proof of the term of office for the national, statewide, or school district employee association. Proof of election shall include but not be limited to certification by the national, statewide, or school district employee association of the date of the election and the results of the election. Board of education approval for leave requested pursuant to this section shall have definitive beginning and end dates.
- B.** Leave granted pursuant to this section shall be leave without pay. The school employee on leave shall not be entitled to maintain any benefits granted by the school district regardless of whether the benefit is paid by the employee on leave or the association for which the person is serving as an officer, director, trustee, or agent.
- C.** During the leave period, the school employee's position with the school district shall be maintained without advancement on the minimum salary schedule adopted pursuant to [Section 5-141 of Title 70](#) of the Oklahoma Statutes and with no accrual of sick leave, personal business leave, or personal leave. The employee on leave shall not accumulate service credit within the Teachers' Retirement System of Oklahoma. Following the term of leave granted pursuant to the provisions of this section, the employee granted leave may return to his or her former position or a comparable

position .

- D. A school district employee granted leave pursuant to the provisions of this section shall be prohibited from accessing school district office space.
- E. If a national, statewide, or school district employee association that serves as a school district employee organization established pursuant to [Section 509.2 of Title 70](#) of the Oklahoma Statutes fails to comply with the provisions of this section, the school district board of education shall no longer recognize the organization as a representative of employees.

[70 O.S. § 6-101.23](#) - **Teacher Nonreemployment Provisions**

- A. The dismissal, suspension and nonreemployment provisions of the Teacher Due Process Act of 1990 shall not apply to:
  - 1. Substitute teachers;
  - 2. Adult education teachers; and
  - 3. Teachers who are employed on temporary contracts.
- B. The dismissal and suspension provisions of the Teacher Due Process Act of 1990 shall apply to teachers who are employed on temporary contracts for a complete school year and to teachers who are employed in positions fully funded by federal or private categorical grants, except that such teachers shall be employed only for the duration of the temporary contract or the grant.
- C. The evaluation provisions in Sections 6-101.10 and 6-101.11 of this title and in the Teacher Due Process Act of 1990 shall apply to teachers who are employed on temporary contracts for a complete school year and to teachers who are employed in positions fully funded by federal or private categorical grants, except that such teachers shall be employed only for the duration of the temporary contract or the grant.
- D. Teachers other than those specifically excepted in subsection A of this section who are employed on contracts shall be afforded all substantive and procedural rights set forth in the Teacher Due Process Act of 1990 including the dismissal, suspension, and nonreemployment provisions applicable to probationary or career teachers as defined in Section 6-101.3 of this title.
- E. On and after the effective date of this act any teacher who has worked a complete school year under a temporary contract in a school district shall be granted a year of service credit toward career status in that district.
- F. No teacher shall be hired on a temporary contract by a school district for more than four semesters or on multiple temporary contracts by a school district that together are for more than four semesters, except for a:
  - 1. Teacher hired to replace a teacher who is on an approved leave of absence and who is expected to return to employment with the school district; or
  - 2. Teacher who is a retired member of the Teachers' Retirement System of Oklahoma.
- G. No teacher shall be offered a temporary contract with a school district without a

full written disclosure at the time a position is offered by the administration of the school district which sets forth the terms and conditions of the temporary contract. In the event the school district fails to provide such written disclosure, the teacher shall be considered as employed on a continuing contract basis.

- H. On and after the effective date of this act no teacher who is employed on a continuing contract basis by a school district shall be reemployed on a temporary contract in that school district.

**70 O.S. § 6-127 – **Teacher’s Assistant or Volunteer – Bilingual Assistant****

- A. Beginning with the 1990-91 school year, every school site shall employ a teacher’s assistant or use a volunteer for each class in grades kindergarten through two which has a class size of more than twenty (20) students in average daily membership as of September 15 of each year and which is composed of students, at least twenty percent (20%) of whom meet the criteria specified in subsection B of this section; provided, this requirement shall not apply to classes that are not subject to class size limitations pursuant to subsection D of [Section 18-113.1](#) of this title or to pull-out sections for Chapter 1 or to Special Education students. Assistants shall be required as of September 15 of each year. The State Board of Education shall establish regulations that prescribe the qualifications for and duties of teacher assistants in public schools. The State Board of Education shall also establish standards and regulations which provide for a determination of how and when teacher assistants may be used as an appropriate and necessary part of classroom instruction. In addition to any other duties which the Board may deem appropriate, teacher assistants may perform or assist a classroom teacher in the performance of hallroom duty, bus duty, playground duty, lunchroom duty, extracurricular activities involving school functions or any other noninstructional duty the Board may prescribe. Provided, nothing in this section shall construe teacher assistants to be defined as personnel as set out in [Section 6-108](#) of this title or require teacher assistants to possess the certification required for teachers.
- B. Any student who meets the criteria established by the State Board which are commensurate with established eligibility criteria for participation in the National School Lunch Act of 1946, [42 U.S.C. § 1751 et seq.](#) as amended, shall be included in the percentage necessary to meet the requirement of subsection A of this section for the entitlement to a teacher’s assistant for such class.
- C. For the purposes of this section, and for [Sections 18-113.1](#) and [18-113.2](#) of this title, a federally funded bilingual assistant shall not qualify as a teacher’s assistant.

**70 O.S. § 6-195 **Induction Program – Promulgate Rules****

- A. As funds are available, the State Department of Education in consultation with the Office of Educational Quality and Accountability shall administer an induction program for teachers which shall be approved by the State Board of Education. Beginning with the 2015-2016 school year, each school district shall participate in the induction program. The program shall include, but not be limited to:
  - 1. Guidance to school districts for successful induction programs;
  - 2. Training for school districts to include the selection, function, and duties of

mentors; and

3. Resources for appropriate professional development, support, mentorship and coaching for the inductee and mentors.

**B.** The State Board of Education may promulgate rules for administration of the induction program .

[OAC](#) 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) in an accredited public or private school as a paraprofessional in the area for which a 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 Subject Area Test (OSAT) in Early Childhood, Elementary Education, or Special Education; and
  - b. 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.

- A.** Provisional certificates in special education for qualified applicants. Notwithstanding any other rule in this Part, upon payment of the required processing fee for a provisional certificate set forth in 210:20-9-9, the Oklahoma State Department of Education shall issue a one year provisional special education certificate in the area of mild-moderate or severe-profound disabilities to any qualified applicant. An applicant will be considered “qualified” if the applicant has met the following criteria:
1. Applicant has earned a bachelor’s level college degree from an accredited institution of higher education;
  2. Applicant provides a written recommendation for a certificate by a school district board of education or an accredited institution of higher education;
  3. Applicant has satisfactorily completed a one-hundred fifty (150) clock hour special education program which has been approved annually by the State Department of Education Office of Special Education in accordance with the criteria approved by the State Board of Education; and
  4. A national criminal history record check of the applicant has been conducted in accordance with the requirements of [70 O.S. § 5-142](#), the cost of which shall be paid by the Applicant.
- B.** Renewal of a provisional certificate in special education. The one year provisional special education certificate issued in accordance with the provisions of (a) of this Section may be renewed for up to two (2) additional periods of one year each upon submission of proof from an accredited institution of higher education that the individual has successfully completed at least six (6) credit hours of prescribed coursework during the previous year in either:
1. A nontraditional route to certification program in mild-moderate or severe-profound disabilities or:
  2. A master’s degree program in special education.
- C.** Standard certificates in special education for provisional certificate holders. Notwithstanding any other rule in this Part, upon payment of the required processing fee for a standard certificate set forth in 210:20-9-9, the Oklahoma State Department of Education shall issue a standard special education certificate in the area of mild-moderate or severe-profound disabilities to any individual who has met all of the following requirements:
1. The applicant has been issued one or more provisional special education certificates in accordance with (a) and (b) of this Section;
  2. Within three (3) years of the date of issuance of the applicant’s initial provisional special education certificate, the applicant has successfully completed the prescribed coursework of a nontraditional route to certification program in either mild-moderate or severe-profound disabilities from an accredited institution of higher education;
  3. The applicant has successfully completed the general education examination (OGET) and the professional teaching examination (OPTE); and



4. The applicant has successfully completed the subject area competency examination (OSAT) in special education for mild-moderate or severe-profound disabilities as required by [70 O.S. § 6-187](#).
- D.** Standard certificates in special education for individuals with a master’s degree in special education. Notwithstanding any other Section in this Part and without requiring applicant to first obtain a provisional special education certificate, upon payment of the required processing fee for a standard certificate set forth in 210:20-9-9, the Oklahoma State Department of Education shall issue a standard special education certificate in the area of mild-moderate or severe-profound disabilities to any individual who has met all of the following requirements:
1. Applicant has earned a bachelor’s level college degree from an accredited institution of higher education;
  2. Applicant has successfully completed the prescribed coursework of a master’s degree program in special education from an accredited institution of higher education;
  3. Applicant has successfully completed the general education examination (OGET) and the professional teaching examination (OPTE);
  4. Applicant has successfully completed the subject area competency area examination (OSAT) in special education for mild-moderate or severe-profound disabilities as required by [70 O.S. § 6-187](#); and
  5. A national criminal history record check of the applicant has been conducted in accordance with the requirements of [70 O.S. § 5-142](#), the cost of which shall be paid by the Applicant.
- E.** Certification in special education for individuals certified via an alternative placement certification route. Notwithstanding any other provision in this Section, upon payment the required processing fee for a provisional and/or standard certificate set forth in 210:20-9-9, the Oklahoma State Department of Education shall issue a special education certificate in the area of mild-moderate or severe-profound disabilities to any individual who meets all of the following requirements:
1. Applicant has earned a bachelor’s level college degree from an accredited institution of higher education;
  2. Applicant holds an alternative placement teaching certificate issued in accordance with the provisions of [70 O.S. § 6-122.3](#) and accompanying regulations at 210: 20-9-110 in one or more of the following areas:
    - a. Early childhood education;
    - b. Elementary education; or
    - c. A “core academic subject” as defined by 20 U.S.C. § 7801(11) and the accompanying regulation at [34 C.F.R. § 200.55\(c\)](#); and
  3. Applicant has successfully completed the subject area competency examination (OSAT) in Special Education for mild-moderate or severe-profound disabilities as required by [70 O.S. § 6-187](#).

4. The provisional or standard alternative placement teaching certificate cannot have been obtained through the career development for paraprofessionals program set forth by [70 O.S. § 6-127A](#) and accompanying regulation at 210:20-9-102.
5. In the event the applicant has obtained a provisional alternative placement teaching certificate, the special education certificate obtained pursuant to this subsection shall remain provisional until applicant obtains a standard alternative placement teaching certificate, at which point applicant may be eligible to obtain a standard special education certificate upon payment of the required processing fee for issuance of a standard certificate as set forth in 210:20-9-9.

**F.** Highly qualified status. A teacher who holds a provisional special education certificate issued or renewed in accordance with (a) or (b) of this Section or a standard special education certificate issued in accordance with (c), (d), or (e) of this Section, must meet the requirements for “highly qualified” special education teachers set forth at [34 C.F.R. § 300.18](#) if the teacher provides direct special education instruction in a “core academic subject” as defined by 20 U.S.C. § 7801(11) and accompanying regulation at [34 C.F.R. § 200.55\(c\)](#). A teacher certified to teach special education in accordance with the provisions of this Section may be considered a “highly qualified” special education teacher in the State in accordance with the following provisions:

1. Core academic areas - middle and secondary education. A teacher who holds a provisional special education certificate that is issued or renewed in accordance with (a), (b) or (e) of this Section, or a standard special education certificate issued in accordance with (c), (d), or (e) of this Section and who provides direct instruction in a “core academic subject” as defined by [20 U.S.C. § 7801\(11\)](#), may be considered a special education teacher who is “highly qualified” to teach a core academic subject at a secondary level if the teacher has met all of the following requirements:
  - a. The teacher has successfully completed the subject area competency examination (OSAT) in special education for mild-moderate or severe-profound disabilities; and
  - b. The teacher has successfully completed the appropriate competency examination (OSAT) in each core academic subject taught, or, if the teacher is not new to the profession (i.e., was a certified teacher prior to December 3, 2004), demonstrated competency in each core academic subject taught through a High, Objective, Uniform State Standard of Evaluation (HOUSSE).
2. Core academic areas - early childhood and elementary education. A teacher who holds a provisional certificate issued or renewed in accordance with (a), (b) or (e) of this Section, or a standard certificate issued in accordance with (c), (d) or (e) of this Section, who provides direct instruction in a “core academic subject” as defined by [20 U.S.C. § 7801\(11\)](#), cannot be considered a special education teacher who is “highly qualified” to teach special education courses at an early childhood or elementary education level unless they have met all of the following requirements:

- a. The teacher has successfully completed the subject area competency examination (OSAT) in Special Education for mild-moderate or severe-profound disabilities;
      - b. The teacher has successfully completed the appropriate subject area competency examination (OSAT) in early childhood or elementary education in accordance with the requirements set forth in [70 O.S. § 6-187](#), or, if the teacher is not new to the profession (i.e., was a certified teacher prior to December 3, 2004), demonstrated competency in early childhood or elementary education through a High, Objective, Uniform State Standard of Evaluation (HOUSSE).
  - 3. Core academic areas - alternate achievement standards. Notwithstanding (1) and (2) of this subsection, a teacher who holds a provisional or standard certificate issued or renewed in accordance with (a) or (b) of this Section and who provides direct instruction in a “core academic subject” as defined by [20 U.S.C. § 7801\(11\)](#) cannot be considered a special education teacher who is “highly qualified” to teach alternate achievement standards as a special education teacher unless the teacher has met the following requirements:
    - a. If teaching middle or secondary level core academic subjects exclusively to students assessed against alternative academic achievement standards, the teacher has successfully completed the appropriate competency examination (OSAT) in each core academic subject taught, or, if the teacher is not new to the profession (i.e., was a certified teacher prior to December 3, 2004), demonstrated competency in each core academic subject taught through a High, Objective, Uniform State Standard of Evaluation (HOUSSE).
    - b. If teaching early childhood level or elementary level core academic subjects exclusively to students assessed against alternative standards, the teacher has successfully completed the appropriate competency examination (OSAT) in early childhood or elementary education in accordance with the requirements set forth in [70 O.S. § 6-187](#), or, if the teacher is not new to the profession (i.e., was a certified teacher prior to December 3, 2004), demonstrated competency in early childhood or elementary education through a High, Objective, Uniform State Standard of Evaluation (HOUSSE).
- G. Additional certification in early childhood or elementary education. A teacher who obtains a standard certificate under (c), (d) or (e) of this Section may add a standard certificate in early childhood or elementary education upon successful completion of all of the following requirements:
  - 1. An appropriate teacher preparation program approved by the Oklahoma Commission for Teacher Preparation in accordance with the provisions of [OAC 712:10-5](#); and
  - 2. The appropriate subject area competency examinations (OSAT) in early childhood or elementary education in accordance with the requirements set forth in [70 O.S. § 6-187](#).

**70 O.S. §6-122.3 Alternative placement teaching certificates**

- A.** The State Board of Education shall grant an alternative placement teaching certificate to a person who makes application to the Board and meets the following criteria:
1.
    - a.** Holds at least a baccalaureate degree from an institution whose accreditation is recognized by the Oklahoma State Regents for Higher Education and has attained a retention grade point average of not less than 2.50 on a 4.0 scale, or
    - b.** Has successfully completed a terminal degree, such as a doctorate of philosophy, a doctorate in education, professional doctorates, a master of fine arts degree or a master of library science degree, from an institution accredited by a national or regional accrediting agency which is recognized by the Secretary of the United States Department of Education. The Oklahoma State Regents for Higher Education shall be consulted to verify other terminal degrees, or
    - c.** Holds at least a baccalaureate degree from an institution whose accreditation is recognized by the Oklahoma State Regents for Higher Education and has qualified work experience in a field that corresponds to an area of certification as determined by the State Board of Education, and
    - d.** In addition to the requirements of subparagraphs a, b and c of this paragraph, has demonstrated competency or completed a major in a field that corresponds to an area of specialization for an Elementary-Secondary Certificate or a Secondary Certificate as determined by the State Board of Education or a vocational-technical certificate as recommended by the Oklahoma Department of Career and Technology Education;
  2. Declares the intention to earn standard certification by means of an alternative placement program in not more than three (3) years. The State Board of Education shall determine the subject matter and the number of clock or semester hours required for the professional education component for each person making application for an alternative placement teaching certificate based on the criteria of paragraph 1 of this subsection. The State Board of Education shall establish a core minimum of six (6) semester hours or ninety (90) clock hours and a maximum of eighteen (18) semester hours or two hundred seventy (270) clock hours for the professional education component. The requirements set forth in this subsection shall exclude all student teaching requirements pursuant to the provisions of subsection E of this section;
  3. Has passed the general education and subject area portions of the competency examination required in Section 6-187 of this title in the area of specialization for which certification is sought; and

4. Either presents a document from an accredited public school district in this state offering employment in the area of specialization for which certification is sought on condition that the person enroll in an alternative placement program approved by the State Board of Education or declares the intention to seek employment as a teacher at an accredited public school district in this state. The certificate granted pursuant to this subsection shall be considered a "valid certificate of qualification" for the purposes of Sections 6-107 and 6-108 of this title, and the holder of the certificate shall be considered an inductee for the purposes of Section 6-195 of this title.
- B.** An alternative placement teaching certificate shall be renewed for not more than a maximum of three (3) years upon presentation of a document from an accredited public school district in this state offering renewed employment in the same area of specialization and a document from a teacher education institution verifying satisfactory progress in an appropriate alternative placement program.
  - C.** Persons enrolled in an alternative placement program shall:
    1. Have never been denied admittance to a teacher education program approved by the Oklahoma State Regents for Higher Education, the North Central Association of Colleges and Schools and by the Oklahoma Commission for Teacher Preparation to offer teacher education programs, nor have enrolled in and subsequently failed courses necessary to successfully meet the minimum requirements of the program, except those persons who hold a certificate;
    2. Have on file with the director of teacher education at an Oklahoma institution of higher education a plan for meeting standard certification requirements within three (3) years; and 3. Participate in an induction program as required in Section 6-195 of this title and have the same duties and responsibilities as other inductees.
  - D.** The State Board of Education may grant an exception to the requirements for certification and, upon demonstration by an individual of specific competency in the subject area of specialization, may grant a certificate to the individual. The State Board may establish other requirements necessary to grant exceptions.
  - E.** The State Board of Education, in consultation with the Commission for Educational Quality and Accountability, may grant an exception to the requirement to complete a subject area examination for initial certification in a field which does not require an advanced degree pursuant to this section if the candidate has an advanced degree in a subject that is substantially comparable to the content assessed on a subject area examination. The degree shall be from an institution accredited by a national or regional accrediting agency which is recognized by the Secretary of the U.S. Department of Education. The Commission shall provide the Board with the necessary information to determine comparability.
  - F.** Student teaching and a prestudent teaching field experience shall not be required of alternative placement program participants for standard certification.
  - G.** The State Board of Education shall promulgate rules authorizing adjunct teachers who shall be persons with distinguished qualifications in their field. Adjunct

teachers shall not be required to meet standard certification . A person employed as an adjunct teacher pursuant to this subsection who does not hold a valid certificate to teach shall not be considered a teacher as defined by Section 1-116 of this title.

- H.** Each teacher education institution shall provide the Oklahoma Commission for Teacher Preparation an annual report of information as specified by the Commission regarding participation in the alternative placement programs offered by the institution.
- I.** The Oklahoma Commission for Teacher Preparation shall not accredit, renew the accreditation of, or otherwise approve any teacher education program of any institution of higher education in this state that has not implemented alternative placement programs in at least four areas of specialization including mathematics, science and a foreign language. Each institution shall allow individuals who meet the criteria of subsections A and C of this section to be:
  - 1. Admitted to an alternative placement program without further qualification; and
  - 2. Offered the opportunity to complete the requirements for standard certification set forth in subsection A of this section during the summer preceding and the summer following the first year of teaching with an alternative placement teaching certificate. Any person seeking standard certification through an alternative placement program shall be permitted to take necessary courses during regular semesters if offered.
- J.** The criteria specified in subsection I of this section can be met through a cooperative arrangement entered into by two or more institutions of higher education.

**70 O.S. § 6-127A - Public School Paraprofessionals**

- A.** The Oklahoma Legislature recognizes that public school paraprofessionals play an important role in educating school children and in assisting teachers. The Legislature further recognizes the increasing role of public school paraprofessionals in the school system in light of teacher shortages. To achieve the goal of excellence for all persons who have an impact on student learning, it is the intent of the Oklahoma Legislature that public school paraprofessionals be afforded career opportunities and economic incentives through a career development program.
- B.** The State Board of Education shall adopt a program for the career development of public school paraprofessionals. The purpose of the program is to provide to public school paraprofessionals a system of career development which is based upon education and training advancement to encourage excellence among public school paraprofessionals. Nothing in this section shall be construed to require public school paraprofessionals to participate in the career development program.
- C.** The board of education of a school district shall have authority to extend an existing contract with a public school paraprofessional that provides for the payment of compensation for paraprofessional services rendered for the same time period during which the paraprofessional is also assigned to the school district for practice teaching as a student teacher.

- D.** For the purposes of this section, a public school paraprofessional is an employee of a school district whose position is either instructional in nature, or who delivers other direct services to students and/or their parents. A public school paraprofessional serves in a position for which a teacher or another professional has the ultimate responsibility for the design, implementation, and evaluation of the individual educational programs or related services and student performance.

[51 O.S. § 36.1](#) **Oath or Affirmation Required – Effective Date**

Every officer and employee of the State of Oklahoma, or of a county, school district, municipality, public agency, public authority, or public district thereof, who, on or after July 1, 1953, is appointed or elected to office, or who after said date is employed, for a continuous period of thirty (30) days or more, in order to qualify and enter upon the duties of his office or employment and/or receive compensation, if any, therefor, shall first take and subscribe to the loyalty oath or affirmation required by this act and file the same as hereinafter set forth. Provided, that a public employee who is employed or whose employment is extended on a fiscal year basis and who has duly taken and filed the oath required by this act in order to qualify for and enter upon, or continue in, the duties of his employment, need not again take and file such an oath so long as his said employment, or reemployment is continuous or consecutive.

[70 O.S. § 5-142](#) - **Felony Record Search (section F)**

**F.**

1. Any person who has been employed as a full-time teacher by a school district in this state and applies for employment as a full-time teacher in another school district in this state may not be required to have a national criminal history record check if the teacher produces a copy of a national criminal history record check completed within the preceding five (5) years and a letter from the school district in which the teacher was employed stating the teacher left in good standing.
2. For any person applying for employment as a substitute teacher, a national criminal history record check shall be required for the school year; provided however, a board of education may choose whether to require a national criminal history record check from a prospective substitute teacher who has been employed by the school district in the last year. Any person applying for employment as a substitute teacher in more than one school district shall only be required to have one national criminal history record check, and, upon the request of the substitute teacher, that record check shall be sent to all other school districts in which the substitute teacher is applying to teach.
3. Any person employed as a full-time teacher by a school district in this state in the five (5) years immediately preceding an application for employment as a substitute teacher may not be required to have a national criminal history record check, if the teacher produces a copy of a national criminal history record check completed within the preceding five (5) years and a letter from the school district in which the teacher was last employed stating the teacher left in good standing.
4. Any person employed as a substitute teacher by a school district in this state for a minimum of five (5) years immediately preceding an application for

employment as a full-time teacher in a school district in this state may not be required to have a national criminal history record check if the teacher produces a copy of a national criminal history record check completed within the preceding five (5) years and a letter from the school district in which the teacher was employed as a substitute teacher stating the teacher left in good standing.

5. Any person employed as a full-time teacher by a school district in this state for ten (10) or more consecutive years immediately preceding an application for employment as a substitute teacher in the same school district may not be required to have a national criminal history record check for as long as the person remains employed for consecutive years by that school district as a substitute teacher, if the teacher left full-time employment in good standing. If the teacher applies for employment as a substitute teacher in another school district, a national criminal history record check shall be required.

**G.** The provisions of this section shall not apply to technology center employees hired on a part-time or temporary basis for the instruction of adult students only.

**H.** The provisions of this section shall not apply to law enforcement officers who are employed by an employing agency at the time of application for employment at a public school district.

**I.** Nothing in this section shall be construed to impose liability on school districts, except in negligence, for employing prospective employees within the sixty-day temporary employment window pending the results of the national criminal history record check.

**70 O.S. § 5-144 – Notifying School Districts of Arrest**

**A.** If in the course of an investigation it is discovered that a person charged in an information or indictment with a felony or violent misdemeanor is a student or employee of a school district or a public school in the state, or an employee working on school property for an entity that provides services to a school district or a public school on school property, with due regard for the provisions of subsection [C of Section 2-6-102 of Title 10A](#) of the Oklahoma Statutes, the district attorney shall notify the superintendent of the district of the charges filed against the student or employee. In addition to notifying the superintendent of the district when charges have been filed against an employee of the school district, the district attorney shall notify the State Board of Education.

**B.** The school district may take any action it deems necessary that is in compliance with the requirements of the Family Educational Rights and Privacy Act of 1974 with regard to such information.

**C.** When an employee of the school district has been convicted, whether upon a verdict or plea of guilty or nolo contendere, or received a suspended sentence or any probationary term for a crime provided for in subparagraph a of paragraph 6 of [Section 3-104](#) of this title, the district court shall notify the State Board of Education of said conviction, if the district court has discovered during the course of the proceedings that the person is an employee of a school district.



**70 O.S. § 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 t 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.

### **ADDITIONAL STANDARDS FOR ELEMENTARY SCHOOLS**

#### [OAC 210:35-5-41](#). **Early childhood staffing and class size**

The number of children in an early childhood education class shall not exceed 20 . The child:adult ratio shall not exceed 10:1 . Any enrollment that exceeds 10 shall require the employment of a teacher assistant.

#### [OAC210:35-5-42](#). **Elementary School Class Size**

- A. Kindergarten. For the purpose of computing and paying state-appropriated funds, children in kindergarten shall not be assigned to a teacher or class that includes more than 20 students. If the creation of an additional class would cause the class to have fewer than 10 students, class size limitations shall not apply if a teacher’s assistant is employed to serve full-time with each class which exceeds the class size limitation.
- B. Grades one, two, and three. For the purpose of computing and paying state-appropriated funds, children in grades 1, 2, and 3 shall not be assigned to a teacher or class that includes more than 20 students. If the creation of an additional class would cause the class to have fewer than 10 students, class size limitations shall not apply if a teacher’s assistant is employed to serve full-time with each class which exceeds the class size limitation.
- C. Grades four, five, and six.
  - 1. For the purpose of computing and paying state-appropriated funds, children in grades 4, 5, and 6 shall not be assigned to a teacher of a class that includes more than 20 students. If the creation of an additional class would cause the class to have fewer than 16 students, the class size penalty shall not apply.
  - 2. 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 of (c) (1) of this section shall apply to grades 4 and 5 rather than grades 4 through

6 and the class size provisions of (d) (1) of this section shall apply to grades 6 through 8 rather than grades 7 through 9. [[70:18-113.1 \(E\)](#)]

- D.** Grades seven and eight. No teacher who is counted in class size computation for grades 7 and 8 shall be responsible for the instruction of more than 140 students on any given 6 hour school day. [[70:18-113.3 \(C\)](#)]
- E.** Physical Education, Chorus, Band, Orchestra, other similar Music classes. Classes in Physical Education, Chorus, Band, Orchestra, and other similar music classes shall not be subject to the class size limitations. [[70:18-113.3 \(C\)](#)]
- F.** Minimum scheduled time for planning and/or preparation and consultation. A minimum of 200 minutes of scheduled time shall be provided each week for each classroom teacher for individual planning and/or preparation and consultation.

**OAC 210:35-5-43. **Administrative staffing****

In order to permit the principal to have sufficient time to engage in improvement of instruction in the school, adequate administrative staffing is required.

**OAC 210:35-5-44. **Counselor staffing****

The school shall provide for guidance services. Such services may be provided by a guidance counselor or other personnel specially trained in the area of guidance.

**OAC 210:35-5-45. **Qualifications****

- A.** Teachers: All elementary teachers shall meet the regular elementary certification standards of the state of Oklahoma for their specific assignments.
  - 1. Teachers of early childhood or kindergarten classes shall hold a valid Early Childhood Education License/Certificate.
  - 2. Teachers of first through third grade shall hold either a valid Early Childhood Education (PK-3) or a valid Elementary License/Certificate (1-8).
  - 3. Elementary Licenses/Certificates are valid for grades seven and eight in the elementary schools with the exception of seventh and eighth grade mathematics. Teachers of seventh or eighth grade mathematics are required to have intermediate mathematics certification or advanced/secondary mathematics certification. Secondary and elementary-secondary certified teachers in grades seven and eight in an accredited elementary school shall hold a credential in each subject area to be taught.
- B.** Specialists: Specialists such as library media specialists (librarians), reading specialists, guidance counselors, school psychologists, and speech-language pathologists shall meet the certification requirements of the state of Oklahoma.
  - 1. School counselors shall hold a valid Oklahoma School Counselor Certificate appropriate for the grade levels to which they are assigned.
  - 2. All athletic coaches being assigned coaching duties shall have completed a course in the care and prevention of athletic injuries.
  - 3. All coaches and athletic directors shall be employed by the school district and shall hold a valid teaching certificate. Their names shall appear on the class schedule.

- C.** Principal or assistant principal: The principal or assistant principal shall hold a valid Oklahoma Elementary Principal's Certificate. A teaching principal or assistant teaching principal shall have an Elementary Principal's Certificate, shall teach at the school site and organizational level where the administrative assignment occurs, and shall devote a portion of the day to administration and supervision.

**ADDITIONAL STANDARDS FOR MIDDLE LEVEL SCHOOLS**

**OAC 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.
- 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 full length school day.
- C.** Classes in Physical Education, Chorus, Band, Orchestra, and other similar music classes shall not be subject to the class size limitations.
- 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.

**OAC 210:35-7-42. **Administrative staffing****

In order to permit the principal to have sufficient time to engage in the improvement of instruction in the school, adequate administrative staffing is required. If a full-time principal administers more than one site, the combined enrollment at the sites should not exceed 450 students.

**OAC 210:35-7-43. **Counselor staffing****

All students will receive counseling and guidance services from certified school counselors. The guidance program shall provide one counselor for a maximum of 450 students, with no school district having less than one half-time counselor, with one exception: districts with fewer than 225 students may prorate the number of hours per week a certified school counselor is required by dividing the number of students enrolled by 450 and multiplying the quotient by 30.

**OAC 210:35-7-44. **Staff qualifications****

- A.** Each teacher assigned to teach in an accredited middle level school must hold an Elementary Certificate, or Elementary-Secondary, or Secondary Certificate

with a credential in the area, Library Media Specialist (Librarian) or Speech-Language Pathology License/Certificate. Teachers of seventh or eighth grade mathematics who are certified after September 1, 1999, shall be required to have intermediate mathematics certification or advanced/secondary mathematics certification. Teachers of seventh or eighth grade mathematics who are certified prior to September 1, 1999, shall be required to have intermediate mathematics or advanced/secondary mathematics certification prior to September 1, 2003. Teachers holding an Elementary Certificate shall be eligible to teach only grades 7 and 8 in an accredited junior high school. Teachers teaching in the ninth grade must hold a secondary credential in the specific subject taught.

- B.** School counselors shall hold a valid Oklahoma School Counselor Certificate appropriate for the grade levels to which they are assigned.
- C.** The library media specialist (librarian) shall hold a valid Oklahoma Library Media Specialist (Librarian) Certificate.
- D.** The middle school principal or assistant principal shall hold a valid Oklahoma Elementary or Secondary Principal's Certificate. The junior high principal or assistant principal shall hold a valid Oklahoma Secondary Principal's Certificate. A teaching principal or assistant teaching principal shall have a Principal's Certificate appropriate to the grade level of the school; shall teach at the school site and organizational level where the administrative assignment occurs; and shall devote a portion of the day to administration and supervision.
- E.** All athletic coaches, being assigned coaching duties, shall have completed a course in the care and prevention of athletic injuries.
- F.** All coaches and athletic directors shall be employed by the school district and shall hold a valid teaching certificate. Their names shall appear on the class schedule.

**ADDITIONAL STANDARDS FOR SECONDARY SCHOOLS**

[OAC 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 full length school day.
- B. Classes in Physical Education, Chorus, Band, Orchestra, and other similar music classes shall not be subject to the class size limitations.
- 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.

[OAC 210:35-9-42](#). **Administrative staffing**

In order to permit the principal to have sufficient time to engage in improvement of instruction in the school, adequate administrative staffing is required. If a full-time principal administers more than one site, the combined enrollment at the sites should not exceed 450 students.

[OAC 210:35-9-43](#). **Counselor staffing**

All students will receive counseling and guidance services from certified school counselors. The guidance program shall provide one counselor for a maximum of 450 students, with no school district having less than one half-time counselor, with one exception: districts with fewer than 225 students may prorate the number of hours per week a certified school counselor is required by dividing the number of students enrolled by 450 and multiplying the quotient by 30.

[OAC 210:35-9-44](#). **Staff qualifications**

- E. Teachers at the secondary level shall hold valid Oklahoma teaching licenses/certificates and endorsements appropriate to the specific subjects taught.
- A. Teachers who instruct Remedial Reading a major portion of the day shall hold a valid Reading Specialist Certificate. Other Remedial Reading teachers shall hold a minimum of 6 semester hours in one or more of the following areas of specialization and a language arts credential: Diagnosis and Correction of Reading Disabilities, Foundations or Survey of Reading, Clinical or Practicum in Reading, or comparable courses approved by the State Department of Education, Accreditation Section. Beginning and/or reassigned teachers as of 1975-76 shall comply with this requirement.
- C. Any teacher who instructs Aeronautics shall have a private pilot license or a basic ground instruction certificate issued by the F.A.A. or a minimum of 8 semester hours in physics with a college course in Aeronautics.

- D.** Any teacher who instructs Careers shall hold a Secondary or Elementary-Secondary License/Certificate.
- E.** Any teacher who instructs Computer Education shall hold a valid certificate. The employing district will make the assignment based on expertise as determined by the local school board.
- F.** Instructors for Military Science (Jr. ROTC) shall hold a certificate of special provision granted by the State Board of Education.
- G.** Any teacher who instructs Photography shall hold a valid Secondary Certificate with a college course in photography.
- H.** All athletic coaches, being assigned coaching duties, shall have completed a course in the care and prevention of athletic injuries.
- I.** All coaches and athletic directors shall be employed by the school district and shall hold valid teaching certificates. Their names shall appear on the class schedule and Application for Accreditation.

**OAC 210:35-9-45. **Special professional service personnel****

- A.** Counselor: School counselors shall hold a valid Oklahoma School Counselor Certificate appropriate to the grade levels to which they are assigned.
- B.** Library media specialist (Librarian): Library media specialists (librarians) shall hold valid Oklahoma Library Media Specialist (Librarian) Certificates.

**OAC 210:35-9-46. **Qualifications of administrative personnel****

The principal or assistant principal shall hold a valid Oklahoma Secondary Principal's Certificate. A teaching principal or assistant teaching principal shall hold a Secondary Principal's Certificate; shall teach at the school site and organizational level where the administrative assignment occurs; and shall devote a portion of the day to administration and supervision.

**ADDITIONAL STANDARDS FOR CAREERTECH /  
COMPREHENSIVE SECONDARY SCHOOLS**

**OAC 210:35-11-41. **Staff qualifications****

- A.** Directors of CareerTech programs in comprehensive schools shall hold valid Oklahoma administrator certificates appropriate for their assigned teaching/administrative responsibilities and shall meet qualifications as defined in the approved Rules for Career and Technology Education.
- B.** Teachers of career and technology education courses shall hold a teaching license/certificate in the field or subject taught.
- C.** Counselors shall be appropriately certified and credentialed for the grade levels to which they are assigned. School counselors shall hold a valid Oklahoma School Counselor Certificate appropriate for the grade levels to which they are assigned or a comparable credential if working with adults. The title of counselor should only be applied to those staff with appropriate certifications and/or credentialing.

[OAC 210:35-11-42](#). **Professional development**

Instructors shall participate in ongoing inservice activities which continually update their technical/academic expertise as well as instructional methodology. New CareerTech instructors shall participate in preservice professional development activities as required by the appropriate divisions of the Oklahoma Department of Career and Technology Education. All secondary and full-time adult CareerTech instructors and staff shall participate in professional inservice as required by the appropriate division, including summer CareerTech conference and mid-year activities.

[70 O.S. § 6-104](#) - **Support Staff Pay**

Full time support employees shall be entitled to pay for any time lost when school is closed on account of epidemics or otherwise when an order for such closing has been issued by a health officer authorized by law to issue the order.



## **STANDARD VI: STUDENT SERVICES**

In this standard:

- › Student services
- › Guidance and counseling services
- › Health services
- › Cardiopulmonary resuscitation and awareness
- › Staff member training in cardiopulmonary resuscitation and the Heimlich maneuver
- › Emergency administration of anaphylaxis medication in public schools
- › Vision Screening
- › Vision Screening - Recommendations on Standards - Comprehensive Eye Exam on Failure - Annual Reports
- › Healthy and Fit School Advisory Committee

### **FOOD PROGRAMS**

- › National School Lunch Program
- › School breakfast program
- › Summer food service program for children
- › Smart Snacks in School

### **ADDITIONAL STANDARDS FOR CAREER TECH SCHOOLS**

- › Guidance and counseling services

[OAC](#)<sup>3</sup> 210:35-3-101. **Student services**

Balanced and comprehensive student personnel services shall be provided for all students, including those students unable to gain maximum benefit from usual school experiences without specialized educational programs. Each school shall exhibit regard for the physical, mental, and emotional health of all its students, as well as provide for the necessary facilities, clerical help, and materials for effective implementation services. Adequate and appropriate space affording privacy shall be provided.

[OAC](#) 210:35-3-106. **Guidance and counseling services**

- A.** The counseling staff, parents, administrators, and others shall provide guidance and counseling program direction through involvement in assessment and identification of student needs.
- B.** The school shall develop a written description of a guidance and counseling program with special provisions for at-risk students. The program shall address assessed needs of all students, including those who are identified as at-risk, and shall establish program goals, objectives, and an evaluation.
- C.** Each school shall provide an organized program of guidance and counseling services.
  - 1. Counseling services shall be provided to students, in group or individual settings, that facilitate understanding of self and environment.
  - 2. The counseling services shall provide a planned sequential program of group guidance activities that enhance student self-esteem and promote the development of student competence in the academic, personal/social, and career/vocational areas.
  - 3. The provider of counseling services shall consult with staff members, parents, and community resources and make appropriate referrals to other specialized persons, clinics, or agencies in the community.
  - 4. Counseling and guidance services shall be coordinated and shall work cooperatively with other school staff, community resources, and other educational entities.
- D.** Each counselor shall follow a planned calendar of activities based on established program goals and provide direct and indirect services to students, teachers, and/or parents.

[OAC](#) 210:35-3-107. **Health services**

<sup>3</sup> PLEASE NOTE: The Oklahoma Administrative Code is available online, but only permits linking to the front page. To view OAC material, click on the hyperlinked "OAC", then select "View Code" from the options at the left side of the screen. Select the appropriate Title (210 for State Department of Education), then chapter number and subchapter, until you have reached the desired code section.

- A.** The school shall have a written description of the health services program. The program will function as an integral part of the total education program and provide a program of services for all students. Services of a nurse shall be available. Staff and patrons shall be made aware of program provisions.
- B.** The school shall develop specific procedures to be followed in cases of accidents, emergencies, and disasters.
- C.** The provider of health services shall communicate to appropriate staff members and parents health information that is pertinent to the learning process or for the safety of students while ensuring privacy for students and teachers through collection, use, and retention of personal information.
- D.** The school's staff shall work closely with other specialized persons, clinics, or agencies in the community and, when appropriate, shall make student referrals.
- E.** The school shall develop specific procedures for reporting child abuse and child neglect.

**10a O.S § 1-2-101 - Duty to Report Abuse or Neglect of Children Under Eighteen**

Every school employee having reason to believe that a student under the age of eighteen (18) years is a victim of abuse or neglect shall report the matter immediately to the Department of Human Services and local law enforcement. Reports to the Department shall be made to the hotline provided for in subsection A of this section. Any allegation of abuse or neglect reported in any manner to a county office shall immediately be referred to the hotline by the Department.

Every school employee having reason to believe that a student age eighteen (18) years or older is a victim of abuse or neglect shall report the matter immediately to local law enforcement.

In reports required, local law enforcement shall keep confidential and redact any information identifying the reporting school employee unless otherwise ordered by the court. A school employee with knowledge of a report required by subparagraph a or b of this paragraph shall not disclose information identifying the reporting school employee unless otherwise ordered by the court or as part of an investigation by local law enforcement or the Department.

**70 O.S . §1210.191 - Immunization Requirements**

The State Department of Education shall provide and ensure that each school district in this state provides, on the school district website and in any notice or publication provided to parents regarding immunization requests, the following information regarding immunization requirements for school attendance: "For school enrollment, a parent or guardian shall provide one of the following:

1. Current, up-to-date immunization records or
2. A completed and signed exemption form.

**70 O.S . § 1210.189** - A board of education of a public school district or a technology center school district, shall not:

1. Require a vaccination against Coronavirus disease 2019 (COVID-19) as a condition of admittance to or attendance of the school or institution;
2. Require a vaccine passport as a condition of admittance to or attendance of the school or institution; or
3. Implement a mask mandate for students who have not been vaccinated against COVID-19.

As used in this section, “vaccine passport” means documentation that an individual has been vaccinated against COVID-19.

**70 O.S. § 1210.190 – Requirements for Mask or other Medical Device Mandate**

A board of education of a public school district or a technology center school district may only implement a mandate to wear a mask or any other medical device as provided in this subsection.

1. A board of education of a public school district or a technology center school district may only implement a mandate to wear a mask or any other medical device after consultation with the local county health department or city-county health department within the jurisdiction of where the board is located.
2. The mandate shall explicitly list the purposes for the mandate.
3. The mandate shall reference the specific masks or medical devices that would meet the requirements of the mandate.
4. Any mandate to implement wearing a mask or any other medical device shall be reconsidered at each regularly scheduled board meeting.

**70 O.S. § 1210.196.9 Diabetes Medical Management Plan - Written Consent**

A. A diabetes medical management plan shall be developed for each student with diabetes who will seek care for diabetes while at school or while participating in a school activity. The plan shall be developed by the personal health care team of each student. The personal health care team shall consist of the principal or designee of the principal, the school nurse, if a school nurse is assigned to the school, the parent or legal guardian of the student, and to the extent practicable, the physician responsible for the diabetes treatment of the student.

B. The diabetes medical management plan shall indicate whether the parent or legal guardian of the student with diabetes has given written consent for a school nurse, a school employee trained by a health care professional, or a volunteer diabetes care assistant, as defined by [Section 1210.196.2](#) of this title, to provide diabetes care in accordance with [Section 1210.196.5](#) of this title including but not limited to the administration of glucagon to a student experiencing a hypoglycemic emergency.

**70 O.S. § 1210.183 Seizure Safe Action Plan**

Seizure-Safe Schools Act, “seizure action plan” means a written, individualized health plan designed to acknowledge and prepare for the health care needs of a student diagnosed with a seizure disorder.

Beginning January 1, 2022, each school district board of education shall have at least one school employee at each school who has met the training requirements necessary to:

1. Administer or assist with the self-administration of a seizure rescue medication or medication prescribed to treat seizure disorder symptoms as approved by the United States Food and Drug Administration and any successor agency; and
2. Recognize the signs and symptoms of seizures and the appropriate steps to be taken to respond to these symptoms.

Any training programs or guidelines adopted by any state agency for the training of school personnel in the health care needs of any student diagnosed with a seizure disorder shall be fully consistent with training programs and guidelines developed by the Epilepsy Foundation of America and any successor organization. Notwithstanding any state agency requirement or other law to the contrary, for the purposes of this training a school district shall be permitted to use any adequate and appropriate training programs or guidelines for training of school personnel in the seizure disorder care tasks covered under this section.

Before a seizure rescue medication can be administered to a student to treat seizure disorder symptoms, the student’s parent or legal guardian shall:

1. Provide the school with written authorization to administer the medication at school;
2. Provide a written statement from the student’s health care provider that shall contain the following information:
  - a. the student’s name,
  - b. the name and purpose of the medication,
  - c. the prescribed dosage,
  - d. the route of administration,
  - e. the frequency that the medication may be administered, and
  - f. the circumstances under which the medication may be administered;
3. Provide the prescribed medication to the school in its unopened, sealed package with the label affixed by the dispensing pharmacy intact; and
4. Collaborate with school personnel to create a seizure action plan.

The written authorization, written statement and seizure action plan required in subsection E of this section shall be kept on file in the office of the school nurse or school administrator and shall be distributed to any school personnel or volunteers responsible for the supervision or care of the student.

The written authorization for the administration of seizure rescue medications provided for in subsection E of this section shall be effective for the school year in which it is granted and may be renewed each following school year upon fulfilling the requirements of subsections E and F of this section .

The Seizure-Safe Schools Act shall apply only to a school that has a student enrolled who has a seizure disorder and has a seizure rescue medication or other medication prescribed to treat seizure disorder symptoms approved by the United States Food and Drug Administration and any successor agency prescribed by the student’s health care provider .

A school employee may not be subject to any disciplinary proceeding resulting from an action taken in compliance with the Seizure-Safe Schools Act. Any employee acting in accordance with the provisions of this act shall be immune from civil liability unless the actions of the employee rise to a level of reckless or intentional misconduct .

A school nurse shall not be responsible for and shall not be subject to disciplinary action for actions performed by a volunteer .

[70 O.S. § 1210.213](#) – **24/7 Tobacco - Free Act**

- a. The use of a tobacco product or vapor product shall be prohibited in or on an educational facility that offers an early childhood education program or in which children in grades kindergarten through twelve are educated. The use of a tobacco product or vapor product shall also be prohibited in school vehicles, and at any school-sponsored or school-sanctioned event or activity .
- b. Nothing in this section shall be construed to prohibit a public school district or private school from having more restrictive policies regarding tobacco products and vapor products in or on an educational facility, in school vehicles and at any school-sponsored or school-sanctioned event or activity .

[70 O.S. § 1210.199](#) **(B) Cardiopulmonary resuscitation and awareness**

**B.**Beginning with the 2015-2016 school year, all students enrolled in the public schools of this state shall receive instruction in cardiopulmonary resuscitation and awareness of the purpose of an automated external defibrillator, in accordance with subsection C of this section, at least once between ninth grade and graduation from high school. The instruction may be provided as a part of any course. A school administrator may waive the curriculum requirement required by this subsection for an eligible student who has a disability . A student shall not be required to meet the requirement of this subsection if a parent or guardian of the student objects in writing. All students enrolled in a virtual charter school in grades nine through twelve shall not be subject to the requirements of this section. All students enrolled in physical education classes in grades nine through twelve may receive instruction in the techniques of the Heimlich maneuver .

[70 O.S. § 1210.199](#) **Staff member training in cardiopulmonary resuscitation and the Heimlich maneuver**

**D.**Each public school district board of education shall ensure that a minimum of one certified teacher and one noncertified staff member at each school site receives

training in cardiopulmonary resuscitation and the Heimlich maneuver each year.

**OAC 210:10-1-21. Emergency administration of anaphylaxis medication in public schools**

- A.** General provisions. Every public school district board of education that elects to stock epinephrine injectors pursuant to the provisions of [70 O.S. § 1-116.3\(B\)](#) shall adopt a policy and establish procedures to ensure safe administration of anaphylaxis medicine to a student in the event an emergency occurs while the student is attending school or participating in authorized school-sponsored activities on public school grounds. The State Board of Education shall adopt a model policy which is made available to school districts for this purpose.
- B.** Definitions. The following words and terms, when used in this Section, shall have the following meaning:
1. "Medication" means a metered dose inhaler or a dry powder inhaler to alleviate asthmatic symptoms, prescribed by a physician and having an individual label, or an anaphylaxis medication used to treat anaphylaxis, including but not limited to Epinephrine injectors, prescribed by a physician and having an individual label.
  2. "Self-administration" means a student's use of medication pursuant to prescription or written direction from a physician.
- C.** School district decisions to stock epinephrine injectors. Any school district that elects to stock epinephrine injectors pursuant to the provisions of [70 O.S. § 1-116.3\(B\)](#) shall ensure that its policy and procedures comply with all of the following requirements:
1. Designation of primary school health professional . The superintendent shall be responsible for designating a primary school health professional at each school site . The duties of the primary school health professional at each site shall include:
    - a. Responsibility for knowledge and execution of all policies and procedures pertaining to emergency administration of epinephrine injectors;
    - b. Responsibility for obtaining epinephrine injectors at the school site;
    - c. Responsibility for ensuring that epinephrine injectors are secured and safely stored at the school site;
    - d. Responsibility for maintaining a list of students at each site for whom a valid waiver of liability executed by a parent or legal guardian is on file in accordance with the requirements of [70 O.S. § 1-116.3\(B\)\(2\)](#), and that the list is easily and quickly accessible to employees authorized to administer epinephrine injectors in emergency situations in which self-administration of medication by a student is not possible;
    - e. Responsibility for maintaining a current list of all school employees authorized to administer emergency epinephrine injections at each school site; and
    - f. Responsibility for proper storage, maintenance, and disposal of epinephrine injectors.

2. Designation of school employees authorized to administer emergency epinephrine injectors. The superintendent shall ensure that each school site has designated a sufficient number of school employees at each site to ensure that an individual trained in the emergency administration of epinephrine injections is available on the school campus at all times during which students are present.
3. Training in the use of epinephrine injectors. The superintendent shall ensure that all primary school health professionals and school employees authorized to administer emergency epinephrine injections designated in accordance with (1) and (2) of this subsection shall be provided with training in the recognition of the signs and symptoms of anaphylaxis and procedures for emergency administration of epinephrine injectors that meets the requirements of [70 O.S. § 1-116.3\(B\)\(1\)](#).

**70 O.S. § 11-103.13 - Health Education**

All PreK through 12 students receive instruction on the Oklahoma Health Academic Standards beginning in the 2023-24 school year.

School districts shall provide instruction addressing all health education subject matter standards, as adopted by the State Board of Education. Health education may be integrated into one or more existing subjects or provided as an addition to existing coursework.

Health education shall include but is not limited to physical health, mental health, social and emotional health and intellectual health.

By the 2022-2023 school year, the State Department of Education shall:

1. Develop a micro-credential for teachers who are assigned the responsibility of teaching health education.
2. Develop professional development programs that are designed to help teachers provide instruction in health education and incorporate the curriculum into existing coursework and instruction where appropriate. The professional development provided shall not be construed to be in addition to existing professional development requirements.

By the 2023-2024 school year, school districts shall provide instruction addressing all health education subject matter standards, as adopted by the State Board of Education.

Health education may be integrated into one or more existing subjects or provided as an addition to existing coursework.

Teachers assigned to teach health education as a stand-alone course shall be certified in physical and health education. The State Department of Education is authorized to issue a provisional certificate, valid for not more than two (2) years, to individuals assigned to teach a stand-alone health education course in order to afford the individual the opportunity to obtain certification in physical and health education.

All students shall receive the instruction needed to lead healthy and physically active lifestyles.

The subject standards for health and physical education shall include but not be



limited to the domains of physical, emotional, social and intellectual health. Health literacy shall include the ability to obtain, process and understand basic health information and services needed to make appropriate health decisions. Health shall also include the importance of proper nutrition and exercise, mental health and wellness, substance abuse, coping skills for understanding and managing trauma, establishing and maintaining positive relationships and responsible decision making. Physical literacy shall include the ability to move with competence and confidence in a wide variety of physical activities in multiple environments that benefit the healthy development of the whole person.

The Healthy and Fit School Advisory Committee shall study and make recommendations to the school principal regarding:

1. Health education Implementation
2. Physical education and physical activity; and
3. Nutrition and health services.

[OAC 210:35-3-109](#). **Vision Screening**

All public school districts will report to the State Department of Education the number of Kindergarten, first and third grade students who submitted certification of a completed vision screening, and also the number of students who received a comprehensive eye examination from an optometrist or ophthalmologist. This report will be submitted annually by June 1<sup>st</sup>.

[70 O.S. § 1210.284](#) (D) – **Vision Screening - Recommendations on Standards - Comprehensive Eye Exam on Failure - Annual Reports**

No student shall be prohibited from attending school for a parent's or guardian's failure to furnish a report of the student's vision screening or an examiner's failure to furnish the results of a student's comprehensive eye examination required by this section.

[OAC 210:35-3-110](#). **Healthy and Fit School Advisory Committee**

This section contains rules related to the Health and Fit Kids Act of 2004, as provided in [70 O.S. § 24-100a](#).

1. Representatives of the State Department of Education shall monitor each district annually to ensure that a Healthy and Fit School Advisory Committee has been established at each public school, and that such committee has met and made recommendations to the school principal regarding the following:
  - a. Health education
  - b. Physical education and physical activity
  - c. Nutrition and health services
2. The Healthy and Fit School Advisory Committee, composed of teachers, administrators, parents of students, health care professionals, and business community representatives, may operate as a separate entity or be combined with the school's Safe School Committee, established pursuant to [70 O.S. § 24-100.5](#).
3. It should be determined that each school principal has given consideration to

recommendations of the Healthy and Fit School Advisory Committee.

4. The monitoring official is authorized to report a school as deficient on the accreditation report for noncompliance with the provisions of [70 O.S. § 24-100.5](#).

[OAC 210:10-3-51](#). **National School Lunch Program**

**A.** Adult meal charges. All school food authorities participating in the National School Lunch Program shall require that adults pay, at a minimum, the student price plus the reimbursement received for student meals. Adults other than food service employees cannot be served free of charge unless the local school district absorbs the cost.

**B.** Health standards. All school food authorities participating in the National School Lunch Program shall develop and implement a written school food safety program at each facility or part of a facility where food is stored, prepared, or served that ensures preparation, service, and storage of food used in the National School Lunch Program complies with all applicable state, federal, county and local statutes and regulations pertaining to food handling and food safety, including but not limited to [42 U.S.C. § 1758\(h\)](#), [7 C.F.R. §210.13](#) and [OAC 310:257](#). In addition, all school food authorities shall comply with all of the following provisions:

1. Storage of leftover food. School food authorities shall use best efforts to ensure that food waste is kept to a minimum. In order to minimize waste, leftover food may be re-served in subsequent meal services in accordance with the provisions of 310:257-5-44 and 310:257- 5-71.
2. Donation of leftover food. School food authorities participating in the program may donate any food under the program not consumed and unable to be reserved pursuant to the provisions of (1) of this subsection to food banks or charitable organizations in accordance with the provisions of [42 U.S.C. § 1758\(l\)](#) and accompanying federal regulations if the donation is not otherwise prohibited by state, county, and local regulations.

[OAC 210:10-3-71](#). **School breakfast program**

Health standards. All school food authorities participating in the National School Breakfast Program shall implement a written school food safety program at each facility or part of a facility where food is stored, prepared, or served that ensures preparation, service, and storage of food used in the National School Breakfast Program complies with all applicable state, federal, county and local statutes and regulations pertaining to food handling and food safety, including but not limited to [42 U.S.C. § 1758\(h\)](#) and [OAC 310:257](#). In addition, all school districts and school sites shall comply with all of the following provisions:

1. Storage of leftover food. School food authorities shall use best efforts to ensure that food waste is kept to a minimum. In order to minimize waste, leftover food may be re-served in subsequent meal services in accordance with the provisions of 310:257-5-44 and 310:257- 5-71.
2. Donation of leftover food. School food authorities participating in the program may donate any food under the program not consumed and unable to be reserved pursuant to the provisions of (1) of this subsection to food banks or charitable organizations in accordance with the provisions of [42](#)

[U.S.C. § 1758](#)(l) and accompanying federal regulations if the donation is not otherwise prohibited by state, county, and local regulations.

**OAC 210:10-3-91. **Summer food service program for children****

- A.** Health standards. All service institutions participating in the Summer Food Service Program shall ensure that preparation, service, and storage of food used in the Summer Food Service Program complies with all applicable state, federal, county and local statutes and regulations pertaining to food handling and food safety, including but not limited to [42 U.S.C. § 1758](#)(h) and [OAC](#) 310:257. In addition, all school districts or other service institutions shall comply with all of the following provisions:
1. Storage of leftover food. All service institutions shall use best efforts to ensure that food waste is kept to a minimum. In order to minimize waste, leftover food may be re-served in subsequent meal services in accordance with the provisions of [OAC](#) 310:257-5-44 and [OAC](#) 310:257-5-71.
  2. Donation of leftover food. All service institutions participating in the program may donate any food under the program not consumed and unable to be reserved pursuant to the provisions of (1) of this subsection to food banks or charitable organizations in accordance with the provisions of [42 U.S.C. § 1758](#)(l) and accompanying federal regulations if the donation is not otherwise prohibited by state, county, and local regulations.
- B.** Recordkeeping. All service institutions participating in the program shall ensure that recordkeeping complies with all of the following provisions:
1. All service institutions shall report any significant increase or decrease in participation levels to the State Department of Education as soon as possible.
  2. All service institutions shall maintain daily food production records, as well as daily meal counts and menus, Food production records enable sponsors to ensure that adequate amounts of food are served to meet the Summer Food Service Program’s meal pattern requirements.
  3. All service institutions shall maintain all records necessary to support the costs reported on the claim for reimbursement. This includes itemized receipts for food and milk, time and attendance records for labor costs reported, etc.
- C.** Cycle menus. Service institutions shall develop and follow an eleven (11) day cycle menu for each type of meal served.

**OAC 210:10-3-112. **Smart Snacks in School****

- A.** Smart Snacks in School nutrition standards. Pursuant to the USDA Smart Snacks in School nutrition standards at 7 C.F.R. 210.11, competitive foods-those foods sold in schools during the school day, outside the federal reimbursable school meal programs-must meet the following requirements:
1. General standards for competitive food. To be allowable, a competitive food item must:
    - a.** Be a grain product that contains 50% or more whole grains by weight or have wholegrain as the first ingredient (after water); or

- b.** Have as the first ingredient (after water) one of the non-grain main food groups: fruits, vegetables, dairy, or protein foods (meat, beans, poultry, seafood, eggs, nuts, seeds, etc.); or
          - c.** Be a combination food that contains at least ¼ cup fruit and/or vegetable.
- 2.** Nutrient standards for competitive food. Allowable competitive food items must contain:
  - a.** 35% or fewer calories from total fat;
  - b.** Fewer than 10% calories from saturated fat;
  - c.** Less than 0.5 g trans fat per portion;
  - d.** 35% or less of weight from total sugar;
  - e.** 200 mg or less sodium per item for snack items and side dishes sold a la carte, and 480 mg or less sodium per item for entrees sold a la carte;
  - f.** 200 calories or fewer per item for snack items and side dishes, and 350 calories or fewer per item for entrees sold a la carte;
  - g.** Limited use of accompaniments, and the accompaniment must be included in the nutrient profile as part of the food item; and
  - h.** Foods and beverages sold at elementary schools and middle schools may not contain caffeine.
- 3.** Standards for beverages. The standards for beverages sold as competitive food items differ among elementary schools, middle schools, and high schools.
  - a.** In elementary schools, the following beverages are allowable as competitive items:
    - I.** Plain water or plain carbonated water, no limit;
    - II.** Low fat unflavored milk, 8 fl. oz. or less;
    - III.** Non fat flavored or unflavored milk (including nutritionally equivalent milk alternatives), 8 fl. oz. or less;
    - IV.** 100% fruit/vegetable juice, 8 fl. oz. or less; and
    - V.** 100% fruit/vegetable juice diluted with water, with or without carbonation (no added sweeteners), 8 fl. oz. or less.
  - b.** In middle schools, the following beverages are allowable as competitive food items:
    - I.** Plain water or plain carbonated water, no limit;
    - II.** Low fat unflavored milk, 12 fl. oz. or less;
    - III.** Non fat flavored or unflavored milk (including nutritionally equivalent milk alternatives), 12 fl. oz. or less;
    - IV.** 100% fruit/vegetable juice, 12 fl. oz. or less; and

- V. 100% fruit/vegetable juice diluted with water, with or without carbonation (no added sweeteners), 12 fl. oz. or less.

**C.** In high schools, the following beverages are allowable as competitive food items:

- I. Plain water or plain carbonated water, no limit;
- II. Low fat unflavored milk, 12 fl. oz. or less;
- III. Non fat flavored or unflavored milk (including nutritionally equivalent milk alternatives), 12 fl. oz. or less;
- IV. 100% fruit/vegetable juice, 12 fl. oz. or less;
- V. 100% fruit/vegetable juice diluted with water, with or without carbonation (no added sweeteners), 12 fl. oz. or less;
- VI. Other flavored and/or carbonated beverages of 20 fl. oz. or less, that are labeled to contain 5 or fewer calories per 8 fl. oz., or 10 or fewer calories per 20 fl. oz.; and
- VII. Other flavored and/or carbonated beverages of 12 fl. oz. or less, that are labeled to contain 40 or fewer calories per 8 fl. oz., or 60 or fewer calories per 12 fl. oz.

**B.** Exempt fundraisers. A school district that wishes to conduct fundraisers that are exempt from the rules in subsection (a) must adopt a written policy, which shall provide for the following:

1. Each school site shall designate a Smart Snacks in School Exempt Fundraiser contact person, who shall be responsible for maintaining up-to-date documentation regarding each exempt fundraiser held at the school site;
2. A limit of thirty (30) exempt fundraisers per semester may be held at each school site;
3. Exempt fundraisers are prohibited from taking place while meals are being served to students under the National School Lunch Program or the National School Breakfast Program, and while afterschool snacks are being served to students under the Afterschool Snack Program;
4. The maximum duration of any individual exempt fundraiser shall be fourteen (14) days; and
5. For each individual exempt fundraiser, documentation must be kept on file at the school site showing:
  - a. The school organization, activity, class, or other group that benefits from the fundraiser; and
  - b. The date(s) the fundraiser is conducted, with the duration not to exceed fourteen (14) days.
  - c. (A school site is not authorized to conduct or allow any exempt fundraisers unless the school district has adopted a written policy that meets the requirements of this subsection. All competitive foods sold in a school district that does not have such a written policy must meet the

nutritional guidelines listed in subsection (a).

**ADDITIONAL STANDARDS FOR CAREERTECH/  
COMPREHENSIVE SECONDARY SCHOOLS**

[OAC 210:35-11-51](#). **Guidance and counseling services**

- A.** Technology center districts shall have an identifiable guidance program in place, implemented and administered by an adequate number of credentialed staff and coordinated by staff with experience in delivering or supervising student services that addresses the career development needs of all students. Technology centers shall provide all students with information and advisement about career and educational options, administer assessment instruments such as interest inventories, aptitude tests, and achievement tests or acquire the results of such assessments prior to enrollment to provide guidance in program selection and placement, and provide support for students to help them be successful in their career pathway. This includes but is not limited to:
  - 1. All students in accredited program have developed, updated, and on file, an individual career plan, student service strategy plan, or locally developed plan of study for career and academic services to be provided for maximized program success and employability .
  - 2. All students are enrolled or placed in a technology center program on the basis of their documented interest and ability to benefit from training, work history, IEP provisions, accommodation plans, and/or their plans of study developed at the sending school or in cooperation with other agencies.
  - 3. The technology center guidance staff coordinates services with guidance and counseling staff from partner schools, higher education institutions, and other agencies through planned informational meetings, correspondence, and/or other communications .
- B.** If a career and technology education program at the technology center is considered to be an appropriate part of the student's Individualized Education Program (IEP), a representative of the technology center shall be on the IEP team. A copy of the IEP must be received by the technology center prior to the student's arrival on campus in order for the student to be legally enrolled and the instructor of the CareerTech program shall have access to a copy of the IEP before the identified student enters the program .
- C.** The sending school guidance program shall complement and coordinate with those services available in the technology center for counseling, assessment, staff consulting, educational and occupational planning, and follow-up activities.

## **STANDARD VII: THE MEDIA PROGRAM**

In this standard:

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- › Staffing
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[OAC](#)<sup>4</sup> 210:35-3-121. **Statement of the standard**

**A. Mission of School Library media program**

The mission of the media program is to assist students and teachers in becoming effective users of ideas and information. Emphasis is placed on the development of skills necessary for independent lifelong learning. To that end, schools shall provide an effective library media program through the employment of qualified staff and the acquisition of library media materials sufficient to meet the instructional needs of the staff and students. One centralized library media center can serve two or more organizational units if the units are housed at one site. The library media program is to be based on the combined enrollment and standards for the highest grade unit served.

**B. Prohibition on Pornographic material and Sexualized content in library media**

The State Board of Education recognizes its duty and responsibility to protect minor students from accessing Pornographic materials and Sexualized content and will implement this duty by exercising the State Board of Education's authority to adopt policies and make rules for public schools. Okla. Const. art. XIII, § 5; 70 O.S. § 3-104(A)(1).

[210:35-3-121.1. Definitions](#)

For purposes of this Part (13):

(a) "Library" means a school library, media program, a classroom library, or any other collection of books or other materials, print or digital, that are maintained by a School district or its employees for use by students and that do not qualify as textbooks within the jurisdiction of the State Textbook Committee under 70 O.S. §§ 16-101–16-124.

(b) "School library" means the official library maintained by a school for use by students.

(c) "Pornographic" means:

(1) depictions or descriptions of sexual conduct which are patently offensive as found by the average person applying contemporary community standards, considering the youngest age of students with access to the material,

(2) materials that, taken as a whole, have as the dominant theme an appeal to prurient interest in sex as found by the average person applying contemporary community standards, and

(3) a reasonable person would find the material or performance taken as a whole, lacks serious literary, artistic, educational, political, or scientific purposes or value, considering the youngest age of students with access to the material.

(d) "Sexualized content" means material that is not strictly Pornographic but otherwise contains excessive sexual material in light of the educational value of the material and in light of the youngest age of students with access to said material.

(e) "School district" or "School" means any public school district and public charter school district that serves students in prekindergarten through twelfth grades in this state.

(f) "Parent" means the natural or adoptive parent of legal guardian of a minor child.



**OAC210:35-3-126. Collection requirements and penalty for noncompliance**

**(a) Requirements**

1. There shall be a written policy, approved by the local board, concerning the criteria to be used in the evaluation and selection of materials for the media program . The written policies should contain criteria for selection, responsibility for selection, and guidelines for reconsideration .
2. The media program shall consist of a balanced collection of print materials, nonprint materials, multimedia resources, and equipment and supplies adequate in quality and quantity to meet the needs of students and staff in all areas of the school's program .
3. A library of professional materials containing print and multimedia resources shall be available to the staff. The professional library is an organized collection to support the instructional process and continued professional growth .
4. All media materials and equipment shall be maintained adequately with provisions made for regular replacement of outdated materials and equipment .
5. The school shall provide a variety and diversity of instructional/learning materials sufficient to accommodate the scope of the program and the individual differences among students .
6. Instructional/learning materials and equipment shall be available in a sufficient quantity to provide for the number of students involved in learning activities and for the number of teachers in the school .
7. Records of acquisition, classification, cataloging, circulation, and financing shall be accurate and current. A computerized library catalog or an alphabetically arranged card catalog, using a recognized system, and a shelf list of holdings shall be maintained .
8. All instructional/learning materials in the school related to the media program shall be listed in a central catalog .
9. The school shall provide equipment, materials, space, and professional guidance for the staff and students in designing and producing instructional/learning materials .
10. Within 60 days of the effective date of this rule, and annually every October 1, each School district shall transmit to the State Department of Education a complete listing of all books and other materials available in any School library in that district. An attestation from the Superintendent that a public online School library catalog or catalogs contain a complete and accurate list, along with the website for accessing the relevant School library catalog or catalogs, shall fulfill this requirement .
11. No Library shall have available to minor students any Pornographic materials or Sexualized content .
12. Every School district shall have a written policy for reviewing the educational suitability and age-appropriate nature of any material in a Library in the district and for receiving and responding to complaints regarding materials in Libraries in the district .

13. Nothing in this section shall be construed to prohibit students from reading, owning, possessing, or discussing any book they obtained without the assistance or encouragement of a School district, its employees, or its Libraries; provided, nothing in this Part shall be 3 construed to authorize bringing Pornographic material or Sexualized content on the grounds of any public School district.

**(b) Noncompliance**

(1) Procedure

(A) If a Parent or guardian alleges a violation of OAC 210:35-3-126(a), the Parent or guardian shall provide a written complaint to the State Department of Education that summarizes the alleged violation, including the time, date, and location of the violation and the identity of any person involved. The complaint must also include a copy of any complaint to the School district and any response.

(B) Within fourteen days of receiving a complaint, the Department shall notify the School district of the allegation and provide an opportunity for response.

(C) The Department shall then conduct an investigation to determine whether a violation has occurred. The Department's Legal Services staff shall notify the Parent or guardian and the School district of the results of the investigation.

(D) If the Department concludes that a violation has occurred or may have occurred, the School district shall have fourteen days to request a hearing before the Board. The Board shall review the Complaint and the record using a preponderance of the evidence standard, may take additional evidence at its discretion, and shall publish an order with its findings of fact and conclusions of law.

(2) Penalties

(A) If the State Board of Education makes a finding of willful noncompliance with any requirement of this section, the State Board of Education shall alter the accreditation status of the School district at issue to either Accredited With Warning or Accredited With Probation as classified in OAC 210:35-3-201. The Board shall adjust the status to Accredited With Probation if the School district is already Accredited With Warning

(B) If the State Board of Education makes a finding of negligent or reckless noncompliance with this rule, the State Board of Education shall require the School district at issue to comply with this rule within a reasonable timeframe ordered by the State Board of Education.

(C) Failure to comply with an order of the State Board of Education pursuant to paragraph (b)(2)(B) of this section shall constitute willful noncompliance within the meaning of paragraph (b)(2)(A) of this section.

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**J. OAC 210:35-3-127. Staff responsibilities**

- A.** The professional staff of the school, under the leadership of the media specialist, shall assume responsibility for the cooperative selection of materials and equipment for the media program. Instructional/learning materials and equipment

shall be selected by means of comparative analysis, based on criteria approved by the instructional staff prior to the selection.

- B.** Responsibility for the development and the operation of the media program shall be placed under the direction of professional staff with adequate technical and clerical help.
- C.** The media center, materials/equipment, and personnel shall be available to students and staff throughout the school day and throughout the school year. The media facility and staff should be used specifically to assist students and teachers in becoming effective users of ideas and information and to meet the instructional needs of the staff and students. The library media specialist (librarian) shall not be used as a substitute teacher or to replace a teacher in the classroom.
- D.** Inservice education programs shall be provided for the staff in order to ensure effective use of the media center(s).
- E.** Instruction in the use of media materials and the center's other resources shall be provided to all students.

[OAC 210:35-3-128.](#) **Evaluation**

Subject to the requirements and prohibitions of this Part (13), the media program shall reflect the philosophy of the school. The effectiveness of the program shall be judged on the basis of how it facilitates the instructional program, while ensuring minor students are not exposed to Pornographic material or Sexualized content. There shall be an ongoing evaluation of the effectiveness of the organization, services, and resources of the media program.

**ADDITIONAL STANDARDS FOR ELEMENTARY SCHOOLS**

[OAC 210:35-5-71.](#) **Staffing**

The school shall provide staffing for the media program through one of the following arrangements:

**A.**

1. Fewer than 300 students: At least a half-time certified library media specialist (librarian).
2. 300 to 499 students: At least one full-time certified library media specialist (librarian) or a half-time certified library media specialist (librarian) and a full-time library assistant.
3. 500 to 999 students: At least one full-time certified library media specialist (librarian) and a half-time library assistant.

**B.**

1. Fewer than 300 students: At least one-fifth time certified library media specialist (librarian) and a full-time library assistant.
2. 300 to 499 students: At least a half-time certified library media specialist (librarian) and a full-time library assistant.
3. 500 or more students: At least one full-time certified library media specialist (librarian) and a half-time library assistant.

**OAC 210:35-5-72. Seating**

- A.** The center shall be attractive, easily accessible, well-lighted, and appropriately equipped. In addition, there shall be sufficient work space for the technical processing and repair of materials, for conducting business routines, and for storing supplies and equipment. Control and listing of all materials shall be in the central instructional materials center.
- B.** The library media center(s) shall provide areas for reading, listening, viewing, preparation, and individual learning for staff and students as well as storage for materials and equipment. Even though facilities may not allow consolidation into one location of all the areas listed above, their availability should be supervised from the central instructional materials center(s) of the school.

**OAC 210:35-5-73. Collection**

- A.** The collection shall be current and appropriate for instructional needs. The minimum book collection shall be 3000 volumes, exclusive of textbooks, or 10 volumes for each student, whichever figure is larger. Newly organized schools will be given a reasonable amount of time to meet the minimum volume requirement.
- B.** Schools providing early childhood education programs shall make available to parents a collection of books and materials on early childhood education and child care.

**OAC 210:35-5-74. Expenditures**

- A.** Minimum annual expenditures. In establishing a balanced print and nonprint collection, the minimum annual media program expenditure shall be as follows:
  - 1. Fewer than five hundred (500) enrolled students: Nine dollars (\$9.00) per enrolled student.
  - 2. Five hundred (500) to nine hundred ninety-nine (999) enrolled students: Four thousand five hundred dollars (\$4500.00) for the first five hundred (500) enrolled students plus five dollars (\$5.00) per student for each additional enrolled student above five hundred (500) students up to nine hundred ninety-nine (999) students.
  - 3. One thousand (1000) to one thousand nine hundred ninety-nine (1999) enrolled students: Seven thousand dollars (\$7000.00) for the first one thousand (1000) enrolled students plus four dollars (\$4.00) per student for each additional enrolled student above one thousand (1000) students up to one thousand nine hundred ninety-nine (1999) students.
  - 4. Two thousand (2000) or more enrolled students: Eleven thousand dollars (\$11,000.00) for the first two thousand (2000) enrolled students plus three dollars (\$3.00) per student for each additional enrolled student above two thousand (2000) students.
- A.** Permissible media expenditures. All materials in the school (decentralized materials) that have been processed and are cataloged by the media center may be included. Examples of materials that constitute permissible media expenditures include, but are not limited to:

1. Hardback, paperback, and/or electronic books;
2. Periodicals in print and/or digital formats;
3. Pamphlets, manuscripts, and reports, in print and/or digital formats;
4. Prints, posters, photographic slides, filmstrips, or photographs, in print and/or digital formats;
5. Microforms (e.g., microfilm and/or microfiche);
6. Multimedia packages or kits;
7. Scientific specimens, microscopic slides;
8. Realia;
9. Models;
10. Audio recordings (e.g., vinyl records, reel-to-reel tape recordings, cassettes, CDs, MP3);
11. Video recordings (e.g., film, video tape, DVD and Blu-ray discs,) and;
12. Computer software and applications.

**C.** Impermissible expenditures. Textbooks, equipment, and salaries may not be included. For purposes of this Section, "equipment" shall have the meaning set forth at 210:25-7-1.

**D.** Federal funds not included. The contributions of federally funded programs shall not be included in meeting this standard.

### **ADDITIONAL STANDARDS FOR MIDDLE LEVEL SCHOOLS**

#### **OAC 210:35-7-61. **Staffing****

The school shall provide staffing for the media program through one of the following arrangements:

#### **A.**

1. Fewer than 300 students: At least a half-time certified library media specialist (librarian).
2. 300 to 499 students: At least one full-time certified library media specialist (librarian) or a half-time certified library media specialist (librarian) and a full-time library assistant.
3. 500 to 999 students: At least one full-time certified library media specialist (librarian) and a half-time library assistant.
4. 1000 to 1499 students: At least one full-time certified library media specialist (librarian) and one full-time library assistant
5. 1500 or more students: At least two full-time certified library media specialists (librarians).

#### **OAC 210:35-7-62. **Seating****

- A.** The center shall be attractive, easily accessible, well-lighted, and appropriately equipped. In addition, there shall be sufficient work space for the technical processing and repair of materials, for conducting business routines, and for storing supplies and equipment. Control and listing of all materials shall be in the central instructional materials center.
- B.** The library media center(s) shall provide areas for reading, listening, viewing, preparation, and individual learning for staff and students as well as storage for materials and equipment. Even though facilities may not allow consolidation into one location of all the areas listed above, their availability should be supervised from the central instructional materials center(s) of the school.

**OAC 210:35-7-63. Collection**

- A.** The collection shall be current and appropriate for instructional needs. The minimum book collection shall be 3000 volumes, exclusive of textbooks, or 10 volumes per student, whichever figure is larger. Newly organized schools will be given a reasonable amount of time to meet the minimum volume requirement.
- B.** The program shall consist of a balanced collection of print materials, nonprint materials, and instructional/learning equipment and supplies adequate in quality and quantity to meet the needs of the students in all areas of the school's program.

**OAC 210:35-7-64. Expenditures**

- A.** Minimum annual expenditures. In establishing a balanced print and nonprint collection, the minimum annual media program expenditure shall be as follows:
  - 1. Fewer than five hundred (500) enrolled students: Nine dollars (\$9.00) per enrolled student.
  - 2. Five hundred (500) to nine hundred ninety-nine (999) enrolled students: Four thousand five hundred dollars (\$4500.00) for the first five hundred (500) enrolled students plus five dollars (\$5.00) per student for each additional enrolled student above five hundred (500) students up to nine hundred ninety-nine (999) students.
  - 3. One thousand (1000) to one thousand nine hundred ninety-nine (1999) enrolled students: Seven thousand dollars (\$7000.00) for the first one thousand (1000) enrolled students plus four dollars (\$4.00) per student for each additional enrolled student above one thousand (1000) students up to one thousand nine hundred ninety-nine (1999) students.
  - 4. Two thousand (2000) or more enrolled students: Eleven thousand dollars (\$11,000.00) for the first two thousand (2000) enrolled students plus three dollars (\$3.00) per student for each additional enrolled student above two thousand (2000) students.
- B.** Permissible media expenditures. All materials in the school (decentralized materials) that have been processed and are cataloged by the media center may be included. Examples of materials that constitute permissible media expenditures include, but are not limited to:
  - 1. Hardback, paperback, and/or electronic books;

2. Periodicals in print and/or digital formats;
  3. Pamphlets, manuscripts, and reports, in print and/or digital formats;
  4. Prints, posters, photographic slides, filmstrips, or photographs, in print and/or digital formats;
  5. Microforms (e.g., microfilm and/or microfiche);
  6. Multimedia packages or kits;
  7. Scientific specimens, microscopic slides;
  8. Realia;
  9. Models;
  10. Audio recordings(e.g., vinyl records, reel-to-reel tape recordings, cassettes, CDs, MP3);
  11. Video recordings (e.g., film, video tape, DVD and Blu-ray discs,) and;;
  12. Computer software and applications.
- C.** Impermissible expenditures. Textbooks, equipment, and salaries may not be included. For purposes of this Section, "equipment" shall have the meaning set forth at 210:25-7-1.
- D.** Federal funds not included. The contributions of federally funded programs shall not be included in meeting this standard.

### **ADDITIONAL STANDARDS FOR SECONDARY SCHOOLS**

#### **OAC 210:35-9-71. **Staffing****

The school shall provide staffing for the library media program through one of the following arrangements:

#### **A.**

1. Fewer than 300 students: At least a half-time certified library media specialist (librarian).

2. 300 to 499 students: At least one full-time certified library media specialist (librarian) or a half-time certified library media specialist (librarian) and a full-time library assistant.
3. 500 to 999 students: At least one full-time certified library media specialist (librarian) and a half-time library assistant.
4. 1000 to 1499 students: At least one full-time certified library media specialist (librarian) and one full-time library assistant
5. 1500 or more students: At least two full-time certified library media specialists (librarians).

**OAC210:35-9-72. **Seating****

- A.** The center shall be attractive, easily accessible, well-lighted, and appropriately equipped. In addition, there shall be sufficient work space for the technical processing and repair of materials, for conducting business routines, and for storing supplies and equipment. Control and listing of all materials shall be in the central instructional materials center.
- B.** The library media center(s) shall provide areas for reading, listening, viewing, preparation, and individual learning for staff and students as well as storage for materials and equipment. Even though facilities may not allow consolidation into one location of all the areas listed above, their availability should be supervised from the central instructional materials center(s) of the school.

**OAC 210:35-9-73. **Collection****

- A.** The collection shall be current and appropriate for instructional needs. The minimum book collection shall be 3000 volumes, exclusive of textbooks, or 10 volumes for each student, whichever figure is larger. Newly organized schools will be given a reasonable amount of time to meet the minimum volume requirement.
- B.** The program shall consist of a balanced collection of print materials, nonprint materials, and instructional/learning equipment and supplies adequate in quality and quantity to meet the needs of the students in all areas of the school's program.

**OAC 210:35-9-74. **Expenditures****

- A.** Minimum annual expenditures. In establishing a balanced print and nonprint collection, the minimum annual media program expenditure shall be as follows:
  1. Fewer than five hundred (500) enrolled students: Nine dollars (\$9.00) per enrolled student.
  2. Five hundred (500) to nine hundred ninety-nine (999) enrolled students: Four thousand five hundred dollars (\$4500.00) for the first five hundred (500) enrolled students plus five dollars (\$5.00) per student for each additional enrolled student above five hundred (500) students up to nine hundred ninety-nine (999) students.
  3. One thousand (1000) to one thousand nine hundred ninety-nine (1999) enrolled students: Seven thousand dollars (\$7000.00) for the first one thousand (1000) enrolled students plus four dollars (\$4.00) per student for



each additional enrolled student above one thousand (1000) students up to one thousand nine hundred ninety-nine (1999) students.

4. Two thousand (2000) or more enrolled students: Eleven thousand dollars (\$11,000.00) for the first two thousand (2000) enrolled students plus three dollars (\$3.00) per student for each additional enrolled student above two thousand (2000) students.

**B.** Permissible media expenditures. All materials in the school (decentralized materials) that have been processed and are cataloged by the media center may be included. Examples of materials that constitute permissible media expenditures include, but are not limited to:

1. Hardback, paperback, and/or electronic books;
2. Periodicals in print and/or digital formats;
3. Pamphlets, manuscripts, and reports, in print and/or digital formats;
4. Prints, posters, photographic slides, filmstrips, or photographs, in print and/or digital formats;
5. Microforms (e.g., microfilm and/or microfiche);
6. Multimedia packages or kits;
7. Scientific specimens, microscopic slides;
8. Realia;
9. Models;
10. Audio recordings (e.g., vinyl records, reel-to-reel tape recordings, cassettes, CDs, MP3);
11. Video recordings (e.g., film, video tape, DVD and Blu-ray discs,) and,;
12. Computer software and applications.

**C.** Impermissible expenditures. Textbooks, equipment, and salaries may not be included. For purposes of this Section, "equipment" shall have the meaning set forth at 210:25-7-1.

1. Federal funds not included. The contributions of federally funded programs shall not be included in meeting this standard.

## **STANDARD VIII: STUDENT ACTIVITIES PROGRAM**

In this standard:

- › Statement of the standard
- › Specific provisions of the standard

ADDITIONAL STANDARDS FOR CAREERTECH/COMPREHENSIVE SECONDARY SCHOOLS

- › Student activities programs

[OAC](#)<sup>5</sup> 210:35-3-141. **Statement of the standard**

The school shall maintain a diversified and balanced program of co-curricular and extracurricular student activities designed to contribute to the educational development of students. Efforts shall be made to foster an appropriate intellectual, cultural, and social climate; promote growth in student leadership and social interaction skills; and encourage special student interests.

[OAC](#) 210:35-3-146. **Specific provisions of the standard**

The standard sets forth the following provisions:

1. The student activities program shall be an integral part of the comprehensive educational experiences of the students .
2. The scope of the student activities program shall be determined by the needs, interests, and abilities of the students .
3. The student activities program shall be structured to utilize the abilities, interests, training, and experience of the school staff. A licensed/certificated staff member shall be in charge of each student activity .
4. Procedures shall be established to provide for student and staff involvement in the formation, organization, chartering, regulating, and funding of each activity in the program .
5. Students shall be assisted in selection of suitable options for participation in the student activities program .
6. The school shall provide resources needed to support the student activities program .
7. The school program shall provide exploratory experiences that contribute to the identification and improvement of the student’s physical, social, mental, and creative talents and skills.
8. The educational program shall be protected from student activities of questionable educational value. The principal shall determine participation based on the contribution made by the activity to the educational goals of the school and on the local board policy. Time involved for students and teachers in preparation for and participation in contests and activities shall not be excessively disruptive of the day’s schedule.
9. School-sponsored activities held when school is not in session shall follow the same standards as those held during the regular school year.

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Education), then chapter number and subchapter, until you have reached the desired code section.

**70 O.S. §27-106 - Save Women's Sports Act**

**A.** This act shall be known and may be cited as the "Save Women's Sports Act".

**B.** As used in this section:

1. "School" means a public school district or public charter school in this state or an institution within The Oklahoma State System of Higher Education.
2. "School athletic association" shall have the same meaning as provided for in [Section 27-102 of Title 70](#) of the Oklahoma Statutes; and
3. "Intercollegiate association" shall mean a national association that sets eligibility requirements for participation in sports at the collegiate level and that provides the coordination, supervision and regulation of the intercollegiate competitions.

**C.** Athletic teams that are sponsored by a school or sponsored by a private school whose students or teams compete against a school shall be expressly designated as one of the following based on biological sex:

1. "Males", "men" or "boys";
2. "Females", "women" or "girls"; or
3. "Coed" or "mixed".

**D.** Prior to the beginning of each school year, the parent or legal guardian of a student who competes on a school athletic team shall sign an affidavit acknowledging the biological sex of the student at birth. If the student is eighteen (18) years of age or older, the student who competes on a school athletic team shall sign an affidavit acknowledging his or her biological sex at birth. If there is any change in the status of the biological sex of the student, the affiant shall notify the school within thirty (30) days of such change.

**E.**

1. Athletic teams designated for "females", "women" or "girls" shall not be open to students of the male sex.
2. Any student who is deprived of an athletic opportunity or suffers any direct or indirect harm as a result of a violation of paragraph 1 of this subsection shall have a cause of action for injunctive relief, damages and any other relief available permitted by law against the school.
3. Any student who is subject to retaliation or other adverse action by a school, school athletic association or intercollegiate association as a result of reporting a violation of paragraph 1 of this subsection to an employee or representative of the school, school athletic association or intercollegiate association or to any state or federal agency with oversight of schools in this state shall have a cause of action for injunctive relief, damages and any other relief available permitted by law against the school, school athletic association or intercollegiate association.

**F.**

1. The State Board of Education, the Oklahoma State Regents for Higher Education and any school athletic association or intercollegiate association of which a school is a member shall be prohibited from entertaining a complaint, opening an investigation or taking any other adverse action against a school for maintaining athletic teams or sports for students of the female sex as provided for in subsection E of this section.
2. Any school that suffers any direct or indirect harm as a result of a violation of paragraph 1 of this subsection shall have a cause of action for injunctive relief, damages and any other relief permitted by law against the State Board of Education, the Oklahoma State Regents for Higher Education, school athletic association or intercollegiate association.

**G.** Causes of action authorized by this section shall be initiated within two (2) years after the harm occurred. Persons or associations that prevail on a claim brought pursuant to this section shall be entitled to monetary damages including for any psychological, emotional and physical harm suffered, reasonable attorney fees and costs and any other appropriate relief permitted by law.

**70 O.S. §1-125 Restroom or Changing Area Use Based on Sex-Reasonable Accommodation – Disciplinary Policy – Noncompliance – Cause of Action**

**A.** As used in this section:

1. "Sex" means the physical condition of being male or female based on genetics and physiology, as identified on the individual's original birth certificate; and
2. "Multiple occupancy restroom or changing area" means an area in a public school or public charter school building designed or designated to be used by more than one individual at a time, where individuals may be in various stages of undress in the presence of other individuals. The term may include but is not limited to a school restroom, locker room, changing room, or shower room.
3. "Coach" means a person employed by a public school district or public charter school who is involved in the teaching or training of students participating in a school-sponsored athletic activity; and
4. "School-sponsored athletic activity" means a sporting event that is supported and affiliated with the school such as games, matches, and tournaments.

**B.** To ensure privacy and safety, each public school and public charter school that serves students in prekindergarten through twelfth grades in this state shall require every multiple occupancy restroom or changing area designated as follows:

1. 1. For the exclusive use of the male sex; or
2. 2. For the exclusive use of the female sex.

**C.** Each public school or public charter school in this state shall provide a reasonable accommodation to any individual who does not wish to comply with the provisions of subsection B of this section. A reasonable accommodation shall be access to a single-occupancy restroom or changing room.

- D.** The provisions of this section shall not apply to individuals entering a multiple occupancy restroom or changing area designated for use by the opposite sex when entering in any of the following circumstance:
1. For custodial, maintenance, or inspection purposes; or
  2. To render emergency medical assistance.
  3. If a suitable meeting room or area is not available, a coach may enter a locker room before, during, or after a school-sponsored athletic activity, provided
    - a. all students present are fully clothed,
    - b. the coach shall be accompanied by at least one additional adult at all times, and
    - c. if the coach is the opposite sex of the students present, the coach shall be accompanied by at least one adult of the same sex as the students present.

The adult shall not be a current high school student.

- E.** 1. Each school district board of education and public charter school governing board shall adopt a policy to provide disciplinary action for individuals who refuse to comply with the provisions of this section .
2. No school district board of education or charter school governing board shall adopt a policy contrary to the provisions of this section .
- F.** Upon a finding of noncompliance with the provisions of subsections B and C of this section by the State Board of Education, the noncompliant school district or public charter school shall receive a five percent (5%) decrease in state funding for the school district or public charter school for the fiscal year following the year of noncompliance.
- G.** A parent or legal guardian of a student enrolled in and physically attending a public school district or public charter school shall have a cause of action against the public school district or public charter school for noncompliance with the provisions of subsections B and C of this section .
- H.** The State Board of Education shall promulgate rules to implement the provisions of this section .

### **ADDITIONAL STANDARDS FOR CAREERTECH/ COMPREHENSIVE SECONDARY SCHOOLS**

#### **OAC 210:35-11-71. Student activities programs**

- A.** Each secondary CareerTech education program shall have an active and appropriate CareerTech student organization (CTSO) as an integral part of the CareerTech program. Appropriate CTSO's are defined as follows: FFA, Agricultural Education; DECA/Delta Epsilon Chi, Marketing Education; Business Professionals of America (BPA), Business and Information Technology Education; Family, Careers, and Community Leaders of America (FCCLA), Family and Consumer Sciences Education; Health Occupations Students of America (HOSA), Health Careers Education; Technology Students Association (TSA), Technology Education; and SkillsUSA, Trade and Industrial Education.
- B.** Each student who participates in a CTSO shall be involved in the CTSO which is

designed for the occupational program in which the student is enrolled.

1. The maximum number of absences for activities, whether sponsored by the sending school, echnology center, or outside agency/organization, which removes the student from the classroom shall be ten for any one class period of each school year. Excluded from this number are state and national levels of school-sponsored competitive events. State and national competitive events are those for which a student must earn the right to compete.
  2. Students who participate in CTSO activities at the technology center shall meet the eligibility rules of the sending schools in which they are also enrolled. It is recommended that the eligibility rules meet or exceed the rules of the Oklahoma Secondary School Activities Association .
- C.** The leadership development activities associated with the CTSO shall be directed and supervised by the appropriate CareerTech instructor with support and guidance from the administration .
- D.** The school shall provide resources needed to support the CareerTech student organization activities .
- E.** The technology center shall cooperate with the sending school to support participation of students in co-curricular and extracurricular activities of the home school .



## **STANDARD IX: FINANCIAL SUPPORT**

In this standard:

- › Statement of the standard
- › Estimated needs and probable income; district budget plan; financial management and accounting; audits
- › Audits
- › Accounting
- › The encumbrance clerk
- › The school district treasurer

[OAC](#)<sup>6</sup> 210:35-3-161. **Statement of the standard**

Funds from all available sources shall provide financial support in sufficient amount to maintain excellence in staff, facilities, and material needed to meet the needs of the students.

[OAC](#) 210:35-3-166. **Estimated needs and probable income; district budget plan; financial management and accounting; audits**

- A.** The board of education of each school district, prior to October 1, shall make a written, itemized statement of estimated needs and probable income from all sources including ad valorem tax for the current year. [[68 O.S. § 3002](#)]
- B.** The identified resources shall be translated into an annual approved district budget plan. The principal shall be responsible for planning and administering the school site budget as approved by the local board of education. The principal shall involve the staff in the preliminary development of the budget, in establishing expenditure allocations, and setting priorities within the budget.
- C.** The schools shall continuously evaluate the achievement of goals, review expenditure of funds relative to achieving goals, and redirect funds, if necessary, to focus upon changing and emerging needs. The administrator shall refer those items which were not included in the annual budget to the budget file for beginning studies on the next annual budget.
- D.** In reviewing the school's proposed budget plan, the local board shall take into account the school's statement of philosophy and goals and the needs of the students and community served. The annual school budget shall be reported to the various school publics. The administrator shall refer those items which were not included in the annual budget to the budget file for beginning studies on the next annual budget.
- E.** All income and expenditures shall be safeguarded through proper budgetary procedures and shall be audited annually. [[70 O.S. § 22-103](#)]
  - 1. All monies collected for student activities programs shall be handled through the central office where official records shall be kept. A periodic report shall be made to the student activity group, the chief executive officer, and the local board.
  - 2. The school shall adhere to the financial management and accounting procedures listed in the State Board of Education Regulations for Administration and Handbook on Budgeting and Business Management: Bulletin No. 145. [School Finance Technical Assistance]
- F.** Accreditation shall not be maintained when it is evident that a school is not providing financial support to meet the needs of the students.

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- G.** Prior to mandatory annexation of a school site or a school district, the school district shall receive a warning from the State Board of Education. A State Department of Education team will be assigned to make an on-site review of the school or district and report the findings with recommendations to the State Board of Education.

**OAC 210:10-1-5. Audits**

- A.** Financial audit. All schools are required to make available to personnel of the State Department of Education all records pertaining to Federal programs, state aid appropriations, and expenditures from the general fund of the previous year, making it possible to complete an audit on all funds. Public officials, members of the boards of education, superintendents, principals, and any other persons whose duty it is to make appropriations and/or expenditures in accordance with the provisions of applicable state and federal law, the regulations of the State Department of Education, and the adopted policies of the State Board of Education will be held responsible for any misappropriation or illegal expenditure of such funds.
- B.** Penalty. If it is discovered that a school district is unable to pay its current year's obligations through careless handling of funds by a school administrator, the State Board of Education may require the administrator to show cause why their administrator's certificate should not be revoked.

**OAC 210:25-5-4. Accounting**

- A.** The financial structure of an Oklahoma public school district consists of various classifications as referenced in Oklahoma Administrative Code (OAC) 210:25-7-1, (Oklahoma Cost Accounting System [OCAS]). School District accounting systems shall be organized and operated on a basis that assures legal compliance by the recording and summarizing of financial transactions within funds, each of which is completely independent of any other. Each fund shall account for and continually maintain the identity of its revenues and expenditures. Financial transactions for purposes of this regulation and as referenced in 70 O.S. 2001, § 5-135.2 shall be defined as a detailed reporting of revenue within the Source of Revenue dimension. Revenue shall be reported to the bold codes within each of the following broad categories: District Source of Revenue, Intermediate Source of Revenue, State Source of Revenue, and Federal Source of Revenue. Expenditures shall be reported by the bold codes within the Function dimension as follows: Instruction, Support Services-Students, Support Services-Instructional Staff, Support Services-General Administration, Support Services-School Administration, Support Services-Central, Operation and Maintenance of Plant Services, Student Transportation Services, Child Nutrition Programs Operations, Community Services Operations and Facilities Acquisition and Construction classification by Fiscal Year, Fund, Project Reporting, Object, Program, Subject, Job Classification, and Operational Unit, where applicable.
- B.** The year-end financial report recording and summarizing all revenue and expenditure financial transactions will be completed and certified on the due date.
- C.** The school district must inform the Financial Accounting Section of the State Department of Education of any changes made at the district level to any of the financial transactions already submitted to the State Department of Education.

Further, none of the data submitted by Law can be changed or altered by either the school district or the Financial Accounting Section after December 15 of each year.

- D.** As referenced in [70 O.S. 2001, § 5-135.2 \(B\)](#), the State Department of Education shall reduce the monthly payment of a district's State Aid funds if the district is not operating pursuant to said system. Not operating pursuant to said system shall be defined as a district not:
1. accurately recording and reporting all revenue and expenditures by applicable OCAS bold code dimensions;
  2. submitting OCAS financial records via the Web-based system of all recorded and reported revenue and expenditures by applicable OCAS bold code dimensions to the State Department of Education;
  3. ascertaining that current and accurate applicable OCAS codes are being utilized as updated and maintained by the State Department of Education;
  4. complying with regulations as outlined in [OAC 210:25-3-7](#) (Financial information processing), [OAC 210:25-5-10](#) (The encumbrance clerk), [OAC 210:25-5-11](#) (The school district treasurer), or [OAC 210:25-5-13](#) (School activity fund);
  5. reconciling all recorded and reported revenue and expenditures by applicable OCAS bold code dimensions by balancing data with bank receipts and statements, purchase orders, warrant registers, investment ledgers, and all balance sheet accounts; and
- E.** For appropriated funds, all indebtedness should be encumbered (have a purchase order issued and be recorded) on the day the obligation is incurred, rather than when it becomes due, and supporting documentation should be provided for all indebtedness.
- F.** Upon the approval of the State Board of Education, school districts may make capital expenditures up to a maximum amount of \$50,000 (fifty thousand dollars) during the current fiscal year within the General Fund pursuant to 70 O.S. 2001, § 1-117, if the school district meets the established criteria as outlined in the Statutes. School districts shall be voting the maximum five (5) building fund mills. General Fund monies authorized by the State Board of Education for expenditures must be expended within the current fiscal year. Any such funds encumbered as of June 30th of the current fiscal year, but not expended by November 15th of the subsequent fiscal year, shall lapse and return to the original purpose of such funds
- G.** A school district shall be authorized to utilize general fund monies for capital expenditures, in addition to the amount specified in subsection (c), pursuant to the provisions of [70 O.S. 2001, § 1-117](#).
- H.** Inventory cards or data processing records shall be kept on all equipment and removable fixtures, showing purchase order number when known, date of purchase (when known, if not known an estimated date shall be used), amount of purchase (if known, if not known present value must be estimated) a description of the item, the serial number (when applicable) and the location of the item. New purchases shall be included in the records on the same day in which they are physically received by

the district. Disposed equipment must be removed from the records on the disposal date and a detailed description of the circumstances which results in the disposal recorded. Disposed equipment should not be included in the records of future years.

**OAC 210:25-5-10. The encumbrance clerk**

- A.** Duties and responsibilities. The encumbrance clerk shall be employed by the district board of education and may also serve as the minute clerk. The encumbrance clerk is responsible for the following duties:
1. Maintain Appropriation and Encumbrance Ledger.
  2. Determine that encumbrances do not exceed appropriations and are for purpose of appropriation charged.
  3. May complete purchase orders.
  4. Transmit warrants to vendor(s).
  5. Perform such other duties as the board or its committees may require.
- B.** Required forms and documents. In performing the required duties of the position the Encumbrance Clerk needs the following forms and documents:
1. A supply of approved purchase order blanks.
  2. A supply of approved warrant blanks.
  3. A copy of the following:
    - a. S.A.&I Form 2661, Estimate of Needs.
    - b. S.A.&I. Form 307, Request for approval of State Aid and/or Federal Funds.
    - c. Form 308 - Cash Fund Estimate and Request for Appropriation.
    - d. Form 150 - Supplemental Estimate
  4. Other forms to meet board's requirements.
- C.** Additional duties - dual appointments as minute clerk. If also serving as the minute clerk additional duties to perform:
1. Maintain an accurate journal of the proceedings of the board of education.
  2. Perform such other duties as the board or its committees may require.
- D.** Encumbrance clerk training and continuing education requirements. Every school district encumbrance clerk shall complete the following training requirements in accordance with the provisions of [70 O.S. § 5-190](#):
1. Encumbrance clerk training. Within nine (9) months after the first day of employment as an encumbrance clerk by a local school district, or within three (3) years prior to employment in the position, every school district encumbrance clerk shall complete at least twelve (12) hours of approved instruction that meets all of the following requirements:

- a. Any courses of instruction or workshop of courses offered for purposes of meeting the requirements of this subsection shall be approved for credit by the State Department of Education Office of Financial Services;
- b. The instruction shall address all of the following topics:
  - I. School finance laws of the State;
  - II. Accounting;
  - III. Ethics;
  - IV. Duties and responsibilities of a school district encumbrance clerk.
- 2. Encumbrance clerk continuing education. In addition to the requirements of (1) of this subsection, every school district encumbrance clerk shall be required to complete an additional twelve hours (12) of approved continuing education instruction every three (3) years from the date of initial employment with a school district. The twelve (12) hours of required continuing education instruction shall meet all of the requirements for encumbrance clerk training set forth in (1) of this subsection.
- E. Certificates of completion. As a condition of course approval, every instructor of a school district encumbrance clerk course or coordinator of a workshop of school district encumbrance clerk courses shall provide a certificate of completion to encumbrance clerks upon successful completion of the course or workshop offered for the purpose of fulfilling the requirements of (d) of this Section. Upon completion of the course, copies of the certificate, signed by the course instructor or the workshop coordinator, shall be forwarded by the encumbrance clerk to the district board president or the board president's designee.
- F. Compliance. Failure to comply with the training requirements set forth in this Section shall result in a deficiency on the accreditation report of the school district that employs the encumbrance clerk.

**OAC 210:25-5-11. The school district treasurer**

- A. Overview. The law requires the county treasurer of each county to also be the school district treasurer for all school districts in the County, except that the board of education in each school district may appoint a local treasurer. All school districts are also allowed to employ an assistant local treasurer. An assistant local treasurer may perform any of the duties and exercise any of the powers of the local treasurer with the same force and effect. A school district treasurer or assistant treasurer may also serve as a minute clerk. The local treasurer and/or assistant treasurer shall be a resident of this state. A local treasurer or assistant local treasurer may be appointed for more than one school district. Since the State Auditor and Inspector is directly charged by law to prescribe the forms and procedures for the operation of the county treasurer's office, nothing herein is intended to disturb or supersede any directive or advice from the Auditor's Office. It is, however, agreed upon by the above mentioned office and the Department of Education that if the treasurer follows the principles and procedures as provided below for the operation of the local treasurer's office of the school district, a valuable service to boards of education, taxpayers and the general public will occur.

**B. Duties and responsibilities. The Treasurer is required by law to:**

1. Ensure that warrants shall show warrant number, fiscal year, and fund against which the warrant is being drawn .
2. Code all receipts using the Oklahoma Cost Accounting System dimensions of Fiscal Year, Fund, Project Reporting, Source of Revenue, Program, and Operational Unit, to the bold dimension for State Department of Education requirements. If coded in detail have ability to roll dimensions to the bold for magnetic media transfer to State Department of Education .
3. The Treasurer of a School District shall keep the following computerized records based on the following format:
  - a. SA&I, Form 208 (1967) Treasurer’s General Ledger .
  - b. SA&I, Form 2061 (1967) Treasurer’s Cash Ledger .
  - c. SA&I, Form 2062 (1967) Treasurer’s Investment Ledger .
  - d. SA&I, Form 207 (1967) Treasurer’s Warrant Ledger .
  - e. SA&I, Form 411 (1967) Treasurer’s Receipt .
  - f. SA&I, Form 410 (1967) Treasurer’s Check .
  - g. SA&I, Form 1141 (1967) Bond Register .
  - h. Deposit Books .
  - i. Such other records as may be deemed advisable or useful .
4. The Treasurer shall also maintain adequate files of:
  - a. Paid Warrants--Warrants purchased with a treasurer’s check, shall be filed by group in the numerical order of the treasurer’s checks which paid them. Each group of warrants paid by a treasurer’s check shall also have a copy of the treasurer’s check with which they were purchased attached to them .
  - b. Voided Warrants--Shall be filed in the numerical order of their issuance by fund and by fiscal year in a separate file and shall be sufficiently mutilated to prevent their being cashed but not mutilated as to not be identifiable .
  - c. Paid Bonds and Coupons .
  - d. Canceled Bonds and Coupons .
  - e. Bank and fiscal agency statements, including deposit tickets and paid warrants/checks .
  - f. County Clerk’s remittance advises .
  - g. Copies of any directive from the County Clerk or County Excise Board supplementing, changing or transferring appropriation balances .





[70 O.S. § 15-110](#) **Bonds Notice Requirements**

- A.** When a school district board of education calls an election for the purpose of issuing bonds pursuant to Section 15-102 of Title 70 of the Oklahoma Statutes, the school district shall, at least thirty (30) days prior to the election, post on its website a copy of the bond proposal, including each project to be funded by the bond proceeds, a description of each project, and the estimated cost for each project.
- B.** If electors approve the issuing of bonds at an election, the school district shall continue to post on its website the bond information required by subsection A of this section for the duration of the bond and one year after completion of all bond projects. The information posted on the school district website shall also include updates when there is a material change in the scope of the projects and their purpose as stated at the time the board of education calls the bond election. The updated information shall be posted online within thirty (30) days following approval of the project changes by the board of education.
- C.** This act shall not apply to any bond projects approved by electors prior to the effective date of this act.

[74 O.S. § 9060](#) – **Emergency Energy Availability Act of 2022**

- A.** This act shall be known and may be cited as the “Oklahoma Emergency Energy Availability Act of 2022”.
- B.** As used in the Oklahoma Emergency Energy Availability Act of 2022:
  - 1. “Energy policy” means any policy or commitment pertaining to the sourcing of electrical power generation, energy conservation methods, or energy development; and
  - 2. “Energy source” means any source used to generate electric power including but not limited to biomass, coal, hydroelectricity, natural gas, hydrogen, nuclear, oil, solar, water, and wind.
- C.**
  - 1. On or after the effective date of this act, any agency, department, bureau, system of higher education, school district, township, or municipality within this state which has an energy policy in place or that chooses to develop an energy policy shall develop an emergency energy plan detailing methods or sources of energy during a state of emergency.
  - 2. (On or after the effective date of this act, any agency, department, bureau, system of higher education, school district, township, or municipality within this state which has or develops an energy policy and an emergency energy plan pursuant to paragraph 1 of this subsection shall not source energy for such plans from a single energy source and shall develop policies for the acquisition of electrical power generated from at least three distinct energy sources.
- D.** The Oklahoma Department of Emergency Management shall promulgate rules to effectuate the provisions of this section.

## **STANDARD X: SCHOOL FACILITIES**

In this standard:

- › Statement of the standard
- › Site and buildings: size and space; accessibility; maintenance; health and safety
- › Lockdown Drills
- › Required Safety Drills
- › Fallout Protection
- › Unlawful Carry in Certain Places
- › Possession of Firearm on School Property
- › Immediate Report and Delivery of Confiscated Firearm to Law Enforcement Authority

[OAC](#)<sup>7</sup> 210:35-3-181. **Statement of the standard**

The school facilities support the educational program, contribute to the learning experiences of students, and promote safety and health of the occupants. They are vital to the implementation of a well-defined statement of educational philosophy and goals.

[OAC](#) 210:35-3-186. **Site and buildings: size and space; accessibility; maintenance; health and safety**

- A.** General requirements for school facilities. All school facilities shall meet the following requirements:
1. The site and building(s) shall be properly sized and equipped for the number of occupants and grades served in accordance with the requirements of [70 O.S. § 5-131](#).
  2. Adequate space shall be provided for classrooms, specialized instructional areas, support facilities and other areas as needed, these areas being grouped and arranged in such manner to provide optimum instructional function and class control.
- B.** Accessibility requirements for school facilities. The site and building(s) shall be readily accessible, and shall meet all requirements of state and federal law in providing access for students with disabilities.
- C.** Capital improvement plans. Each school district shall develop and adopt a four-year capital improvement plan for all public schools in the district that meets the requirements of 70 O.S. 18-153 and 210:30-1. School facilities shall be able to accommodate changes in curriculum and/or equipment within a program.
- D.** Maintenance of school facilities and equipment. Programs for preventive and corrective maintenance shall be developed and implemented to ensure that the site and building(s) will be clean, in good repair, and maintained with consideration for function and aesthetic values. Equipment, furnishings, and supplies in proper quantity and quality shall be maintained; and a system shall be developed and implemented for inventory, issue, usage, storage, repair, and replacement.
- E.** Health and safety. The site and building(s) shall ensure that the health and safety of all school students, school personnel, and school visitors are properly safeguarded.
1. Building code compliance. Where required, the facility shall have utility systems, plumbing systems, electrical systems, mechanical systems, emergency systems, building interiors and building envelope designed, built, and maintained to all federal, state, and local standards, codes and/or other legal requirements.

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<sup>6</sup> PLEASE NOTE: The Oklahoma Administrative Code is available online, but only permits linking to the front page. To view OAC material, click on the hyperlinked "OAC", then select "View Code" from the options at the left side of the screen. Select the appropriate Title (210 for State Department of Education), then chapter number and subchapter, until you have reached the desired code section.

2. Loading and unloading zones. The site shall be as free as possible from hazards, provide a safe area for (un)loading of vehicles, with adequate lighting, signage and drainage.
  3. Hazardous materials. Appropriate programs pertaining to hazardous materials, hazardous waste, asbestos, underground storage tanks, lead contamination, and other applicable life, health, and/or safety matters shall be developed and implemented in accordance with federal, state, and local statutes, regulations, and codes.
  4. Emergency warning and prevention systems. Proper precautions shall be taken to prevent injuries. All equipment and facility safety features shall be in place and properly maintained, including, but not limited to safety goggles in accordance with the requirements of [70 O.S. §24-117](#) and respirators in accordance with the requirements of [70 O.S. §24-118](#).
- F.** School safety inspections. The school’s administration shall ensure that qualified personnel conduct a safety/emergency/disaster procedure review at least annually and safety inspections of site, building(s), and equipment regularly.
- G.** School safety drills. Each public school district shall adopt policies and procedures for each type of safety drill required by this subsection. All safety drills shall conform to the written plans and procedures adopted by the district for protecting against natural and man-made disasters and emergencies as required by Title [63 O.S. § 681](#) and [70 O.S. §§ 5-148](#) and [5-149](#).
1. Compliance documentation. Each public school district shall document compliance with the requirements of this subsection by each school site in writing as follows:
    - a. The records for each fire drill shall be preserved for at least three (3) years and shall be made available to the State Fire Marshal or the designated agent of the State Fire Marshal upon request. In addition, one copy of the fire drill compliance report shall remain at each school site and one copy shall be filed with the school district’s administrative office;
    - b. In addition to the fire drill documentation required by (1)(A) of this subsection, each public school district shall document all other required safety drills in writing by school site. One copy of the safety drill compliance report shall remain at each school site and one copy shall be filed with the school district’s administrative office. Each school district shall also submit documentation in writing for each school site to the Oklahoma Office of Homeland Security Oklahoma School Security Institute in accordance with the Institute’s established forms, policies and/or procedures; and
    - c. Each school district shall make all of its safety compliance reports required by this subsection available to the Regional Accreditation Officer during the accreditation process.
  2. Safety drill types and requirements. Each school district shall ensure that every public school within the district shall conduct no fewer than ten (10)

safety drills per school year at each school site. All students and teachers at the public schools shall participate. Safety drills conducted in accordance with this subsection shall meet all of the following requirements:

- a.** Fire drills. Each public school shall conduct a minimum of two (2) fire drills per school year. Each fire drill shall be conducted within the first fifteen (15) days of the beginning of each semester. The fire drills shall include the sounding of a distinctive audible signal designated as the fire alarm signal.
- b.** Tornado drills. Each public school shall conduct a minimum of two (2) tornado drills per school year, in which all students and school employees participate. At least one (1) tornado drill shall be conducted in the month of September and at least one (1) tornado drill shall be conducted during the month of March.
- c.** Security drills. Each public school shall conduct a minimum of four (4) security drills per school year, with two (2) security drills conducted per semester. One security drill shall be conducted within the first fifteen (15) days of each semester. No security drill shall be conducted at the same time of day as a previous security drill conducted in the same school year. Security drills shall be conducted for the purpose of securing school buildings to prevent or mitigate injuries or deaths that may result from a threat around or in the school.
- d.** Additional safety drills. The principal of each public school shall, at the direction of the district superintendent, utilize the remaining two (2) required safety drills for one or more of the following purposes:
  - I.** To conduct additional drills of any of the types provided in this subsection;
  - II.** To conduct one or more drill(s) developed by the district that is consistent with the risks assessed for the school facility; or
  - III.** To conduct one or more drills in accordance with recommendations submitted by the Safe School Committee as authorized by the provisions of 70 O.S. § 24-100.5 or any assisting fire or law enforcement department.

#### **H. Restrooms and Changing Areas.**

(1) **Definitions.** For purposes of this subsection (h):

- (A) "Sex" means the physical condition of being male or female based on genetics and physiology, as identified on the individual's original birth certificate;
- (B) "Multiple occupancy restroom or changing area" means an area in a public school or public charter school building designed or designated to be used by more than one individual at a time, where individuals may be in various stages of undress in the presence of other individuals. The term may include but is not limited to a school restroom, locker room, changing room, or shower room.
- (C) "School" means any public school and public charter school that serves students in prekindergarten through twelfth grades in this state.

(D) "Individual" means any student, teacher, staff member, or other person on the premises of a School.

(2) **Designation of Multiple Occupancy Restroom or Changing Areas.** Each School shall require every multiple occupancy restroom or changing area to be designated as follows:

(A) For the exclusive use of the male Sex; or

(B) For the exclusive use of the female Sex.

(3) **Reasonable Accommodation.** Each School shall provide access to a single-occupancy restroom or changing room to an Individual who does not wish to utilize the multiple occupancy restroom or changing area designated for their Sex.

(4) **District Policies.** Each school district board of education and public charter school governing board shall adopt a policy to provide disciplinary action for Individuals who refuse to:

(A) Use the multiple occupancy restroom or changing area designated for their Sex;

(B) Designate multiple occupancy restrooms or changing areas for the exclusive use of one Sex; or

(C) Provide access to a single-occupancy restroom or changing room to an Individual who does not wish to utilize the multiple occupancy restroom or changing area designated for their Sex, provided that such Individual is authorized to be on the School premises.

(5) **Monitoring and Complaints.**

(A) Schools will be evaluated by the Regional Accreditation Officer during the accreditation process to ensure compliance with the provisions of 70 O.S. § 1-125 and this Rule. Failure to comply with 70 O.S. § 1-125 and this Rule may result in adverse accreditation action.

(B) Students, parents, teachers, school staff, and members of the public may file a complaint with the State Board of Education alleging a violation of 70 O.S. § 1-125 and/or this Rule. A copy of such complaint shall be submitted to the general counsel for the State Department of Education.

(6) **Response by School.**

(A) Within fifteen (15) days of observing or obtaining information suggesting that that a School may be in violation of 70 O.S. § 1-125 and/or this Rule or receiving a complaint pursuant to subsection (h)(4)(C), the State Department of Education shall notify, in writing, the board of education or governing board of the School involved. Simultaneously, the State Department of Education shall provide a copy of the written notification to the State Board of Education.

(B) Upon receipt of the notification, the board of education or governing board of the School shall have fifteen (15) days to request an opportunity to appear before the State Board of Education and/or submit a written response. If the board of education or governing board of the School fails to request an opportunity to appear, the State Board of Education shall proceed without further notice or delay, to conclude the matter.

(7) **Noncompliance.**

(A) Upon a finding of noncompliance with the provisions of subsections B and C of 70 O.S. § 1-125 by the State Board of Education, the noncompliant school district or public charter school shall receive a five percent (5%) decrease in state funding

for the school district or public charter school for the fiscal year following the year of noncompliance. State funding shall mean State Aid funding as contemplated 70 O.S. § 18-101 et seq.

(B) If the State Board of Education makes a finding of non-compliance, the five percent reduction shall be withheld from the school district or public charter school's periodic distributions over the course of the fiscal year following the year of noncompliance.

(C) Prior to making a finding of noncompliance, the State Board of Education may, if mitigating factors are present, provide a probationary period for a school district or public charter school to come into compliance with subsections B and C of 70 O.S. § 1-125.

### [70 O.S. § 5-148](#) - **Lockdown Drills**

Each district board of education shall ensure that a minimum of four security drills are conducted at each public school within the district each school year. No security drill shall be conducted at the same time of day as a previous security drill conducted in the same school year, and no more than two security drills shall be conducted in one semester. One security drill shall be conducted within the first fifteen (15) days of each semester. Additional drills may be conducted at the discretion of the district. Security drills shall be conducted for the purpose of securing school buildings to prevent or mitigate injuries or deaths that may result from a threat around or in the school. The drills shall conform to the written plans and procedures adopted by the district as required by Section 681 of Title 63 of the Oklahoma Statutes. All students and employees shall participate in the drills, with the extent of student involvement to be determined by the district. The State Board of Education shall adopt rules to implement the provisions of this section.

### [70 O.S. § 5-149](#) **Required Safety Drills**

- A.** In addition to the four security drills required pursuant to Section 5-148 of this title, all public schools shall conduct a minimum of six safety drills as follows:
1. Two fire drills per school year. Each fire drill shall be conducted within the first fifteen (15) days of each semester. The fire drills shall include the sounding of a distinctive audible signal designated as the fire alarm signal;
  2. Two tornado drills per school year with at least one drill being conducted in the months of September and March; and
  3. The principal and superintendent of a public school district shall utilize the remaining required safety drills in any manner provided in this section or Section 5-148 of this title or by developing a drill that is consistent with the risks assessed for the appropriate facility or any recommendations submitted by the Safe School Committee as authorized pursuant to Section 24-100.5 of this title or any assisting fire or law enforcement department.
- B.** It shall be the duty of the principal, under the direction of the superintendent of the school district, to conform to the written plans and procedures adopted by the

district as required by Section 681 of Title 63 of the Oklahoma Statutes. All students and teachers at the public schools shall participate.

- C. Each public school district shall document each fire drill in writing by public school site. The records for each fire drill shall be preserved for at least three (3) years and made available to the State Fire Marshal or the marshal's agent upon request. In addition to the fire drill documentation provided in this subsection, the school district shall document all other safety drills in writing and by school site with a copy of the report remaining at the school, a copy filed with the district administrative office and a copy with the Oklahoma School Security Institute as created by the Oklahoma Office of Homeland Security.

[63 O.S. § 681](#) – School Buildings – **Fallout Protection**

School authorities of the State of Oklahoma, its political subdivisions, and its school districts are authorized to plan, design, and construct new school buildings and make additions to existing school buildings that afford protection for the anticipated school body, faculty, and visitors against tornadoes and severe weather. Each school, administration building and institution of higher learning shall have written plans and procedures in place for protecting students, faculty, administrators and visitors from natural and man-made disasters and emergencies. Plans shall be reviewed and updated annually as appropriate by each school, administration building and institution of higher learning, and placed on file at each school district and each local emergency response organization within the district, which may include police, fire, emergency medical services, sheriff and emergency management of the appropriate jurisdiction. The plans shall be submitted in a format acceptable to the emergency agency no later than November 1 of each year. Each school district and institution of higher learning shall make annual reports to the local school board or Board of Regents detailing the status of emergency preparedness and identified safety needs for each school or institution.

[21 O.S. § 1277\(A\), \(B\), \(C\), \(D\)](#) **Unlawful Carry in Certain Places**

- A. It shall be unlawful for any person in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act to carry any concealed or unconcealed handgun into any of the following places:
  1. Any structure, building, or office space which is owned or leased by a city, town, county, state or federal governmental authority for the purpose of conducting business with the public;
  2. Any courthouse, courtroom, prison, jail, detention facility or any facility used to process, hold or house arrested persons, prisoners or persons alleged delinquent or adjudicated delinquent, except as provided in Section 21 of Title 57 of the Oklahoma Statutes;
  3. Any public or private elementary or public or private secondary school, except as provided in subsections C and D of this section;
  4. Any publicly owned or operated sports arena or venue during a professional sporting event, unless allowed by the event holder;



5. Any place where gambling is authorized by law, unless allowed by the property owner; and
6. Any other place specifically prohibited by law.

**B.** For purposes of subsection A of this section, the prohibited place does not include and specifically excludes the following property:

1. Any property set aside for the use or parking of any vehicle, whether attended or unattended, by a city, town, county, state or federal governmental authority;
2. Any property set aside for the use or parking of any vehicle, whether attended or unattended, which is open to the public, or by any entity engaged in gambling authorized by law;
3. Any property adjacent to a structure, building or office space in which concealed or unconcealed weapons are prohibited by the provisions of this section;
4. Any property designated by a city, town, county or state governmental authority as a park, recreational area, or fairgrounds; provided, nothing in this paragraph shall be construed to authorize any entry by a person in possession of a concealed or unconcealed handgun into any structure, building or office space which is specifically prohibited by the provisions of subsection A of this section; and
5. Any property set aside by a public or private elementary or secondary school for the use or parking of any vehicle, whether attended or unattended; provided, however, said handgun shall be stored and hidden from view in a locked motor vehicle when the motor vehicle is left unattended on school property.
6. Nothing contained in any provision of this subsection or subsection C of this section shall be construed to authorize or allow any person in control of any place described in subsection A of this section to establish any policy or rule that has the effect of prohibiting any person in lawful possession of a handgun license from possession of a handgun allowable under such license in places described in this subsection.

**C.** A concealed or unconcealed weapon may be carried onto private school property or in any school bus or vehicle used by any private school for transportation of students or teachers by a person who is licensed pursuant to the Oklahoma Self-Defense Act, provided a policy has been adopted by the governing entity of the private school that authorizes the carrying and possession of a weapon on private school property or in any school bus or vehicle used by a private school. Except for acts of gross negligence or willful or wanton misconduct, a governing entity of a private school that adopts a policy which authorizes the possession of a weapon on private school property, a school bus or vehicle used by the private school shall be immune from liability for any injuries arising from the adoption of the policy. The provisions of this subsection shall not apply to claims pursuant to the Administrative Workers' Compensation Act.

- D.** Notwithstanding paragraph 3 of subsection A of this section, a board of education of a school district may adopt a policy pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to authorize the carrying of a handgun onto school property by school personnel specifically designated by the board of education, provided such personnel either:
1. Possess a valid armed security guard license as provided for in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; or
  2. Hold a valid reserve peace officer certification as provided for in Section 3311 of Title 70 of the Oklahoma Statutes. Nothing in this subsection shall be construed to restrict authority granted elsewhere in law to carry firearms.

[21 O.S. § 1280.1](#) – **Possession of Firearm on School Property**

- A.** It shall be unlawful for any person to have in his or her possession on any public or private school property or while in any school bus or vehicle used by any school for transportation of students or teachers any firearm or weapon designated in Section 1272 of this title, except as provided in subsection C of this section or as otherwise authorized by law .
- B.** For purposes of this section:
1. “School property” means any publicly owned property held for purposes of elementary, secondary or vocational-technical education, and shall not include property owned by public school districts or where such property is leased or rented to an individual or corporation and used for purposes other than educational;
  2. “Private school” means a school that offers a course of instruction for students in one or more grades from prekindergarten through grade twelve and is not operated by a governmental entity; and
  3. “Motor vehicle” means any automobile, truck, minivan or sports utility vehicle.
- C.** Firearms and weapons are allowed on school property and deemed not in violation of subsection A of this section as follows:
1. A gun or knife designed for hunting or fishing purposes kept in a privately owned vehicle and properly displayed or stored as required by law, provided such vehicle containing said gun or knife is driven onto school property only to transport a student to and from school and such vehicle does not remain unattended on school property;
  2. A gun or knife used for the purposes of participating in the Oklahoma Department of Wildlife Conservation certified hunter training education course or any other hunting, fishing, safety or firearms training courses, or a recognized firearms sports event, team shooting program or competition, or living history reenactment, provided the course or event is approved by the principal or chief administrator of the school where the course or event is offered, and provided the weapon is properly displayed or stored as required by law pending participation in the course, event, program or competition;

3. Weapons in the possession of any peace officer or other person authorized by law to possess a weapon in the performance of his or her duties and responsibilities;
4. A concealed or unconcealed weapon carried onto private school property or in any school bus or vehicle used by any private school for transportation of students or teachers by a person who is licensed pursuant to the Oklahoma Self-Defense Act, provided a policy has been adopted by the governing entity of the private school that authorizes the possession of a weapon on private school property or in any school bus or vehicle used by a private school. Except for acts of gross negligence or willful or wanton misconduct, a governing entity of a private school that adopts a policy which authorizes the possession of a weapon on private school property, a school bus or vehicle used by the private school shall be immune from liability for any injuries arising from the adoption of the policy. The provisions of this paragraph shall not apply to claims pursuant to the Workers' Compensation Code;
5. A gun, knife, bayonet or other weapon in the possession of a member of a veterans group, the national guard, active military, the Reserve Officers' Training Corps (ROTC) or Junior ROTC, in order to participate in a ceremony, assembly or educational program approved by the principal or chief administrator of a school or school district where the ceremony, assembly or educational program is being held; provided, however, the gun or other weapon that uses projectiles is not loaded and is inoperable at all times while on school property;
6. A handgun carried in a motor vehicle pursuant to a valid handgun license authorized by the Oklahoma Self-Defense Act onto property set aside by a public or private elementary or secondary school for the use or parking of any vehicle; provided, however, said handgun shall be stored and hidden from view in a locked motor vehicle when the motor vehicle is left unattended on school property; and
7. A handgun carried onto public school property by school personnel who have been designated by the board of education, provided such personnel either:
  - a. possess a valid armed security guard license as provided for in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes, or
  - b. hold a valid reserve peace officer certification as provided for in Section 3311 of Title 70 of the Oklahoma Statutes, if a policy has been adopted by the board of education of the school district that authorizes the carrying of a handgun onto public school property by such personnel. Nothing in this subsection shall be construed to restrict authority granted elsewhere in law to carry firearms.
  - c. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not to exceed Two Hundred Fifty Dollars (\$250.00).

[70 O.S. § 24-132.1](#) – **Immediate Report and Delivery of Confiscated Firearm to Law Enforcement Authority**

- A. Pursuant to the requirements of [Section 1271.1 of Title 21](#) of the Oklahoma Statutes, every school authority shall immediately report the discovery of a firearm not otherwise authorized by law to be possessed to a law enforcement authority and deliver any weapon or firearm, removed or otherwise seized from any minor, to a law enforcement authority for appropriate disposition.
- B. Every school authority shall also immediately report to a law enforcement authority the discovery of a firearm upon a student that is not a minor or upon any other person not otherwise authorized by law to possess a firearm on school property pursuant to [Section 1280.1 of Title 21](#) of the Oklahoma Statutes and deliver any weapon or firearm that is removed or seized to a law enforcement authority for disposition pursuant to [Section 1271.1 of Title 21](#) of the Oklahoma Statutes.

[63 O.S. § 425](#) - **Medical Marijuana Dispensary Location to School Facilities**

The location of any retail medical marijuana establishment dispensary is specifically prohibited within one thousand (1,000) feet of any public school or private school entrance. The distance shall be measured from the nearest property line of such public school or private school to the nearest perimeter wall of the licensed premises of such medical marijuana dispensary. If a medical marijuana dispensary met the requirements at the time of its initial licensure, the medical marijuana dispensary licensee shall be permitted to continue operating at the licensed premises in the same manner and not be subject to nonrenewal or revocation due to subsequent events or changes in regulations occurring after licensure that would render the medical marijuana dispensary in violation by being within one thousand (1,000) feet of a public school or private school. If any public school or private school is established within one thousand (1,000) feet of any medical marijuana dispensary after such medical marijuana dispensary has been licensed, the provisions of this law shall not be a deterrent to the renewal of such license or warrant revocation of the license. A property owned, used or operated by a public school or by a private school that is not used for classroom instruction on core curriculum, such as an administrative building, athletic facility, ballpark, field or stadium, shall not constitute a public school or private school unless such property is located on the same campus as a building used for classroom instruction on core curriculum.

The calculation for the required 1000-foot setback distance between a medical marijuana dispensary and any school entrance to be measured in a straight line from the school door nearest the dispensary and the dispensary's front door.

[70 O.S. § 27-104](#) - **Emergency Action Plan**

Prior to the beginning of the 2021-2022 school year, each school district board of education shall coordinate with emergency medical services providers that serve the area in which the school district is located to develop an Emergency Action Plan for each facility and athletic practices, events or activities held at school district facilities.

The Emergency Action Plan shall:

1. Include maps and directions with appropriate contact information for emergency medical services .
2. Assign a medical administrator who is a current school employee such as a coach, administrator or athletic director .
3. Define responsibilities and personnel on-site, both medical and school officials .
4. Include a list of medical equipment available and location of the nearest automated external defibrillator, if available .
5. Be posted in each facility .
6. Be distributed to all school officials involved in athletic practices, events or activities held at school district facilities .
7. Specify documentation actions after any emergency to evaluate for debriefing purposes and to determine if there are necessary change to the Emergency Action Plan .

The emergency Action Plan shall be reviewed, updated and rehearsed annually with school officials and local emergency medical services providers, and placed on file with the school district and the emergency medical services provider. The Emergency Action Plan shall be updated to reflect any potential significant change that would affect implementation of the plan .

Prior to each athletic event or activity where there are athletes participating from visiting schools, the Emergency Action Plan shall be digitally transmitted to the visiting school administrator or coach or posted on the school's website .

In this standard:

- › Statement of the standard
- › Accredited With No Deficiencies
- › Accredited With Deficiencies
- › Accredited With Warning
- › Accredited With Probation
- › Nonaccredited

## **STANDARD XI: ACCREDITATION STATUS**

### [OAC](#)<sup>8</sup> 210:35-3-201. **Statement of the standard**

- A.** Each public school site, including charter school sites, must submit an Application for Accreditation to the Accreditation Standards Section of the State Department of Education by the due date specified on the Application. School sites are accredited for one year. An accredited school site shall meet all applicable regulations and statutory requirements at the beginning of and throughout the school year.
- B.** Accreditation status of school sites shall be classified according to the following categories:
  - 1. Accredited With No Deficiencies--All standards are being met.
  - 2. Accredited With Deficiencies--A school site fails to meet one or more of the standards but the deficiency does not seriously detract from the quality of the school's educational program.
  - 3. Accredited With Warning--A school site fails to meet one or more of the standards and the deficiency seriously detracts from the quality of the school's educational program.
  - 4. Accredited With Probation--A school site:
    - a.** consistently fails to remove or make substantial progress towards removing all deficiencies noted the previous year; and/or,
    - b.** consistently violates regulations; and/or,
    - c.** deliberately and unnecessarily violates one or more of the regulations.
  - 5. Nonaccredited--The school site is no longer recognized by the State Board of Education
- C.** If a school site is placed on warning or probation, the school board and administration will meet with one or more representatives from the Accreditation Section to review their accreditation status. After the review from the representative(s), a determination will be made concerning warning, probation or nonaccredited status. The Accreditation Section will then present a recommendation to the State Board of Education.

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Education), then chapter number and subchapter, until you have reached the desired code section .

## **STANDARD XII: DEREGULATION- RULES AND PROCEDURES**

In this standard:

- › The purpose of deregulation
- › The “why” of deregulation
- › Who is eligible to apply for deregulated status?
- › Required application criteria to be considered for requests for deregulations, waivers of statutory requirements, and participation in the School District Empowerment Program
- › Applications for participation in the School District Empowerment Program
- › School District Empowerment Program



DEREGULATION—RULES AND PROCEDURES

[OAC](#)<sup>9</sup> 210:35-3-221. **The purpose of deregulation**

The purpose of deregulation is to stimulate local innovation and creativity in all Oklahoma schools by waiving certain State Board of Education regulations which govern school operations and programs -- no state or federal statutes or federal regulations can be waived or exempted under these Deregulation Rules and Procedures. However, procedures necessary to deregulate state laws that pertain to schools can be found under the Educational Deregulation Act. [[70 O.S. § 3-126](#)]

[OAC](#) 210:35-3-226. **The “why” of deregulation**

Oklahoma School Deregulation is about better local schools, local school improvement and local student results. It is based on a strongly held belief that rules, standards and regulations cannot in and of themselves foster improvement in education. The appropriate place for developing innovations and meeting student needs is at the local district and individual school site levels—thus, a fundamental focus of Oklahoma School Deregulation is to ensure that local schools have the necessary freedom and flexibility to innovate as they continue to strive toward school improvement and student results.

[OAC](#) 210:35-3-227. **Who is eligible to apply for deregulated status?**

All school districts in Oklahoma are eligible to apply for deregulated status.

[OAC](#) 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

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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: Three (3) 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.

[OAC 210:35-3-229](#). **Applications for participation in the School District Empowerment Program**

- A.** Application submission. All applications for participation in the School District Empowerment Program shall be submitted by delivering one (1) copy to the Secretary of the State Board of Education and one (1) copy to the State Department of Education Office of Accreditation Standards Division. Within five (5) business days of the date of receipt of the application, the Secretary of the State Board of Education shall mail a written acknowledgement of receipt of the application to the school district contact name and address stated by the school district in the application.
- B.** Application review. A School District Empowerment Program team, consisting of State Department of Education employees, shall be appointed by the State Superintendent of Public Instruction to review all applications submitted in accordance with this Section. Within thirty (30) calendar days of the date of receipt of the application, the deregulation team shall review the application and issue a recommendation to the State Board of Education for approval or denial. Applications which fail to meet the requirements set forth in this Section and in 210:35-3-228 will be recommended for denial. The team shall determine:
  - 1. If the application has addressed all requirements set forth in this Section and 210:35-3-228;
  - 2. If the statutes or regulations for which a waiver or deregulation is requested are eligible for consideration of waiver or deregulation by the State Board of Education;
  - 3. If additional data needs to be considered, such as the school district's or site's norm-referenced performance indicators, or such evaluation indicators as compensatory reading, language arts and mathematics;
  - 4. If any accreditation deficiencies are to be considered and their applicability to the application.
- C.** Notice of application recommendation. Within three (3) business days of completion of application review by the deregulation team, the team shall provide written notice of its recommendation to the applicant and the State Board of Education that meets all of the following requirements:
  - 1. The notice shall contain the team's recommendation and shall explain the specific factual and legal grounds for the team's recommendation for approval or disapproval of the application;
  - 2. The notice shall contain any variances to the application which it will be forwarding to the State Board of Education (e.g., amendments to the application submitted by the school district subsequent to filing or required amendments upon which recommendations from the team are conditioned);
  - 3. The notice shall contain the date, time and location of the meeting of the State Board of Education at which the application is to be considered for

approval or disapproval by the Board; and

4. The notice shall contain language which notifies the school district that it may, but is not required to designate a representative to appear on its behalf at the board meeting to either support or contest the team's recommendation to the State Board of Education.

**D.** Application decisions. The State Board of Education shall approve or disapprove all applications within ninety (90) days of the date of receipt of the application by the Secretary of the State Board of Education. The Secretary of the State Board of Education shall send the school district written notice of the application decision within five (5) business days of the date of the meeting at which the Board considered the application. The written notice shall meet all of the following requirements:

1. The notice shall contain the specific factual and legal grounds for the Board's approval or disapproval of the application;
2. The notice shall state the effective date of any approved request set pursuant to (f) of this Section;
3. The notice shall advise the school district that it may submit a request for reconsideration of the application decision in accordance with the provisions of (e) of this Section; and
4. In the event of denial of an application for participation in the School District Empowerment Program, the notice shall advise the school district the school district may submit an amended request for participation in the School District Empowerment Program at any time after the denial of the application in accordance with the provisions of [70 O.S. § 3-129.11](#).

**E.** Appeal of denials of applications. A school district may request reconsideration of a denial of an application by delivering a written request for reconsideration to the Secretary of the State Board of Education within ten (10) business days of the date of receipt of the written notice of the Board's decision provided to the district in accordance with (d) of this Section. Within five (5) business days of receipt of the request of reconsideration, the Secretary shall schedule the district's request for reconsideration on the agenda for a board meeting to be held within forty-five (45) calendar days of the date of receipt of the request for reconsideration, and provide written notice of the date, time, and location of the meeting to the district via certified mail.

**F.** Effective date of approval. Upon approval by the State Board of Education of an application for participation in the School District Empowerment Program, the Board may declare the approval of the application to take immediate effect, or to take effect on a date designated by the State Superintendent of Public Instruction.

**G.** Annual reports. No later than December 15 of each year following the first full year of participation in the School District Empowerment Program approved by the State Board of Education, every school district participating in the School District Empowerment Program shall submit a report to the State Board of Education. The report shall include all information necessary for the State Board of Education to assess the academic achievement and fiscal status of the school district, and shall

include the school district's assessment of the impacts and outcomes of the school's participation in the Program for the previous school year and the progress made by the school district during the previous school year in meeting the goals and objectives for participation set forth in the district's plan.

- H.** Renewal of a plan of participation in the School District Empowerment Program. Prior to the beginning of the third year, a school district may apply for renewal of an approved plan of participation in the School District Empowerment Program by submitting an application for renewal of the plan. The application for renewal shall be submitted in accordance with the requirements for submission of an application as set forth in (a) of this Section. In addition to the application criteria set forth in 210:35-3- 228, the deregulation team shall consider the annual reports provided by the school district as required by (g) of this Section.

NOTE: The [application for deregulation](http://www.ok.gov/sde/) is located on the internet website at <http://www.ok.gov/sde/>.

**70 O.S. § 3-129.11 – School District Empowerment Program**

- A.** There is hereby established the School District Empowerment Program which shall be administered by the State Board of Education. The purpose of the program is to empower locally elected school board members to govern school districts and make decisions based on the needs of their students and circumstances.

**B.**

1. Subject to the provisions of this section, a school district shall be allowed to submit a request to the State Board of Education for an exemption from all statutory requirements and State Board of Education rules from which charter schools are exempt, as provided for in the Oklahoma Charter Schools Act. Any request for exemption shall include a plan which outlines the goals sought to be achieved at a minimum, include the educational and fiscal benefits and the anticipated impacts or outcomes the plan will have in the district.
2. Within ninety (90) days after receiving the request and plan, the State Board shall approve or disapprove the request. If the State Board does not approve the request, it shall provide to the school district a written explanation of the basis for its decision. The school district may resubmit an amended request at any time after the denial. The request shall be approved by the State Board before implementation by the school district. An approved request and plan shall be for no longer than three (3) years. Prior to the beginning of the third year, the school district may apply for renewal of the approved request and plan. The school district shall be required to submit an annual report and the State Board shall annually assess the academic achievement and fiscal status of the school district.

- C.** Nothing in this section shall prevent a school district board of education from choosing to follow any or all state laws, rules or regulations from which a charter school is exempt. A school district which has been granted approval by the State Board for exemption as set forth in subsection B of this section shall have the option to adopt policies to implement any requirement for the school district that

is consistent with any statutory requirement or mandate or State Board rule, but a participating school shall comply with the following requirements:

1. Students who reside in the school district shall be entitled to attend school in the district as set forth in Section 1-114 of this title;
2. School districts shall comply with the requirements of the minimum salary schedule for teachers as set forth in Section 18-114.12 of this title;
3. Employees of school districts shall continue to participate as members of the Teachers' Retirement System of Oklahoma as set forth in Section 17-101 et seq. of this title;
4. School districts shall comply with the requirement to provide a health insurance plan for school district employees as set forth in Section 5-117.5 of this title and to establish or make available to school district employees a cafeteria plan as set forth in Section 26-104 of this title;
5. School districts shall require any person employed by the school district to file with the district board a current Oklahoma criminal history record check from the Oklahoma State Bureau of Investigation as well as a national criminal history record check as defined in Section 150.9 of Title 74 of the Oklahoma Statutes. Each district shall adopt a policy regarding criminal history record checks as set forth in Section 5-142 of this title;
6. School districts shall comply with the requirement to evaluate teachers and to train personnel designated to conduct personnel evaluations as set forth in Sections 6-101.10 and 6-101.11 of this title, the dismissal and due process procedures for administrators as set forth in Sections 6-101.13 through 6-101.15 of this title and the due process procedures for teachers as set forth in Sections 6-101.21 through 6-101.26 of this title;
7. School districts shall comply with the requirement to make payroll deductions for either or both professional organization dues and political contributions upon the request of an employee as set forth in Section 5-139 of this title;
8. School districts shall comply with the dismissal and due process procedures for education support employees as set forth in Sections 6-101.40 through 6-101.47 of this title;
9. School districts shall employ as teachers, counselors, librarians, school nurses, superintendents, principals, supervisors or any other instructional, supervisory or administrative employee only those persons who are certified by the State Board of Education in accordance with the Oklahoma Teacher Preparation Act, except for persons exempt from the certification requirements as otherwise provided by law;
10. School districts shall provide for negotiations between school employees and school districts as set forth in Sections 509.1 through 509.11 of this title;
11. School districts shall be required to offer and students enrolled in the school district shall be required to complete the curriculum requirements as set

forth in Section 11-103.6 of this title;

12. Students enrolled in the school district shall be required to demonstrate mastery of the state academic content standards as set forth in Section 1210.523 of this title; and
13. Members of the school district board of education shall be required to satisfy the instruction and continuing education requirements as set forth in Sections 5-110, 5-110.1 and 5-110.2 of this title.

## **PART II STANDARDS FOR ACCREDITATION OF TECHNOLOGY CENTERS**

### **STANDARD I: PHILOSOPHY (AND/OR MISSION) AND GOALS**

In this standard:

- › Statement of the standard
- › Written statement of philosophy and goals
- › Information to be utilized to determine achievement of goals



**STANDAR**  
**MISSION, VISION, AND GOALS**

[OAC](#)<sup>10</sup> 210:35-13-1. **Statement of the standard**

The Technology Center has instructional programs that address the academic, personal/social and career development of students as they prepare for life and work in a democratic society. The mission, vision, and goals reflect the constantly changing technology of our culture which mandates that the education process provide training, retraining, and supplemental education throughout life.

[OAC](#) 210:35-13-3. **Written statement of philosophy and goals**

The mission, vision, and goals shall be written and shall become the governing document of the school and its programs.

1. The mission, vision, and goals shall be developed cooperatively by the faculty and the administration. Students, parents, and members of the business and industrial community shall be involved in its development. The statement shall be approved by the governing board of the school. The ultimate responsibility for writing the statement lies with the professional staff of the Technology Center.
2. The mission, vision, and goals shall reflect the individual character of the school, needs of the student population, and expectations and requirements of the businesses and industries for which the students are being trained. The plan shall be consistent and coherent with the mission, vision, and goals of the Oklahoma Department of Career and Technology Education.
3. The statement of philosophy, goals, and objectives shall be clearly expressed with the objectives stated in measurable terms.
4. The philosophy, goals, and objectives of the school shall be communicated to the staff, students, parents/guardians, and patrons of the school.
5. Provision shall be made for periodic review and appropriate modification of the mission, vision, goals, and objectives in light of changing conditions, circumstances, and priorities.
6. The mission, vision, goals, and objectives shall be identified for each instructional area and support services. The instructional objectives shall be consistent and coherent with the philosophy and goals of the Technology Center.

[OAC](#) 210:35-13-4. **Information to be utilized to determine achievement of goals**

Information from a variety of sources, including advisory committees and student follow-up studies, shall be required to determine the extent to which the institution's philosophy, goals, and objectives are being achieved.

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9 PLEASE NOTE: The Oklahoma Administrative Code is available online, but only permits linking to the front page. To view OAC material, click on the hyperlinked "OAC", then select "View Code" from the options at the left side of the screen. Select the appropriate Title (210 for State Department of Education), then chapter number and subchapter, until you have reached the desired code section.

**STANDARD II**  
**SCHOOL-COMMUNITY RELATIONSHIPS**

**STANDARD II: SCHOOL- COMMUNITY RELATIONSHIPS**

In this standard:

- › Statement of the standard
- › Technology Center to provide opportunities for constituents' expression
- › Technology Center to communicate to school and community; promote involvement of staff in community activities; encourage parental involvement
- › Technology Center to promote effective use of resources

**STANDARD II**  
**SCHOOL-COMMUNITY RELATIONSHIPS**

[OAC](#)<sup>11</sup> 210:35-13-11. **Statement of the standard**

The technology center establishes relationships with its constituents that result in a feeling of mutual trust and cooperation. These relationships are based on open two-way communications. These constituents, including business and industry representatives, are involved in developing and monitoring students' expected outcomes. The technology center displays a willingness to respond to the needs of the students and the communities being served.

[OAC](#) 210:35-13-13. **Technology Center to provide opportunities for constituents' expression**

The technology center shall provide opportunities for its constituents to express their desires, identify their concerns, ask questions, and make suggestions concerning the school and its programs.

[OAC](#) 210:35-13-14. **Technology Center to communicate to school and community; promote involvement of staff in community activities; encourage parental involvement**

- A.** The technology center shall make systematic efforts to explain its aspirations, policies, procedures, needs, instruction, and status to the school and community. Further, there shall be a written communications and marketing plan that overlays the technology center's strategic plan. This plan shall incorporate the industry standard RACE formula—research, analysis, communication, and evaluation—and will use appropriate methods and media mix to reach targeted audiences that include staff, parents, community, prospective students—adult and high school, business and industry.
- B.** The technology center shall encourage and facilitate staff involvement in civic activities and community organizations.
- C.** The technology center shall involve parents/guardians and encourage them to visit on-site. The Technology Center Board of Education shall develop initiatives to promote the school as being a congenial place for parents/guardians to visit. [70 O.S. § 10-105.2](#)

[OAC](#) 210:35-13-15. **Technology Center to promote effective use of resources**

- A.** The technology center shall effectively use community, business, and industry resources in the instructional programs.
- B.** The school promotes the use of its buildings and property both before and after regular school hours. [[70 O.S. § 5-130](#)]

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**STANDARD III**

**ORGANIZATION, ADMINISTRATION, AND PROGRAM OPERATIONS**

**STANDARD III: ORGANIZATION, ADMINISTRATION, AND PROGRAM OPERATIONS**

In this standard:

- › Statement of the standard
- › Type of organization
- › Administrative and supervisory personnel
- › School records and reports
- › School day and year
- › Summer school
- › Governing board/staff relationships

### STANDARD III

#### ORGANIZATION, ADMINISTRATION, AND PROGRAM OPERATIONS

[OAC](#)<sup>12</sup> 210:35-13-21. **Statement of the standard**

The technology center has qualified administrative and supervisory personnel adequate for the effective operation of the program. The administrator of the school has the necessary autonomy and authority to provide the leadership for the improvement of instruction. The school is organized to ensure the achievement of its stated mission, goals, and objectives.

[OAC](#) 210:35-13-23. **Type of organization**

- A. Technology center districts shall be established through criteria and procedures established by the State Board of Career and Technology Education and shall be operated in accordance with the rules and regulations of the State Board of Career and Technology Education and the State Board of Education. [[70 O.S. § 14-103](#); [70 O.S. § 14-104](#)]
- B. The technology center curriculum shall serve as an extension of the high school for students currently enrolled in a high school. The technology center is a separate entity in that it also provides training for adult students and serves the training needs of business and industry.
  - 1. All high school students shall be enrolled through a cooperative effort of the sending comprehensive high school and the technology center except in cases where the home schooled or private school students are enrolled and the student's parent or guardian has provided sufficient evidence that he/she is participating in a home-schooled/private school education plan. [[70 O.S. §10-105](#)]
  - 2. Students who wish to withdraw from a technology center must have approval of both the technology center and the comprehensive high school. Specific procedures for withdrawal are established cooperatively by the technology center and the respective home high school.
  - 3. Student discipline and control shall be a cooperative effort between the comprehensive high school and the technology center. Each institution shall enforce rules and regulations in accordance with their board-approved policies. Both institutions shall recognize the student's right to due process.
  - 4. Secondary Students. Secondary CareerTech majors in the technology center may be offered to secondary students. Students who are on an Individualized Education Program (IEP) may participate in the technology center instruction for up to four years within the parameters of current legislation.

[OAC](#) 210:35-13-24. **Administrative and supervisory personnel**

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- A.** The technology center superintendent shall be the chief administrative officer of the technology center. He/she shall be responsible for the organization, curriculum development, evaluation, and improvement of the technology center. The technology center superintendent shall maintain close contact with the employment services, advisory committees, potential employers, and all agencies and institutions relative to employment needs and job opportunities in order that training may be closely coordinated with current needs and anticipated opportunities in the employment market. He/she shall evaluate instruction continuously and bring about changes and improvements that will ensure that students will obtain the career skills and knowledge for which instruction is being provided. The technology center superintendent shall be responsible for assigning appropriate administrative personnel to evaluate the technology center's certified faculty and determining that such persons have a technology center administrator's credential. The technology center superintendent shall be responsible for maintaining a system of complete and accurate records and shall make financial, statistical, and descriptive reports as may be required by the State Board of Career and Technology Education and the State Board of Education.
- B.** In technology center districts with multiple school sites, a site director shall be responsible for instructional leadership and shall be involved in the selection, retention, promotion, assignment and evaluation of all personnel under his/her direction.
1. Site directors shall be responsible to the technology center superintendent in the performance of their duties.
  2. All personnel designated by a local board to conduct certified personnel evaluations shall be required to participate in training conducted by the State Department of Education prior to evaluating staff. Those personnel designated to conduct evaluations shall also hold a Technology Center Administrator's Credential. [[70 O.S. § 6-101.10](#)]
  3. All personnel designated by a local board to conduct certified personnel evaluation shall hold administrative certification from both the State Department of Education and the Oklahoma Department of Career and Technology Education
- C.** All other technology center administrative and supervisory personnel shall assist the technology center superintendent/site director with the organization, curriculum, development, evaluation, and improvement of the technology center. Personnel responsibilities will vary depending upon the local structure of the school and district.

**OAC 210:35-13-25. School records and reports**

Well-delineated policies and procedures for records and reports shall be developed and kept current. Records and reports needed for effective planning, operations, evaluation, and reporting of results shall be maintained.

1. Attendance records and records of course work completed by a student in a technology center in Oklahoma shall be certified by the technology center to the sending school in which the student is regularly enrolled. Records of course work earned which are submitted to the sending schools shall reflect

approved course titles.

2. All appropriate reports required by the Oklahoma Department of Career and Technology Education and the State Department of Education shall be filed on a timely basis. Other types of reports may be added to this list.
3. The cumulative records of the students shall be current and filed in the administrative office. Proper safeguards shall be taken with these records to protect the confidentiality of individuals and the human rights of all students.

**OAC 210:35-13-26. **School day and year****

A school shall organize its schedule of classes in a pattern most appropriate to achieving the mission, goals, and objectives of the program.

1. The standard school year shall consist of not less than 180 days or 1080 hours (165 days minimum). Career majors offered in technology centers on the secondary level shall meet at least 175 days per school year and be accredited for three units. Comprehensive schools may elect to give the student four units of credit each year if the technology center class meets for a length of time equal to that where four units of credit are offered in the comprehensive school.
2. Secondary CareerTech classes offered for credit outside the time frame of the regular school day shall meet the following criteria:
  - A. The curriculum must be an accredited program and taught by a certified instructor.
  - B. Classes must meet a minimum of 60 hours for one-half unit or 120 hours for one unit of credit.

**OAC 210:35-13-27. **Summer school****

A technology center desiring accreditation by the State Board of Education to offer CareerTech and academic summer programs shall make application on forms furnished for this purpose. The application shall be completely and properly filled out and filed with the Accreditation Section, State Department of Education. CareerTech and academic courses approved for accreditation may include career orientation classes. There are no grade limitations for students who participate in summer technology center instruction.

1. A cooperative regional summer school for academic courses housed in a technology center shall require the consent of the participating schools in the technology center district.
2. No student shall spend more than 6 hours per day in school, exclusive of lunch breaks, during a summer school term.
3. The minimum time allotted for each half unit course shall be 60 clock hours, exclusive of breaks. The minimum time allotted for each unit course shall be 120 clock hours, exclusive of breaks.
4. All teachers shall have valid/appropriate teaching certificates/licenses. The certificate/license must be in the subject area being taught.

**OAC 210:35-13-28. **Governing board/staff relationships****

- A.** The governing board shall be responsible for development and adoption of effective policies which include statutory requirements that provide direction for the operation of the school. The staff, students, and community shall be involved in the development of the policies which relate to them. The governing board's policies shall be prepared in printed form and shall be made available to staff, students, and community. The technology center must operate in compliance with appropriate state and federal regulations such as [Title VI of the Civil Rights Act of 1964](#), [Title IX of the Education Amendments of 1972](#), [Sections 503, 504, and 508 of the Rehabilitation Act](#), the [Americans with Disabilities Act](#), the [Individuals with Disabilities Education Act](#), and the [Federal Education Rights and Privacy Act](#).
1. The governing board shall be responsible for the selection and evaluation of its chief executive officer who shall be the superintendent or other designated head of the school system.
  2. The working relationships between the governing board and the superintendent shall be such as to facilitate effective administration and operation of the school and the entire district.
  3. The governing board shall not enter into any written contract with a teacher of secondary students who does not hold an appropriate/valid Oklahoma license or certificate.
  4. No teacher shall be dismissed during the term of a contract or refused reemployment except at an official meeting of the board of education. The reemployment or dismissal of teachers shall be in accordance with the school laws of Oklahoma.
  5. Lack of harmony in the teaching staff, school board or community, when such conditions affect the quality and effectiveness of instruction and spirit of the school, shall be considered sufficient cause for not accrediting a school. Political or special interest groups or individuals shall not interfere with the operation of the school.
- B.** The governing board shall transact official business with employees only through the technology center superintendent. Individual board members shall not engage in official transactions for the school or the entire district unless operating under the prior and specific authorization of the entire board.
- C.** The technology center superintendent, in cooperation with board members and the technology center superintendent's staff, shall prepare the agenda of items to be discussed at each board meeting and shall be in compliance with the Oklahoma Open Meeting Act.
- D.** The technology center superintendent appointed and employed by the governing board as the executive officer of said board shall be expected to attend all meetings of the board of education. He/she may be excused from a board meeting during the time his/her employment or salary is under consideration.
- E.** The employment policies of the district shall be such as to attract and retain the services of well-qualified and competent employees.
1. The performance of all certified personnel shall be subject to regular evaluation.



2. Teachers of a district shall have a written contract filed with the board of education of a school district.
- F.** Loyalty oaths, certificates and official up-to-date transcripts showing the work of all teachers and administrators shall be kept on file during the year in the office of the technology center superintendent with copies at school sites.

## **STANDARD IV: INSTRUCTIONAL PROGRAM**

In this standard:

- › Statement of the standard
- › Instructional quality
- › Instructional delivery/process
- › Instruction
- › Instructional assessment/improvement

[OAC](#)<sup>13</sup> 210:35-13-41. **Statement of the standard**

The instructional program of the technology center is designed to develop knowledge and skills as well as to assist students in their efforts to improve their understandings of the work place. The instructional program shall provide cultural, social, economic, lifelong learning, and other elements which will enable students to function successfully and independently in a democratic society.

[OAC](#) 210:35-13-43. **Instructional quality**

- A.** The curriculum shall reflect the school’s statement of philosophy, mission, and goals in which student success is the highest priority. The goals and objectives of each program shall be consistent with the school’s statement of philosophy, mission, and goals.
- B.** The school climate shall be conducive to learning, making the teaching/learning environment supportive of effective instruction. The instruction shall incorporate high expectations and successful experiences for all students.
- C.** Quality technology center instruction shall be accessible for all students with the interest and ability to benefit from career preparation. Provisions shall be made for students of varying aptitudes, levels of intellectual development, and interests to reach expected learner outcomes. Instruction in the technology centers shall be accessible in accordance with state and federal guidelines.
  - 1. Students shall be provided access to CareerTech education and facilities without regard to race, color, national origin, sex, age, or disability.
  - 2. Enrollments shall comply with the established guidelines of the appropriate division of the Oklahoma Department of Career and Technology Education. Exceptions must have written approval by the appropriate state program administrator prior to the second week of class. Consideration shall be given to the availability of work stations and clinical experiences.
- D.** Each CareerTech pathway and/or cluster shall have at least one advisory committee which provides input for instructional content and direction. The advisory committee shall be diversified with the majority of membership representative of careers that students are preparing to enter.
- E.** Resources of industry, business, and the community shall be utilized to provide appropriate program enrichment.
- F.** CareerTech and related instruction shall provide the following components:
  - 1. well-defined instructional objectives stated in measurable terms
  - 2. performance criteria for specific skills

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3. systematic planning by professional staff
4. the selection and use of varied types of instructional materials and learning experiences
5. the specific adaptation of organizational and instructional procedures to meet the needs of students
6. the use of varied evaluation instruments and procedures which are congruent with instructional objectives, and
7. quality instructional delivery which includes effective use of current technology.

- G.** CareerTech instructors in all technology centers shall use instructional materials developed by the Oklahoma Department of Career and Technology Education or other materials which are consistent with the desired outcomes as specified by the appropriate state program administrator. Instructional materials are developed by the Curriculum and Instructional Materials Center of the Oklahoma Department of Career and Technology Education. When using/selecting these and other materials, it is important that they reflect input from advisory committees as it relates to current industry practices and technology.
- H.** An adequate amount and variety of instructional materials and equipment shall be provided to accomplish the stated instructional objectives.

**OAC 210:35-13-44. **Instructional delivery/process****

- A.** Instruction shall be designed specifically to meet the individual CareerTech and educational needs of its students. It shall encompass essential CareerTech areas and provide necessary laboratory, enrichment, and academic support experiences, plus work experience, where appropriate. Each CareerTech instructor shall be responsible for providing appropriate activities which will contribute to the development of each CareerTech student according to the student's career objective, and for conducting and reporting student follow-up upon exit from or completion of a career major.
- B.** All CareerTech instructors shall provide integration of academic and essential workplace skills as they reinforce the competencies. Academics taught in the technology center shall be delivered in the context of the career each student is preparing to enter.
- C.** Provisions shall be made for students to develop proficiency in reading and communication, scientific, and computational skills.
- D.** Provisions shall be made for continuity in course work that will permit students to achieve desired competencies.
- E.** Procedures shall be established and implemented which foster vertical and horizontal articulation within the school and with affiliated schools. Articulation may be with institutions of higher education, sending schools, or with other technology centers.
- F.** Parents/guardians shall be informed regularly about student progress.

- G.** Instructors shall use effective teaching techniques which make the most productive use of classroom time. Evidence should be provided that instructors meet the minimum criteria for effective teaching.
- H.** The technology center shall provide a handbook which includes policies, behavior codes, grading policies, and other kinds of information important to students, parents/guardians, and staff members. The behavior code shall address absenteeism, vandalism, and disruptive behavior, and shall be developed with the appropriate involvement of students, parents/guardians, and staff members.
- I.** There shall be specific procedures for reporting child abuse and child neglect.
- J.** There shall be activities within the school that provide for and/or facilitate the positive self-esteem of students and staff members.

**OAC 210:35-13-45. **Instruction****

- A.** Students shall be provided the opportunity to acquire competencies needed for employment and shall receive high school credit for the coursework where competencies are attained. The unit(s) value for a CareerTech course(s) shall be determined by applying the following time factors.

1. One period daily in class - 1 unit
2. Two periods daily in class - 2 units
3. Three periods daily in class - 3 units
4. Four periods daily in class - 4 units

A student not completing both semesters of any course taught as a 2-semester course shall be granted 1/2 the above credit for successful completion.

- B.** Majors using the cooperative delivery method of instruction shall follow guidelines described in The Rules for Career and Technology Education.
- C.** High School credit shall be given for courses listed in current OCAS coding. Technology center courses in which secondary students are enrolled may count toward the 38 required units of credit which must be offered by a high school. Some courses such as Aviation Maintenance Technology may require additional course work prior to the student being certified or employed. Requests for approval of courses not listed must be submitted in writing to the Oklahoma Department of Education, Accreditation Section prior to offering the course. Written approval to offer these courses must be kept on file in the administrative offices. In accordance with [OAC](#) 210:35-9-31 Program of Studies (e), secondary CareerTech courses may be designed to offer sets of competencies integrated within the curriculum to provide the teaching and learning of the skills and knowledge in the state approved academic standards. Appropriate academic credit may be awarded for student mastery of these sets of competencies.
- D.** The career practicum shall be a planned sequence of work-site learning experiences that are relevant to the student's career major, coordinated with the academic/school-based curriculum and includes work site mentoring. Units of credit for the career practicum may be granted according to the guidelines described in The Rules for Career and Technology Education.

- E.** Students who have Individualized Education Programs (IEP) may earn academic credit toward high school graduation for coursework completed at a technology center, provided that state and federal legislation and policies are followed and:
1. The IEP team documents the specific competencies which address the state approved academic skills required for the core academic courses and that the course is taught by a highly qualified teacher;
  2. The IEP is developed with the full participation, as an IEP team member, of a representative from the technology center in which the student will be enrolled;
  3. The specific course for which the student will receive credit is documented through the Individualized Education Program for the student; and
  4. The high school and the IEP team monitor the student's progress to assure both the high school and the technology center are meeting the provisions of the IEP. [[34 CFR 300.347](#)]

**F.**

1. Qualified agricultural education courses (including but not limited to Horticulture, Plant and Soil Science, Natural Resources and Environmental Science and Animal Science) may count as two of three science credits required for high school graduation. [[70 O.S. §11-103.6\(B\)\(3\)](#)]
2. Credit may be granted for Applied Biology/Chemistry, Physics, Principles of Technology, Applied Mathematics I and II and Computer Science whether taught at the Comprehensive level or at a Career and Technology Center. [[70 O.S. §11-103.6 \(B\)\(3\)](#) and [70 O.S. §11-103.6\(F\)\(2\)](#)]
3. Students may receive credit for academic courses taught at the Career and Technology Center, when that center adheres to current law regarding such credit
4. Students must meet, within the structure of the academic class, the attendance requirements of their comprehensive schools in order to receive academic credit. Further, the limit of ten days of absence from the academic class for school-related activities applies.

**OAC 210:35-13-46. Instructional assessment/improvement**

- A.** The school shall have a written improvement plan through which the results of instructional assessments are utilized to initiate instructional improvements and curricular alignment.
- B.** Students shall receive regular and frequent assessment of their instructional progress.
- C.** The results of the student assessment process shall be used to modify curriculum and instructional methodology .
- D.** Instructors shall be involved in assessing the effectiveness of instruction by reviewing objectives periodically to assess competencies in the state approved

academic standards.

- E.** CareerTech instruction shall be based on periodic assessment of work force needs and the evaluation of curriculum in terms of those needs.

## **STANDARD V: THE SCHOOL STAFF**

In this standard:

- › Statement of the standard
- › Instructors
- › Special professional personnel
- › Administrative and supervisory personnel
- › Support staff and other non-teaching personnel
- › Professional development programs



[OAC](#)<sup>14</sup> 210:35-13-51. **Statement of the standard**

The technology center is staffed by administrators and instructors who are well qualified in professional and technical skill areas and who are actively encouraged by the school system to improve their competencies. The staff participates in decision-making affecting instruction at the school and teaches under conditions favorable to effective performance. The staff is encouraged to participate in appropriate professional organizations and activities.

[OAC](#)210:35-13-53. **Instructors**

- A.** All instructors of secondary students in technology centers shall hold the appropriate/valid Oklahoma license or certificate as specified by the State Board of Education.
- B.** Each CareerTech instructor shall be responsible for providing appropriate activities which will contribute to the development of each student's career objective.
- C.** Class size shall be adapted to meet the requirements of the specific program in accordance with The Rules for Career and Technology Education.

[OAC](#)210:35-13-54. **Special professional personnel**

- A.** Personnel providing guidance in technology center shall be qualified to assist students in reaching their occupational goals.
  - 1. Counselors shall be appropriately certified and credentialed for the grade levels to which they are assigned. School counselors shall hold a valid Oklahoma School Counselor Certificate appropriate for the grade levels to which they are assigned or a comparable credential if working with adults. The title of counselor should only be applied to those staff with appropriate certifications and/or credentialing.
  - 2. Other technology center guidance program staff shall have credentials/training appropriate to assigned responsibilities.
- B.** Resource center personnel shall have appropriate educational preparation which meets the needs of students.
- C.** Members of the noninstructional professional staff shall have appropriate education and training.
- D.** Paraprofessionals working exclusively with special needs students must meet State Department of Education Special Education paraprofessional standards.

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**E. [OAC](#) 210:35-13-55. **Administrative and supervisory personnel****

All administrative and supervisory personnel shall meet the requirements for certification as specified by the State Board of Career and Technology Education and the State Board of Education. A description of the requirements for the Technology Center Administrator's Credential is provided in [The Rules for Career and Technology Education](#).

**F. Superintendent :** The technology center superintendent who is the administrative head of the school system shall hold a valid Oklahoma superintendent's certificate. In addition, the technology center superintendent shall have a Technology Center Administrator's Credential which is issued by the Oklahoma Department of Career and Technology Education .

3. Deputy or assistant superintendent: Deputy or assistant superintendent shall hold the same certification/credential as the superintendent.
4. Principal or director: The technology center principal or director shall hold a valid Oklahoma secondary principal's certificate. In addition, the technology center principal or director shall have a Technology Center Administrator's Credential which is issued by the Oklahoma Department of Career and Technology Education .
5. Assistant principal or assistant director: An assistant principal or assistant director shall hold the same certification/credential as the principal or director.

**[OAC](#) 210:35-13-56. **Support staff and other non-teaching personnel****

**A.** Support staff shall have adequate skills and preparation to perform the assigned duties of their positions .

**B.** Paraprofessionals and teacher assistants shall meet Oklahoma qualifications for their respective positions. They shall be used only in those situations permitted by state regulations. [[70 O.S. § 6-127](#)]

**C.** The custodial and maintenance services shall be adequate to maintain facilities that are safe, clean and attractive. Where applicable, custodians and maintenance workers shall meet the legal standards of the state pertaining to their training and employment.

**D.** Adequate clerical staff shall be provided to assist professional staff.

**E.** Drivers of school vehicles shall meet the qualifications under the current school laws of Oklahoma and regulations of the State Board of Education .

**[OAC](#) 210:35-13-57. **Professional development programs****

**A.** Professional development programs and inservice training shall be developed through instructional objectives, needs assessment, faculty and staff involvement. Inservice training shall be planned to meet objectives and identified needs. Participants shall evaluate the professional development program. Such evaluation shall include an evaluation of the professional development, including each inservice activity. Each certified staff member shall have an individualized professional development plan on file. This plan shall be based on self-appraisal, maintained and updated annually .

- B.** Orientation and professional development inservice activities shall provide initial assistance for new staff and encourage continued professional growth for all staff .
- C.** Instructors shall participate in ongoing inservice activities which continually update their technical/academic expertise as well as instructional methodology. New technology center instructors shall participate in preservice professional development activities as required by the appropriate divisions of the Oklahoma Department of Career and Technology Education . All secondary and full-time adult CareerTech instructors and staff shall participate in professional inservice activities as required by the appropriate divisions including CareerTech summer conference. New teachers are also required to participate in the Residency/Mentoring program as required by the appropriate divisions of the Oklahoma Department of Career and Technology Education. The Oklahoma CareerTech Teacher Induction process shall be recognized as the equivalent to the residency/mentoring program .

## **STANDARD VI: STUDENT SERVICES**

In this standard:

- › Statement of the standard
- › Assessment
- › Guidance services
- › Placement services

[OAC<sup>15</sup> 210:35-13-71](#). **Statement of the standard**

A balanced and comprehensive student services program is provided to positively impact the enrollment and successful completion of each individual student's CareerTech Plan of Study. The technology center provides the guidance personnel, facilities, and materials required to meet the specialized needs of its students.

[OAC210:35-13-73](#). **Assessment**

- A.** The technology center provides or acquires assessment documentation prior to enrollment to assist students making the appropriate choice for career major placement and in identifying the purpose, interest, and goals in attending the technology center. Results are provided to guidance and other appropriate staff and explained to the prospective student prior to or as a part of the enrollment process.
- B.** The assessment of career skills needs, interests, and abilities of students shall be the primary basis for determining the appropriate CareerTech sequences of courses. Admission to the technology center shall not be contingent upon any single measure but upon a combination of factors including but not limited to achievement levels, aptitude, interest, work history, and ability to benefit in terms of employment or further education.
- C.** A periodic review shall be made of the student's progress to determine the guidance and counseling needs of individual students.

[OAC 210:35-13-74](#). **Guidance services**

- A.** Each technology center has an identifiable guidance program in place to provide students with information and advisement about career and educational options; develop strategies to support nontraditional enrollment and overcome gender bias and stereotyping, and provide support for success in their career pathway. The guidance program is implemented and administered by an adequate number of credentialed staff and coordinated by staff with experience in delivering or supervising student services that address the career development needs of all students. This includes but is not limited to:
  - 1. All students have developed, updated, and on file, an individual career plan, student service strategy plan, or locally developed plan of study for career and academic services to be provided for maximized success and employability.
  - 2. All students are enrolled in a technology center career major or pathway on the basis of their documented interest and ability to benefit from training, work history, IEP provisions, accommodation plans, and/or their plans of study developed at the sending school or in cooperation with other agencies.

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3. The technology center guidance staff coordinates services with guidance and counseling staff from partner schools, higher education institutions, and other agencies through planned informational meetings, correspondence, and/or other communications.
- B. A written description of the guidance program shall be developed addressing the needs of all students and shall establish goals, objectives, and evaluation of guidance curriculum, individual planning, responsive services, and system support. Guidance curriculum refers to classroom activities and group guidance. Individual planning means individual advisement, assessment, and career guidance and counseling. Responsive services refer to consultation, personal counseling, crisis counseling, small groups, and referral. System support refers to research, professional development, advisory committee work, and program management.
- C. Each technology center shall provide adequate and appropriate space affording privacy, clerical help, and materials for the effective implementation of a guidance program.
- D. The technology center guidance program shall complement and coordinate with those services available in the sending schools for counseling, assessment, staff consulting, educational and career planning, and follow-up activities.
- E. If a career major at the technology center is considered to be an appropriate part of the student's individualized Education Program (IEP), a representative of the technology center shall be on the IEP team. A copy of the IEP must be received by the technology center prior to the student's arrival on campus in order for the student to be legally enrolled, and the CareerTech instructor shall have access to a copy of the IEP before the identified student begins instruction.

**OAC 210:35-13-75. **Placement services****

The technology center shall provide organized and systematic guidance and placement services for those students seeking further education and/or job placement. Transition services for special needs students should be coordinated with the local education agency.

## **STANDARD VII: STUDENT ORGANIZATIONS**

In this standard:

- › Statement of the standard

[OAC](#)<sup>16</sup> 210:35-13-91. **Statement of the standard**

The technology center provides a diversified and balanced program of appropriate CareerTech Student Organization (CTSO) activities which are an integral part of each CareerTech career major and/or pathway.

1. Each CareerTech career major and/or pathway shall have an active and appropriate CTSO as an integral part of the instruction. Appropriate CTSO's are defined as follows: DECA/Delta Epsilon Chi, Marketing Education; Business Professionals of America (BPA), Business and Information Technology Education; Family, Careers, and Community Leaders of America (FCCLA), Family and Consumer Sciences Education; Health Occupations Students of America (HOSA), Health Careers Education; and SkillsUSA, Trade and Industrial Education .
2. Each student who participates in a CTSO shall be involved in the CTSO which provides the greatest benefit .
  - a. The maximum number of absences for activities, whether sponsored by the sending school, technology center, or outside agency/organization, which removes the student from the classroom shall be ten for any one class period of each school year. Excluded from this number are state and national levels of school-sponsored competitive events. State and national competitive events are those for which a student must earn the right to compete .
  - b. Students who participate in CTSO activities at the technology center shall meet the eligibility rules of the sending schools in which they are also enrolled. It is recommended that the eligibility rules meet or exceed the rules of the Oklahoma Secondary School Activities Association .
3. The leadership development activities associated with the CTSO shall be directed and supervised by the appropriate CareerTech instructor with support and guidance from the technology center administration .
4. The school shall provide resources needed to support the CTSO activities .
5. The school shall ensure appropriate accommodations are provided to eligible special needs students in order to fully participate in CTSO activities .
6. School-sponsored activities held when school is not in session shall follow the same standards as those held during the regular school year .
7. The technology center shall cooperate with the sending school to support participation of students in co-curricular and extracurricular activities of the home school .

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8. The school and the CTSO chapter shall be held accountable for the actions of the CTSO advisor and members participating in any CTSO activity.

**STANDARD VIII  
FINANCIAL SUPPORT**

**STANDARD VIII: FINANCIAL SUPPORT**

In this standard:

- › Statement of the standard

**STANDARD VIII**  
**FINANCIAL SUPPORT**

[OAC](#)<sup>17</sup> 210:35-13-101. **Statement of the standard**

The technology center provides financial support in sufficient amount to maintain excellence in staff, facilities, and materials to meet the needs of the students.

1. Sufficient funds shall be provided annually to ensure that the Oklahoma Accreditation Standards are met or exceeded. Reasonable financial effort is being made when consideration is given to such factors as local, state, federal, and other sources of income as well as the per student expenditure for instructional purposes.
2. The technology center shall adhere to the financial management and accounting procedures listed in [The Rules for Career and Technology Education](#) and State Board of Education School Financial Technical Assistance Document.
3. Adequate/appropriate supplies and equipment shall be provided by the technology center to support the educational instruction. The appropriate state manager shall be consulted before state funds are used for equipment acquisition.
4. The schools shall continuously evaluate the achievement of goals, review expenditure of funds relative to achieving goals, and redirect funds if necessary, to focus upon changing and emerging needs.
5. (5) In reviewing the school's budget plan, the governing board shall take into account the school's mission, vision, and goals and the needs of the students and community served. The annual school budget shall be reported to the various school publics.

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**STANDARD IX**

**TECHNOLOGY CENTER FACILITIES, EQUIPMENT, AND SUPPLIES**

**STANDARD IX: TECHNOLOGY CENTER FACILITIES, EQUIPMENT AND SUPPLIES**

In this standard:

- › Statement of the standard
- › School facilities: size and space; accessibility; maintenance
- › School facilities: equipment and supplies
- › School facilities: health and safety
- › School facilities: protection of records
- › School facilities: site/specifications approval; long-range plans for replacing/ updating site

**STANDARD IX**

**TECHNOLOGY CENTER FACILITIES, EQUIPMENT, AND SUPPLIES**

[OAC](#)<sup>18</sup> 210:35-13-111. **Statement of the standard**

The technology center facilities support the instruction, contribute to the learning experiences of students, promote safety and health of the occupants, and are vital to the implementation of a well-defined statement of educational philosophy and goals.

[OAC](#) 210:35-13-113. **School facilities: size and space; accessibility; maintenance**

- A.** The technology center facilities, equipment, and supplies shall meet identified standards of design, use and maintenance. [[Rules for Career and Technology Education](#); [70 O.S. § 5-131](#); [70 O.S. § 18-152](#)]
- B.** The site and building(s) shall be properly sized and equipped for the number of occupants served. [[74 O.S. § 324.8](#);—BOCA, SBCCI or ICBO; [70 O.S. § 5-131.1](#); [25 O.S. § 153](#); [25 O.S. § 91.2](#); [47 O.S. § 11-801](#); [11 O.S. § 22-117](#); and [74 O.S. § 324.11](#)]
- C.** The site and building(s) shall be fully accessible to individuals with disabilities. [[70 O.S. § 13-103](#)]
- D.** Adequate space shall be provided for classrooms, specialized instructional areas, and support facilities. These areas shall be grouped and arranged in such manner as to provide optimum instructional function and class control. [[70 O.S. § 18-152](#)]
- E.** School facilities shall be able to accommodate changes in curriculum instruction delivery and/or equipment within a career major. [[70 O.S. § 18-152](#); [70 O.S. § 5-117.4](#)]
- F.** Plans for preventive and corrective maintenance shall be developed and implemented to ensure that the site and building(s) will be clean, in good repair and maintained with consideration for function and aesthetic values. [[70 O.S. § 18-152](#)]

[OAC](#) 210:35-13-114. **School facilities: equipment and supplies**

Equipment, furnishings, and supplies which are up-to-date technically shall be maintained in proper quantity and quality. A system shall be developed and implemented for inventory, usage, storage, repair and replacement.

[OAC](#) 210:35-13-115. **School facilities: health and safety**

- A.** The site shall be free from hazards, provide a safe area for (un)loading of vehicles, with adequate lighting, signage, and drainage. [[74 O.S. § 324.8](#) State/Municipality Adoption of Building Codes—BOCA, SBCCI or ICBO; [47 O.S. § 11-801](#) Speed Limit for School Buses—School Zones Outside Municipalities—Signs; [11 O.S. § 22-117](#) School Speed Limit Signs in Municipalities]

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- B. The site and building(s) shall ensure that the health and safety of those served are properly safeguarded. Where required, the facility shall have utility systems, plumbing systems, electrical systems, mechanical systems, emergency systems, building interiors and building envelope designed, built, and maintained to recognized standards, codes and/or other legal requirements. [[59 O.S. § 1002](#) Authorizes State Department of Health to Adopt Codes—BOCA Plumbing Code; [59 O.S. § 1681](#) Authorizes State Board of Health to Adopt Codes—Selections from NFPA; [59 O.S. § 1850.3](#) Authorizes State Board of Health to Adopt Codes—BOCA Plumbing Code; [70 O.S. § 3-104](#); [74 O.S. § 324.7](#) Fire Marshal; [74 O.S. § 324.8](#) State/Municipality Adoption of Building Codes—BOCA, SBCCI or ICBO; and [74 O.S. § 324.11](#)]
- C. Appropriate procedures for the handling of hazardous materials, hazardous waste, asbestos, underground storage tanks, lead contamination, and other applicable life, health and/or safety matters shall be developed and implemented. [[40 O.S. §§ 401-424](#) Oklahoma Hazard Communication Standard; Other citations—Occupational Safety and Health Standards; Asbestos Hazard Emergency Response Act; Lead Contamination and Control Act of 1988; Oklahoma Corporation Commission’s General Rules and Regulations Governing Underground Storage Tanks; Resources Conservation and Recovery Act of 1976 (Hazardous and Solid Waste Amendments of 1984)]
- D. Proper precautions shall be taken to prevent injuries. All equipment and facility safety features shall be in place and properly maintained. [[70 O.S. § 24-117](#); [70 O.S. § 24-118](#); [70 § 1210.182](#) and [74 O.S. § 324.11a](#)]
- E. A safety emergency/disaster procedure review shall be conducted at least annually. Safety inspection of site, building(s) and equipment shall be conducted on a regular basis. [[74 O.S. § 324.7](#)]
- F. Procedures and regulations designed to safeguard students while traveling to and from school shall be developed, implemented and communicated to students, parents/guardians, staff, and sending school administrators. [[70 O.S. § 9.104](#); [47 O.S. § 11-801](#); [11 O.S. § 22-117](#); [70 O.S. § 24-121](#); [47 O.S. § 11-1104](#) Overcrowding; [47 O.S. § 12-228](#)]

**OAC 210:35-13-116. School facilities: protection of records**

Permanent records of students and staff shall be protected from theft, fire or other damage.

**OAC 210:35-13-117. School facilities: site/specifications approval; long-range plans for replacing/updating site**

- A. State Board approval of sites and branch campuses: The State Board shall approve the location of a site for an official campus of a technology center district. If the campus is able to provide a minimum of five full-time instructors, then it may be recognized as an official campus and will be eligible for funding under a formula approved by the State Board. Branch campuses may be established by the technology center board of education to serve special needs or remote areas of the district. In the event the local board elects to pursue an additional campus or provide an ongoing instructional offering at a site other than the main campus, prior approval must be granted by the State Board. Factors that will be used in determining approval will include, but not be limited to, student travel time to nearest available CareerTech programs, district valuation, student enumeration, and

local industry needs.

- B.** Approval of capital improvement projects: After local board approval, all plans and specifications for technology center buildings, additions, including parking lots and modifications designed for CareerTech programs and/or services shall be reviewed by appropriate staff of the Oklahoma Department of Career and Technology Education and shall be approved by the technology center services division of the Oklahoma Department of Career and Technology Education. In addition all capital improvement projects must comply with local building codes and be reviewed by the local and/or state fire marshal and the State Department of Education.
- C.** State Board approval of capital improvement projects: The board of education of a technology center district may, without prior approval of the State Board of Career and Technology Education, approve all plans and specifications for technology center school buildings, additions, and major modifications to school buildings that are designed to provide for the offering of CareerTech education and services when the cost of the building project is to be paid with local levies or state bond monies or both local levies and state bond monies. ([70 O.S. § 14-108](#)) The State Board must grant prior approval of all plans and specifications for technology center school buildings, additions, and modifications to school buildings that are designed to provide for the offering of CareerTech education and services when the cost of the building project is to be paid with state appropriated funds, which includes projects funded with monies from the Educational Lottery Trust Fund, or both local levies and state appropriated funds.
- D.** Plans and specifications for technology center buildings and additions and major modifications of buildings shall be reviewed by the School Improvement Section of the State Department of Education. These plans shall be reviewed by the State Department of Education and the ODCTE and/or State Board of Career and Technology Education. A long-range plan for replacing and/or updating the site, building(s) and equipment shall be developed and implemented.

## **Part III RULES OF THE STATE BOARD OF EDUCATION**

### **PART III, SECTION A: ADMINISTRATION AND ORGANIZATION**

In this section:

- › Acquired immune deficiency syndrome (AIDS)
- › Advisory council

#### ALTERNATIVE EDUCATION ACADEMIES AND PROGRAMS

- › Definitions
- › Personnel: certification; criminal record searches
- › Abbreviated day schedule

#### ANNEXATION, CONSOLIDATION, AND DISPENSATION

- › Annexation, consolidation and dispensation, and severance determination
- › District status change

#### BULLYING

- › Implementation of policies prohibiting bullying
- › Purpose and Definitions
- › Control and Discipline of Child
- › Legislative Intent - Safe School Committee – Applicability

#### CAPITAL IMPROVEMENT

- › Comprehensive Four Year Capital Improvement Master Plan

#### COMPETITIVE BIDDING CONTRACTS

- › Competitive Bidding Required
- › School District Exclusion
- › Execution of Contract – Bond Insurance
- › Late Bids
- › Certain Contracts to be Negotiated When No Bid is Received

#### COMPUTER ASSISTED PUPIL ACCOUNTING

- › Computer assisted pupil accounting

#### EARLY CHILDHOOD EDUCATION PILOT PROGRAMS

- › criteria for pilot early childhood program



## EDUCATIONAL SERVICES IN DAY TREATMENT PROGRAMS

- › Purpose
- › General requirements for day treatment facilities
- › Local plan
- › Teacher certification
- › Number of hours taught
- › Adequacy of facilities
- › Educational plans

## EDUCATIONAL SERVICES IN RESIDENTIAL TREATMENT PROGRAMS

- › Educational services for children in residential care, treatment, or emergency shelter facilities

## FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

- › Family Educational Rights and Privacy Act

## STUDENT DATA ACCESSIBILITY, TRANSPARENCY, AND ACCOUNTABILITY ACT

- › Student Data Accessibility, Transparency and Accountability Act

## NONTRADITIONAL INSTRUCTIONAL DELIVERY SYSTEMS

- › Nontraditional instructional delivery systems

## OPEN RECORDS ACT

- › Open Records Act

## PUBLIC NOTICES

## SUPPLEMENTAL ONLINE COURSES

- › General provisions
- › Access
- › Funding
- › School Day
- › Student Eligibility, Admissions & Enrollment
- › Grading Scales
- › Student information system
- › Course withdrawal grace period
- › Course completion
- › Attendance

- › Extracurricular and co-curricular activities
- › Student assessments
- › Communication: Progress Reports
- › Online Course Providers
- › Payment
- › Special Education

#### OKLAHOMA HONOR SOCIETIES

- › Purpose
- › Oklahoma Middle, Junior High, or High School Honor Society

#### PRIVATE ACCREDITING ASSOCIATIONS

- › Accreditation of private and parochial schools
- › Comparable standards required for accreditation of nonpublic schools
- › Application; approval of, and authority of private accrediting association; renewal
- › Criteria for approval and recognition of private accrediting association

#### PROFESSIONAL DEVELOPMENT

- › Professional Development Program
- › Professional development program management
- › School Year for Public Schools – Criteria for Extended Day Schedule
- › Local Professional development committee; appointment of members, composition, duties and responsibilities
- › Professional development for renewal of a valid Standard Teaching Certificate for nonemployed teachers or administrators

#### READING SUFFICIENCY ACT

- › Reading Sufficiency Plans and Summer Academy Reading Programs
- › Good cause exemptions for promotion under the Reading Sufficiency Act
- › Standards for mid-year promotion of retained third graders

#### TRANSPORTATION

- › District administration, operation and management of transportation
- › Procedures for resolution of transportation disputes
- › Transportation of students
- › Transportation for school activities

- › Transportation routes and boundaries
- › School buses
- › Transportation of students with disabilities
- › School bus driver certification

[63 O.S. § 1-502.2](#) **Confidential Information - Written Consent - Multidisciplinary Advisory Committee - Violations – Penalties**

**C.**

1. The State Department of Health may convene a confidential meeting of a multidisciplinary team for recommendation on school placement of a student who is infected with the human immunodeficiency virus. The multidisciplinary team shall include, but not be limited to, the following:
  - a. the parent, parents, legal representative, or legal guardian or legal custodian of the student,
  - b. the physician of the student,
  - c. a representative from the superintendent’s office of the affected school district,
  - d. a representative from the State Department of Education, and
  - e. a representative from the State Department of Health.

Each member of the team shall be responsible for protecting the confidentiality of the student and any information made available to such person as a member of the team. The multidisciplinary team shall be exempt from the requirements of [Sections 301 through 314 of Title 25](#) of the Oklahoma Statutes and [Sections 24A.1 through 24A.19 of Title 51](#) of the Oklahoma Statutes.

2. Each member of the local school board having jurisdiction over the student shall also be responsible for protecting the confidentiality of the student and any information made available to such person as a school board member.

**ADVISORY COUNCILS: ESTABLISHMENT AND DUTIES**

[OAC 210:10-1-11](#). **Advisory council**

- A.** Membership/functions: Membership of such councils shall be representative of the people to be served. Parent and community involvement does not mean making policy decisions or exercising control in place of certified educators and duly selected boards. Advisory councils are for advice as the name implies, not control, and this Board, as local boards should, too, reaffirms and expects that all such committees or groups will abide by the rules, regulations, and policies of the school district wherein administration, operation, and regulation are functions assigned to professional educators.
- B.** Selection: Except where specified differently by law, members on advisory councils shall be recommended by the Superintendent or Executive Officer of the Board. Names are usually solicited from subordinate administrators and other knowledgeable leaders. Where special parent advisory councils or other committees are required, this Board expects the law, whether federal or state, to be enforced and the council established.
- C.** Reimbursement: Advisory council members who are performing substantial and necessary service may be reimbursed for such expenses, according to the State Travel and Reimbursement Act [[74 O.S. §§ 500.1-500.18](#)], State Purchasing Laws [[74](#)

[O.S. § 85](#)], State Board rules and regulations, and local policies at the district level.

## **ALTERNATIVE EDUCATION ACADEMIES AND PROGRAMS**

### **[OAC 210:35-29-2](#). Definitions**

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

- A.** "Alternative Education" means an educational process incorporating appropriate structure, curriculum, interaction, and reinforcement strategies to stimulate learning with students who have not utilized their capacity to do so within traditional educational settings. Alternative education programs must meet all requirements listed at [70 O.S. § 1210.568](#) and at section [OAC 210:35-29-7](#) of this title.
- B.** "Abbreviated school day" means, for purposes of an alternative education program approved by the State Board of Education:
  - 1. A school day which consists of not less than four (4) hours and twelve (12) minutes per day devoted to academic instruction for the locally approved school calendar; or
  - 2. A school day which may consist of less than four (4) hours and twelve (12) minutes per day devoted to academic instruction, provided that students in alternative education programs receive at least seven hundred fifty-six (756) hours of academic instruction per school year. A school district that chooses the total instructional hours scheduling approach for its alternative education program must notify the State Board of Education by September 15 of each applicable school year.
- C.** "Academic instruction" means, for purposes of an alternative education program approved by the State Board of Education:
  - 1. Instruction in any subject offered by the school district for core or elective credit, whether part of the standard educational program or offered specifically to students in the alternative education program;
  - 2. Instruction in any subject offered for credit through a technology center or through concurrent enrollment at a college or university; and
  - 3. Participation in programs and activities that are part of the school district or interlocal cooperative's approved Alternative Education Implementation Plan and are intended to fulfill the requirements for alternative education programs, including counseling, life skills instruction, concurrent enrollment, work study, and other content approved by the State Board of Education.
- D.** "At-risk student" means a student whose present or expected status indicates they might fail to complete their secondary education for reasons which may include academic deficiency, behavioral difficulties, excessive absences, pregnancy or parenting, family issues, substance abuse, financial issues, physical or mental health issues, juvenile justice involvement, or other such factors, not including disability status.

### **[OAC 210:35-29-6](#). Personnel: certification; criminal record searches**

Special rules that pertain to alternative education academies, programs and schools are:

1. Teachers must be certified teachers but are not restricted to grade-specific or subject-specific areas. Assignment out of regular subject area(s) or grade level(s) certification requires State Department of Education approval. [[70 O.S. § 1210.567](#)]
2. Administrators must be certified school administrators but are not restricted to specific grade levels. Assignment out of grade level certification requires State Department of Education approval.
3. A criminal record search must be conducted on all personnel currently employed or to be employed in alternative education academies, programs, and schools.

**[OAC 210:35-29-7](#). **Abbreviated day attendance****

Abbreviated day schedules may be adopted by alternative education schools and alternative education programs, pursuant to 70 O.S. § 1210.567. Students attending approved abbreviated day alternative education schools and alternative education programs for the full abbreviated day shall be counted in attendance for purposes of computing average daily attendance and average daily membership for the district. Abbreviated day schedules for alternative education schools and programs must conform to one of the definitions of “abbreviated school day” listed at 210:35-29-2.

## **ANNEXATION, CONSOLIDATION, AND DISPENSATION**

**[OAC 210:1-3-2](#). **Annexation, consolidation and dispensation, and severance determination****

- A.** State Board of Education role. The State Board of Education’s role is: to receive and implement an order from the State Superintendent which declares that all or part of a district has been voted to be annexed, following statutory requirements, to adjacent or transporting district(s); to decide on the division of assets and property of a disorganized district in the event the problem cannot be resolved by the boards of annexing districts; and to set standards, promulgate rules and procedures, and conduct studies relating to the consolidation of two or more adjacent school districts. [[70:7-105](#) & [106](#)]
- B.** Mandatory annexation.
  1. Mandatory annexation will be considered by the State Board of Education upon occurrence of the following situations:
    - A.** When a school district has been declared “academically at-risk” pursuant to [70 O.S. §1210.541](#).
    - B.** When a school district is nonaccredited by the State Board of Education.
    - C.** When a district, without officially dispensing with school, fails to open or maintain a school (except when situations beyond the control of the district cause a normal delay). [[Title 70 O.S. § 8-106](#)].
      2. When it comes to the attention of the State Board of Education that a local

school district is facing the possibility of mandatory annexation, the State Board of Education shall provide the district with an opportunity to be heard. The State Board of Education shall notify the superintendent and each school board member of the time, date and place of the meeting. At the meeting, representatives of the school district, including patrons, shall have an opportunity to address the State Board of Education and to provide information to the Board. The President of the State Board of Education may set time limits on individual presentations and may require groups to select a representative to speak on behalf of the group.

3. When the State Board of education determines that a local school district is to be mandatorily annexed, the following steps will be followed:
  - a. The Board will notify one or more of the potential receiving districts that they are responsible for taking an inventory of property and securing the buildings and other property of the district being mandatorily annexed. In selecting the district(s) responsible for this procedure, the State Board of Education may rely on recommendations from the State Superintendent.
  - b. The State Board of Education will immediately notify the district superintendent of the Board's action.
  - c. The state superintendent shall notify the parents or legal guardians of all students in the district being annexed that they must apply for a transfer to the state superintendent within 10 days of the State Board of Education's action to annex. The state superintendent may require the parents to furnish a legal description of their residence at the time the transfer request is made.
  - d. Once the state superintendent has received the transfer requests, she/he shall notify the State Department of Education, in writing, of the breakdown of where students are asking to attend school by transfer and provide the State Department of Education with the legal description of the residence of each student.
  - e. The State Department of Education will utilize the transfer requests and legal descriptions submitted to the state superintendent as a guide in plotting the proposed boundary lines for dividing the annexed district. To the maximum extent possible, the preference of the students and parents shall be acknowledged.
  - f. The State Department of Education will present the proposed boundary lines for division of the annexed district to the State Board of Education for approval. The proposal shall be accompanied by the legal description of the property being annexed.
  - g. The assets and liabilities of the annexed district shall become part of the annexing districts. When an annexing district assumes a debt incurred by the annexed district prior to July 1, the district assuming the debt should receive a comparable portion of the assets.

- h. When two or more annexing districts are involved in the division of an annexed district, the assets and liabilities are divided by agreement between the boards of education. If the boards of education are unable to agree, the matter shall be divided by the State Board of Education.

**C.** Consolidation of school districts.

1. A petition by the board of education of any school district desiring a study of the consolidation of such school district with another school district or districts, or proposing such consolidation, shall be signed by the president and clerk of such board of education, and such petition shall be considered by the State Board of Education at its next regular meeting. If a study of the proposed consolidation is deemed proper and advisable, the Secretary of the State Board of Education shall forthwith advise the boards of education of all districts involved that a study of the proposed consolidation is going to be made.
2. The State Board of Education reserves the right to make a study of the advisability of consolidating two or more school districts in any area of the State, on its own initiative, and without any petition from a board of education. When such decision is made, each school district involved shall forthwith be advised that such study is going to be made, and such districts shall be directed to determine, by such procedures as the State Board of Education may prescribe what, if any, consolidation should be carried on in the area under study.
3. All studies of the advisability of consolidation shall be under the direction of the President of the State Board of Education, who shall utilize the services of appropriate divisions of the State Department of Education.
4. If after a study of the population, wealth, terrain, trade areas and other pertinent factors, it is determined that two or more school districts should be consolidated, the board of education of each school district involved shall be so advised.
5. No election to determine consolidation shall be called or held unless there shall have been filed with the State Board of Education a petition therefore, signed by a majority of the school district electors of each school district included in the proposed consolidation. When such a petition is received and is determined to be sufficient, the State Board of Education shall call an election for the purpose of affording to the school district electors in the school districts involved an opportunity to express their wishes through a majority vote of the school district electors in the entire territory involved. Notice of such election, stating the time and date thereof and the polling places, shall be posted in five (5) public places in each school district involved, not less than ten (10) days before date of such election. Such election shall be conducted by one or more members of the State Department of Education, as designated by the President of the State Board of Education.
6. If a majority vote at such election is in favor of consolidation, the State Board of Education shall issue a written order to such effect, declaring the participating school districts dissolved and the new school district



established. Copies of such order shall be sent to the county treasurer, county assessor and the county clerk of each county in which the districts involved are situated, and to the Oklahoma Tax Commission, and to the board of education of each school district involved. If a majority vote at such election is not in favor of consolidation, the State Board of Education shall make a written order to such effect, and shall send a copy thereof to the board of education of each school district involved.

7. The local board of education members representing the school district having the largest number of enumerated children shall serve as board members of the newly-formed school district for the remainder of their term.
8. All liabilities, assets, powers and duties shall become the responsibility of the newly-formed school district.

**D.**Dispensing with a school district.

1. Should residents of a district desire to dispense with all or part of this school district, it is the duty of the State Superintendent to notify the State Board of Education of a majority vote of eligible electors at an annual or special election or by a petition signed by sixty (60) percent of eligible school district electors to dispense with either grades 1 thru 8 or grades 9 thru 12, or both, and such procedure shall be accomplished prior to June 30. Subsequently, parents of such children in the dispensed grades should file an application transfer for the ensuing year with the State Superintendent. Any district which dispenses with its entire school district for the ensuing year shall be mandatorily annexed on July 1 by the State Board of Education to an adjacent school district(s) to which pupils have been transferred.
2. Provided that if a school district does not officially dispense with its school following the preceding procedure and fails to open and maintain a school during such ensuing year, the State Board of Education, except as otherwise provided, shall at its next regular meeting annex such district, as provided by law. [[70 O.S. § 8-106](#)]

**E.** Severance determination. Pursuant to [70 O.S. §7-203\(B\)](#), the State Board of Education may promulgate rules regarding its authority to budget and make expenditures of monies contained in the School Consolidation Fund. School Consolidation Funds can be used by annexing or consolidating districts to provide employment assistance in the form of severance for school district employees who are dismissed due to annexation or consolidation under [70 O.S. §7-203\(B\)\(1\)\(c\)](#). The procedure for employees to make a severance application and process to receive a severance determination shall be communicated to all affected employees by the annexed or consolidated district superintendent. The severance application process is as follows:

1. To qualify for severance, district employees (teachers, administrators, and support personnel) must first seek severance allowance from the annexing or consolidating district(s) prior to making application to the State Department of Education.
  - a. Any annexing or consolidating school district(s) that receive School



- I. the applicant was not employed by the consolidating or annexing district and
  - II. severance or unemployment compensation was denied at the district level
- b.** Severance allowance from the State Department of Education can be in any amount from 0% to 80% of the individual's salary or wages, exclusive of fringe benefits, for the school year preceding the consolidation or annexation.
  - c.** For the purposes of calculation, the State Department of Education shall include only the salary or wages actually paid to the employee by the district for the school year preceding the consolidation or annexation.
  - d.** Only timely applications for severance received by the State Department of Education, Finance Division, will be considered. All applications for severance to the State Department of Education must be received no later than September 1 of the fiscal year immediately following the fiscal year in which the annexation or consolidation occurred. The application for employment assistance in the form of severance can be found on the SDE website, [www.sde.ok.gov](http://www.sde.ok.gov), or by contacting the State Department of Education, Finance Division.
5. Severance allowance by the State Department of Education can be denied only for good cause with supporting documentation of the following:
- a.** The applicant was hired by the consolidating or annexing district(s), regardless of the number of hours, part time or full time status, or rate of pay.
  - b.** The applicant was dismissed or non-reemployed by the local school district board for reasons other than consolidation or annexation (i.e. reduction in force or inability to pay due to financial exigency),
  - c.** The applicant received severance from the consolidating or annexing district(s) and in addition to unemployment compensation,
6. Severance allowance by the State Department of Education can be reduced or adjusted below eighty (80%) percent of the applicant's salary or wages, excluding fringe benefits, for good cause with supporting documentation. Good cause to reduce or adjust severance can include, but is not limited to, consideration of the following:
- a.** The annexation or consolidation was mandatory rather than voluntary.
  - b.** The applicant's length of service to the district.
  - c.** The applicant's service record, job performance, or conduct warrants consideration of a reduction or adjustment in severance. The application of this criteria must be supported by verifiable documentation and evidence that is made available for the Board's review.

- d. The applicant was hired by the local school board after the annexation or consolidation election results are called by the State Superintendent of Public Instruction .
- e. The applicant was hired by the local school board after the State Board of Education voted to non-accredit the district .
- f. The applicant failed to apply for or make an attempt to gain employment with the consolidating or annexing district(s) .
- g. The applicant failed to apply for or attempt to obtain a severance allowance from the consolidating or annexing district(s) .
- h. The applicant received unemployment compensation . The amount of unemployment compensation received can be considered an offset when determining severance .

7. Severance Determinations . Upon receiving the application for severance the State Department of Education, Finance Division staff shall review the applications for severance and make a written recommendation to the State Board of Education regarding each severance application . Each severance application will be considered on an individual case by case basis and a recommendation for severance allowance or denial will be made by the SDE staff to the State Board of Education in writing during a regularly scheduled Board of Education meeting .

- a. The applicant will be notified of the SDE staff recommendation and will be given written notice of the time, place, and date of the regularly scheduled State Board of Education meeting that the Board will consider and voting upon the SDE staff recommendation for severance .
- b. The State Board of Education will vote on all SDE staff recommendations for severance in open meeting . All votes of the State Board of Education approving or denying a severance application will be considered a final order of the Board .

8. The applicant will be notified in writing of the State Board of Education's final determination regarding severance allowance . The applicant will have ten (10) days from the date the notification of severance determination is received within which time to file a petition for appeal or reconsideration of the Board's determination .

9. Any petition, reconsideration, or hearing on the Board's final order regarding severance shall be made pursuant to, and governed by, the Due Process Procedures of the State Board of Education as outlined in 210:1-5-1 of the [Oklahoma Administrative Code](#) .

**F.** Guidelines and forms . Copies of corresponding State Department of Education forms and guidelines for the implementation of annexations/consolidation and severance are available from the consolidation officer of the State Department of Education .

OAC 210:1-3-3 **District status change**

- A.** Formation of an independent district: Upon request from a school district with the required supportive data to change the status of a school district, the State Board of Education will review the reasons presented and approve or disapprove.
1. If an elementary school district has justification to add one or more high school grades, it requires the formation of an independent school district. The formation of an independent school district requires State Board of Education approval.
  2. An elementary school district's request to the State Board of Education for approval to add high school grade(s) and form an independent district shall include, but not be limited to, the following items of justification:
    - a. A written plan which includes a timetable for the addition of each of the four grades (9-12);
    - b. A fiscal evaluation of the previous 3 years of operation which includes all audits, analysis of carryover, and an estimate of revenue and increased costs for operation for the next 5 years;
    - c. An analysis of past, present and projected student enrollment (5 years past and 5 years future);
    - d. Pertinent data regarding student transfers both into and out of the school district for the present school year and the two preceding years;
    - e. A history of bond elections within the school district for the past 5 years which includes vote totals, present bonding capacity and percent of bonding capacity voted and bond rating;
    - f. Proof of adequacy of facilities and/or construction plans to house high school students;
    - g. Proof of adequacy of library/media center;
    - h. Documentation of support by the community; and
    - i. A written plan to appoint the two additional board members and to organize a five member board of education and assign each member a board position number.
  3. In the event the State Board of Education approves a change in status from an elementary school district to an independent school district, the board of education of the elementary school district shall appoint two additional school board members who meet eligibility requirements and designate the terms of service by assigning each board member a board position number, 1 through 5, to conform to the law [70 O.S. § 5-107A](#). The new 5-member board of education shall become effective at the first meeting of the new school board after the change of status is approved by the State Board of Education.
- B.** Annexations: Annexations and related procedures are governed by statute; see [70 O.S. § 7-101](#).
- C.** Consolidations: Consolidations and related procedures are governed by statute; see

## **CAPITAL IMPROVEMENT**

### **[OAC 210:30-3-1.](#) Comprehensive Four Year Capital Improvement Master Plan**

- A.** Facility standards. It shall be the purpose of this plan to implement the facility standards indicated by the Legislature, that facilities be designed for adaptability to program offerings, structurally safe, well maintained and contain adequate space for the instructional needs of each student. [[70 O.S. § 18-152](#)]
- B.** Plan review. Every school shall submit all plans and specifications for major remodeling or new construction for review by the State Department of Education. Applicable handicapped regulations and building and life safety codes, as well as SPACE GUIDELINES FOR PLANNING EDUCATIONAL FACILITIES, shall be the criteria for plan review. Comments and recommendations shall be forwarded to school administrators and appropriate personnel within thirty (30) days. All facilities shall comply with pertinent Attorney General opinions as well as federal, state and local laws, and obtain building permits as required by municipal, county or other authority. Where local authority does not require a building permit, appropriate review and approval shall be obtained from the office of the State Fire Marshal. [[70 O.S. § 3-104](#)]
- C.** Annual facility review. Every school district shall establish an annual facility review of four components:
1. review of maintenance and operations program;
  2. review of maintenance and operations staff training program;
  3. review of maintenance and operations budget;
  4. update of the facility inventory.
- Guidelines and recommendations for an annual facility review shall be available from the State Department of Education. [[70 O.S. § 18-152](#)]
- D.** District Four-Year Capital Improvement Plan. Each district shall submit to the State Board of Education a Four-Year Capital Improvement Plan for the public schools within the district. Each plan shall be adopted by the district board of education. The plan shall be based upon guidelines developed by the State Department of Education, and reviewed by the Common School Capital Improvement Needs Assessment Committee. Every school district shall review and update its plan annually. [[70 O.S. § 18-153](#)]
- E.** Adoption. The State Department of Education shall develop and submit for adoption by the State Board of Education a Four-Year Capital Improvement Master Plan. The plan shall be reviewed by the Common School Capital Improvement Needs Assessment Committee. Additionally, guidelines and recommendations for funding priorities and distribution shall be available from the State Department of Education.
- F.** Schools Capital Improvements Budget. A schools capital improvements budget shall be submitted by the State Board of Education by the first day of October of each year, with the itemized budget request and estimates of the ensuing fiscal year. [[70 O.S. § 18-162](#)]

## **COMPETITIVE BIDDING CONTRACTS**

### 61 O.S. § 103– **Competitive Bidding Required**

- A.** Unless otherwise provided by law, all public construction contracts exceeding One Hundred Thousand Dollars (\$100,000.00) or construction management trade contracts or subcontracts exceeding Fifty Thousand Dollars (\$50,000.00) shall be let and awarded to the lowest responsible bidder, by open competitive bidding after solicitation for sealed bids, in accordance with the provisions of the Public Competitive Bidding Act of 1974. No work shall be commenced until a written contract is executed and all required bonds and insurance have been provided by the contractor to the awarding public agency .
- B.** Notwithstanding subsection A of this section, in awarding public construction contracts exceeding One Hundred Thousand Dollars (\$100,000.00) or construction management trade contracts or subcontracts exceeding Fifty Thousand Dollars (\$50,000.00), counties, cities, other local units of government and any public trust with a county or a municipality as its sole beneficiary may provide for a local bid preference of not more than five percent (5%) of the bid price if the awarding public agency determines that there is an economic benefit to the local area or economy . Provided, however, the local bidder or contractor must agree to perform the contract for the same price and terms as the bid proposed by the nonlocal bidder or contractor. Any bid preference granted hereunder must be in accordance with an established policy adopted by the governing body of the awarding public agency to clearly demonstrate the economic benefit to the local area or economy . Provided, further, no local bid preference shall be granted unless the local bidding entity is the second lowest qualified bid on the contract. The bid specifications shall clearly state that the bid is subject to a local bidder preference law. For purposes of this section, "local bid" means the bidding person is authorized to transact business in this state and maintains a bona fide establishment for transacting such business within this state. This provision does not apply to any construction contract for which federal funds are available for expenditure when its provisions may be in conflict with federal law or regulation .
- C.** Except as provided in subsection E of this section, other construction contracts for the purpose of making any public improvements or constructing any public building or making repairs to the same for One Hundred Thousand Dollars (\$100,000.00) or less shall be let and awarded to the lowest responsible bidder by receipt of written bids or awarded on the basis of competitive quotes to the lowest responsible qualified contractor . Work may be commenced in accordance with the purchasing policies of the public agency .
- D.** Except as provided in subsection E of this section, other construction contracts for less than Ten Thousand Dollars (\$10,000.00) may be negotiated with a qualified contractor. Work may be commenced in accordance with the purchasing policies of the public agency .
- E.** The provisions of this subsection shall apply to public construction for minor maintenance or minor repair work to public school district property . Other construction contracts for less than Twenty-five Thousand Dollars (\$25,000.00) may be negotiated with a qualified contractor. Construction contracts equal to or greater

than Fifty Thousand Dollars (\$50,000.00) but less than One Hundred Thousand Dollars (\$100,000.00) shall be let and awarded to the lowest responsible bidder by receipt of written bids. No work shall be commenced on any construction contract until a written contract is executed and proof of insurance has been provided by the contractor to the awarding public agency .

- F.** The Construction and Properties Division of the Office of Management and Enterprise Services may award contracts using best value competitive proposals. As used in this subsection, "best value" means an optional contract award system which can evaluate and rank submitted competitive performance proposals to identify the proposal with the greatest value to the state. The Office of Management and Enterprise Services, pursuant to the Administrative Procedures Act, shall promulgate rules necessary to implement the provisions of this subsection.
1. A public agency shall not let or award a public construction contract exceeding One Hundred Thousand Dollars (\$100,000.00) or a construction management trade contract or subcontract exceeding Fifty Thousand Dollars (\$50,000.00) to any contractor affiliated with a purchasing cooperative unless the purchasing cooperative and the contractor have complied with all of the provisions of the Public Competitive Bidding Act of 1974, including but not limited to open competitive bidding after solicitation for sealed bids. A public agency shall not let or award a public construction contract exceeding Ten Thousand Dollars (\$10,000.00) up to One Hundred Thousand Dollars (\$100,000.00) to any contractor affiliated with a purchasing cooperative unless the purchasing cooperative and the contractor have complied with all of the provisions of the Public Competitive Bidding Act of 1974, including submission of a written bid upon notice of competitive bidding.
  2. A purchasing cooperative and its affiliated contractors shall not be allowed to bid on any public construction contract exceeding One Hundred Thousand Dollars (\$100,000.00) or any construction management trade contract or subcontract exceeding Fifty Thousand Dollars (\$50,000.00) unless the purchasing cooperative and its affiliated contractors have complied with all of the provisions of the Public Competitive Bidding Act of 1974, including but not limited to open competitive bidding after solicitation for sealed bids. A purchasing cooperative and its affiliated contractors shall not be allowed to bid on any public construction contract exceeding Five Thousand Dollars (\$5,000.00) unless the purchasing cooperative and its affiliated contractors have complied with all of the provisions of the Public Competitive Bidding Act of 1974, including submission of a written bid upon notice of open competitive bidding.
  3. Local governmental units, or local governmental units cooperating under the terms of any interlocal cooperative agreement authorized by state law, may create a purchasing cooperative or contract with a purchasing cooperative to provide leverage in achieving best value or the best terms in contracts. To encourage intergovernmental collaboration, any purchasing cooperative or interlocal cooperative entity may utilize any single legal newspaper of this state to serve as sufficient compliance for bid notice requirements of competitive bidding or solicitation of bids. If the purchasing cooperative or interlocal cooperative entity is engaging in a project exclusive to a county



or group of counties of this state, and not open to all governmental units or public trusts that wish to participate statewide, the bid notice shall be published in a legal newspaper located within the county or group of counties. Any local governmental unit or public trust that enters into membership or contracts with a purchasing cooperative or interlocal cooperative entity may enter into purchases or contracts under the terms negotiated by the purchasing cooperative or interlocal cooperative entity. If the purchasing cooperative or interlocal cooperative entity complies with the requirements of this section of law, all local governmental units shall be deemed in compliance with the requirements set forth for bid notices and publication.

#### [61 O.S. § 103.4](#) – **School District Exclusion**

Nothing in the Public Competitive Bidding Act of 1974 shall be construed to prohibit a school district from erecting a building or making improvements on a force account basis.

#### [61 O.S. § 113](#) – **Execution of Contract – Bond Insurance**

- A.** Except as otherwise provided by law, within the period of time, not to exceed sixty (60) days, specified in the bid notice by the awarding public agency, a contract embodying the terms set forth in the bidding documents shall be executed by the awarding public agency or, where construction management at-risk is the project delivery method, by the construction manager and the successful bidder. No bidder shall obtain any property right in a contract awarded under the provisions of the Public Competitive Bidding Act of 1974 until the contract has been fully executed by both the bidder and the awarding public agency.
- B.** Except as otherwise provided by law, within the period of time specified in subsection A of this section, the following shall be provided by the contractor to the awarding public agency for public construction contracts exceeding One Hundred Thousand Dollars (\$100,000.00) or construction management trade contracts or subcontracts exceeding Fifty Thousand Dollars (\$50,000.00):
1. A bond complying with the provisions of [Section 1](#) of this title;
  2. A bond in a sum equal to the contract price, with adequate surety, for the benefit of the state, on behalf of the awarding public agency, in a sum equal to the contract price, to ensure the proper and prompt completion of the work in accordance with the provisions of the contract and bidding documents;
  3. A bond in a sum equal to the contract price for the benefit of the state, on behalf of the awarding public agency, to protect the awarding public agency against defective workmanship and materials for a period of one (1) year after acceptance of the project, except when the awarding public agency is the Department of Transportation or the Oklahoma Turnpike Authority, in such case the period shall be for one (1) year after project completion; and
  4. Public liability and workers' compensation insurance during construction in reasonable amounts. A public agency may require the contractor to name the public agency and its architects or engineers, or both, as an additional

assured under the public liability insurance, which requirement, if made, shall be specifically set forth in the bidding documents.

- C.** If the contractor needs additional time in which to obtain the bond required pursuant to subsection B of this section, the contractor may request and the awarding agency may allow the contractor an additional sixty (60) days in which to obtain the bond.
- D.**
1. After the award of a contract, but prior to its execution, an awarding public agency, upon discovery of an administrative error in the award process that would void an otherwise valid award, may suspend the time of execution of the contract. The agency may rescind the award and readvertise for bids, or may direct correction of the error and award the contract to the lowest responsible bidder, whichever shall be in the best interests of the state.
  2. If the awarding public agency has a governing body, the agency shall, at the next regularly scheduled public business meeting of the governing body of the agency, upon the record, present to the governing body that an error has been made in the award process and shall state the nature of the error. The governing body, upon presentation of the facts of the error, may rescind the award and readvertise for bids, or may direct correction of the error and award the contract to the lowest responsible bidder, whichever shall be in the best interests of the state.
- E.** No public agency shall require for any public construction project, nor shall any general contractor submit a project bid based on acquiring or participating in, any wrap-up, wrap-around, or controlled insurance program. For the purposes of this subsection, "wrap-up, wrap-around, or controlled insurance program" means any insurance program that has the effect of disabling or rendering inapplicable any workers' compensation, commercial general liability, builders' risk, completed operations, or excess liability insurance coverage carried by a subcontractor that is engaged or to be engaged on a public construction project unless this is a cost savings to the public or the need exists for a specialized or complex insurance program and shall not apply to contracts less than Seventy-five Million Dollars (\$75,000,000.00).

[61 O.S. § 109](#) – **Late Bids** - Any bid received after the time set for opening of bids shall not be opened or considered by the awarding public agency.

[61 O.S. 119.1](#) – **Certain Contract to be Negotiated When No Bid is Received**

- A.** If no timely bid is received after bid notices have been published on any proposed public construction contract which does not exceed One Hundred Thousand Dollars (\$100,000.00) or on any proposed construction management trade contract or subcontract which does not exceed Fifty Thousand Dollars (\$50,000.00):
1. The governing body of a county, city, town or school district may direct its employees or agents to negotiate the contract with a prospective contractor; or
  2. The state agency, as defined in [Section 202](#) of this title, shall request the

Office of Management and Enterprise Services to negotiate a contract on its behalf.

- B.** The amount of a public construction contract which may be awarded by the governing body pursuant to this section shall not exceed One Hundred Thousand Dollars (\$100,000.00), nor shall the amount of a construction management trade contract or subcontract awarded by the governing body pursuant to this section exceed Fifty Thousand Dollars (\$50,000.00), and the work to be performed shall be as specified in the initial bidding documents. The contract shall be executed within six (6) months after the date initially set for opening of bids. The contract and contract procedure shall conform to all other applicable provisions of the Public Competitive Bidding Act of 1974.

### **PUBLIC NOTICES**

[25 O.S. § 108](#) - A. Any publisher or any authorized employee of any newspaper making proof of publication by affidavit of any legal notice, advertisement or publication of any kind, required or provided by any of the laws of this state shall specifically set forth in the affidavit that the newspaper carrying the notice, advertisement or publication, comes within the prescription and requirement of [Section 106 of this title](#).

- B.** An affidavit of publication provided by a publisher or authorized employee pursuant to subsection A of this section shall constitute conclusive proof that the newspaper has published the notice, advertisement or publication and shall be incontestable in any court in this state.

### **COMPUTER ASSISTED PUPIL ACCOUNTING**

[OAC 210:10-1-6](#). **Computer assisted pupil accounting**

- A.** All schools planning to use a computerized pupil accounting system shall be required to use a system (software) approved by the State Board of Education
- B.** Pupil accounting systems (software) approved by the State Board of Education shall adhere to all laws and State Board of Education regulations pertaining to attendance.
- C.** Daily attendance records and records of all transactions such as deletions, additions, and edit errors shall be retained until the annual audit has been completed.
- D.** Reports to be provided for the attendance audit shall be presented in an 8 1/2" x 11" State Department of Education-approved format and shall include:
  1. Entry, Gain and Loss Report, which includes membership, attendance and absences, quarterly, by semester and annually.
  2. Transportation Report for each type of pupil transported, including transferred transported and eligible out-of-home placement pupils, quarterly, by semester and annually.
  3. Master Roster, showing pupil name, grade, gender, race, address, source of entry, basis of admission and date of birth, at the end of the first quarter and annually.

4. Report of overage and underage pupils for Early Childhood and Kindergarten; also, a report of underage First Grade pupils showing attendance, membership, and transportation quarterly and annually.
  5. The Quarterly Attendance Registers shall be printed four times per year. The attendance register shall have student names in alphabetical order by grade. The registers will show daily attendance and membership by quarter and grade for each site.
  6. Membership, Attendance and Transportation Reports shall be reported as an annual district summary by grade.
- E.** Each principal shall provide a signed affidavit verifying that the school site attendance register is complete and accurate.
- F.** Any school district that is not in compliance with the standards and requirements established by the State Board of Education related to the state student record system as provided in [Section 3-160](#) of this title shall forfeit its State Aid for the time of noncompliance. [[70 O.S. § 18-116](#)]

## **EARLY CHILDHOOD EDUCATION PROGRAMS**

### **OAC 210:15-11-3. Criteria for early childhood program**

- A.** Qualifying children are those children aged birth through three years, who are identified as at-risk as determined by Federal Poverty Guidelines.
- B.** Qualifying programs must meet childcare licensing requirements as provided by the Oklahoma Department of Human Services for Children aged birth through three years.
- C.** The adult child ratio shall meet minimum childcare licensing requirements as provided by the Oklahoma Department of Human Services for children aged birth through three years.
- D.** The provider will ensure the operational schedule is a minimum of eight hours a day for 50 weeks a year. Children will be served 48 weeks, with two additional weeks for staff training.
- E.** Staffing requirements are:
  1. The lead teacher must hold early childhood certification and a bachelor's degree.
  2. The assistant teacher must hold a minimum of an associate's degree (60 college credits) in child development or a related field.
  3. The classroom aide must hold a minimum of a high school diploma and a Child Development Associate (CDA) degree (120 clock hours).
  4. Each staff member must undergo a Federal Bureau of Investigation (FBI) background check.
  5. The provider shall employ a family support worker whose caseload shall be

approximately 50 families.

- F. All staff must participate in initial training and annual training in infant and toddler development, curriculum, and parent education.
- G. The curriculum shall be aligned with Oklahoma's Early Learning Guidelines for Infants and Toddlers.
- H. All programs must undergo an annual program evaluation.

## **EDUCATIONAL SERVICES IN DAY TREATMENT PROGRAMS**

### OAC 210:35-31-1. **Purpose**

- A. In accordance with [70 O.S. § 3-104.7](#), the State Board of Education hereby establishes standards for onsite educational services provided in partial hospitalization programs, day treatment programs, and day hospital programs for persons between the ages of three (3) and twenty-one (21) years of age.
- B. The standards in this Subchapter shall apply to onsite educational services provided by public school districts or state accredited private schools in partial hospitalization programs, day treatment programs, and day hospital programs as defined in the law for persons between the ages of three (3) and twenty-one (21) years of age in the state.

### OAC 210:35-31-2. **General requirements for day treatment facilities**

- A. For purposes of the standards in this Subchapter, the term "day treatment programs" shall be used as a general reference for the programs defined in the law. Partial hospitalization programs, day treatment programs and day hospital programs mean nonresidential settings/facilities in which school-age children are placed for psychiatric or psychological treatment which precludes their attendance at a regular public school. No facility as defined in the standards in this Subchapter shall be licensed pursuant to provisions of state law unless the facility meets the standards for educational services established by the State Board of Education. In order for the facility to meet the standards in this Subchapter, a contract must be in effect with an accredited school.
- B. As required by [10 O.S. § 603.4](#), the day treatment outpatient facilities shall be monitored at least once annually by the Oklahoma Health Care Authority (OHCA), to ensure compliance of outpatient hospital day treatment, ambulatory behavioral health services with the standards in the MEDICAL PROVIDERS-HOSPITAL SPECIFIC MANUAL, to be promulgated as [OAC](#) 317:30-5-42 under OHCA. Any program found to be out of compliance with the OHCA standards shall be subject to cancellation of its contract with the OHCA according to rules governing contract cancellations.

### OAC 210:35-31-3. **Local plan**

- A. The public school or state accredited private school providing onsite educational services in partial hospitalization programs, day treatment programs, and day hospital programs for children between the ages of three (3) and twenty-one (21) shall develop a local plan for educational services in day treatment programs. The local plan shall address all required areas of educational services including:

1. Teacher certification;
2. Number of hours taught;
3. Adequacy of educational facilities; and
4. Educational plans, including plans for transition into the regular school setting.

**B.** The local plan for onsite educational services shall provide as follows:

1. Educational services are provided directly by the school and under the supervision of the accredited school;
2. Class size and student/teacher ratios shall be in compliance with state accreditation standards and allow for conditions which are conducive to effective learning;
3. Appropriate curriculum, structure, interaction, and reinforcement strategies are to be provided in accordance with state accreditation standards and allow for individualization;
4. Reflect collaborative efforts between school personnel, facility staff, other public agencies, and the parents/guardians; and
5. Teaching staff shall be provided adequate time for instructional planning, preparation, and consultation with facility staff and parents/guardians.

**C.** Contractual agreements, as required by the standards in this Subchapter, shall be jointly developed by the school and the day treatment program and shall be signed by representatives with the authority to represent the governing boards. Services shall be provided pursuant to contract and in accordance with applicable standards and laws. Contractual agreements shall address financial responsibilities and services to be provided by each party to the agreement in accordance with the standards in this Subchapter. The contractual agreement for educational services shall include the following as a minimum:

1. Teacher certification requirements;
2. Number of hours taught;
3. Adequacy of facilities; and
4. Educational plans, including plans for transition into regular school settings.

**D.** Local plans and contractual agreements shall provide assurances that:

1. Procedures for maintenance and disclosure of students' education records, including a procedure for expeditious exchange with properly authorized persons, shall be in accordance with the Family Education Rights and Privacy Act;
2. Procedural safeguards shall be followed for eligible children with disabilities in accordance with the [Individuals with Disabilities Education Act](#) (IDEA), which includes the requirements for Individualized Education Programs (IEPs) and placement in the least restrictive environment (LRE), and with [Section 504](#).

[of the Rehabilitation Act](#). 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 purposes 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. 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.

- E. District of residence for school purposes shall be determined in accordance with [70 O.S. § 1-113](#), state aid for educational services by accredited schools shall be in accordance with the provisions of [70 O.S. § 18-110](#).
- F. 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 districts do agree to provide the educational services sooner. [[70 O.S. § 1-113](#)]

[OAC 210:35-31-4](#). **Teacher certification**

- A. Teachers shall be appropriately certified by the Oklahoma State Department of Education. For teacher certification purposes, a certified teacher who is qualified to teach in an accredited school district's educational services in day treatment programs, may teach subjects in which the teacher does not hold certification. This shall only be valid upon application of a school district board of education to, and approved by, the State Department of Education and only for purposes of teaching in the on-site educational services provided in the accredited school district's educational services in the day treatment program. [[70 O.S. § 1210.567](#)]
- B. The Application for Accreditation 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.

[OAC 210:35-31-5](#). **Number of hours taught**

- A. As outlined by the Association for Ambulatory Behavioral Healthcare (AABH) in the STANDARDS AND GUIDELINES FOR PARTIAL HOSPITALIZATION: CHILD AND ADOLESCENT, 2ND EDITION, the number of hours taught shall be at least three (3) hours daily on regularly scheduled school days and shall be documented in the educational component of the treatment plan. Exception to the minimum hours of

instruction shall be for verifiable cause in the interest of the child and documented by recommendations of the attending licensed psychologist, physician, and/or psychiatrist, and supported by recommendations of the treatment team with representation from the educational staff of the school. It shall be the responsibility of the day treatment partial hospitalization program to provide for the development and implementation of an individualized treatment plan in accordance with State standards and professional guidelines.

- B.** Instruction in an appropriate educational program shall be based on individual needs and should address reintegration into a full school day of six (6) hours. The instructional program for eligible children with disabilities shall be in accordance with the provisions of the IEP, as required by federal regulations and state standards.
- C.** Upon application of a school district, the State Department of Education shall authorize an abbreviated day schedule for the education provided for students in a day treatment facility located within the district. A student receiving services in a day treatment facility within the district who attends for a full abbreviated day shall be counted in attendance for purposes of computing average daily membership for the district. [[70 O.S. § 1210.567](#)]
- D.** The Application for Accreditation shall serve as the district's application for these purposes. Original copies of the application shall be on file at the school district administration office and copies maintained at the building site level.

#### **OAC 210:35-31-6. Adequacy of facilities**

- A.** The facilities provided for the educational services and classrooms shall meet the accreditation standards of the State Board of Education and other existing standards which apply to partial hospitalization programs, day treatment programs, and day hospital programs for children.
- B.** Relevant safety and health standards shall be followed.

#### **OAC 210:35-31-7. Educational plans**

- A.** As outlined by the Association for Ambulatory Behavioral Healthcare (AABH) in the STANDARDS AND GUIDELINES FOR PARTIAL HOSPITALIZATION: CHILD AND ADOLESCENT, 2ND EDITION and standards in the MEDICAL PROVIDERS-HOSPITAL SPECIFIC MANUAL, the day treatment program is responsible for formulating an individualized treatment plan which is to be reviewed on a routine basis and revised as needed. The treatment plan must include specific service strategies to deal with the manifest problems; it must have detailed plans to fully integrate the child in the home and community; and it must demonstrate collaboration with the educational system to reintegrate the child into the home school. These efforts should include communication and coordination with the various programs, agencies, parents/guardians and school districts.
- B.** The educational plan shall be under the direction of the educational staff of the school and the treatment team. A procedure should be in place whereby the teacher(s) and/or other designated representatives of the school are provided the opportunity to communicate recommendations, participate in the planning and decisions for coordination between the educational plan and the treatment plan.



The school shall have authority and responsibility for the educational plan.

- C. The educational plan shall describe the appropriate curriculum, instructional time, and educational setting based on the individual needs of the child.
- D. The educational plan shall be in effect no later than ten (10) days from enrollment.
- E. The educational plan for eligible children with disabilities shall be in accordance with the IEP, as required by Federal regulations and State standards.
- F. Students who are enrolled in the on-site educational services of the local school district shall have the same opportunities to receive schoolwide progress reports or grade cards and transcripts as other enrolled students in the district. Similarly, enrolled students shall have the same opportunities for admission, promotion, retention, graduation, proficiency based promotion, and high school equivalency certificates.

## **EDUCATIONAL SERVICES IN RESIDENTIAL TREATMENT PROGRAMS**

### **OAC 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.
  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.
  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.

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.
5. When a child does not meet the criteria for residency provided in [70 O.S. § 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 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 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.
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.
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. 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. 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. 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 into regular school setting. 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.

**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.
  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.

## **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT**

### **OAC 210:1-3-8. Family Educational Rights and Privacy Act**

**A.** The State Board of Education requires that all Oklahoma public school districts receiving federal funds comply with the requirements of the [Family Educational Rights and Privacy Act](#) (Section 438 of the General Education Provisions Act, P.L. 90-247 and P.L. 93-380 as amended) and regulations adopted, thereto, by the U.S. Department of Education. These provisions protect the rights of privacy of students and their families in connection with educational records.

- B.** Compliance requires policies and procedures to be adopted by districts that will regulate access to and release of student records. Requirements include:
1. Notification to parents and the public of the kinds of data collected and that which is to be released as directory information.
  2. Directory information may include the student's name, address, telephone number, date and place of birth, major field of study, class, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended;
  3. Public notification of the procedures for gaining access to a student's record by a parent or guardian, and
  4. Notice of prohibition of access or release of personally identifiable information (other than directory information) without written consent of the parent or eligible student (student becomes eligible to control own record access at age eighteen (18) or enrollment in post-secondary institution) to any except legally specified parties. Excepted parties are:
    - a. local school officials;
    - b. other schools where student may transfer;
    - c. specified U.S. and state officials when authorized by law;
    - d. financial aid officials to determine aid or legality;
    - e. local and state officials under previous mandate for data;
    - f. organizations doing studies on testing, student aid, and instruction improvement if personal identification is not further released;
    - g. accreditation organizations for limited accreditation purposes;
    - h. judge's order;
    - i. parents of tax dependent student (in case of divorce, separation); and
    - j. emergency personnel who need information to protect the health and safety of the student or other persons.
  5. Parents shall also be informed as to how they may request a hearing to halt the release of, challenge, or expunge any personally identifiable or directory information being collected by the school . Parental and student rights shall be explained and procedures defined in privacy policies of the district.
- C.** Furthermore, parents and students should be notified if the requests are honored on transfers or subpoenas.

## **STUDENT DATA ACCESSIBILITY, TRANSPARENCY, AND ACCOUNTABILITY ACT**

### OAC 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."
  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





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.

## **STUDENT INFORMATION CLASSIFIED AS DIRECTORY INFORMATION**

### **[34 CFR § 99.31](#) - Student Information Classified as Directory Information**

Educational institutions may choose to designate specific information which shall be classified as directory information for students attending the educational institution. In accordance with the Family Educational Rights and Privacy Act, Section 1232g of Title 20 of the United States Code and Part 99 of Title 34 of the Code of Federal Regulations, "directory information" includes a student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational institution attended by the student. Any educational agency or institution making public directory information shall give public notice of the categories of information which it has designated as directory information with respect to each student attending the institution or agency and shall allow a reasonable period of time after the notice has been given for a parent to inform the institution or agency that any or all of the information designated should not be released without prior consent of the parent or guardian or the student if the student is eighteen (18) years of age or older.

All educational agencies or institutions which are not the primary custodians of student directory information of students attending the educational institution, but which are allowed to access the information for educational purposes, shall be prohibited from releasing or selling any or all student directory information unless disclosure is authorized by the Family Educational Rights and Privacy Act, Section 1232g of Title 20 of the United States Code and Part 99 of Title 34 of the Code of Federal Regulations, or Section 3-168 of Title 70 of the Oklahoma Statutes.

# OPEN RECORDS ACT

## [OAC 210:1-3-11](#). **Open Records Act**

- A.** Official records. All files, records, minutes, proceedings, rules, documents, decisions, opinions, written statements of policy, and written materials of any other nature required by law to be maintained by the State Board of Education or the State Department of Education and not otherwise exempt from public disclosure pursuant to the provisions of state and/or federal law shall be made available promptly for public inspection, copying, or mechanical reproduction upon reasonable notice during regular business hours in accordance with the provisions of the Open Records Act at [51 O.S. § 24A.1](#) et seq. and the procedures set forth below.
- B.** Records subject to disclosure. Any document that comes within the statutory definition of a “record” and is not required to be kept confidential by State or federal law, or otherwise exempt from disclosure pursuant to the Open Records Act will be available for inspection and copying between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday, except state holidays, at the location where the records are housed, which is generally the Oliver Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City.
- C.** Procedure for records requests. Any individual or group seeking access to public records maintained by the State Board of Education or the State Department of Education shall submit a request to the State Department of Education Office of Legal Services, by fax, email, regular mail or in person. In order to provide prompt, reasonable access to records, to ensure that records requests are accurately communicated to the records custodian, and to enable the records custodian to accurately process the request, it is recommended that records requests be submitted in writing. In addition, all records requests must comply with the following provisions:
1. All records requests must include:
    - a.** Identification of the individual and/or entity making the request;
    - b.** If the Requester is an entity rather than an individual, a name of a contact authorized to communicate with the records custodian on behalf of the Requester;
    - c.** Sufficient contact information at which the Requester may be contacted by the records custodian to comply with the records request procedures set forth in this Section;
    - d.** A description of the records requested with sufficient detail necessary to enable the records custodian to reasonably identify whether records responsive to the request exist;
    - e.** Whether the Requester seeks copies of any or all of the records requested and if so, whether the Requester seeks certified copies of any or all of the records requested; and
    - f.** If the Requester claims the public interest exemption from search fees in accordance with the provisions of (d) of this Section, all information

necessary for the records custodian to determine the applicability of the exemption.

2. An Open Records Act request form is provided on the OSDE website. The form may be submitted by email, fax, or regular mail via the addresses stated on the form. The form may also be obtained by writing to the Oklahoma State Department of Education Office of Legal Services, Oliver Hodge Education Building, 2500 N. Lincoln Blvd., Room 117, Oklahoma City, OK 73105.
3. Requests submitted will not be deemed to have been received unless and until the request has been identified as a request properly filed in accordance with the provisions of the Oklahoma Open Records Act at [51 O.S. § 24A.1](#) et seq. and the procedures set forth in this Section.
4. Within a prompt and reasonable time of the date of receipt of the request, the records custodian shall review the request, seek any additional information from the Requester necessary to clarify the request, and shall ascertain whether any records responsive to the request exist.
5. In addition, the records custodian shall promptly notify the Requester of the following:
  - a. Whether the request complies with the provisions of this Section and the provisions of the Open Records Act;
  - b. Whether records responsive to the request exist, and if so, the records custodian shall instruct the Requester to confirm the record custodian's interpretation of the request;
  - c. If records responsive to the request exist and require an additional search of data necessary to identify and/or locate individual records of persons, whether the search will incur any fees and costs pursuant to (d) of this Section and if so, an estimate of search fees;
  - d. If the Requester asks to be provided copies of the requested records in lieu of inspection, an estimate of the costs of copying the records requested as necessary to deliver the responsive records to the Requester;
  - e. That processing of the request will not begin until any applicable records search fees and costs of copying have been received by the agency; and
  - f. In the event the actual costs of copying and/or certification of records exceed the estimate provided and the amount of payment actually received from the Requester, that payment of any balance due from the Requester may be required prior to delivery of the requested records.
6. All records requests will be deemed to have been received and processing of the request will begin when one of the following conditions is met:
  - a. If payment of search fees or copying costs is required, upon receipt of:
    - I. The fees and costs due; and



- b.** In no instance shall the fee per page fee for copies of documents exceed the amount set forth in [51 O.S. § 25A.5\(3\)](#).
- c.** The State Superintendent of Public Instruction is authorized to periodically review and adjust the rates that will be charged for providing copies of records in accordance with state law. Those rates will include costs for record copies, document searches and transcript rates. The rates will be posted at the Oliver Hodge building and filed with the country clerk as required by law.
- d.** All fees and/or costs shall be paid by the Requester prior to delivery of the response to the request. All fees must be paid by check or money order payable to the Oklahoma State Department of Education. No cash will be accepted.
- e.** Processing and response times. The agency will provide prompt, reasonable access to records in accordance with the requirements of [51 O.S. § 25A.5\(5\)](#). The period of time considered prompt and reasonable is dependent upon a number of variable factors including, but not limited to:
  1. The scope and complexity of the request;
  2. Whether the workload of the agency or agencies necessary to respond to the request permits a response to the request without excessive disruption of essential services of the agency/agencies;
  3. Whether the records request includes:
    - a.** A sufficiently detailed description of the request by the requestor necessary for the agency to ascertain the existence of records responsive to the request;
    - b.** Records or portions of records deemed confidential by state and/or federal law which must be removed or redacted in order to permit inspection of the records.
  4. Whether the Requester requested copies of the records and if so, whether the Requester has paid applicable fees and/or costs set forth in (d) of this Section;
  5. Whether additional steps by the agency must be taken in order to ensure that inspection, copying, and/or response to the records can be provided without jeopardizing the integrity and organization of the records; and
  6. Whether student data is included within the scope of its request, and if so:
    - a.** Time necessary to de-identify and aggregate student data in accordance with the requirements of the Federal Educational Rights and Privacy Act (FERPA) at 20 U.S.C. § 1232g et seq. and accompanying regulations; the Student Data Accessibility, Transparency and Accountability Act of 2013 at [70 O.S. § 3-168](#) and accompanying regulations; or any other applicable provisions of state or federal law pertaining to confidentiality of records; or



policy adopted by each district board of education shall meet all of the following requirements:

1. The policy shall specifically prohibit all bullying at school. The prohibition against bullying at school shall include all use of electronic communication that is specifically directed at students or school personnel and is used to perpetuate incidents at school which meet the definition of bullying set forth (b) of this Section;
2. The policy shall require the district to establish a procedure at each school for reporting an act of bullying to a school official that includes:
  - a. A process that ensures reports of bullying are kept confidential and private to the extent necessary to ensure the ability of individuals to report incidents without fear of retribution or retaliation. Such process shall include a procedure which enables any person to report an act of bullying anonymously, provided that an anonymous report shall not be used as the sole basis for formal disciplinary action;
  - b. A process that contains a requirement that any school employee that has reliable information that would lead a reasonable person to suspect that a person is a target of bullying shall immediately report it to the principal or a designee of the principal and provides guidelines to school administrators, teachers, and other personnel on specific actions to take if incidents of bullying occur; and
  - c. A process that ensures tracking of multiple incidents in a way that enables school administrators to identify emerging patterns of bullying over extended periods of time and interventions used with specific bullies and victims of bullying; and
  - d. A process that ensures that students are encouraged to report incidents of known bullying and that the system of reporting bullying incidents does not contain unnecessary obstacles to reporting that would serve as a deterrent to reporting;
3. The policy shall contain procedures for publicizing the bullying policy that meet all of the following requirements:
  - a. An annual written notice of the bullying policy, written in age-appropriate language, shall be provided to parents, guardians, staff, volunteers, and students at each school;
  - b. A written notice of the school bullying policy shall be posted at various locations within each school site, including, but not limited to cafeterias, school bulletin boards, classrooms, and administration offices. The notice shall be written in age-appropriate language that is understandable and accessible by all students in the school in which the notice is distributed;
  - c. The bullying policy shall be posted on the internet websites of the school district and each school site in the district which has its own website; and
  - d. The bullying policy shall be included in all student and employee handbooks;



4. The policy shall require that appropriate school district personnel involved in investigation of reports of bullying shall make a determination regarding whether or not the conduct alleged is actually occurring.
5. The policy shall require the district to establish a procedure at each school for providing timely notification of documented and verified incident(s) of bullying to the parents or guardians of a victim of documented to the parents or guardians of the perpetrator;
6. The policy shall require each school to identify by job title the official who is responsible for enforcement of the district's bullying policy;
7. The policy shall require the district to establish a procedure at each school for reporting all documented and verified acts of bullying to law enforcement that either:
  - a. May constitute criminal conduct; or
  - b. Have a reasonable potential to endanger the safety of school students, school personnel, or school visitors;
8. The policy shall require administrators and school employees to participate in annual training in bullying identification, prevention, reporting, and response that is developed and/or provided by the State Department of Education;
9. The policy shall require the district to provide students and parents at each school with an educational program in bullying identification, prevention, reporting, and response that is designed and developed by the State Department of Education;
10. The policy shall address prevention of bullying by providing procedures at each school that contain:
  - a. Consequences and remedial action for any person (including a student or school employee) who commits an act of bullying. All consequences and remedial action shall be appropriate to the age of the perpetrator(s) and severity of the incident. Such consequences may include, but are not limited to one or more of the following:
    - I. Verbal or written warnings;
    - II. Conferences with the parent(s) and/or guardian(s) of the student(s) involved in an incident of bullying;
    - III. Detention;
    - IV. Loss of school privileges;
    - V. Course and/or teacher reassignment;
    - VI. Prohibition or suspension of participation in school activities;
    - VII. In-school or out-of-school suspension in accordance with the provisions of 70 O.S. 24-101.3 and district policy and procedures;

- VIII.** Meetings or conferences with a school counselor, school psychologist, or school social worker;
  - IX.** Restitution of a victim's property that has been damaged as a result of a documented and verified bullying incident;
  - X.** Reassignment, suspension, and/or termination of school employment;
  - XI.** Referral to law enforcement;
- b.** Consequences and remedial action for a student found to have falsely accused another student of bullying as a means of retaliation, reprisal, or means of bullying that is appropriate to the age of the perpetrator and severity of the incident, provided that such consequences shall not be implemented or enforced in such a way as to deter credible reports of bullying incidents; and
  - c.** A strategy for providing appropriate services as necessary for students who are targets of bullying; family members affected by bullying; and perpetrators of bullying. Such services and support may be provided by the school directly or through referrals to other providers and may include, but are not limited to one or more of the following:
    - I.** Counseling;
    - II.** Academic intervention;
    - III.** Protection for students who are targets of bullying; and
    - IV.** Any other appropriate services as necessary to:
      - i.** Ensure the safety of all students involved in incidents of bullying; and
      - ii.** Prevent further incidents of bullying.
- 11.** The policy shall require the district to establish a procedure at each school for:
- a.** The investigation, documentation, and determination of all incidents of bullying reported to school officials;
  - b.** Identification and designation of a school official at each school site who is responsible for investigation of incidents of bullying;
  - c.** Reporting the number of incidents of bullying to the State Department of Education; and
  - d.** Determination of the severity of the incident(s) and the potential of the incident(s) to result in future violence.
- 12.** The policy shall require the district to establish a procedure at each school which provides, upon the completion of an investigation, that a school may recommend that available community mental health care, substance abuse,

or other counseling options be provide to the student, if appropriate. This may include information about the types of support services available to the student bully, victim, and any other students affected by the prohibited behavior.

13. The policy shall require the district to establish a procedure at each school whereby a school may request the disclosure of any information concerning students who have received mental health, substance abuse, or other health care pursuant to (12) of this subsection, if that information indicates an explicit threat to the safety of students or school personnel provided, and if the disclosure of that information does not violate the provisions or requirements of the Family Educational Rights and Privacy Act of 1974, the Health Insurance Portability and Accountability Act of 1996, Section 2503 of Title 12 of the Oklahoma Statutes, Section 1376 of Title 59 of Oklahoma Statutes, or any other state or federal laws relating to the disclosure of confidential information.
- D.** Policy Adoption. The policy adopted by the local school board pursuant to 70 O.S. § 24-100.4 shall include the statutorily required sections outlined in section (c) of this rule. Failure to include such items shall result in action pursuant to (f) of this Section.
  - E.** Policy Development. In developing a district policy, each district board of education shall make an effort to involve teachers, parents, and students. The students, teachers, and parents or guardian of every child residing within a school district shall be notified by the district board of education of the adoption of the policy and shall receive a copy upon request.
  - F.** Monitoring and Compliance. The State Board of Education shall monitor school districts for compliance with 70 O.S. § 24-100.4 and (c) of this Section.
    1. To assist the State Department of Education with compliance efforts pursuant to this section, each school district shall identify a Bullying Coordinator who will serve as the district contact responsible for providing information to the State Board of Education. The Bullying Coordinator shall maintain on file with the Department of Education updated contact information. Each school district shall notify the State Department of Education within fifteen (15) business days of the appointment of a new Bullying Coordinator.
    2. Every school district shall submit to the State Board of Education a copy of the district's bullying policy. The bullying policy shall be submitted to the State Department of Education by December 10th of each school year, and shall be submitted as a part of the school's Annual Performance Report.
    3. The State Department of Education shall conduct an annual comprehensive review of each school district's bullying policy to ensure compliance with 70 O.S. § 24-100.4. School districts that do not comply with the statutory requirements of the statute shall be notified in writing, and be required to make necessary changes to comply with state law.
    4. State Department of Education staff shall monitor school districts for compliance with 70 O.S. § 24-100.4 and section (c) of this rule. The State

Department of Education may initiate a compliance review upon receipt of evidence which indicates noncompliance with 70 O.S. § 24-100.4. Evidence of potential noncompliance shall be based on the nature or frequency of confirmed complaints of non-compliance received by the State Department of Education. The scope of a compliance review initiated pursuant to (f) of this Section shall be limited to determining whether a school district has implemented policies required by 70 O.S. § 24-100.4.

5. Records indicating substantial noncompliance with (c) of this Section shall be submitted to the school district's Regional Accreditation Officer (RAO) for review and consideration during the district's accreditation process. Record of a school district's failure to comply with 70 O.S. § 24-100.4, including the number of confirmed complaints of non-compliance involving the district, shall be documented in the district's compliance report and be considered for purposes of accreditation.

**G. Federal Applicability.** Harassment, intimidation, and bullying behavior may also result in discriminatory harassment, prohibited by Title VI of the Civil Rights Act of 1964 (Title VI), which prohibits discrimination on the basis of race, color, or national origin; Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex; Section 504 of the Rehabilitation Act of 1973 (Section 504); and Title II of the Americans with Disabilities Act of 1990 (Title II). Section 504 and Title II prohibit discrimination on the basis of disability. Each school district shall take necessary steps to ensure compliance with federal law. **(14)**

#### 70 O.S. § 24-100.3 – **Purpose and Definitions**

**A.** As used in the School Safety and Bullying Prevention Act:

1. "Bullying" means any pattern of harassment, intimidation, threatening behavior, physical acts, verbal or electronic communication directed toward a student or group of students that results in or is reasonably perceived as being done with the intent to cause negative educational or physical results for the targeted individual or group and is communicated in such a way as to disrupt or interfere with the school's educational mission or the education of any student;
2. "At school" means on school grounds, in school vehicles, at school-sponsored activities, or at school-sanctioned events;
3. "Electronic communication" means the communication of any written, verbal, pictorial information or video content by means of an electronic device, including, but not limited to, a telephone, a mobile or cellular telephone or other wireless telecommunication device, or a computer; and
4. "Threatening behavior" means any pattern of behavior or isolated action, whether or not it is directed at another person, that a reasonable person would believe indicates potential for future harm to students, school personnel, or school property.
5. Nothing in this act shall be construed to impose a specific liability on any school district. **(13)**

[70 O.S. § 24-100.4](#) – **Control and Discipline of Child**

- A.** Each district board of education shall adopt a policy for the discipline of all children attending public school in that district, and for the investigation of reported incidents of bullying. The policy shall provide options for the discipline of the students and shall define standards of conduct to which students are expected to conform. The policy shall:
1. Specifically address bullying by students at school and by electronic communication, if the communication is specifically directed at students or school personnel and concerns bullying at school;
  2. Contain a procedure for reporting an act of bullying to a school official or law enforcement agency, including a provision that permits a person to report an act anonymously. No formal disciplinary action shall be taken solely on the basis of an anonymous report;
  3. Contain a requirement that any school employee that has reliable information that would lead a reasonable person to suspect that a person is a target of bullying shall immediately report it to the principal or a designee of the principal;
  4. Contain a statement of how the policy is to be publicized including a requirement that:
    - a. an annual written notice of the policy be provided to parents, guardians, staff, volunteers and students, with age-appropriate language for students,
    - b. notice of the policy be posted at various locations within each school site, including but not limited to cafeterias, school bulletin boards, and administration offices,
    - c. the policy be posted on the Internet website for the school district and each school site that has an Internet website, and
    - d. the policy be included in all student and employee handbooks;
  5. Require that appropriate school district personnel involved in investigating reports of bullying make a determination regarding whether the conduct is actually occurring;
  6. Contain a procedure for providing timely notification to the parents or guardians of a victim of documented and verified bullying and to the parents or guardians of the perpetrator of the documented and verified bullying;
  7. Identify by job title the school official responsible for enforcing the policy;
  8. Contain procedures for reporting to law enforcement all documented and verified acts of bullying which may constitute criminal activity or reasonably have the potential to endanger school safety;
  9. Require annual training for administrators and school employees as developed and provided by the State Department of Education in preventing,

identifying, responding to and reporting incidents of bullying;

10. Provide for an educational program as designed and developed by the State Department of Education and in consultation with the Office of Juvenile Affairs for students and parents in preventing, identifying, responding to and reporting incidents of bullying;
11. Establish a procedure for referral of a person who commits an act of bullying to a delinquency prevention and diversion program administered by the Office of Juvenile Affairs;
12. Address prevention by providing:
  - a. consequences and remedial action for a person who commits an act of bullying,
  - b. consequences and remedial action for a student found to have falsely accused another as a means of retaliation, reprisal or as a means of bullying, and
  - c. a strategy for providing counseling or referral to appropriate services, including guidance, academic intervention, and other protection for students, both targets and perpetrators, and family members affected by bullying, as necessary;
13. Establish a procedure for:
  - a. the investigation, determination and documentation of all incidents of bullying reported to school officials,
  - b. identifying the principal or a designee of the principal as the person responsible for investigating incidents of bullying,
  - c. reporting the number of incidents of bullying, and
  - d. determining the severity of the incidents and their potential to result in future violence;
14. Establish a procedure whereby, upon completing an investigation of bullying, a school may recommend that available community mental health care, substance abuse or other counseling options be provided to the student, if appropriate; and
15. Establish a procedure whereby a school may request the disclosure of any information concerning students who have received mental health, substance abuse, or other care pursuant to paragraph 14 of this subsection that indicates an explicit threat to the safety of students or school personnel, provided the disclosure of the information does not violate the requirements and provisions of the Family Educational Rights and Privacy Act of 1974, the Health Insurance Portability and Accountability Act of 1996, Section 2503 of Title 12 of the Oklahoma Statutes, Section 1376 of Title 59 of the Oklahoma Statutes, or any other state or federal laws regarding the disclosure of confidential information.

**B.** In developing the policy, the district board of education shall make an effort

to involve the teachers, parents, administrators, school staff, school volunteers, community representatives, local law enforcement agencies and students. The students, teachers, and parents or guardian of every child residing within a school district shall be notified by the district board of education of its adoption of the policy and shall receive a copy upon request. The school district policy shall be implemented in a manner that is ongoing throughout the school year and is integrated with other violence prevention efforts.

- C. The teacher of a child attending a public school shall have the same right as a parent or guardian to control and discipline such child according to district policies during the time the child is in attendance or in transit to or from the school or any other school function authorized by the school district or classroom presided over by the teacher.
- D. Except concerning students on individualized education plans (IEP) pursuant to the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476, the State Board of Education shall not have authority to prescribe student disciplinary policies for school districts or to proscribe corporal punishment in the public schools. The State Board of Education shall not have authority to require school districts to file student disciplinary action reports more often than once each year and shall not use disciplinary action reports in determining a school district's or school site's eligibility for program assistance including competitive grants.
- E. The board of education of each school district in this state shall have the option of adopting a dress code for students enrolled in the school district. The board of education of a school district shall also have the option of adopting a dress code which includes school uniforms.
- F. The board of education of each school district in this state shall have the option of adopting a procedure that requires students to perform campus-site service for violating the district's policy.
- G. The State Board of Education shall:
  - 1. Promulgate rules for periodically monitoring school districts for compliance with this section and providing sanctions for noncompliance with this section;
  - 2. Establish and maintain a central repository for the collection of information regarding documented and verified incidents of bullying; and
  - 3. Publish a report annually on the State Department of Education website regarding the number of documented and verified incidents of bullying in the public schools in the state. **(13)**

## **SAFE SCHOOL COMMITTEE**

### [70 O.S. § 24-100.5](#) **Legislative Intent - Safe School Committee – Applicability**

- A. Every year each public school site shall establish a Safe School Committee to be composed of at least seven (7) members. The Safe School Committee shall be composed of teachers, parents of enrolled students, students, and a school official who participates in the investigation of reports of bullying as required

by subsection A of Section 24-100.4 of this title. The Committee may include administrators, school staff, school volunteers, community representatives, and local law enforcement agencies. The Committee shall assist the school board in promoting a positive school climate through planning, implementing and evaluating effective prevention, readiness and response strategies, including the policy required by Section 24-100.4 of this title.

**B.** The Safe School Committee shall study and make recommendations to the principal regarding:

1. Unsafe conditions, possible strategies for students, faculty and staff to avoid physical and emotional harm at school, student victimization, crime prevention, school violence, and other issues which prohibit the maintenance of a safe school;
2. Student bullying as defined in Section 24-100.3 of this title;
3. Professional development needs of faculty and staff to recognize and implement methods to decrease student bullying; and
4. Methods to encourage the involvement of the community and students, the development of individual relationships between students and school staff, and use of problem-solving teams and resources that include counselors and other behavioral health and suicide prevention resources within or outside the school system.
5. Professional development needs of faculty and staff to recognize and report suspected human trafficking.

In its considerations, the Safe School Committee shall review the district policy for the prevention of bullying and the list of research-based programs appropriate for the prevention of bullying of students at school compiled by the State Department of Education. In addition, the Committee may review traditional and accepted bullying prevention programs utilized by other states, state agencies, or school districts.

**C.** The Safe School Committee may study and make recommendations to the school district board of education regarding the development of a rape or sexual assault response program that may be implemented at the school site.

**D.** The State Department of Education shall:

1. Develop a model policy and deliver training materials to all school districts on the components that should be included in a school district policy for the prevention of bullying; and
2. Compile and distribute to each public school site, prominently display on the State Department of Education website and annually publicize in print media a list of research-based programs appropriate for the prevention of bullying of students. If a school district implements a commercial bullying prevention program, it shall use a program listed by the State Department of Education. The provisions of this section shall not apply to technology center schools.

(13)

## **NONTRADITIONAL INSTRUCTIONAL DELIVERY SYSTEMS**



OAC 210:35-21-2. **Nontraditional instructional delivery systems**

- A.** Definitions: The following words and terms, when used in this section, shall have the following meaning unless the context clearly indicates otherwise:
1. "Synchronous instruction" means the instructor and student's primary interactions are in real time. Regular classroom instruction is synchronous instruction, as well as two-way interactive video. Web-based instruction that requires real-time interaction between student(s) and instructor as the primary format of instruction is also synchronous instruction.
  2. "Asynchronous instruction" means instructor and student interaction is not dependent on real time. Asynchronous instruction allows the student to engage in learning activities anywhere at anytime. For instruction to be considered asynchronous, the primary format of instruction does not depend on real-time interaction of the participants.
  3. "Web-based instruction" means the use of the World Wide Web as the primary medium of instruction, with a computer serving as the primary tool of instruction. Web-based instruction may be synchronous or asynchronous.
  4. "Two-way interactive video instruction" means real-time (synchronous) interaction between student(s) and instructor by means of an electronic medium that provides for both audio (sound) and video (sight) signal. Students and instructors participating in two-way interactive video instruction may both see and hear each other in an approximation of real-time.
- B.** Nontraditional Instructional Delivery System :Internet-based instructional programs offered for instructional purposes and/or high school credit shall be approved by and under the supervision of the local board of education where the course is offered. The State Board of Education reserves the right to request information and materials sufficient to evaluate the proposed course(s).
- C.** Local Board Policy: Each local school board shall adopt policies prior to offering Internet-based instructional courses which shall comply with the following guidelines.
1. Web-based and two-way interactive video instruction shall be viewed as methods by which the public schools within the state can expand their course offerings and access to instructional resources. These new technologies should not be viewed solely as substitutes for direct, face-to-face student and teacher interactions, but as a means of expanding the ability of the local district to bring the world of knowledge to their students.
  2. The local school board shall be the entity granting student credit for completion of courses offered by means of Internet-based instruction. The local school board will assume all responsibility for such course work.
  3. Only students who are regularly enrolled in the school district shall be allowed to enroll in nontraditional instructional delivery systems courses offered for credit through the local school district.

4. The principal or designee of the local school shall evaluate and approve/disapprove all students' requests to participate in courses delivered by means of Internet-based instruction. Only those enrollments approved by such a process shall be eligible for credit granted by the local school district.
5. A certified staff member shall be identified by the local school principal to serve as the building level contact person to assist students enrolling in online courses and serve as a liaison to the online teachers and provider(s).
6. Students earning credit by means of Internet-based instruction shall participate in all assessments required by the Oklahoma School Testing Program. No student shall be allowed to participate in these assessments at a place other than the school site at which the student is enrolled.
7. Courses offered for credit by means of Internet-based instruction shall be aligned with the Priority Academic Student Skills (PASS).
8. Oklahoma statute limiting the number of students public school teachers may supervise in each period of instruction and the total number of students allowed daily shall apply to synchronous web-based and two-way interactive video courses. The number of students each instructor may be required to supervise in asynchronous web-based courses shall be established by means of local school board policy.
9. Each teacher of two-way interactive video and web-based courses shall be provided inservice training pertaining to the methodology of instructional delivery and the technical aspects of distance learning.
10. The issues regarding the monitoring of student progress, graded assignments, and testing in Internet-based instruction courses shall be addressed by the local school board policy.
11. The security of individual student data and records shall be addressed by the local school board policy. No individual student data obtained through participation in Internet-based instruction courses shall be used for any purposes other than those that support the instruction of the individual student.
12. District level aggregated data obtained through participation in Internet-based instruction courses shall be addressed by the local school board policy.
13. All federal and state statutes pertaining to student privacy, the posting of images on the World Wide Web, copyright of materials, Federal Communications Commission rules pertaining to the public broadcasting of audio and video, and other such issues shall be addressed by the local school board policy.
14. Prior to the beginning of instruction, cooperating school districts sharing courses by means of two-way interactive video technology shall, by means of contractual agreement, address such issues as the instruction costs, bell schedules, school calendars, student behavior, teacher evaluation, textbooks, class periods, student grades and grading policies, teacher load and instructor employment.

15. Contractual agreements shall be established between the school district and parent(s), or legal guardian, of students participating in alternative instructional delivery system courses prior to the beginning of instruction. These contracts may address such issues as grading criteria, time allotted for course completion, student attendance, and the responsibility for course costs and equipment.
16. Instructors of Internet-based courses shall be:
  - a. certified in Oklahoma or another state to teach in the content area of the course offered, or
  - b. a faculty member at an accredited institution of higher education, possessing the specific content expertise necessary to teach the course.

## **VIRTUAL CHARTER SCHOOLS**

### 70 O.S. §3-140 Virtual Charter

H. Beginning July 1, 2024, students enrolled full-time in a statewide virtual charter school sponsored by the Statewide Charter School Board shall not be authorized to participate in any activities administered by the Oklahoma Secondary School Activities Association. However, the students may participate in intramural activities sponsored by a statewide virtual charter school, an online provider for the charter school, or any other outside organization.

I. 1. Beginning July 1, 2024, a public school student who wishes to enroll in a virtual charter school shall be considered a transfer student from his or her resident school district. A virtual charter school shall pre-enroll any public school student whose parent or legal guardian expresses intent to enroll in the virtual charter school. Upon pre-enrollment, the State Department of Education shall initiate a transfer on a form to be completed by the receiving virtual charter school. Upon approval of the receiving virtual charter school, the student may begin instructional activities. Upon notice that a public school student has transferred to a virtual charter school, the resident school district shall transmit the student's records within three (3) school days.

3. A public school student may transfer to one statewide virtual charter school at any time during a school year. For purposes of this subsection, "school year" shall mean July 1 through the following June 30. After one statewide virtual charter school transfer during a school year, no public school student shall be permitted to transfer to any other statewide virtual charter school without the concurrence of both the resident school district and the receiving virtual charter school. A student shall have a grace period of fifteen (15) school days from the first day of enrollment in a statewide virtual charter school to withdraw without academic penalty and shall continue to have the option of one virtual charter school transfer without the concurrence of both the resident school district and the receiving virtual charter school during that same school year. A statewide virtual charter school student that has utilized the allowable one transfer pursuant to this subsection shall not be permitted to transfer to another school district or another statewide virtual charter school without first notifying his or her resident district and initiating a new transfer. Upon cancellation of a transfer, the virtual charter school shall transmit the student's records to the student's new school district within three (3) school days. Students enrolled in a statewide virtual charter school shall not be required to submit a virtual charter transfer for consecutive years

of enrollment. Any student enrolled in a statewide virtual charter school the year prior to the implementation of this section shall not be required to submit a transfer in order to remain enrolled.

J. 1. Beginning July 1, 2024, a student shall be eligible to enroll in a statewide virtual charter school sponsored by the Statewide Charter School Board pursuant to Section 1 of this act if he or she is a student whose parent or legal guardian is transferred or is pending transfer to a military installation within this state while on active military duty pursuant to an official military order.

**Open Meeting Act – Videoconference Exceptions** [25 O.S. § 307.1](#) states: 1.a. for a virtual charter school approved and sponsored by the Statewide Virtual Charter School Board pursuant to the provisions of the Oklahoma Statutes, the public body shall maintain a quorum of members for the entire duration of the meeting whether using an in-person site, teleconference, or videoconference or any combination of such sites to achieve a quorum, and

b. if the meeting is held using either teleconference or videoconference capabilities, and at any time the audio connection is disconnected, the meeting shall be stopped and reconvened once the audio connection is restored;

## **SUPPLEMENTAL ONLINE COURSES**

### [OAC 210:15-34-1](#). **General provisions**

- A.** Purpose. The purpose of this program is to make supplemental learning opportunities available to local school district students using online technology in a nontraditional classroom setting, (i.e., inside or outside of public school site locations). The supplemental online course enrollment options are for public school students enrolled in the district. This rule establishes policies and procedures as directed by 2011 Senate Bill 280, which amends Oklahoma Statute Title 70, Section 1-111.
- B.** General Information. The Oklahoma Supplemental Online Course Program (hereafter referred to as OSOCP), establishes a framework for districts to offer supplementary online courses to any public student residing in Oklahoma. All OSOCP teachers shall be:
1. appropriately certified in accordance with Oklahoma Administrative Rule 210:35-21-2 to teach in the content area of the course offered, or
  2. a faculty member at an accredited institution of higher education, possessing the specific content expertise necessary to teach the course. All courses offered through OSOCP shall be aligned with Oklahoma’s Priority Academic Student Skills (PASS) standards. Local districts have control regarding the method by which they deliver online courses to enrolled students.
- C.** Definitions.
1. Supplemental online course. An online program that allows students who are enrolled in a public school to supplement their education by enrolling part time in online courses that are educationally appropriate for the student, which are equal to the equivalent of classroom instruction time required for student attendance and participation by the district.

2. Educationally appropriate. For the purposes of supplemental online courses, "educationally appropriate" means any instruction that is not substantially a repeat of a course or portion of a course that the student has successfully completed, regardless of the grade of the student, and regardless of whether a course is similar to or identical to the instruction that is currently offered in the school district. The determination of educationally appropriate will be made at local district level.

3. [OAC 210: 15-34-2](#). **Access**

Only public school students enrolled in the district will be granted access to supplemental online courses. Each Oklahoma public school district shall provide enrolled students the opportunity to participate in supplemental online courses that comply with the standard curriculum of the public school. Once a student has made a request to enroll in supplemental online course(s), the district will be obligated to take necessary steps to determine the educational appropriateness of the request and to make online course(s) available to the student. Oklahoma public school students may take supplemental online courses from any online course provider selected and approved by the district that meets the criteria established

by the Oklahoma State Board of Education. The school district shall not limit a student's access to supplemental online courses by either policy or application of internal or customary procedures. However, students taking supplemental online courses from a remote location will be responsible for providing their own equipment and Internet access.

[OAC 210: 15-34-3](#). **Funding**

The yearly revenue received in the General Fund from all sources of revenue for districts may be used by districts to purchase one or more courses per student from any online course provided that meets the criteria established by the Oklahoma state Board of Education. A school district shall provide funding for online courses in an amount not to exceed the previous year's general fund per pupil expenditure. Public school students will be allowed to take up to the academic equivalent of five (5) hours of supplemental online instruction per day at no cost to the student. Districts shall not be required to dedicate more than the pro-rated portion of the previous year's per pupil expenditure towards payment for online courses so that the appropriate portion of funding is allocated to correspond with the number of online course hours the student has enrolled in. Students wishing to take more online course instruction may do so, but the cost to the district for such additional courses cannot exceed the pro-rated portion of the general fund per pupil expenditure for the student. No district will be financially responsible to pay an online course provider for online course instruction expenses incurred by a student that exceeds the pro-rated portion of the general fund per pupil expenditure for the student. The funding restrictions in no way will effect, prohibit or prevent any student from enrolling in additional online courses at the expense of the student or student's parent or guardian. Districts will also bear no responsibility for payment or collection of any outstanding funds or fees owed by a student to an online course provider.

[OAC 210: 15-34-4](#). **School Day**

Students may take OSOCP courses from a location inside or outside of the school site location, and may take supplemental online courses outside the normal school hours of operation. Students who elect to enroll in supplemental online courses, regardless

of when or where taken, are still required to complete the equivalent number of hours of instruction as regularly enrolled students in the district and must satisfy the same attendance requirements of the district. For purposes of supplemental online courses, one credit may be granted for required or elective courses consisting of a minimum of 120 instructional hours or in which students demonstrate mastery of Oklahoma's PASS and/or CCSS in one-credit courses without specified instructional time. The local district shall establish local policy regarding attendance standards for supplemental online students in accordance with these rules.

**OAC210: 15-34-5. Student Eligibility, Admissions & Enrollment**

Online supplemental courses that are educationally appropriate shall be offered to all qualifying Oklahoma school students who meet the following criteria:

1. Eligibility. Districts shall offer individual academically approved and educationally appropriate online supplemental courses to students who are enrolled in the local school district. Students enrolled in supplemental online courses through the local public school district must meet all enrollment and eligibility criteria set by the district, the Oklahoma State Board of Education Rules, and Oklahoma State Statutes. Districts may use their existing residency determination policy utilized for registration/enrollment so long as the policy complies with all current rules and statutes regarding residency, transfers, and enrollment. Only students who are enrolled in the public school for the current school year are eligible to enroll in supplemental online courses through OSOCP.
2. Admissions. Each accredited public school district shall apply their locally adopted admissions process for regular enrollment to satisfy enrollment requirements for online students. The admission process for students taking one or more supplemental online courses through a public school district shall be the same for students enrolled in traditional coursework.
3. Enrollment in supplemental online courses. Each local school board shall adopt a policy for enrollment in supplemental online courses. However, the local policy cannot prohibit or deny a student the opportunity to enroll in supplemental online courses that are educationally appropriate for the student. The local school district policy shall allow for ongoing and continuous enrollment for supplemental online courses that are compliant with the state statute and all applicable Administrative Code Rules. Students may have input as to the selection of supplemental online course providers but the final determination and selection of the provider(s) is left to the discretion of the local district. No enrollment in a supplemental online course will be allowed until the parent or legal guardian has signed the Oklahoma State Department of Education Student Assessment Results Release Form or FERPA waiver. If a school district denies a student's enrollment in a supplemental online course based upon a determination that the course is not educationally appropriate, the local school board enrollment policy must contain a process for the parents or guardians of the student to appeal that determination. Districts will notify the State Department of Education immediately of any denial of a student's enrollment in online supplemental course(s), the reasons given for the denial, and any correspondence or information the district received in support of the student taking the online course(s). Notice shall be directed to the Director of Instructional Technology

at the State Department of Education .

4. Course codes and course credit transferability . For the purpose of data collection, supplemental online courses shall employ the appropriate course codes, names, and numbers as established by the Oklahoma State Department of Education . All public school districts in Oklahoma shall recognize course credit issued for courses authorized through OSOCP .
5. Reporting course completion or change in enrollment status . Supplemental online course providers shall officially notify school districts and parents in writing of the completion of each course the student takes within five (5) business days of completion . Course grades must be reported in the form of a percentage or in a manner consistent with local school grading policies . Local districts shall use the district's established grading scale to convert the percentage to a letter grade or other notation consistent with local school grading policies for transcript purposes . Providers must also report any change in a student's status (moving, dropping a course, etc.) immediately upon discovery or notification of the student's change in status .

**OAC 210: 15-34-6. Grading Scales**

School district policies governing grading scales and credits earned shall be applied to OSOCP courses under the same criteria as courses offered by the school district . A grade assigned for course credit that was completed through the OSOCP shall be treated the same as any other course offered by the district .

**OAC 210: 15-34-7. Student information system**

Each district shall use the Oklahoma State Department of Education's electronic student information system to document enrollment in a supplemental online courses . The online provider for the course shall be coded to the individual student's enrollment record .

**OAC 210: 15-34-8. Course withdrawal grace period**

Each local school board shall adopt policies for a grace period for withdrawal from a supplemental online course of fifteen (15) calendar days from the first day of a supplemental online course enrollment as required by [70 O.S. § 1-111\(C\)\(6\)](#) . A student who withdraws during the fifteen (15) day grace period may withdraw from the supplemental online course without academic penalty . A student who withdraws from any supplemental online course is still obligated to complete the equivalent number of classroom hours of educational instruction that is required of students in the district in accordance with state law and local district policy . No school district shall be required to pay an online course provider for any student enrollment of less than (15) fifteen calendar days .

**OAC 210: 15-34-9. Course completion**

Supplemental Online courses are an optional avenue for instruction . All existing requirements related to student progression including retention, promotion, and grade assignment are the same for the school district's online students as they are for students enrolled in traditional courses . Each local school board shall ensure that students have the opportunity to advance through the supplemental online course at their own pace so long as the supplemental online course completion corresponds with the standard course completion schedule of the district or the student's Individualized Education Program (IEP) or 504 Plan .

**OAC 210: 15-34-10. Attendance**

Students enrolled in supplemental online courses must meet all state mandated compulsory attendance requirements and are not exempt from state truancy laws. Attendance/participation in a supplemental online course shall be monitored in accordance with local district policy and determined by documented student/teacher/course interaction that may include, but is not limited to, online chats, emails, posting/submission of lessons, etc. The student may be counted "present" or "in attendance" when the supplemental online course provider provides evidence of student/teacher/course interaction that demonstrates student progress toward learning objectives and demonstrates regular student engagement in course activity. Supplemental online course providers shall make available to students, parents, and districts reports that reflect daily attendance/participation. Such attendance/participation reports shall be provided to parents and districts on a regular weekly basis via electronic format unless required more frequently by the local district. The supplemental online course provider must provide evidence that the student is making appropriate progress weekly and such reports shall be sent to the designated resident district office via electronic format unless required more frequently by the local district.

**OAC 210: 15-34-11. Extracurricular and co-curricular activities**

Students who are enrolled in one or more supplemental online courses may participate in extracurricular activities sponsored by the district in which they are enrolled in accordance with state law and regulations governing participation as set forth in [70 O.S. § 1-111\(C\)\(8\)](#).

**OAC210: 15-34-12. Student assessments**

Students enrolled in online courses must participate in required state-level academic assessments in the same manner as other regularly enrolled students within the state. No student will be allowed to enroll in an online course without submission of a signed Education Student Assessment Results Release Form or FERPA waiver, available on the Oklahoma State Department of Education (OSDE) Web site at <[www.sde.state.ok.us](http://www.sde.state.ok.us)>. Each local school board shall adopt a policy that requires and ensures each student enrolled in one or more online courses will participate in state assessments administered pursuant to state statute and that the results of the assessments are released to the school district and the online course provider(s).

**OAC 210: 15-34-13. Communication: Progress Reports**

Local school districts shall establish a method for districts to accept transmissions of progress reports and grades for students enrolled in supplemental online courses. Students enrolled in supplemental online courses shall have their progress monitored by the supplemental online course provider weekly unless more frequent reporting is required by the local district. Progress reports shall be transmitted to the designated district representative and parent(s)/guardian(s) via electronic format. Such reports shall be reviewed regularly by the district at least twice per month unless more frequent review is required by the local district.

**OAC 210: 15-34-14. Online Course Providers**

Each supplemental online course provider seeking to serve Oklahoma public school districts must demonstrate compliance with Oklahoma State Board of Education guidelines by completing the Oklahoma State Department of Education School District Virtual Instruction Vendor Form. This form is available on the OSDE web site, <[www.sde.state.ok.us](http://www.sde.state.ok.us)>. Vendor forms shall be submitted to the OSDE with a list of all course offerings that meet Oklahoma educational standards and shall include a price



list of the cost of each course offered by that Vendor for the current fiscal year. The Vendor Form will be posted on the OSDE Web site and must be updated annually by the Vendor by July 1st of each fiscal year. The course offerings and price schedules listed by each Vendor should be honored by the Vendor for a full fiscal year. No vendor shall be allowed to charge a price to the districts for an online course that is higher than the price listed in the OSDE Vendor Form on file with the OSDE unless the district enters into a contract for additional services. A district may choose to negotiate a lower price with the vendor or choose to pay a higher price. Districts may provide vendor feedback to the Oklahoma State Department of Education through its website. The Department will maintain all vendor and course feedback comments received from districts on its website for two (2) years from the date of receipt.

**OAC 210: 15-34-15. **Payment****

A price schedule for each supplemental online course for each online vendor shall be listed and maintained by the State Board of Education for the current academic year. The local school district shall only be required to pay the price listed by the vendor for that academic year. A district may choose to negotiate a lower price with the vendor. The local school district shall use standard payment procedures that comply with the uniform Oklahoma Cost Accounting System (OCAS) for reporting of supplemental online course expenses. Selection and payment for supplemental online courses for the student is the responsibility of the local public school district. Payment to the provider will be based upon continued course enrollment and subsequent course completion. Final payment to the provider shall be made in accordance with the district's procurement policies or as otherwise negotiated by the district with the vendor by contract. All vendor contracts must comply with all State Department of Education rules and regulations.

**OAC 210: 15-34-16. **Special Education****

Local school districts shall provide supplementary aids and services, program modifications, supports for personnel and accommodations set forth in a student's IEP or Section 504 Plan to enable a student to take supplemental online courses as defined in section 210-15-34-(c)(1)(2) of these rules that have been determined to be educationally appropriate for the student. Provisions in the IEP for related services shall be the responsibility of the local school district where the student is enrolled in accordance with the Individuals with Disabilities Education Act (IDEA). Enrollment in supplemental online course does not abdicate, modify or alter the school district's legal responsibility under IDEA.

## **OKLAHOMA HONOR SOCIETIES**

**OAC 210:35-23-1. **Purpose****

This Subchapter contains rules and regulations for Honor Societies which relate to and are in addition to the accreditation standards set forth in Subchapters 1 through 13 of this Chapter.

**OAC 210:35-23-2. **Oklahoma Middle, Junior High, or High School Honor Society****

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

1. The organization shall be known as either the Oklahoma Middle, Junior High

or High School Honor Society .

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

## **PRIVATE ACCREDITING ASSOCIATIONS**

### OAC 210:35-33-1. **Accreditation of private and parochial schools**

Private and parochial schools may be accredited and classified in like manner as public schools. In addition a private accrediting association may be approved by the State Board of Education and have the authority to accredit schools within their association.

### OAC 210:35-33-2. **Comparable standards required for accreditation of nonpublic schools**

Nonpublic schools of the state differ widely in mission, structure, funding, and operation and no prescribed set of standards can be applied to all schools. However, the standards must be comparable with the State Board of Education's standards for public schools in terms of the applicable quality indicators.

**OAC 210:35-33-3. **Application; approval of, and authority of private accrediting association; renewal****

Written application must be submitted to the State Superintendent of Public Instruction for review. Upon recommendation by the State Superintendent of Public Instruction and approval by the State Board of Education, the private accrediting association will have the authority to accredit schools within their association. This authority will be retroactive to July 1 of the approval year and will expire at the end of five years at which time the private accrediting association may submit a written application to the State Superintendent of Public Instruction for renewal.

**OAC 210:35-33-4. **Criteria for approval and recognition of private accrediting association****

The following criteria must be addressed by a private accrediting association in the application to the State Board of Education in order to be recognized by the State Board of Education to accredit schools:

1. Scope of operations
  - a. The association must serve schools in the state of Oklahoma.
  - b. The association must clearly define in its charter, bylaws, or accrediting standards, the scope of its activities, including the types and levels of institutions covered.
2. Organization
  - a. The association must have the administrative personnel and procedures to carry out its operations in a timely and effective manner.
  - b. The association must define its fiscal needs, and have adequate financial resources to carry out its operations as shown by an annual externally-audited financial statement or other reasonable documentation.
  - c. The association's fees, if any, for the accreditation process shall not exceed the reasonable cost of sustaining and improving the process.
  - d. The association shall use competent and knowledgeable persons, qualified by training and experience, and will select such persons in accordance with nondiscriminatory practices:
    - I. To participate on visiting teams;
    - II. To engage in consultative services for the evaluation and accreditation process; and
    - III. To serve on policy and decision-making bodies.
    - IV. The association must include on each visiting committee at least one person who is not a member of its policy or decision-making body or its administrative staff.
3. Procedures
  - a. The association must maintain clear definitions of each level of accreditation status and have clearly written procedures for granting, denying, reaffirming, revoking, and reinstating such accredited status.
  - b. If the association develops a pre-accreditation status, the criteria and

procedures applying to the pre-accreditation must be related in an appropriate manner to those employed for accreditation.

4. Accreditation policies: Accreditation serves clearly identified needs as follows:
  - a. The association's accreditation program must take into account the rights, responsibilities, and interests of the schools and their constituents.
  - b. The association's purposes and objectives must be clearly defined in its charter, bylaws, or accrediting standards.
5. Public information; standards by which schools are evaluated: The association publishes or otherwise makes publicly available the standards by which schools are evaluated which shall include the following areas:
  - a. Philosophy and objectives: The school shall have a clearly stated philosophy with objectives which are adequate to implement the philosophy.
  - b. Organization, governance, and finance: The school shall be a legal entity with adequate financial resources and demonstrated professional management of its resources.
  - c. Plant and facilities: The plant and facilities shall be adequate to support the program of the school. The school must comply with applicable state, county, and municipal health, safety, and sanitation codes.
  - d. Program: The program of the school shall be designed in the best interests of the students, and students are admitted only when it has been determined that there are reasonable expectations that the students' best interests can be served. The program, while appropriately adjusted to serve the best interest of its students and to be consistent with the school's philosophy and objectives, complies with applicable rules of the State Board of Education, especially in the following areas:
    - I. Length of the school day and school year;
    - II. The basic skills subjects in the elementary curriculum including subjects which constitute a well-balanced elementary curriculum; instructional time requirements and essential elements which are comparable to those required in the like subjects at equivalent grade levels in the public school system; student academic records; and achievement levels required for promotion; and
    - III. The appropriate subjects in the secondary curriculum, including sequencing of courses for which transferability of credit may be sought from the state; essential elements which are comparable to those required in the like subjects and courses at equivalent grade levels by the state; student academic records; and achievement levels necessary for the awarding of credits and diplomas.
  - e. Administration and staffing: Professional staff members must hold degrees and be qualified by preparation or experience for positions they hold and for the work to which they are assigned.
6. Other public information: In addition to the standards by which schools are evaluated, the association publishes or otherwise makes publicly available

information on the following:

- a. The procedures utilized in arriving at decisions regarding the accreditation status of a school.
  - b. The current accreditation status of schools and the date of the next currently scheduled review or reconsideration of accreditation.
  - c. The names and affiliations of members of its policy and decision-making bodies and the names of its principal administrative personnel,
  - d. A description of the control and type of legal organization of the association.
  - e. Advance notice of proposed or revised standards to all schools affected by its accreditation process and adequate opportunity to comment on such standards prior to their adoption.
  - f. Written procedures for the review of complaints pertaining to school quality, as these relate to the association's standards, and adequate procedures to provide timely treatment of such complaints in a manner that is fair and equitable to the school.
7. Assurance of systematic process in accrediting procedures: The association must assure a systematic process in its accrediting procedures, as demonstrated in part by:
  - a. Affording initial evaluation of a school only when the chief executive officer of the school applies for accreditation of the school.
  - b. Providing for adequate discussion during an on-site visit between the visiting team and the faculty, administrative staff, students, and other appropriate persons.
  - c. Furnishing, as a result of an evaluation visit, a written report to the school commenting on areas of strengths, areas needing improvement, and when appropriate, suggesting means of improvement including specific areas, if any, where the school may not be in compliance with the association's standards; filing a copy of the written report with the accrediting association; and taking action on the report.
  - d. Providing the chief executive officer of the school with an opportunity to comment upon the written report and to file supplemental materials pertinent to the facts and conclusions in the written report of the visiting team before the accrediting association takes action on the report.
  - e. Evaluating the report of the visiting team.
  - f. Providing for the withdrawal of accreditation only for just cause, after review, or when the school does not permit reevaluation after due notice.
  - g. Providing the chief executive officer of the school with a specific statement of reasons for any adverse accrediting action and notice of the right to appeal such action.
  - h. Establishing and implementing published rules of procedure regarding appeals which will provide for:

- I. No change in the accreditation status of the school pending disposition of appeal;
  - II. Right of the school to a hearing before the appeal body; and
  - III. Supplying the chief executive officer of the school with a written decision of the appeal body, including a statement of specifics.
8. Ethical and nondiscriminatory practices: The association has demonstrated capability and willingness to foster ethical practices among the schools which it accredits, as well as nondiscriminatory practices in admissions and employment.
9. Program of evaluation:
- a. The association maintains a program of evaluation of its educational standards designed to assess their validity and reliability.
  - b. The association secures sufficient qualitative and quantitative information regarding the school which shows an ongoing program of evaluation of results consistent with the educational goals of the school and applicable state requirements.
  - c. The association accredits only those schools which meet its published standards, and demonstrates that its standards, policies, and procedures are fairly applied and that its evaluations are conducted and decisions rendered.
  - d. The association periodically reevaluates each school which it has accredited.

## **PROFESSIONAL DEVELOPMENT**

### OAC 210:20-19-2. **Professional Development Program**

- A.** The local board of education shall be responsible for the organization and implementation of the local professional development program.
- B.** The professional development program shall focus on developing competencies in the core curriculum areas.
- C.** Each adopted plan shall address:
  - 1. A component in outreach to parents, guardians or custodians of students is defined as a program to promote the participation of parents in the education of their children. The component in outreach to parents, guardians or custodians of students includes:
    - a. Understanding the value of parental participation in the educational process.
    - b. Developing awareness of the needs and characteristics of their parent population in order to plan effective outreach activities.
    - c. Developing methods for communicating with parents, designing parental involvement activities, and determining the effectiveness of the outreach

program .

- d. Identifying appropriate resources to support and/or supplement the outreach program .
2. A component in racial and ethnic education is defined as a program to assist teachers to function effectively with all students in a culturally diverse society . The component in racial and ethnic education includes:
  - a. Understanding their own and their students' environment and culture, including--but not limited to--needs, abilities, attitudes, and world views .
  - b. Recognizing that different cultures exist as separate and distinct entities; acknowledging the contribution of all cultural and linguistic groups to society; and promoting a culturally sensitive curriculum representative of our diverse national population .
  - c. Developing strategies for the integration of cultural and linguistic teaching tools and methods in the school environment .

[OAC 210:20-19-3.](#) **Professional development program management**

- A. Professional development points shall not be given for a routine job-related assignment.
- B. The local professional development committee shall develop and recommend to the local board of education a professional development point system to account for all professional development activities .
- C. All certified and licensed teachers and administrators shall accrue at least seventy-five (75) professional development points within a five (5) year period with at least some points completed each year. The five (5) year period for accruing points begins on an individual's date of employment in an accredited school in Oklahoma. If an individual changes school districts within the five (5) year period, the points accrued are transferred to the receiving district and the five (5) year period continues.
  1. If an individual is employed full time for 120 days or more, the local professional development points requirement must be fulfilled .
  2. A person employed one-half time or less shall be required by the local district to meet at least half of the local district's annual point requirements, not less than two (2) points, and to count such year toward the accrual of seventy-five (75) professional development points over a five year period .
  3. If employed less than 120 days, a minimum of two (2) professional development points are required to fulfill the regulation of "some points completed each year." This person shall begin or continue his or her professional development five-year cycle the following July 1. The local professional development committee will recommend, subject to the approval of the local board of education, the number of points required of such an employee .
  4. Points shall conform to the conditions specified in subparagraphs (A) through (D) of this paragraph:

- a. One point shall be equivalent to one clock hour of professional development activities.
  - b. One semester hour of approved college credit shall be equivalent to 15 professional development points.
  - c. Those professional development activities which cannot be appropriately specified by a particular time period shall be assigned a point value by the local professional development committee and recommended to the local board of education.
  - d. Each local professional development committee shall include within the local professional development program a timeframe based on the fiscal year, July 1 - June 30, for completion of earned professional development points during a given school year.
- D.** The district shall maintain in the personnel file of each certified and licensed teacher and administrator those records deemed necessary to fully document their participation in the professional development program.
- E.** School districts shall annually inform certified and licensed teachers and administrators in writing of their point status on a date recommended by the local professional development committee.

**PROFESSIONAL DEVELOPMENT FOR FIRST YEAR TEACHERS SHALL INCLUDE:**

[70 O.S. § 6-194](#) – Recognition and Reporting Child Abuse and Neglect

D. A program which includes the following information shall be completed the first year a certified teacher is employed by a school district, and then once every fifth academic year:

1. Training on recognition of child abuse and neglect;
2. Recognition of child sexual abuse;
3. Proper reporting of suspected abuse; and
4. Available resources.

[70 O.S. § 24-100.4](#) – Bullying Prevention, Identifying, Responding and Reporting

9. Require training for administrators and school employees as developed and provided by the State Department of Education in preventing, identifying, responding to and reporting incidents of bullying. The training shall be completed in the first year an administrator or school employee is employed by a school district, and then once every fifth academic year

[70 O.S. § 6-192](#) - Digital teaching and learning standards to enhance content delivery to students for the purpose of improving student achievement. The program shall be completed at a frequency as determined by the board of education.

[70 O.S. § 6-194.3](#) -The importance of recognizing and addressing the mental health needs of students. The program shall be completed the first year a certified teacher is employed by a school district, and then once every fifth academic year. The school districts shall include but not be limited to:

1. Information about the services provided by community-based organizations related to mental health, substance abuse and trauma.
2. Information about the impact trauma and adverse childhood experiences



can have on a student's ability to learn.

3. The availability of mental health evaluation and treatment available by telemedicine.
4. Information about evidence-based strategies for prevention of at-risk behaviors.

[70 O.S. § 11-103.6j](#) - Workplace safety training and how to incorporate the information for grades seven through twelfth into the curriculum. The program shall be completed at a frequency as determined by the board.

[70 O.S. § 1210.299-5](#) - Training on alcohol and drug abuse

These training shall be completed during the certified teachers first year and then once every fifth academic year.

### **SUICIDE AWARENESS TRAINING**

[70 O.S. § 24-100.7](#) - Suicide Awareness Training

The board of education of each school district shall adopt a policy regarding suicide awareness and training, requiring staff training and the reporting of student drug abuse. The board of education of each school district in this state shall provide training to all staff members in their first year employed by the school district, and then once every fifth academic year addressing suicide awareness and prevention. Curriculum is available for staff from the Oklahoma State Department of Mental Health and Substance Abuse Services. The training program may be combined with any other training provided by the school district addressing bullying prevention.

Beginning with the 2022-2023 school year, the board of education of each school district may provide training to address suicide awareness and prevention to students in grades seven through twelve.

No person shall have a cause of action for any loss or damage caused by any act or omission resulting from the implementation of this section or resulting from any training, or lack thereof, required by this section, unless the loss or damage was caused by willful or wanton misconduct.

Teachers, counselors, principals, administrators, or other school personnel, upon determining that a student is at risk of attempting suicide, shall notify the parents or legal guardians of the student immediately upon determining that such risk exists.

[70 O.S. § 1-109](#) **School Year for Public Schools – Criteria for Extended Day Schedule**

- A.** For all public schools in Oklahoma, school shall actually be in session and classroom instruction offered:
  1. For not less than one hundred eighty (180) days; or
  2. For not less than one thousand eighty (1,080) hours each school year, if a district board of education adopts a school-hours policy and notifies the State Board of Education prior to October 15 of the applicable school year.
  3. Beginning with the 2021-2022 school year, for not less than one thousand eighty (1,080) hours with a minimum of one hundred sixty-five (165) days of

instruction each school year, if a district board of education adopts a school-hours policy and notifies the State Board of Education prior to October 15 of the applicable school year; or

4. Beginning with the 2021-2022 school year, for not less than one thousand eighty (1,080) hours each school year, if a district board of education adopts a school-hours policy, notifies the State Board of Education prior to October 15 of the applicable school year and meets the requirements established by the State Board of Education pursuant to subsection H of this section.
- B.** A school district may not count more than thirty (30) hours each school year that are used for attendance of professional meetings toward the one hundred eighty (180) days or one thousand eighty (1,080) hours of classroom instruction time required in subsection A of this section.
  - C.** Teachers off contract with an employing district shall not be required by the employing school district to attend professional meetings unless the teacher is paid additional compensation for the additional time. Teachers may be paid additional compensation for attending professional meetings in excess of their contract term. Subject to district board of education policy or collective bargaining agreement, additional paid professional days may be granted for individual teachers to attend or participate in professional meetings, staff development training, or National Board certification portfolio development as provided for in Section 6-204.2 of this title.
  - D.** A school district may authorize parent-teacher conferences to be held during a regular school day. If authorized by the school district, parent-teacher conferences shall be counted as classroom instruction time for no more than six (6) hours per semester, for a total of twelve (12) hours per school year.
  - E.** A school district may maintain school for less than a full school year only when conditions beyond the control of school authorities make the maintenance of the term impossible and the State Board of Education has been apprised and has expressed concurrence in writing.
  - F.** The State Board of Education shall establish criteria for an extended-day schedule for schools subject to paragraph 1 of subsection A of this section. The criteria shall:
    1. Prescribe a lengthened school day within limits determined not to be detrimental to quality instruction;
    2. Ensure that the schedule is equivalent in annual hours of instruction to the one-hundred-eighty-day school year specified in paragraph 1 of subsection A of this section; and
    3. Be consistent with the provisions of this section and Sections 1-111 and 1-112 of this title, but may result in fewer annual days of instruction.
  - G.** Notwithstanding the provisions of subsection F of this section, a school district board of education subject to paragraph 1 of subsection A of this section may adopt and implement an extended-day schedule subject to the following requirements:
    1. The annual number of hours of instruction shall equal or exceed one thousand eighty (1,080) hours, which is the equivalent of one hundred eighty (180) days of instruction as specified in subsection A of this section for six (6) hours each day as specified in Section 1-111 of this title;

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

**H.** Beginning with the 2021-2022 school year, a school district board of education may adopt a school-hours policy as provided for by paragraph 4 of subsection A of this section only if it meets or exceeds the minimum guidelines for student performance

and school district cost savings established by the State Board of Education.

The State Board of Education shall promulgate rules, subject to approval by the Legislature, establishing the minimum guidelines for student performance and school district cost savings.

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

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

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

**OAC 210:20-19-4. Local Professional development committee; appointment of members, composition, duties and responsibilities**

- a.** The membership of the local professional development committee shall be headed by a chairperson to be elected by the full committee.

- b. Local board of education policies shall not be inconsistent with the law or rules and regulations of the State Board of Education.
- c. Annually submit a report to the State Department of Education.
- d. When it becomes necessary to amend the professional development program, the local professional development committee shall develop and recommend such amendment(s) to the local board of education for approval.

**OAC 210:20-19-5. Professional development for renewal of a valid Standard Teaching Certificate for nonemployed teachers or administrators**

- a. 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 Teaching Certificate by completing seventy-five (75) points in professional development programs, conferences and seminars approved by a public school district.
- b. 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.
- c. Exact combinations of professional development points, college credit hours and years of teaching experience will be determined by the Teacher Certification Section of the State Department of Education.
- d. The programs, conferences or seminars should relate to effective instruction.
- e. Any fees collected shall be used for professional development purposes.
- f. A local district may require prior approval for attending a professional development program, conference or seminar.
- g. It is the responsibility of the individual seeking certification renewal to obtain and follow the local district procedures for receiving professional development points.
- h. Upon completion of a professional development program, conference or seminar, the local professional development committee shall issue to the individual seeking certification renewal a professional development attendance form which includes:
  1. Local school district name,
  2. Title of the professional development program, conference or seminar,
  3. Date of attendance,
  4. Number of professional development points earned, and
  5. Signature of the local professional development coordinator or chairperson.
    - i. The local school district shall not be responsible for maintaining permanent professional development records of nonemployed individuals.

- j. The individual seeking certification renewal is responsible to maintain his/her professional development attendance forms to submit to the State Department of Education .
- k. At the time of renewal of the Standard Teaching Certificate, the individual seeking certification must submit to the Teacher Certification Section of the State Department of Education:
  - 1. Local district professional development attendance forms necessary for documentation of required number of professional development points,
  - 2. A certification renewal application and a summary sheet with the local professional development attendance forms attached .

## **READING SUFFICIENCY ACT**

### **OAC 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 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.** 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 .
- I.** 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 .
- J.** 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 .
- K.** 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 [OAC 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 [OAC 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.

**[OAC 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 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





- III. Reading fluency (i.e., The student demonstrates timed letter and word identification, sight words, modeled paragraph reading);
  - IV. 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
  - V. Comprehension (i.e., The student demonstrates ability to read and comprehend informational text independently and proficiently).
- b. The student portfolio shall include clear evidence that the standards assessed by the 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 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.
4. 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.

**5.** 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.

**6.** 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., phonemic awareness, phonics, reading fluency, 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).

**[OAC 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

standards as assessed by the 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 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 comprehension and vocabulary portions of the Grade 3 criterion-referenced test(s) by meeting all requirements set forth in [OAC 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 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 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 [OAC 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.

- E.** 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.

### 70 O.S. § 1210.520 - **Reading Sufficiency – Dyslexia Screening**

Any student enrolled in kindergarten, first, second or third grade in a public school who is assessed through the Reading Sufficiency Act pursuant to Section 1210.508C of Title 70 of the Oklahoma Statutes and who is not meeting grade-level targets in reading after the beginning-of-the-year assessment shall be screened for dyslexia. Screening also may be requested for student by his or her parent or guardian, teacher, counselor, speech-language pathologist or school psychologist.

Beginning June 30, 2023, and for each year thereafter, school districts shall provide the following data to the State Department of Education:

1. The number of students by grade level in kindergarten through grade three who were screened for dyslexia in a school year;
2. The number of students by grade level in kindergarten through grade three who were newly identified as having characteristics of dyslexia in a school year;
3. The process or tools used to evaluate student progress;
4. The number of trained school system personnel or licensed professionals used to administer the qualified dyslexia screening tool;
5. The number of students in kindergarten through grade three who were participating in interventions within the school setting and the number of students participating in interventions outside the school setting; and
6. The programs used by districts for intervention within the school setting.

## **TRANSPORTATION**

### OAC 210:30-5-1. **District administration, operation and management of transportation**

The local superintendent and board of education shall be held responsible for applying these regulations to all pupil transportation under their administration and supervision. In keeping with this responsibility, each local board of education shall examine and periodically review the school district's bus fleet liability insurance coverage and its tort liability insurance coverage to assure such coverages are coordinated to protect the interest of the students, general public, and school district. Any school district maintaining a school may provide transportation with the approval of the State Board of Education. **(13)**

### OAC 210:30-5-2. **Procedures for resolution of transportation disputes**

Pursuant to 70 O.S. § 9-105, state aid shall be withheld from any school district in the state that fails or refuses to comply with the law or rules of the State Board of Education regarding transportation. The following hearing procedures will be utilized in hearings to determine the validity of transportation complaints.

1. Upon receipt of a written complaint and hearing request alleging specific

violations of law or State Board of Education rules regarding school transportation, the State Superintendent shall appoint an Administrative Law Judge (ALJ) to conduct a hearing to determine the validity of the complaint.

2. Within five (5) days of appointment, the ALJ shall notify the school districts who are parties to the complaint in writing of the time, date and location of the hearing.
3. Each school district that is a party to the complaint will be given an opportunity to present the following:
  - a. Evidence supporting the allegations in the complaint, and
  - b. Defenses to the allegations contained in the complaint.
4. Evidence may be received in written form or by oral testimony of witnesses.
5. Hearings will be electronically recorded.
6. The ALJ shall, upon receiving the evidence, determine whether the allegations contained in the complaint are true and shall make findings and conclusions. If the ALJ determines, by a preponderance of the evidence, that there has been a violation of law or rule, he/she shall recommend withholding of state aid from the district found to be in violation.
7. The findings, conclusions and recommendations of the ALJ shall be presented to and considered by the State Board of Education at its next regularly scheduled meeting unless it is determined by the State Superintendent that, due to extraordinary circumstances, a different timeframe is required.
8. No additional evidence may be presented to the State Board of Education.
9. ALJs will be paid by the nonprevailing school district at a rate of fifty dollars (\$50) per hour, not to exceed three hundred dollars (\$300).
10. The State Board of Education will confine its review to the written findings, conclusions and recommendations of the ALJ and, unless the Board determines that the ALJ's findings and conclusions are clearly erroneous, shall adopt such findings and conclusions. If the Board finds the ALJ's decision is clearly erroneous, the Board may remand the matter to the ALJ with instructions on how to proceed.
11. The State Board of Education shall determine the amount of state aid to be withheld from the school district found to be in violation of the law or rule on school transportation. The State Superintendent shall notify the district by certified mail, return receipt requested.
12. Following notification to the school district, the State Department of Education shall withhold state aid payments to the district in accordance with the State Board of Education decision.

[OAC 210:30-5-3](#). **Transportation of students**

- A.** ~~A student must live in a school district authorized by law to furnish transportation.~~ [70 O.S. § 9-101](#) & [70 O.S. § 9-105](#)

- B.** A student must live one and one-half (1 1/2) miles or more by commonly traveled road from the school attended. Students living less than one and one-half (1 1/2) miles from school may be transported, but shall not be counted in determining state aid.
- C.** A normal school day consists of not less than six (6) hours, exclusive of lunch period, with the exception of the first and kindergarten grades. Transportation may be provided for kindergarten age students to and from school during the normally scheduled morning and evening bus operation.
- D.** The local school district is responsible for providing transportation for those students with disabilities identified under the [Individuals with Disabilities Education Act \(IDEA\)](#) for whom transportation has been identified as "related service" necessary to enable the students to receive the educational services outlined in their Individualized Education Programs (IEPs).
- E.** Students living in a school district not offering the grade which they are entitled to pursue are entitled to transportation to a school authorized by law to provide transportation to and from school provided they have been legally transferred and reside in the high school transportation area of the school they choose to attend.

**OAC 210:30-5-4. **Transportation for school activities****

All Oklahoma school districts shall develop policies and procedures authorizing transportation for extracurricular activities and community involvement purposes as authorized by [70 O.S. § 5-130](#)

**OAC 210:30-5-5. **Transportation routes and boundaries****

- A.** Evaluation. All school bus routes shall be evaluated annually for safety and efficiency by the local school district supervisor of transportation or designee.
- B.** Transportation areas and boundaries . A high school transportation area is that part of an elementary district that has been assigned to an independent district for the purpose of providing transportation to those students whose resident district does not offer the grade they are entitled to pursue.
  1. An independent school district assigned a high school transportation area by the State Department of Education has the duty to provide transportation to students residing in the transportation area who are entitled to pursue a grade not offered in the students' resident district, and who are enrolled in the independent district. The transportation service in the high school transportation area shall be consistent with the transportation policies of the independent district.
  2. An independent district loading and unloading students in its assigned transportation area shall confine its transportation program within the elementary district to only those students who are residents of the elementary district entitled to pursue a grade not offered in their resident district, and who are enrolled in the independent district.
  - ~~3. An independent district may not load and unload students in an elementary district whose resident district does offer the grade they are entitled to pursue, unless the boards of education of both school districts approve such transportation. [70 O.S. § 9-105](#)~~

4. A change in transportation area made after July 1 of each year, will not become effective until the next July 1, unless all boards of education affected agree to the proposed change.
5. An elementary area that has been assigned to a high school transportation area may be changed to another high school transportation area by mutual agreement, in writing, by the boards of education of the independent school districts and the approval of the State Board of Education.
6. A part or all of an elementary school district that is isolated from the remainder of the school district's transportation area because of topography or previous annexations to another high school district may be changed from one high school district's transportation area to another high school district's transportation area if the State Board of Education determines the change should be made on the basis of good administration.
7. When an elementary school district is surrounded by an independent school district, that district must be designated as the transportation area for the high school students.

An independent school district's transportation route may extend into an elementary school district's territory to pick up students whose grade is not offered in the elementary school district and who have transferred into the independent district. ~~An independent district extending its routes into an elementary district in this manner must notify the elementary district of its intent, and must also notify any independent district which is assigned a transportation area in which the district wishing to provide voluntary transportation to elementary district residents intends to load and unload students.~~ [70 O.S. § 9-105](#) Approval by the boards of education of the elementary and assigned independent districts is not required for an independent district to provide voluntary transportation to its own enrolled students who are residents of the elementary district. Nothing in this section should be interpreted to permit an independent district to load or unload students whose resident district does offer the grade they are entitled to pursue, even if a sibling qualifies for such transportation.

8. A district not mandated by the State Department of Education to transport students in a high school transportation area, but which chooses to do so, must transport all students who reside in the transportation area who:
  - a. Are entitled to pursue a grade not offered in their resident district; and
  - b. Have transferred pursuant to 70 O.S. § 8-101 into the independent district offering voluntary transportation.
9. A district which voluntarily provides transportation to its own enrolled students who are residents of an elementary district must agree to continue the transportation arrangement until students served under the arrangement graduate. If such a district chooses to discontinue its voluntary transportation service, it may refuse to add any new students to its voluntary transportation list, but must continue to transport those already served.
- ~~10. An independent school district may cross a portion of another district for the purpose of loading and unloading students whose resident district does not provide the grade the students are entitled to pursue, provided the doors~~



of the school bus are kept closed and the transporting district notifies the district(s) its bus(es) will pass through. [70 O.S. § 9-105](#)

**C.** Petition for changing boundary lines.

1. A majority of the school district electors in an elementary district, as defined at 70 O.S. § 7-101, may petition the State Board of Education for an election to change any part or all of a district from one transportation area to another. The board of education of the district(s) receiving the proposed change in transportation area must first approve the language of the petition.
2. The State Board of Education will approve a convenient date for an election, supply ballots, and send a representative to assist with the election.
3. If fifty-one percent (51%) of all such legal voters in the district vote for the change, the election makes a good recommendation to the State Board of Education.

**D.** Changing areas, high school districts discontinued. High school districts and/or elementary school districts that must be placed in one or more high school transportation area or areas because a high school has been discontinued may be placed in a transportation area or areas on the following basis:

- ~~1. All or part of District "A" may be placed in the transportation area of high school District "B", the transportation area of which is not adjacent to District "A", provided high school District "C", which has a transportation area that separates District "A" from District "B" transportation area, appears to be in jeopardy of being discontinued itself, and provided the number of people in District "A", who want to be placed in the transportation area of District "B", justifies such an arrangement. People in District "A" requesting these arrangements to enable them to annex to District "B" will be given much more consideration than those desiring to transfer only. [70 O.S. § 9-105](#)~~
2. No portion of a school district that is adjacent to a high school district's transportation area, but is separated from the high school area by a natural barrier, will be placed in the high school district's transportation area unless or until there is a road connecting the two (2) areas that is maintained in a manner that will justify the operation of a school bus over the road across the barrier.

[47 O.S. § 11.705](#) - **Bus Driver Reporting Violation**

Requires a school bus driver witnessing a vehicle overtaking the bus while in the process of loading or offloading students while the red loading signals are in operation to report this traffic violation on or before the end of the next business day following the offense. The driver will report the vehicle color, license tag number, time and place of the violation. The driver will report such violation to local law enforcement.

[OAC 210:30-5-6](#). **School buses**

**A.** Equipment.

1. Transportation equipment used to transport ten (10) or more public school students at one time to any curriculum based activity or program shall meet all the minimum standards required for Types A, B, C, and D buses. For the

purposes of this section, "curriculum based activity or program" shall include, but not be limited to, student attendance at a technology center.

2. Vehicles having a seating capacity of fewer than ten (10) passengers, excluding the operator, are not required to meet the State minimum standards for school buses.

#### **B.** School bus inspections.

1. A driver shall perform a daily pre-trip safety inspection of the vehicle. The inspection shall include brakes, lights, tires, exhaust system, gauges, windshield wipers, steering and fuel. The driver shall make a daily written report describing the condition of the bus and listing any deficiencies. This report is to remain on file with the chief administrative officer of the local school district or designee of the chief administrative officer for a period of ninety (90) days.
2. A driver shall perform a daily post-trip inspection of the interior passenger area of the vehicle to ensure that no pupils remain on the vehicle after the end of the route.
3. A school district shall have each school bus mechanically inspected annually by an inspector approved by the Oklahoma State Department of Education.
4. At least twice during each school year, each pupil who is transported in a school vehicle shall be instructed in safe riding practices, and participate in emergency evacuation drills. This instruction should be conducted during the first two weeks of each semester.

#### **C.** School bus inspector qualifications.

1. Any person licensed to inspect school buses by the Department of Public Safety under the Motor Vehicle Laws of Oklahoma prior to July 1, 2001, may be qualified to perform annual school bus inspections until July 1, 2014.
2. Any person not meeting the qualifications as prescribed in (1) of this subsection may be qualified to perform the annual school bus inspection by submitting proof to the Oklahoma State Department of Education that they meet one or more of the following qualifications:
  - a. Two years' experience as an automotive technician and certification by the Association for Automotive Service Excellence (ASE) in medium-heavy truck brake, transit bus brake, school bus brake, medium-heavy truck preventive maintenance inspection, or transit bus preventive maintenance inspection; or
  - b. Any person qualified to perform inspections under the Federal Motor Carrier Safety Act, appendix G. and accompanying regulations at 49 CFR 396.19 will be qualified to inspect any school bus except for the brakes. Persons qualified to inspect brakes under 49 CFR 396.25 shall be qualified to inspect the brakes on any school bus; or
  - c. Successful completion of an Inspector's Training Course approved by the Oklahoma State Department of Education.

- d. Standards and school bus specifications.
1. The NATIONAL MINIMUM STANDARDS FOR SCHOOL BUSES applies to school bus construction and equipment. The Oklahoma State Board of Education has accepted the various methods bus manufacturers use to meet the requirements of these standards and all requirements under the Federal Motor Vehicle Safety Standards. (P.L. 89-563) The responsibility for compliance with Federal and State bus specifications rests with dealers and manufacturers.
  2. State Standards in addition to Federal requirements also apply as follows:
    - a. No school district may purchase any used or previously owned school bus unless the seller certifies prior to the sale that the bus meets all safety standards and specifications for the date of manufacture of the used bus. Any school district that purchases a used or previously owned bus without the certification regarding compliance with standards shall forfeit its state transportation aid. The seller of any used or previously owned school bus shall certify to the local board of education that any such transportation equipment meets all Oklahoma and National Standards required for the date of its manufacture.
    - b. Church buses used for the purpose of transporting children to and from schools accredited by the State Department of Education shall be painted National School Bus Yellow.
  3. School districts that convert or have converted school buses to Liquefied Petroleum Gas (LPG) shall comply with safety standards prescribed by the National Fire Protection Association, Standard No. 58 (NFPA-58) and the Oklahoma Liquefied Petroleum Gas Administration. In order to ensure safe installation and proper maintenance of equipment, all personnel must also meet the following existing requirements of the Oklahoma Liquefied Petroleum Gas Administration: "No person, firm, corporation, association, or other entity shall engage in the manufacturing, assembling, fabrication, installing, or selling of any system, container, or apparatus to be used in this State in or for the transportation, storing, dispensing, or utilization of LPG, nor shall any transporter, distributor, or retailer of LPG store, dispense and/or transport over the highways of this State any LPG for use in this State in any system, container, apparatus, or appliance without having first obtained a permit to do so as provided."

OAC 210:30-5-7. **Transportation of students with disabilities**

- A. Loading responsibility. The local school district is responsible for transporting children with disabilities whose IEPs require transportation by the school district as a "related service". This responsibility for transportation begins from the time the student is loaded at the "home curb" until returned and unloaded at the "home curb". The parent or their designee is responsible for "door-to-curb", "curb-to-door", and "street crossing" of the child to the designated loading and unloading point.
- ~~B. Extended boundaries. Based upon mutual agreement between two participating school districts, a school district offering special education classes may extend~~

~~its transportation program to include the transportation of students qualifying for special education in an adjacent school district which does not offer special education classes. [70 O.S. § 9-105](#)~~

**OAC 210:30-5-8. School bus driver certification**

**A. General criteria.**

1. Pursuant to the authority granted to the State Board of Education in [70 O.S. § 3-104\(6\)](#) to regulate school bus drivers and [47 O.S. § 15-109](#), no board of education shall have authority to enter into any written contract with a school bus driver who does not hold a valid Oklahoma School Bus Driver's Certificate issued by the State Board of Education authorizing said bus driver to operate a school bus within the State of Oklahoma.
2. In order to obtain and maintain a standard Oklahoma School Bus Driver's Certificate, the State Board of Education requires all public school bus drivers to:
  - a. Successfully complete a school bus driver training course approved by the State Department of Education;
  - b. Possess and maintain a valid Commercial Driver's License (CDL) issued by the Oklahoma State Department of Public Safety, which includes the following endorsements required by [70 O.S. § 6-110.1](#) in accordance with the qualifications determined by the Department of Public Safety:
    - I. A school bus "S" endorsement; and
    - II. For drivers of vehicles designed to transport sixteen (16) or more passengers (including the driver), a passenger "P" endorsement; and
  - c. Comply with all other health and safety qualifications set forth in this Section.
3. No school district board of education shall assign or allow to be assigned any school bus driving duty involving the transportation of students to any employee or volunteer, regardless of contract status (e.g. coach, teacher, mechanic), unless that person has all required supporting documentation required for school bus drivers on file with the school district and a valid Oklahoma State Department of Education School Bus Driving Certificate as provided for in this section.
4. The State Board of Education recognizes the substantial public interest in safe school bus transportation of children. Therefore, in addition to meeting the vision standards required to obtain a CDL from the Department of Public Safety, in order to obtain a standard or emergency Oklahoma School Bus Driver's Certificate, all school bus drivers must have:
  - a. A visual acuity of not less than twenty-fourty (20/40) (Snellen) in each eye with or without corrective lenses; and

- b. Not less than twenty-fourty (20/40) (Snellen) with both eyes with or without corrective lenses; and
  - c. A minimum field of vision of 70 degrees horizontal median vision in each eye .
- 5. The use of tobacco by a school bus driver is not permitted during the operation of the bus while hauling pupils. The use of any intoxicating or non-intoxicating alcoholic beverage by the driver eight (8) hours prior to or during the operation of a school bus is strictly prohibited. The use of any controlled dangerous substance seventy-two (72) hours prior to or during the operation of a school bus is strictly prohibited. The possession of any controlled dangerous substance on a school bus is strictly prohibited.
- 6. All school bus drivers shall have an annual health certificate signed by a physician licensed by this state, or a nurse or physician assistant who is licensed to practice in this state and who is working under the supervision of a medical doctor (MD) or doctor of osteopathy (DO) licensed by this state. The certificate shall be filed in the office of the chief administrative officer of the local school district or designee of the chief administrative officer attesting that such physician, or other authorized health care professional working under the supervision of a physician, has examined the applicant and that the applicant has no sign or symptoms of ill health, and is otherwise, from the observation of such physician or other authorized health care professional, physically and mentally capable of safely operating a school bus. As an alternative to the annual physical examination requirements for school bus drivers, school districts may adopt a policy that utilizes a biannual physical examination, provided the examination is in compliance with the physical qualifications and examination requirements at Subpart E of the Federal Motor Carrier Safety Regulations, 49 CFR §§ 391.41 to 391.50.
- 7. Substitute and activity school bus drivers shall meet all the requirements prescribed for regular bus drivers.
- 8. At a minimum, the chief administrative officer of the local school district or designee of the chief administrative officer shall conduct an annual driving record check of all school bus drivers, including substitute and activity drivers. The Oklahoma State Department of Education shall be immediately notified of any violation(s) that make a school bus driver ineligible to hold an Oklahoma School Bus Driver's Certificate.
- 9. The State Board of Education shall revoke the bus driver's certificate of any holder who fails to comply with the provisions of this Section.
- 10. School districts who fail to comply with the provisions of this section shall be subject to penalty pursuant to [OAC 210:30-5-2](#).

**B. School bus driver certificate requirements.**

- 1. The chief administrative officer of the local school district or designee of the chief administrative officer shall certify to the State Department of Education that each applicant submitted for Standard Five-Year Certification:

- a. Is at least 18 years of age;
  - b. Has successfully completed a special school bus drivers' course approved by the State Department of Education;
  - c. Holds a valid Commercial Drivers license (CDL) appropriate for the type of vehicle driven with the proper endorsements required by the Department of Public Safety;
  - d. Has not been convicted of a felony, or pled guilty or nolo contendere to a felony during the last ten years; and
  - e. Has passed a driving record check, and no certificate shall be issued to any person who, within the preceding three (3) years:
    - I. Has had a license suspended or revoked, canceled or withdrawn pursuant to the Implied Consent Laws at [47 O.S. § 751](#) et seq.;
    - II. Has a conviction for a violation of [47 O.S. § 11-902](#) which includes driving, operating or being in actual physical control of a vehicle while under the influence of alcohol or any intoxicating drug;
    - III. Has been convicted or plead guilty to a violation of [47 O.S. § 751](#), operating a motor vehicle while impaired by consumption of alcohol;
    - IV. Has been convicted of any municipal violation of driving under the influence of alcohol or drugs or operating a motor vehicle while impaired or being in actual physical control of a motor vehicle while impaired; or
    - V. Has had four (4) or more traffic violations (excluding parking violations).
2. The chief administrative officer of the local school district or designee of the chief administrative officer shall certify to the State Department of Education that the applicant for an Emergency One-Year School Bus Driver Certificate (Not Renewable):
- a. Is at least 18 years of age;
  - b. Holds a valid Commercial Driver's License with the proper endorsements required by the Department of Public Safety; and
- A.** Has passed a driving record check and meets the requirements set forth in (1)(D)-(E) of this subsection .
3. Requirements for Renewal of the Standard Five-Year Certificate include:
- a. Every five (5) years, each driver shall have successfully completed four (4) hours per year of inservice training approved by the State Department of Education;
  - b. The chief administrative officer of the local school district or designee of the chief administrative officer shall certify to the State Department of Education that the applicant meets all requirements for standard

certification; [[47 O.S. § 15-109](#)]

- c.** Each applicant has a health certificate on file signed by a licensed physician, or a nurse or physician assistant who is licensed to practice in this state and who is working under the supervision of a medical doctor (MD) or doctor of osteopathy (DO), and meets all vision requirements;
- d.** Each applicant has not been convicted or pled guilty to a felony in the last ten (10) years;
- e.** The applicant's driving record has been checked and meets all other State Board of Education requirements for certification; and
- f.** Notwithstanding the provisions of this paragraph, in order to renew any school bus driver certificate which has been expired for more than one year, a driver must successfully complete a renewal course approved by the State Department of Education. Such a course must, at a minimum, include topics on:
  - I.** Railroad crossings;
  - II.** Emergency evacuation procedures;
  - III.** Mirror placement;
  - IV.** Pick-up and drop-off procedures;
  - V.** Sound driving practices; and
  - VI.** Accident procedures.

- 4.** During the period that the application for issuance of a new or renewed school bus driver certificate is pending, applicants must immediately notify the State Department of Education Transportation Section of any arrest, citation, or conviction of any disqualifying offense set forth in (1)(E) of this subsection; any moving violation; or any involvement in a traffic accident.

**C.** Certification of drivers with a monocular vision condition.

- 1.** Individuals who wish to obtain an Oklahoma School Bus Driver's Certificate and meet all other requirements of this Section, but cannot meet the vision requirements in (a)(3) of this Section in both eyes due to the presence of a monocular vision condition, may obtain an exemption from the vision requirements of (a)(3) of this Section by providing evidence showing that Applicant is exempt from the requirements of 49 C.F.R. § 391.41, has fully adapted to the monocular vision condition, and is capable of safely operating a school bus for the purpose of transporting school children. Such evidence must consist of documentation for each one of the following:
  - a.** Documentation establishing that Applicant's vision condition has been present and unchanged for three years or more prior to the application for an exemption from the vision requirements of (a)(3) of this Section;
  - b.** Documentation establishing that Applicant has experience in safely

operating a Commercial Motor Vehicle with the monocular vision condition within the three (3) year period immediately preceding the date of the application for an exemption from the vision requirements of (a)(3) of this Section; and

- c.** One of the following:
  - I.** An authority letter issued by the Oklahoma State Department of Public Safety (DPS) qualifying the individual as exempt from the vision requirements of 49 C.F.R. § 391.41; or
  - II.** A letter or waiver issued by the Federal Motor Carrier Safety Administration (FMCSA) documenting that the applicant has received a waiver from the vision requirements of 49 C.F.R. § 391.41.
- 2.** Documentation of the evidence required by (1)(A) of this subsection shall consist of documentation for each one of the following:
  - a.** Applicant must have been examined by a licensed ophthalmologist or optometrist within sixty (60) days prior to obtaining the Commercial Driver License and within one year of applying for the State Department of Education monocular vision exemption. Applicant must provide the State Department of Education a copy of the official Oklahoma State Department of Public Safety vision form documenting the examination.
  - b.** In addition, if not included on the official Oklahoma State Department of Public Safety vision form, Applicant must submit additional documentation, in which a licensed ophthalmologist or optometrist identifies and describes:
    - I.** The nature of the vision deficiency, including how long the individual has had the deficiency;
    - II.** The date of the examination;
    - III.** Whether the applicant's vision is stable;
    - IV.** The visual acuity of each eye, corrected and uncorrected;
    - V.** The field of vision of each eye, including central and peripheral fields, testing to at least 120 in the horizontal. (Formal perimetry is required. The doctor must submit the formal perimetry test for each eye and interpret the results in degrees of field of vision.);
    - VI.** Whether the applicant has the ability to recognize the colors of traffic control signals and devices showing red, green, and amber; and
    - VII.** The ophthalmologist/optometrist's medical opinion as to whether the individual has sufficient vision to perform the driving tasks required to operate a school bus.
- 3.** Documentation of the evidence required by (1)(B) of this subsection shall consist of each of the following:



- a. Applicant must provide documentation of experience in operating a commercial motor vehicle (as defined by [47 O.S. §§ 1-107.1, 1-107.2, or 1-107.3](#)) while the Applicant has a monocular vision condition for the three (3) year period immediately preceding the date of this application which includes the following information:
  - I. For any applicant employed as a driver of a commercial motor vehicle, the DOT # or ICC# of Applicant's employer(s); for any applicant with driving experience as an independent motor carrier, a list of names, addresses, and phone numbers of customers for whom Applicant performed transportation services through the operation of a commercial motor vehicle on public highways;
  - II. A list of all dates (month/date/year) during the three (3) year period for which Applicant performed services driving and/or operating a commercial motor vehicle, and the number of hours driven per week; and
  - III. A list of all types of commercial motor vehicles operated by Applicant and gross vehicle weight rating ("GVWR") of each vehicle operated by Applicant;
- b. Acceptable forms of required documentation of the Applicant's driving experience described in (3) of this paragraph may include either:
  - I. A signed, notarized statement from the individual's present or past employer(s) on company letterhead; or
  - II. An affidavit by the Applicant.
- c. Applicant shall provide the State Department of Education with a Motor Vehicle Report demonstrating that applicant's driving record during the three (3) year period prior to the date the application is filed:
  - I. Contains no suspensions or revocations of Applicant's driver's license for the operation of any motor vehicle (including Applicant's personal vehicle);
  - II. Contains no record of involvement in an accident involving negligence attributable to the monocular vision condition;
  - III. Contains no record of a serious traffic offense attributable to the monocular vision condition (e.g., erratic unsafe lane changes, following too closely, etc.)
4. Individuals who receive the vision exemption to drive a bus for an accredited school in Oklahoma must submit to their employer a copy of the documentation required by (1)(C) of this subsection.
  - d. Certification of drivers with insulin-dependent diabetes mellitus.
1. Any person with diabetes mellitus requiring insulin by injection shall not be eligible for a school bus certificate unless the individual meets all other



medical doctor (MD) or doctor of osteopathy (DO) pursuant to (1)(B) of this subsection; and

- d.** Copies of any medical certifications obtained pursuant to (5) of this subsection.
4. An individual holding a diabetes exemption certificate shall immediately notify the superintendent (or the superintendent's designee) of the school district in which the individual is employed if the individual's blood glucose level is outside of a range of 100 mg/dl to 400 mg/dl one (1) hour prior to driving. Upon receipt of such notice, the superintendent or the superintendent's designee shall not allow the individual holding the diabetes exemption certificate to drive. If the individual's blood glucose level is below 100 mg/dl or above 400 mg/dl, then the driver cannot operate a school bus or transport school children as an employee of any school district until the blood glucose measure is within the target range.
5. In the event an individual holding a diabetes exemption is involved in an incident directly caused by the individual's diabetic condition, the individual cannot operate a school bus or transport school children as an employee of any school district until the individual has been certified in writing as medically able to safely resume work related duties by the Oklahoma board certified medical doctor (MD) or doctor of osteopathy (DO) by whom they are being treated.

**PART III, SECTION B:**  
**CURRICULUM AND INSTRUCTION**

In this section:

ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) PREVENTION EDUCATION

- › Purpose
- › AIDS prevention program

CO-CURRICULAR AND EXTRACURRICULAR PROGRAMS AND ACTIVITIES

- › Co-curricular and extracurricular programs

DRIVER EDUCATION

- › Teacher qualifications
- › Reporting
- › Reimbursements
- › Instructional time requirements
- › Summer programs
- › Simulation
- › Scheduling
- › Student eligibility
- › Specifications for the vehicle

EARLY CHILDHOOD EDUCATION PROGRAMS

- › Purpose
- › Rules and regulations for early childhood education programs

GIFTED AND TALENTED EDUCATION REGULATIONS AND PROGRAM APPROVAL STANDARDS

- › Responsibilities of school districts and local boards of education in providing for a gifted and talented program
- › Definitions
- › Procedural safeguards for the identification of students for gifted education programming
- › Qualifications of gifted child education program staff
- › Process for appeal of penalty
- › Failure to Report

## LIFELONG LEARNING

PLEASE NOTE: The Lifelong Learning Section, including Adult Basic Education and GED Testing Services, has been transferred to the [Oklahoma Department of Career and Technology Education](#).

- › General Provisions
- › Adult basic education
- › High School Equivalency (HSE) testing program

## MIDDLE SCHOOL MATHEMATICS LABORATORIES FOR PUBLIC SCHOOLS WITH LOW STUDENT ACHIEVEMENT IN MATHEMATICS PROGRAM

- › Purpose
- › Middle school mathematics laboratories for public schools with low student achievement in mathematics programs

## OKLAHOMA ACADEMIC SCHOLAR RECOGNITION

- › Oklahoma Academic Scholar Recognition

## OKLAHOMA ORGAN DONOR EDUCATION AND AWARENESS PROGRAM ACT

- › Organ donor awareness

## OKLAHOMA SCHOOL ACCOUNTABILITY SYSTEM

- › Oklahoma School Accountability System

## PROFICIENCY BASED PROMOTION

- › Purpose and scope
- › Proficiency based promotion and evaluations of student placement
- › Appropriate notation for credit in core required curriculum area(s) completed through examination

## STUDENT ASSESSMENT

- › Oklahoma School Testing Program (OSTP) scope and general administration
- › Test security and validity
- › Academic Assessment Monitoring Program (AAMP)
- › Test inservice
- › Return of documentation to testing company; completion of Test Preparation Enrollment Survey
- › Violations
- › Requests to view or take possession of documents
- › Testing students with disabilities

## STUDENT ATTENDANCE

- › Audits

## STUDENT ENTRANCE AND PROGRESSION THROUGH THE SYSTEM

- › Student entrance and progression through the system
- › Annual student dropout reports to local school boards
- › Annual student college remediation reports to local school boards

## SUMMER SCHOOL PROGRAMS

- › Purpose and scope
- › Summer school programs

## **ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS): PREVENTION EDUCATION**

### **OAC<sup>19</sup> 210:15-17-1. Purpose**

The purpose of the rules in this Subchapter is to clarify the requirement that AIDS Prevention Education is to be taught in the public schools of Oklahoma. Rules herein address grade levels and frequency of instruction, certain required curriculum content, and materials. [[70 O.S. § 11-103.3](#)]

### **OAC 210:15-17-2. AIDS prevention program**

- A.** Acquired immune deficiency syndrome (AIDS) prevention education shall be taught in the public schools of this state. AIDS prevention education shall be limited to the discussion of the disease AIDS and its spread and prevention. Students shall receive such education:
1. At the option of the local school district, a minimum of once during the period from grade five through grade six;
  2. A minimum of once during the period from grade seven through grade nine; and
  3. A minimum of once during the period from grade ten through grade twelve.
- B.** A school district may develop its own AIDS prevention education curriculum and materials or use those developed by the State Department of Education. Any curriculum and materials developed for use in the public schools shall be approved for medical accuracy by the State Department of Health and must be limited to factual medical information for AIDS prevention.
- C.** AIDS prevention education shall specifically teach students that:
1. Engaging in homosexual activity, promiscuous sexual activity, intravenous drug use or contact with contaminated blood products is now known to be primarily responsible for contact with the AIDS virus;
  2. Avoiding the activities specified above is the only method of preventing the spread of the virus;
  3. Sexual intercourse, with or without condoms, with any person testing positive for human immunodeficiency virus (HIV) antibodies, or any other person infected with HIV, places that individual in a high risk category for developing AIDS.
  4. Abstinence from sexual activity is the only certain means for the prevention of the spread or contraction of the AIDS virus through sexual contact; and
  5. That artificial means of birth control are not a certain means of preventing the spread of the AIDS virus and reliance on such methods puts a person at risk for exposure to the disease.

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<sup>18</sup> PLEASE NOTE: The Oklahoma Administrative Code is available online, but only permits linking to the front page. To view OAC material, click on the hyperlinked "OAC", then select "View Code" from the options at the left side of the screen. Select the appropriate Title (210 for State Department of Education), then chapter number and subchapter, until you have reached the desired code section.

- D.** School districts shall make the curriculum and materials available for inspection by the parents and guardians of the students that will be involved with the curriculum and materials. The school districts, at least one month prior to teaching AIDS prevention education in any classroom, shall conduct for the parents and guardians of the students involved, during weekend and evening hours, at least one presentation concerning the curriculum and materials that will be used for such education. No student shall be required to participate in AIDS prevention education if a parent or guardian of the student objects in writing to such participation.

**63 O.S. § 1-502.2 Confidential Information - Written Consent - Multidisciplinary Advisory Committee - Violations – Penalties**

**C.**

1. The State Department of Health may convene a confidential meeting of a multidisciplinary team for recommendation on school placement of a student who is infected with the human immunodeficiency virus. The multidisciplinary team shall include, but not be limited to, the following:
  - a. the parent, parents, legal representative, or legal guardian or legal custodian of the student,
  - b. the physician of the student,
  - c. a representative from the superintendent’s office of the affected school district,
  - d. a representative from the State Department of Education, and
  - e. a representative from the State Department of Health.

Each member of the team shall be responsible for protecting the confidentiality of the student and any information made available to such person as a member of the team. The multidisciplinary team shall be exempt from the requirements of [Sections 301](#) through [314 of Title 25](#) of the Oklahoma Statutes and [Sections 24A.1](#) through [24A.19 of Title 51](#) of the Oklahoma Statutes.

2. Each member of the local school board having jurisdiction over the student shall also be responsible for protecting the confidentiality of the student and any information made available to such person as a school board member.

**CO-CURRICULAR AND EXTRACURRICULAR PROGRAMS AND ACTIVITIES**

**OAC 210:35-17-2. Co-curricular and extracurricular programs**

- A.** Co-curricular and extracurricular programs shall provide opportunities for developing leadership ability and stimulate active participation of all students in appropriate school organization and community activities according to their aptitudes and interests.
- B.** Co-curricular and extracurricular programs shall be planned through the cooperative efforts of the teachers and students and shall be organized and administered so as to contribute to the educational objectives of the school.



1. Students shall not participate in a particular activity more than one period during the regular school day .
2. A member of the teaching staff shall be in charge of each activity . The sponsors shall be directly responsible to the principal or some person appointed by the administration to direct the activities of the school .
3. The State Board of Education encourages all elementary, middle, junior high, and secondary students to be in attendance in their regularly scheduled classes so that maximum learning can occur. Educational programs are built on the foundation of continuity of instruction and participation in the classroom setting. Consistent classroom attendance can assist students toward development of strong work habits, responsibility and self-discipline. Since the educational merit of the co-curricular and extracurricular programs is recognized, the goal of the State Board of Education is to facilitate a balanced education for each student. It is with these goals and philosophy that the State Board of Education establishes the following attendance/ activities regulations:
  - a. It is the intent of the State Board of Education that the superintendent or elementary superintendent and local board of education annually review the scheduling of co-curricular and extracurricular activities so that minimal interruptions occur in the instructional program of a student . The Oklahoma Secondary Activities Association (OSSAA) guidelines related to student eligibility to participate in extra-curricular activities, activity absences, number of games allowed, and length of season shall be applicable to all Oklahoma public schools and students .
  - b. The maximum number of absences for activities, whether sponsored by the school or outside agency/organization, which removes any student from the classroom shall be ten for any one class period of each school year. Excluded from this number are state and national levels of school-sponsored contests. State and national contests are those for which a student must earn the right to compete. The criteria for earning the right to represent the school in any activity or contest must be submitted in writing by local school sponsors and approved by the local board of education .
  - c. Each local board of education shall appoint, at the beginning of the school year, an Internal Activities Review Committee. This committee shall be responsible for reviewing and recommending any deviation of the activities policy to the local board of education. Any deviation from the ten days absence rule shall not exceed five days .
  - d. Each school district shall be responsible for maintaining an addendum to the attendance records to verify the conditions within the school system that apply to regulation (3) (B) of this subsection .
  - e. Procedures for filing complaints are:
    - I. A signed written complaint must first be filed with the local board of education. If the complaint is not resolved at the local level then

the complaint should be filed with the Accreditation Section of the State Department of Education . Upon receipt of the complaint the Accreditation Section shall appoint a monitoring team to make an on-site visit and file a written report to the State Board of Education and Accreditation Section. This complaint must include a list of the name(s) of the student(s), date(s) and class(es) missed which exceed the regulation in (3) (B) of this subsection .

- II. The school district shall provide to the monitoring team during the on-site visit the necessary records to verify or deny the violation as specified in the written complaint .
- III. The monitoring team shall submit a written report to the superintendent or elementary superintendent and local board of education within 10 school days of the on-site visit.

- f. Upon the recommendation of the monitoring team the superintendent or elementary superintendent may be called to appear before the State Board of Education for determination of the appropriate action to be taken. In cases of flagrant violation state funds may be deducted/ withheld from the school district.

## **DRIVER EDUCATION**

### OAC 210:15-19-4. **Teacher qualifications**

Each teacher assigned to teach Driver and Traffic Safety Education in an accredited high school must have:

1. A valid Oklahoma Secondary, Elementary-Secondary, Library Media Specialist, Speech-Language Pathology or Vocational Technical License/Certificate;
2. A credential in Driver and Traffic Safety Education;
3. A valid Oklahoma Driver's License as verified by the Department of Public Safety;
4. The teacher shall meet the requirements in (1) and (2) of this subsection before the State Department of Education recommends to the State Department of Public Safety that an instructor's permit be issued. The Instructor Certification, Assurances and Permit (ICAP) application shall be submitted to the State Aid Section. Provided the program meets all requirements and the teacher is properly qualified, the ICAP application will be forwarded to the Department of Public Safety to consider the instructor's driving record and to issue or renew a current driver education instructor's permit.
5. OAC 210:15-19-5. **Reporting**

The State Aid Section of the State Department of Education will furnish all forms of the required reports. There must be on file with the State Aid Section at the State Department of Education:

1. A copy of the current Instructor Certification, Assurances and Permit (ICAP) application approved by both the State Department of Education and

Department of Public Safety. Such approved application shall be prerequisite to any behind-the-wheel instruction. An approved application must be filed for the appropriate session(s) of the school year;

2. A copy of the Driver Education Application for Prior Year Reimbursement form shall be submitted to the State Department of Education to claim reimbursement. For reimbursement purposes, each student must receive 30 hours of classroom instruction and 6 hours of behind-the-wheel instruction.
3. Any other reports requested by the State Aid Section of the State Department of Education.

#### OAC 210:15-19-6 **.Reimbursements**

- A. Beginning with the reimbursement for the 1998-99 school year driver education program, and each year thereafter, the State Superintendent of Public Instruction shall allow to each school district the amount per pupil as stated in law, providing the driver education program was completed during the preceding fiscal year and is in accordance with 210:15-19-4 through 210:15-19-12. No fee shall be charged to the student if the driver education program is offered during the regular school day. Every public school qualifying for reimbursement shall, upon conclusion of a school year, submit a report showing the total students per program, and a statement that all of the minimum standards have been met. These reports must be filed on forms supplied by the State Department of Education.
- B. No allowance shall be made under this act for the instruction of pupils in driver education unless the school district has complied with these rules and regulations governing the establishment, conduct, and scope of driver education.

#### OAC210:15-19-7 **.Instructional time requirements**

The Driver and Traffic Safety Education Program shall be conducted a minimum of one (1) semester. Students to be counted by the school under these regulations for reimbursement shall receive a minimum of thirty (30) hours of classroom instruction and a minimum of six (6) hours of actual driving in the Driver and Traffic Safety Education vehicle, all under a qualified Driver and Traffic Safety education instructor.

#### OAC 210:15-19-8. **Summer programs**

- A. Summer School Driver Education shall comply with rules and regulations for summer high school. Schools desiring Summer School Driver Education shall make application on forms furnished for this purpose. The application shall be properly completed and filed with the State Aid Section, State Department of Education.
- B. The summer session must be in compliance with 210:15-19-7, Instructional Time Requirements, and rules and regulations for summer high school.
- C. Application for Instructor Certification, Assurances and Permit (ICAP) must be filed on forms furnished for this purpose and approved by the State Aid Section of the State Department of Education and the State Department of Public Safety before behind-the-wheel instruction begins.

#### OAC 210:15-19-9. **Simulation**

Simulators may be used to substitute for part of the time requirements in the behind-the-wheel phase of the program. Where such devices are used, a minimum of three (3) hours instruction must be given in the vehicle, under actual driving conditions. The time spent on the simulator shall be at the ratio of 4 to 1 ... 4 hours on a simulator may be substituted for 1 hour of actual behind-the-wheel driving experience.

#### OAC 210:15-19-10 **Scheduling**

- A.** Classroom instruction should be scheduled in keeping with the regular scheduling policy for other subjects in the school curriculum. It is highly recommended that the classroom, simulation (where used), and the behind-the-wheel instruction be integrated to the extent that each phase supplements the other.
- B.** Behind-the-wheel instruction should be scheduled in keeping with the needs of the students and, if possible, should be scheduled the same hour as classroom instruction. However, the driving phase of the class shall begin and end, with all students and the instructor, at the school.

#### OAC 210:15-19-11 **Student eligibility**

- A.** Students who enroll in Driver and Traffic Safety Education in any public school of this state must show evidence that they are physically and mentally capable of receiving instruction and may profit from the course.
- B.** Any student receiving instruction in Driver and Traffic Safety Education, under the provisions of the law shall be:
  - 1. At least fifteen (15) years of age and a secondary school student.
  - 2. The student shall meet the requirements in (b) (1) of this section while regularly enrolled and certified by an instructor as a student taking a prescribed course of secondary school driver education, to operate a motor vehicle while accompanied by, and receiving instruction from said instructor who is actually occupying a seat beside the driver.

#### OAC 210:15-19-12 **Specifications for the vehicle**

- A.** All Driver and Traffic Safety Education (D/TSE) vehicles must be equipped with dual controls, sideview mirrors (right and left), and front and rear seat belts for all occupants of the vehicle.
- B.** All D/TSE vehicles shall be clearly identified "Student Driver" on front and back of vehicle in a clearly visible place. It is recommended that the letters be at least 4" high.

#### 47 O.S. § 6-110 - **Driver Education Testing**

Public school district or career tech center can proctor the written examination for an original Class A, B, C or D driver permit, license or related document. The district or career center can enter into an agreement with the Oklahoma Department of Public Safety to proctor driver testing.

## **EARLY CHILDHOOD EDUCATION PROGRAMS**

**OAC 210:15-11-1. Purpose**

The rules and regulations in this Subchapter provide procedures for implementation and continuance of early childhood education programs in accredited Oklahoma schools.

**OAC 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.

## **GIFTED AND TALENTED EDUCATION REGULATIONS AND PROGRAM APPROVAL STANDARDS**

### **OAC 210:15-23-1. Responsibilities of school districts and local boards of education in providing for a gifted and talented program**

The local board of education is responsible to provide gifted and talented educational programs for all identified gifted and talented children who reside in the district. Gifted and talented educational programs must include multiple programming options which are matched with each student's identified needs and interests.

#### **OAC 210:15-23-1.2 Definitions**

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

- A.** "Children who reside in the district" means children who are legally enrolled in the district.
- B.** "Students who score in the top three (3%) on any nationally standardized test of intellectual ability" means a composite, total or full scale score in the 97th percentile or above, including the standard error or measure as denoted in each nationally standardized test of intellectual ability technical manual.
- C.** "Composite, total or full scale score" means the total of all components or subtest scores as defined in the technical manual of the nationally standardized test of intellectual ability. Subtest scores themselves do not constitute a composite, total or full scale score.

### **OAC 210:15-23-2. Procedural safeguards for the identification of students for gifted education programming**

- A.** Gifted and talented children shall be identified consistent with [70 O.S. § 1210.301](#) for the purposes of funding through the annual gifted educational child count.
- B.** Identification procedures are clearly stated and uniformly implemented.
- C.** Student placement decisions in the capability areas are based on multiple criteria.
- D.** Procedures used in the identification process are nondiscriminatory with respect to race, economic background, national origin or handicapping condition.
- E.** Written identification and placement procedures include parental involvement.
  - 1. Parents grant written permission for individual ability testing.
  - 2. Local gifted educational plan includes a procedure for parents to appeal a placement or nonplacement decision with which they disagree.
- F.** Identification of gifted students is an ongoing process extending from school entry through grade twelve.

1. Opportunities are provided for students to be considered for placement in gifted programs throughout their school experience. Students' placement in programming options is based on their abilities, needs and interests.
2. Identification of students based on a nationally standardized test of intellectual ability is valid for a minimum of three years and may be valid for the student's educational experience.
3. Procedures for the consideration of identification and placement of a pupil who was identified as gifted and talented in another school district are developed and implemented.
4. Evaluation of the appropriateness of students' placement in gifted educational programming shall be ongoing.
5. Written policies for removal from a programming option include a procedure for conferencing with parents relative to any change in placement.
6. Strict confidentiality procedures are followed in regard to records of placement decisions and data on all nominated students.
7. Records of placement decisions and data on all nominated students are kept on file for a minimum of five years or for as long as needed for educational decisions.
8. Appropriate documentation for students scoring in the top three percent (3%) on a nationally standardized test of intellectual ability shall include, but is not limited to, individual student test composite score reports, written parent permission to test (required for individual ability test), parental approval of program placement decisions.

**OAC 210:15-23-7. Qualifications of gifted child education program staff**

Gifted educational program coordinators and teachers shall participate in inservice training or college training designed to educate and assist them in the area of gifted education.

**OAC 210:15-23-9. Process for appeal of penalty**

Districts against which a penalty is assessed as required under Part B of [70 O.S. § 1210.303](#), may appeal to the State Board of Education by:

1. An intent to appeal must be filed with the Director of Gifted Education within 30 days following receipt of notification that the gifted child educational program is not in compliance with State Board rules and [70 O.S. §§ 1210.301, 1210.302, 1210.303, 1210.304, 1210.305, 1210.306, 1210.307, and 1210.308](#).
2. The appeal will be brought to the State Board for their review and consideration at the next regularly scheduled meeting following receipt of notification of intent to appeal if notification is received at least ten working days prior to the next regularly scheduled board meeting.
3. The State Department of Education will review for the State Board the information upon which the penalty is assessed. The school district found to be in noncompliance will be given an opportunity to provide information to

the State Board to refute the penalty .

4. Upon review of the information presented by the State Department and school district, the State Board will either uphold or overturn the penalty.

**OAC 210:15-23-10. **Failure to Report****

Any school district who fails to submit an expenditure report to the State Department of Education by August 1 of each school year as required by [70 O.S. § 1210.307\(D\)](#) shall have State Aid for gifted and talented programs withheld pursuant to [70 O.S. § 3-104\(13\)](#) until all reporting requirements have been met.

## **LIFELONG LEARNING**

NOTE: As of July 1, 2014, the Lifelong Learning Section—which includes Adult Basic Education and GED Testing Services—has transferred from the State Department of Education to the [Oklahoma Department of Career and Technology Education](#). If you have questions about these programs, please [contact](#) the Department of Career and Technology Education .

**OAC 780:35-1-1 **General Provisions****

- A.** Purpose. The rules of this subchapter have been adopted for the purpose of establishing standards, guidelines, allocation of funds, development of projects and applications, and the implementation of Adult Education and Literacy, Activities, Corrections Education and other Education of Institutionalized Individuals, and Integrated English Literacy and Civics Education. These activities are designed to
- 1) assist adults to become literate and obtain the knowledge and skills necessary for employment and economic self-sufficiency,
  - 2) assist adults who are parents or family members to obtain the education and skills that are necessary to becoming full partners in the educational development of their children, and lead to sustainable improvements in the economic opportunities for their family
  - 3) assist adults in attaining a secondary school diploma and in the transition to postsecondary education and training, including through career pathways, and
  - 4) assist immigrants and other individuals who are English language learners in improving their reading, writing, speaking, and comprehension skills in English, mathematics skills, and acquiring an understanding of the American system of Government, individual freedom, and the responsibilities of citizenship.
- B.** Definitions. The following words and terms, when used in this Subchapter, shall have the following meaning unless the context clearly indicates otherwise:
1. “Act” means the Adult Education and Family Literacy Act (AEFLA), Title II of the Workforce Innovation and Opportunity Act (P.L. 113-118).
  2. “Adult education” means academic instruction and education services below the postsecondary level that increase an individual’s ability to a) read, write and speak in English and perform mathematics or other activities necessary for the attainment of a secondary school diploma, b) transition to postsecondary education and training, and c) obtain employment.
  3. “Adult education program” means a local education agency, postsecondary institution, community-based organization or faith-based organization, corrections education agency, a volunteer literacy organization, a public or



private nonprofit agency, a library, a public housing authority, a nonprofit institution, a consortium or coalition of agencies, institutions, libraries, or authorities described previously, or partnership between an employer and entities described previously who are responsible for locally administering the Adult Education and Family Literacy Act grant.

4. "Eligible Individual" means an individual who 1) has attained 16 years of age, 2) who is not currently enrolled or required to be enrolled in secondary school under state law, and 3) who is basic skills deficient, does not have a secondary school diploma or its recognized equivalent and has not achieved an equivalent level of instruction, or is an English language learner.
5. "High School Equivalency" (HSE) means a high school equivalency credential (GED, HiSet, TASC). The Oklahoma Department of Career and Technology Education is the appointed entity in the State of Oklahoma, responsible for oversight and regulation of the High School Equivalency (HSE) program for high school equivalency examinations for adult populations. Effective July 1, 2015, the HISET, GED AND TASC, High School Equivalency Examinations are authorized by the Oklahoma Department of Career and Technology Education to provide high school equivalency examinations that meet state requirements.
6. "State educational agency" (SEA) means the Oklahoma Department of Career and Technology Education.

[OAC](#) 780:35-1-2. **Adult basic education**

- A. Programs, services and activities funded in accordance with uses specified in this Act are designed to expand or improve the quality of adult education programs, including priority programs for eligible individuals.
- B. Adult education programs governed by the Act shall make every effort to provide free classes to students. Adult education programs may charge necessary and reasonable fees for consumable materials and work-based classes. Adult education programs that wish to implement fees must develop a fee policy that has been approved by the adult learning center's local governing board. The fee policy must be reasonable and may not restrict access to services.
- C. The Act permits local adult education programs to generate income. The purpose of income is not to make a profit, but rather to expand services. Income and donations received must be reinvested in the adult education program. Any income must be accounted for in records and reported to the state Adult Basic Education office for National Reporting System Financial Reports.
- D. Adult education programs governed by the Act must follow the state adult education Assessment Policy per federal guidelines.
- E. Adult education programs governed by the Act must follow the state adult education Student Goal Setting Policy per federal guidelines.
- F. For each year covered by the plan, the fiscal effort per student from nonfederal sources available for expenditure by the state for adult education, during the second preceding fiscal year must not be less than the fiscal effort per student

from nonfederal sources during the third preceding fiscal year in order to meet the maintenance of effort requirement .

- G.** Teachers of adult education and literacy activities located in the adult learning centers funded by the state under the Act, shall have a valid Oklahoma Teacher's Certificate or a minimum of a Master's degree. Directors of adult education located in the adult learning centers shall have a valid Oklahoma Teacher's Certificate or a minimum of a Master's degree .
- H.** For fiscal control, the obligation basis of accounting is used; expenditures will be supposed by copies of paid claims and invoices and will be audited following accepted auditing procedures .
- I.** Federal funds for adult education programs operating under a grant extension will be allocated according to, the funding formula described in Oklahoma's AEFLA State Plan .
- J.** State funds for adult education programs operating under a grant extension will be allocated according to the funding formula described in Oklahoma's AEFLA State Plan .
- K.** The SEA and the adult education programs participating in the plan shall enter into cooperative arrangements, when feasible and appropriate, with such entities as other state agencies, community based organizations, community action agencies, career technology schools, churches, businesses, etc. in order to carry out the general purpose of the Act .
- L.** The adult education programs will expand 95% of the funding for adult education activities and 5% will be used for administrative costs, however if the administrative cost limits would be insufficient for adequate planning and administration of the program, the state agency may negotiate with the local grant recipient in order to determine an adequate level of funds to be used for noninstructional purposes. Negotiated administrative cost limits are indicated in the Adult Education and Literacy State Plan/State Plan Amendments .
- M.** The SEA will provide direct and equitable access to and will review grant proposal applications during an open grant competition . The adult education program will demonstrate that the thirteen considerations outlined in Section 231 of the Act are being met in order to be considered for a grant award. The adult education program must assure that the services are coordinated with and are not duplicative services under other Federal, State and local programs. The comments of the adult education program and responses thereto shall be attached to the application when it is forwarded to the state .
- N.** Federal funds for new grantees shall be allocated on the basis of an application, budget, and proposed number of students to be served . State funds will be matched on the ratio specified by the Act's regulations in existence for the current fiscal program year .
- O.** The SEA will evaluate grant recipients based on the federal requirements for program evaluation .

- P. Adult education programs will follow all requirements set forth in the SEA Adult Education State Plan and State Plan Amendments .
- Q. Adult education programs will meet the state performance measures of pre-/post-assessing 60% of their students and increasing the average number of student contact hours each fiscal year .
- R. Adult education programs will use an SEA-approved management information system to document student enrollment, goals, attendance, educational gains, and other information as required by the National Reporting System (NRS) . Programs will update data monthly .

**OAC 780:35-1-3 **High School Equivalency (HSE) testing program****

- A. The Adult Basic Education Division of the Oklahoma Department of Career and Technology Education has responsibility for directing the HSE Testing Program in Oklahoma and for issuing high school diplomas to those who successfully complete the HSE Test .
- B. An applicant shall be 18 years of age or older, except beginning August 1, 1995, persons having attained the age of 16, but who are not yet 18, must be permitted to take the HSE Tests provided the applicant meets the residency requirements and submits along with the application to take the HSE Tests, a notarized joint written agreement between the school administrator of the school district in which the applicant resides, and the parent, guardian, or custodian, stating that it has been determined that such action is in the best interest of the child and community .
- C. The HSE Tests shall be administered by one of the many local HSE Testing Centers in Oklahoma .
- D. To become eligible to take the HSE Tests, an application must be made to the Adult Basic Education Division of the Oklahoma Department of Career and Technology Education online or through a HSE Testing Company . A fee will be charged by the testing company when the application is made .
- E. An applicant shall make the minimum score required for passing the HSE Tests, as established by the HSE Testing company .

**MIDDLE SCHOOL MATHEMATICS LABORATORIES FOR PUBLIC SCHOOLS WITH LOW STUDENT ACHIEVEMENT IN MATHEMATICS PROGRAM**

**OAC 210:15-31-1. **Purpose****

This rule prescribes procedures to be used in developing and implementing the Middle School Mathematics Laboratory Program for public schools with low student achievement in mathematics at the middle school level pursuant to the provisions of state statute [70 O.S. § 1210.558](#) .

**OAC210:15-31-2. **Middle school mathematics laboratories for public schools with low student achievement in mathematics programs****

- A. The State Department of Education shall identify public schools with low student achievement in mathematics at the middle school level that meet the following criteria:

1. Each school shall have at least fifty percent of its students performing below satisfactory on the eighth grade mathematics criterion referenced test of the Oklahoma School Testing Program in at least one of the two preceding years.
2. There shall be a limit of one school per school district each year.
3. There shall be representation from urban, suburban, and rural districts provided that such schools meet all other criteria.
4. There shall be representation from each quadrant of the state provided that such schools meet all other criteria.

**B.** Each selected school shall:

1. implement the computer education teaching system as recommended by the vendor and the State Department of Education.
2. develop a Mathematics Laboratory Team which may include up to ten administrators, teachers, and technicians selected by school personnel to operate and utilize the computer education teaching system.
3. attend all professional development provided by the vendor and the State Department of Education for appropriate implementation of the program.
4. establish benchmark goals based upon preassessment data and state performance standards for the Oklahoma School Testing Program which will be submitted to the State Department of Education.

**C.** Each participating school shall provide disaggregated data to the State Department of Education through quarterly reports.

## **OKLAHOMA ACADEMIC SCHOLAR RECOGNITION**

[OAC 210:10-1-16.](#) **Oklahoma Academic Scholar Recognition**

- A.** Purpose. The rules of this subchapter have been adopted for the purpose of providing requirements for recognition as an Oklahoma Academic Scholar. The purpose of the program is to recognize those secondary students within the State of Oklahoma who exceed the basic graduation requirements and who, through diligence, achieve academic ratings above those of their peers.
- B.** Requirements for recognition. Students who meet all the requirements listed below shall be recognized by the local school district and the State Board of Education as an Oklahoma Academic Scholar.
1. Accumulate over grades 9, 10, 11 and the first semester of grade 12, a minimum grade point average of 3.7 on a 4.0 scale or be in the top 10% of their graduation class.
  2. Complete (or will complete) the curricular requirements for a standard diploma.
  3. Score at least a composite of 27 on the American College Test (ACT) or a 1220 combined score on the Scholastic Assessment Test (SAT). The ACT or SAT must have been taken on a national test date or state-administered

test date before the date of graduation. For students with documented disabilities requiring testing accommodations not available on a national or state administration date, a qualifying score on the ACT or SAT may be demonstrated using alternate administration dates.

## **OKLAHOMA ORGAN DONOR EDUCATION AND AWARENESS PROGRAM ACT**

### **OAC 210:15-18-1. **Organ donor awareness****

A resource list of existing organ donor awareness curriculum materials available for possible use in the elementary and secondary schools shall be developed by the Oklahoma State Department of Education.

1. At the option of the local school district, organ donor awareness curriculum may be used in appropriate curriculum content areas including: life science, biology, health, consumer science and physical education classes.
2. The local school district shall determine at which grades to use an organ donor awareness curriculum.
3. Any organ donor awareness curriculum beyond the scope of the current locally approved instructional materials shall require parent notification of their child's participation related to the specific organ donor awareness curriculum materials. No student shall be required to participate in organ donor awareness curriculum if a parent or guardian of the student objects in writing to such participation.

## **OKLAHOMA SCHOOL ACCOUNTABILITY SYSTEM**

### **OAC 210:10-13-18. **Oklahoma School Accountability System****

- A.** Academic performance targets. The Oklahoma School Accountability System shall be based on a multimeasures approach to accountability in accordance with the Elementary and Secondary Education Act of 1965 (ESEA) as reauthorized by P.L. No. 114-95, also known as the Every Student Succeeds Act (ESSA), and shall include the indicators set forth in [70 O.S. § 1210.545](#). All public elementary and secondary schools and local educational agencies (LEAs) shall be accountable for student achievement and for reaching academic performance targets in accordance with the Oklahoma School Accountability System required by [70 O.S. § 1210.541](#).
- B.** Consequences of testing irregularities or misconduct on test scores and academic performance targets.
  1. If the State Department of Education (OSDE) Office of Assessments receives documentation of a student cheating on a test, the student's score shall be "invalidated." The student's score report for that content area shall read "Invalidated." The "invalidated" score shall have the effect of nonparticipation when aggregated with scores of other students at the school, district, and state levels, unless the student is administered a breach test form.
  2. If a student does not attempt the test (such as refusal to read items or mark answers, finishing in 5 minutes, or randomly marking answers), no special action shall be taken. The student's test shall be scored and the score aggregated with the rest of the scores at the school, district, and state levels

according to standard procedure.

3. If a student becomes ill during testing and is not able to complete the test, the test shall not be scored and not counted in the summary scores. The student shall be counted as absent. If a breach form of the test is available through the Oklahoma School Testing Program (OSTP), the student may be given an opportunity to retake the same form within the same testing window.
4. If any violation of security provisions occurs, such violations shall be reported in writing to the State Department of Education Office of Assessments and may result in a student's, a school site's, and/or a school district's test scores being declared as invalid in accordance with the provisions of [OAC 210:10-13-4](#).
  - a. In the case of invalidation resulting from a violation of the provisions of [OAC 210:10-13-4](#), each invalidated score shall be equivalent to non-participation in the assessment and shall be aggregated with the remaining student scores at the school, district, and state levels in determining participation rates.
  - b. If the violation is not the fault of the students involved, and if a breach form of the test is available through the OSTP, students may be given the breach form within the same testing window. In the case that a breach equivalent form is administered, the individual student score report shall reflect the scores from the equivalent test (in place of the previous invalidated scores) and shall be aggregated at the school, district, and state levels.
  - c. Breach test forms of the OSTP shall only be made available through the OSDE Office of Assessments if determined practicable by the State Department of Education.
5. If extreme changes in test scores or in academic performance data occur for a school or district from year to year, an investigation shall be conducted, which may include, but not be limited to, data forensics analysis, and results of any apparent testing irregularity or misconduct reported to the State Board of Education for possible further action, which may include but not be limited to, score invalidation.
6. Statewide student response patterns shall be analyzed for aberrant responses for each school and district through data forensics methodologies. The results shall be triangulated with observational and other accountability data to be included in the Academic Assessment Monitoring Program (AAMP).
7. Steps for Dealing with Reported Testing Irregularities or Misconduct
  - a. Step One. When the State Department of Education receives credible evidence of a testing irregularity or misconduct, the State Department of Education Office of Assessments shall promptly notify the school site and/or school district involved.

- I. The school district shall have at least thirty (30) calendar days

to conduct an investigation of the alleged testing irregularity and provide the State Department of Education with a written response.

II. In the event that the testing irregularity occurred as a result of testing misconduct or test security violations, the school site and/or school district shall be required to include an explanation in its written response of how the testing misconduct/irregularity occurred and a description of the measures taken to prevent the misconduct from occurring again.

b. Step Two. The testing irregularity or misconduct shall be categorized into one of three violation categories (minor, major, and critical) according to the severity of the violation and its possible consequences. Possible consequences may include, but not be limited to, invalidation of scores, accreditation with deficiency, accreditation with warning, accreditation with probation.

c. Step Three. At the end of each testing period, a testing irregularity report shall be prepared by the State Department of Education Office of Assessments for review by the State Superintendent and possible further action.

**C. Procedures for Schools to Review Data Reports and Appeal Accountability Decisions.**

1. To assure the validity of accountability decisions prior to the release of the list of schools identified for school support and improvement as required by federal law, the State Department of Education will forward to schools the preliminary data reports containing component pieces from the school district, testing vendor, and the State Department of Education. Each school district must review these component pieces for accuracy and report any inaccuracies to the entity supplying the information within the applicable timelines. If the school district does not report inaccuracies within the timeline the State Department of Education will rely on the data in the preliminary data report.
2. Upon receiving their preliminary data reports from the State Department of Education for use in creating School and District Report Cards, districts shall review the data in the preliminary data reports and report any discrepancies with the data components previously reviewed by the district to the State Department of Education within the specified timeline.
3. Subsequent to the review of the preliminary data report, if a principal of a school believes that the accountability designation contained in the data report is in error the principal shall provide supporting evidence to the district. The district must consider the evidence and if warranted, request an appeal in writing to the State Department of Education. The State Department of Education must receive the appeal request within ten working days of the electronic release of the data reports.
4. When a school district or charter school appeals an accountability designation, the appeal request will be sent to the State Department of

Education on the appeal form or other electronic submission method provided by the State Department of Education. The school district or charter school must specify on the form if a hearing pursuant to [75 O.S. § 309](#) is requested. If such a hearing is requested, the district must provide a written waiver of the right of the district to receive a final determination from the State Department of Education within the period required by federal law. In that event, all parties will cooperate to expedite the hearing process. If a hearing pursuant to [75 O.S. § 309](#) is not requested, the school district must submit written evidence supporting its appeal with the appeal request. The district may also request to address the School Status Designation Appeals Committee in person or by telephone. All appeal requests will initially be reviewed by the Office of Accountability to determine whether the appeal request remains with the School Status Designation Appeals Committee or is forwarded to the State Superintendent for a hearing pursuant to [75 O.S. § 309](#). The School Status Designation Appeals Committee may consist of members of the State Department of Education's cabinet membership and may also include additional members appointed by the State Superintendent. The Appeals Committee will review the district's evidence submitted with the appeal and if requested, hear comments from the school district, before providing a final determination in writing within forty-five (45) days from release of the data reports.

5. At the end of the State Department of Education Appeals process, the State Department of Education shall report to the State Board of Education the statewide list of schools identified for comprehensive and targeted support and improvement.
6. 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.
  - a. 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 (c)(6)(B) of this section. The school district shall have at least fifteen (15) 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 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.
  - b. 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 certified 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 review period. Changes to the criteria, data, or process shall not be considered as part of this review.

- c. 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 (A) or (B) of this subsection shall be deemed certified as accurate by the school district and districts shall not be permitted to request further corrections to the data.
- d. Schools identified for support and improvement. Schools that earn an F on the Oklahoma School Report Card and any high school with a graduation rate of 67% or lower will be identified for comprehensive support and improvement. Those identified for comprehensive support and improvement must include the lowest-performing 5% of Title I schools as required under federal law. Schools that do not meet exit criteria as defined in Oklahoma's ESSA State Plan within three (3) years will be required to implement more rigorous interventions.
- e. Rewards for public elementary and secondary schools that reach academic performance targets. Subject to the availability of funds, public elementary and secondary schools that reach academic performance targets shall be eligible for recognition by the State Board of Education.

## **PROFICIENCY BASED PROMOTION**

### **[OAC210:35-27-1](#). Purpose and scope**

This Subchapter contains rules and regulations for school districts to provide course credit and/or promotion to students in grades Kindergarten (K) through twelve (12) who demonstrate proficiency in a specified set of competencies through an evaluation and/or assessment in lieu of successful completion of all Carnegie units in a particular course. These rules relate to, and are in addition to, the accreditation standards set forth in Subchapters 1 through 13 of this Chapter.

### **[OAC 210:35-27-2](#). Proficiency based promotion and evaluations of student placement**

- A. General provisions. The provisions of this Section address requirements of school district policies and procedures pertaining to use of assessments to evaluate appropriate placement of students and/or provide course credit to students who can demonstrate proficiency in sets of competencies in the areas of curriculum required by [70 O.S. § 11-103.6](#), provided that the provisions of this Section are not intended to preclude a district from awarding credit to a student who satisfactorily completes all course requirements and sets of competencies for a course. The policies and procedures shall comply with the requirements of this Section and

shall set forth the district's use of proficiency assessments for each of the following purposes:

1. Course placement. Proficiency assessments for purposes of "course placement" refer to assessments administered solely for the purpose of evaluation of appropriate grade or course placement of students; and
2. Credit by examination. Proficiency assessments for purposes of providing "credit by examination" refer to assessments administered for the purpose of providing course credit for a student who demonstrates mastery of a set of competencies through the examination in lieu of completion of Carnegie units ("proficiency based promotion").

**B.** Policies regarding use of proficiency-based assessments for appropriate grade or course placement. School district policies and procedures regarding use of proficiency assessments shall address all of the following provisions:

1. Requests for proficiency assessments for evaluation of appropriate grade or course placement. The district policies required by this Section shall clearly describe the procedures for requesting proficiency assessments for the purpose of evaluating appropriate grade or course placement of a new student or currently enrolled student and shall ensure compliance with all of the following provisions:
  - a. Every school district shall provide all new students with an opportunity to request a proficiency assessment for the purpose of determining appropriate course placement within thirty (30) days of enrollment or re-enrollment in the district. School district policies shall permit a request for an assessment for this purpose to be initiated by a new student or the student's teacher, parent, or legal guardian.
  - b. For purposes of this paragraph, any student currently enrolled in the district who was not enrolled in the district during all or part of the immediately preceding school term, excluding summer school terms, shall be considered a new student.
2. Requests for proficiency assessments for credit by examination. The district policies required by this Section shall clearly describe the procedures for requesting proficiency assessments for the purpose of obtaining course credit by examination and shall ensure compliance with all of the following provisions:
  - a. Every school district shall provide all students legally enrolled in the school district with at least two opportunities per school year to obtain course credit through examination in each required curriculum area. School district policies shall permit a request for an assessment for this purpose to be initiated by a student or the student's teacher, parent, or legal guardian.
  - b. Identification as a "Gifted and Talented" student in accordance with the provisions of [70 O.S. § 1210.301](#) et seq. and accompanying regulations shall not be used as a prerequisite for requesting an assessment for the

purpose of obtaining credit by examination .

- c.** Enrollment in a course or completion of a course shall not be used as a prerequisite for requesting an assessment for the purpose of obtaining credit by examination .
- d.** Students who do not successfully demonstrate proficiency by evaluation or assessment pursuant to the provisions of this Section shall be allowed to attempt the assessment again during the next available proficiency evaluation period .

**3.** Curriculum areas eligible for course credit by examination . The district policies required by this Section shall clearly state the areas of curriculum for which evaluation of proficiency may be requested for the purpose of obtaining course credit through examination .

**a.** The areas of required curriculum in which opportunities for credit by examination will be offered shall include:

- I.** Social studies, history, or citizenship skills;
- II.** Language arts or English ;
- III.** Visual arts, fine arts, performing arts, or speech/communication;
- IV.** Non-English languages;
- V.** Mathematics; and
- VI.** Science

**b.** Written criteria for demonstrating mastery in each required curriculum area shall be made available to a student or the student's parent or legal guardian upon request. Demonstration of proficiency in all laboratory science courses shall include a requirement of demonstration of the student's ability to perform relevant laboratory techniques.

**C.** Proficiency assessment tools - requirements. Each school district shall clearly identify the assessment tools it will use to make student placement decisions and assessment tools it will use to provide course credit by examination . The assessment tools must comply with all of the following requirements:

**1.** Proficiency assessments for purposes of evaluating appropriate grade or course placement. Each district shall clearly identify all assessment tools used to evaluate appropriate grade or course placement of a student in absence of evidence of the student's successful completion of a previous grade level or a prerequisite course in the district. Evaluations administered for this purpose shall assess the student's proficiency in sets of competencies appropriate to the curriculum area, and shall meet all of the following requirements:

**a.** The evaluation shall ensure that appropriate grade and/or course placement of a student meets the requirements of (d)(2) of this Section and shall ensure that the academic needs of the student are met.





emotional and intellectual needs of the student should be considered .

- b. If the parent or guardian requests promotion/acceleration contrary to the recommendation of school personnel, the parent or guardian shall sign a written statement which shall be included in the permanent record of the student.
- c. If a student is being assessed in a set of competencies that is part of a curriculum sequence, the student may demonstrate proficiency in any sequence recommended by the school district.
- d. Options for accommodating a student’s needs for advancement after a student has demonstrated proficiency may include, but are not limited to, the following:
  - I. Individualized instruction
  - II. Correspondence courses
  - III. Independent study
  - IV. Concurrent enrollment
  - V. Cross-grade grouping
  - VI. Cluster grouping
  - VII. Grade/course skipping
  - VIII. Individualized education programs
  - IX. Supplemental online courses

**OAC 210:35-27-3. **Appropriate notation for credit in core required curriculum area(s) completed through examination****

All course credits earned through examination by elementary, middle level, or high school level students in required curriculum areas shall be appropriately notated on the student’s transcript and/or student record. Completion may be recorded with a letter grade or pass notation. Credits earned by a student through examination in accordance with the provisions of OAC 210:35-27-2 shall be transferable to or from any other school districts within the State of Oklahoma in which the student was enrolled, is currently enrolled, or may be enrolled. Credit for units of secondary coursework in curriculum areas required for graduation by 70 O.S. § 11-103.6 shall count toward meeting the requirements for the high school diploma .

**70 O.S. § 11-103.6 **Alternative Diploma****

E. A school district may issue an alternate diploma to a student who meets the definition of a student with the most significant cognitive disabilities and who participates in the Oklahoma Alternate Assessment Program (OAAP) beginning in the 2023- 2024 school year. An alternate diploma shall be standards-based, aligned with requirements for a standard diploma, and obtained by ENR. H. B. NO. 1041 Page 9 the school year in which a student turns twenty-two (22) years of age.

F. An alternate diploma shall not terminate a Free and Appropriate Public Education (FAPE) for students with an Individualized Education Program (IEP) unless they reach

the maximum age of FAPE. The IEP team shall determine subsequent courses and services for students who receive an alternate diploma.

G. Students participating in the OAAP shall not be precluded from attempting to meet the requirements of a standard diploma and participation in the OAAP shall not determine a student's educational setting under the Individuals with Disabilities Education Act (IDEA).

H. Students who meet requirements for an alternate diploma may count as having received a standard diploma for purposes of calculating and reporting the adjusted cohort graduation rate (ACGR).

I. A student may be awarded an alternate diploma upon completion of the following curriculum units or sets of competencies at the secondary level:

1. Language Arts – Four units or sets of competencies based on alternate academic achievement standards to consist of reading literature, reading informational text, writing, speaking and listening, and language in the following courses: a. English 1 Alternate, b. English 2 Alternate, c. English 3 Alternate, and d. English 4 Alternate;

2. Mathematics – Three units or sets of competencies based on alternate academic achievement standards to consist of number, quantities, algebra, functions/statistics, probability, and geometry in the following courses: a. Math Alternate 1, b. Math Alternate 2, and ENR. H. B. NO. 1041 Page 10 c. Math Alternate 3;

3. Science – Three units or sets of competencies based on alternate academic achievement standards to consist of life science, physical science, and earth science in the following courses: a. Life Science Alternate, b. Physical Science Alternate, and c. Earth Science Alternate;

4. Social Studies – Three units or sets of competencies based on alternate academic achievement standards to consist of United States History, United States Government, Oklahoma History, Geography, and Social Studies in the following courses: a. Social Studies Alternate 1, b. Social Studies Alternate 2, and c. Social Studies Alternate 3;

5. Arts – One unit or set of competencies which may include, but is not limited to, courses in Visual Arts and General Music;

6. Computer Education or World Language - One unit or set of competencies of computer technology, whether taught at a high school or a technology center school, including computer programming, hardware, and business computer applications, such as word processing, databases, spreadsheets, and graphics, excluding keyboarding or typing courses, or one unit or set of competencies of world or non-English language;

7. Career Readiness – at least two units of Career Readiness, including Career Readiness I, Career Readiness II, Career Readiness III, or Career Readiness IV. Each Career Readiness course may be substituted for Careers/Exploration, Internship I, or Internship II; and 8. Life Skills – at least two units of Life Skills, such as Life Skills I, Life Skills II, Life Skills III, or Life Skills IV. Each Life Skills course may be substituted for the Life Skills or Family and Consumer Science courses.

J. Courses in the core curriculum may be used as a substitute for corresponding courses required by the alternate diploma. Other courses may be substituted as

determined by the State Board of Education.

## **STUDENT ASSESSMENT**

### **OAC 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.

- 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. Instead their scores will be used in accountability calculations in one statewide "quasi-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, subject to the availability of funding.
  - 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 teacher certified 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 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.
6. 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 meeting. Remediation results shall be presented by a designated public school principal for each site.

[OAC 210:10-13-4](#). **Test security and validity**

- A. Test security. School administrators and their designees shall maintain security on tests administered under the auspices of the Oklahoma School Testing Program through following the procedures listed below:
  1. Test coordinators. School superintendents shall designate both district and building test coordinators before October 1 of each school year. Names and telephone numbers of district test coordinators shall be recorded on the OSTP Questionnaire conducted in the fall semester of each school year. This questionnaire is the order form provided by the testing vendors for all tests in the OSTP including large print and Braille test forms.
  2. Pretest information. The State Department of Education shall provide student/parent pretest information materials to schools for designated grade levels before testing.
  3. Embargo of test materials. The State Department of Education shall require the contracting test publisher to place an embargo on the sale, sampling, and/or distribution of test materials utilized in the OSTP to any person or organization in Oklahoma (other than the official distribution of such



materials supplied and the quantity needed for tests administered shall be reported immediately to the contracting company by the district test coordinator. Immediately upon receipt and inventory of materials, all tests, and other materials shall be locked in a secure place by the district test coordinator or school administrator.

- a. The site level distribution of test documents and materials may occur beginning one week prior to testing. Exceptions to the test materials distribution time limit needed by the largest districts in the state shall be registered with and approved by the State Department of Education Office of Accountability and Assessment at least four weeks prior to the first designated testing window of each year.
- b. During the days in which tests are being administered in each school district, all test administrators are responsible for locking all test materials in a secure place when the tests are not being utilized in the official test administration with students. This includes the time period between completion of the test administration and delivery of the answer documents and other test materials to the district test coordinator. Further, the building test coordinator is responsible for ensuring that materials are properly locked in a secure place at the times specified above.
- c. Test booklets are not to leave school buildings at any time (i.e., students' test booklets are not to be taken home by an employee or the community member/test monitor before, during, or after test administration has been completed). Exceptions to test booklets leaving a school site shall be made at the discretion of the State Department of Education Student Assessment Section for the purpose of secure transport to a site of instruction for the purpose of test administration, upon a written request from a District Test Coordinator. These requests must be registered with and approved by the Student Assessment Section at least four weeks prior to the first designated testing window of each year
- d. An accounting is to be conducted on all test booklets. Unused test booklets are to remain in "shrink-wrap" (or otherwise packaged) when possible. All unused tests are to be returned to the test publisher. Failure to return test booklets to the appropriate companies will result in:
  - I. A school or district being reported to the State Superintendent; and
  - II. Possible invalidation of the school's and/or district's scores by the State Department of Education Office of Accountability and Assessment.
- e. The contracting test publisher shall print electronically read identification codes on all documents containing secured test items prior to distribution of these materials to the public schools. Within all test program components of the OSTP, the contracting test publisher shall record the specific series of numbers (represented by the "bar codes") assigned to each school district and building site within a district.

Inventory lists of test document bar codes by school site shall be provided for each district test coordinator.

- f.** The district test coordinator shall ship all answer documents and specified identification forms to the designated scoring/reporting company and all other test materials to the contracting test publisher in accordance with the schedule for return of materials provided in the Test Preparation Manual. If a district fails to return materials and answer documents in a timely fashion, the district may be penalized with additional costs and the test scores for the individual school(s) and/or district in question may be declared invalid. If a district fails to complete or incorrectly completes answer documents and/or demographic pages or other required testing-related materials, the district may be penalized with additional costs and may also receive a deficiency on the district accreditation report.
  - g.** The contracting test publisher shall submit an inventory of test materials to the State Department of Education each year. This inventory shall document the quantity of materials distributed to each school district and received from each school district-- recorded by school site as indicated by the numbers represented by the "bar codes" printed on test materials. Quantities of writing assessment materials distributed to and retrieved from schools will be reported to the State Department of Education by the contracting test publisher.
  - h.** School superintendents from whom incomplete quantities of materials have been received shall be notified of this discrepancy and shall be provided a date by which the remaining materials must be returned to the test publisher. The test publisher shall notify the Department of Education of all school districts from which test materials have not been received after this date. Names of these school districts shall be reported to the State Superintendent and may also receive a deficiency on the district accreditation report.
- 6.** Prohibition against reproduction of test materials. Reproduction of any copyrighted test materials--including test documents, teachers' test administration manuals, and student pretest materials--is strictly prohibited. Photocopying of these materials constitutes a violation of federal copyright laws. To ensure that all school employees and community members are aware of this regulation and the laws in support of same, the district or building test coordinator shall post a sign to this effect over each copy machine. The Federal Copyright Law--as it applies to the multiple-choice and/or Writing Assessment Component of the OSTP--prohibits the photocopying of any part of the student Test Booklet. This includes the lined writing pages, the writing prompt, and the student's written response. This portion of the set of test documents, as well as the writing prompt, is considered protected under the copyright guidelines. These items shall remain protected, and thus may not be copied, printed, or disseminated in any manner, until they are officially released by the OSDE.
- 7.** Other test security violations. All of the following actions are prohibited as violations of test security:

- a. Teaching test items to students (except in the case of an alternate special education assessment in which authentic performance tasks may be utilized changing students' answers, or in any manner providing answers to test questions for students before, during, or after test administration has been completed .
  - b. Using secured test items as instructional tools or for student "practice"-- either verbatim as written or in reworded form . Note: Secured test items are those provided to measure student knowledge and/or skills on OSTP tests. Said items are to be differentiated from sample test items that are provided at the beginning of each subtest and used, according to official test administration procedures, solely for the purpose of understanding directions and marking answers .
  - c. Reading secured test items orally to students at any time before, after, or during test administration unless it is an IEP, Section 504, or ELL accommodation, in which case an affidavit shall be signed, prior to reading items, by the test administrator/reader stating they shall not reveal any test items, writing prompts, or other secured information to any person .
  - d. Allowing students to view and/or read the writing assessment prompts before test administration or discussing or exposing the theme or topic of the prompt .
  - e. Providing answers to secured test items. This includes provision of cues, clues, hints, and/or actual answers in any form--written, printed, verbal (oral), or nonverbal . In regard to the writing assessment component of the OSTP, prohibited actions include the provision of "hints" or any form of clues in regard to the manner in which students respond to the prompt (e.g., "brainstorming" about the topic of the prompt; offering suggestions regarding how to respond; assisting the student or class in organizing the response; and all other such deviations from the printed instructions for administering the test) .
  - f. Changing students' responses to secured test items and/or influencing or encouraging students to change their answers to test items at any time .
  - g. Deviating from any instruction provided in the official test administration manual or disclosure of any test information that materially inhibits the State Board of Education from exercising its duties set forth in 70 O.S. §1210 .508 to develop, field-test, administer, and validate criterion-referenced tests and end-of-instruction assessments .
8. Test security forms . Test Security Forms provided by the State Department of Education's test contractor(s) shall be distributed by the district test coordinator with test materials to the persons designated on each form .
    - a. OSTP Test Security Forms shall be provided for the following:
      - I. Form 1: Superintendent and District Test Coordinator

II. Form 2: Building Principal and Building Test Coordinator

III. Form 3: Test Administrators and Test Monitors.

b. After completing the test administration, these forms shall be signed by the designated persons and returned to the district test coordinator. The district test coordinator shall return all signed forms to the respective scoring company. Failure to sign and return the appropriate forms may result in:

I. A school or district being reported to the State Superintendent;  
and

II. Invalidation of a school's and/or district's test scores.

c. The contracting test companies shall provide the State Department of Education the signed OSTP Test Security Forms or a report of names of educators who signed SDE/OSTP Test Security Forms and an accounting of the number of tests and manuals:

I. Distributed to, and

II. Returned from each school district.

**B. Test administration.** All test administration sessions shall be conducted according to the standardized procedures described in the test administrators' manuals

1. The standardized procedures include, but are not limited to:

a. Reading the directions to students verbatim;

b. Refraining from allowing students to read test items before test timing begins and/or beyond the completion specified for each section of each test; and

c. Ensuring that only the materials designated for student test use are on the student's desk during test sessions.

2. Every test administered within the OSTP shall be administered by an education-certified professional person employed by the school district.

3. All test administration sessions shall be monitored by an adult other than the test administrator. All test monitors shall be approved by the superintendent or school principal. Superintendents and principals may designate school employees or noncertified members of the community to serve as test monitors.

4. All test administration procedures including time specifications, State Board of Education Rules [OAC 210:10-13](#), and the Instructions for Test Monitors shall be distributed to test monitor(s) before test administration.

5. School administrators or their designee(s) shall assure that all test administration procedures replicate standardized testing conditions to preserve test validity. Such procedures are stated in the manuals for

administering the test.

- C.** Test security violations. Any violation of security provisions in this Section may constitute a basis for invalidation of the test and test results. Such violations shall be reported to the State Superintendent and may result in a school's and/or school district's test scores being declared as invalid.
- D.** Penalties for test security violations. In addition to any other penalties set forth in this Section, the State Board of Education may revoke the teaching, counseling, administrative, and/or other certificate(s) issued by the State Board of Education to one or more individuals upon a finding of willful violation of any of the provisions set forth in (a)(8)(A) through (a)(8)(G) of this Section.

**OAC 210:10-13-21. Academic Assessment Monitoring Program (AAMP)**

- A.** Purpose. The Oklahoma State Department of Education (OSDE) shall establish and implement the Academic Assessment Monitoring Program (AAMP) to evaluate school district implementation and compliance with both Federal and State law and regulations related to academic assessments. The rules will bring the state into compliance with the following state and federal statutes and regulations:
  - 1. Student Achievement and School Accountability Programs (SASA) for Formula Grant Programs,
  - 2. The Elementary and Secondary Education Act (ESEA), as reauthorized by the Every Student Succeeds Act (ESSA), requires under 20 U.S.C. § 7844 (a)(1) that a State Education Agency (SEA) ensure that programs authorized under the ESEA are administered in accordance with all applicable statutes, regulations, program plans, and applications,
  - 3. 20 U.S.C. § 7844(a)(3) requires that an SEA adopt and use proper methods of administering each ESEA program, including the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation,
  - 4. 34 C.F.R. § 200.328 of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards requires an SEA to monitor grant and sub-grant activities to ensure compliance with applicable Federal requirements, the Oklahoma School Testing Program (OSTP) Act at Title 70 O.S. § 1210.505 et seq., and Oklahoma Administrative Code (OAC) sections 210:10-13-2, 4, 6, 7, 9, 10, 11, 18, and 20.
  - 5. This monitoring program is intended to:
    - a.** Ensure the testing of all eligible students, proper training of school district staff is conducted, test security is maintained, assessments are administered consistently and in a uniform manner as mandated in the Oklahoma Administrative Code (OAC) sections 210:10-13-2, 4, 6, 7, 9, 10, and 11;
    - b.** Ensure that the OSDE receives from districts data of the highest quality, as mandated in the Oklahoma Administrative Code (OAC) 210:10-13-4, 18, and 20, and;



- c. Assist the staff of the OSDE to better advise and partner with districts regarding accountability and assessments.
- B. Applicable entities. These rules are applicable to all public schools, school districts, charter schools, and other educational entities within the state that participate in the OSTP.
- C. Schedule of district monitoring. All public school districts will be monitored at least once during the five (5) year cycle.
  - 1. School districts shall be scheduled for monitoring using a random selection process. Of the districts to be monitored within a particular year, five (5) percent will be randomly selected for site monitoring. The remaining ninety-five (95) percent will be monitored using a desk monitoring procedure.
  - 2. Additional school districts may receive a special desk or on-site monitoring and compliance review based on any of the following criteria:
    - a. Observed statistical irregularities or discrepancies with student assessment data Oklahoma Administrative Code [OAC](#) 210:10-13-18, and 20 (e.g., statistical improbable growth in the percentage of student scoring proficient, questionable erasure analysis, and/or unusual change in student demographics)
    - b. An established pattern of testing violations identified in the Oklahoma Administrative Code [OAC](#) at 210:10-13-2, 4, 6, 7, 9, 10, 11, 18, and 20 or irregularities as reported to the OSDE (e.g., vendor reports, invalidations, improper test administration, failure to attend or conduct yearly training);
    - c. Documented concerns (e.g., parent and community, noncompliance issues from prior years, other technical assistance requests), and/or;
    - d. Testing irregularities discovered through previous annual random monitoring.
- D. Notification of monitoring schedule. The monitoring schedule will be updated on an annual basis and posted to the OSDE Web site. Any new school site and/or district will be added to the cycle when the yearly update occurs. School sites and or districts that cease operation within the state shall be removed from the list. The Office of Accountability and Assessments will notify the superintendent of the school district in writing at least ten (10) working days prior to the opening of the testing window that the school district will be monitored during the upcoming testing window and will identify whether the monitoring will be on-site or desk monitoring. Additional schools monitored under (c) (2) of these rules, will be notified in writing at least twenty (20) working days before the opening of the testing window.
- E. Monitoring procedures.
  - 1. On-site monitoring.
    - a. OSDE will send the district an On-site Monitoring Checklist ten (10) working days before the opening of the testing window to the District

Superintendent and District Test Coordinator of the school district to be monitored.

- b.** The superintendents of districts receiving an on-site monitoring notification letter will submit the district and site testing schedules to the OSDE, Office of Accountability and Assessments five (5) working days prior to the opening of the testing window. If a change in the testing schedule occurs by the district, prior to on-site monitoring, the district must notify the OSDE, Office of Accountability and Assessments immediately.
  - c.** The OSDE, Office of Accountability and Assessments notification letter of monitoring will indicate which site(s) within the district have been selected for monitoring.
  - d.** At a minimum, one elementary school, one middle school, and one high school site within the district will be monitored as applicable.
  - e.** Charter schools may also be monitored.
- 2.** Desk monitoring
- a.** The staff of the Office of Accountability and Assessments will analyze across a five (5) year period all pertinent testing and educational data for the school district being monitored (e.g., percent of students tested across cohort).
  - b.** The Desk Monitoring notification letter will indicate which site(s) within the district have been selected for monitoring.
  - c.** At a minimum, one elementary school, one middle school and one high school site within the same district will be monitored as applicable.
  - d.** District Superintendents and District Test Coordinators of the school district to be monitored will receive a Desk Monitoring Checklist, ten (10) working days before the opening of the testing window. The section of the checklist titled, "District Provided Documentation" must be completed and documents returned to the Office of Accountability and Assessments of the Oklahoma State Department of Education within twenty (20) working days from the last testing day of the assessment window.
  - e.** Charter schools may also be monitored.
  - f.** Failure to comply with state and federal regulations related to Academic Assessment.
- 1.** The Office of Accountability and Assessments will provide monitoring results to the district superintendent. The monitoring results will inform a district that they have met or not met requirements of Subsection (a) of these rules related to student academic testing. Districts will be designated as in compliance if all requirements have been met, or if any monitored area is found deficient then the district and the school will be designated as noncompliant. If a district is designated as noncompliant, the Office

of Accountability and Assessment staff will annually conduct monitoring activities until the district is in compliant status.

2. Districts that remain in noncompliance for two consecutive years will receive a deficiency on their accreditation report.

**OAC 210:10-13-6. Test inservice**

Each district shall send a District Test Coordinator (DTC) and all building coordinators to the Oklahoma School Testing Program Pretest Inservice sessions. In addition, the District Test Coordinator must attend the Posttest Inservice sessions provided by the State Department of Education. School representatives attending such Pretest and/or Posttest sessions shall report to the school administration after the inservice sessions, providing all inservice materials and information gained. School principals shall assure that every OSTP test administrator is provided a copy of the State Board of Education Rules OAC 210:10-13.

**OAC 210:10-13-7. Return of documentation to testing company; completion of Test Preparation Enrollment Survey**

- A. Answer documents from ALL students tested shall be returned to the respective scoring services after completion of the test administration.
- B. School administrators or their designee(s) shall complete and return the Oklahoma School Testing Program Test Preparation Enrollment Survey as designated in the survey instructions on or before the deadline for return.

**OAC 210:10-13-9. Violations**

- A. All known violators of the State Department of Education's Rules for the OSTP shall be reported in writing to the State Superintendent of Public Instruction. The State Department shall investigate all such infractions and report the findings to the State Superintendent. (Responsibility for conducting such investigations shall be delegated to the State Agency personnel by the State Superintendent of Public Instruction.) The State Board of Education shall determine the consequences of such OSTP Test Security rule infractions and take action to apply punitive measures as the Board sees fit.
- B. All reported allegations of Oklahoma School Testing Program Rules infractions will be documented and kept on record in the State Department of Education. In addition, action taken by the Department to investigate and, if necessary, impose consequences of rule infractions will be documented and filed.

**OAC 210:10-13-10. Requests to view or take possession of documents**

Responses to requests to view or take possession of test documents shall be executed as specified herein. Documents shall include student test books containing secured test items; student answer sheets; and test administrator manuals. In order to maintain the security and validity of the testing materials, individuals making requests to view test documents must comply with the following procedural requirements:

1. Test viewing will NOT be allowed beginning one month before and extending throughout the testing window.
2. The person will submit a request to the State Department of Education's

Office of Accountability and Assessment.

3. Viewing shall take place at the State Department of Education.
4. The viewing of test documents will be limited to no more than two viewers during a single time period.
5. The Assistant Superintendent of the Office of Accountability and Assessment or his/her designee will remain in the room during the viewing.
6. Students will not be allowed to view tests.
7. The viewing of assessment materials will not be allowed for professional development purposes.
8. Viewers of tests shall be prohibited from duplicating, paraphrasing, or summarizing test items in any form--by hand-written means or through use of any mechanical tool (i.e., audio or video tape recorder; copy machine; still picture camera; cell phones camera; or any other electronic or mechanical means.)
9. Tests and test materials shall be considered secured documents. No viewer shall be allowed to remove secured documents from the viewing room.
10. No unauthorized person shall be allowed to view an OSTP writing assessment prompt until after that prompt has been administered in Oklahoma as a test item. Viewing of writing test prompts shall be subject to the same procedures and conditions as viewing of other test materials
11. Prior to the viewing of any test materials, all viewers shall sign an affidavit stating that
  - a. they shall not reveal any test items, writing prompts, or other secured information to any person; and
  - b. they shall not serve as a test administrator nor test monitor.
12. A student's answer sheet may be viewed only by the student's parent, legal guardian or by a student of legal age. Any person requesting to view student test documents shall provide proof of his or her status as the parent or legal guardian of the student whose documents are required for viewing. Proof of identification shall be provided in one of the following forms:
  - a. the student's birth certificate; and
  - b. a driver's license containing a picture of the requesting person; or
  - c. other recognized official form of identification. In addition, the person shall provide proof of his or her status as parent or legal guardian of the student whose documents are requested for viewing.
13. When sufficient writing prompts are available, once writing assessments have been scored and reported, the SDE will provide the student essay responses to the individual student's home school district by electronic

means. The information will be provided as a service to Oklahoma public schools for purposes related to instructional improvement only. Schools and districts receiving such data will make every reasonable effort to ensure that these individual student testing results are secure and remain confidential. The SDE reserves the right to use these data for research and assessment improvement purposes.

**OAC 210:10-13-11. Testing students with disabilities**

- A.** Acceptable accommodations of the general assessments of the OSTP for students with disabilities shall be:
1. Specified in the student's individualized education plan (IEP) under the Individuals with Disabilities Education Act (IDEA); or
  2. Specified for the student served under the Americans With Disabilities Act and Section 504 of the Rehabilitation Act of 1973.
- B.** Any use of test accommodations which deviate from established standardized test procedures for the general assessments of the OSTP shall be reported to the State Department of Education's Student Assessment Section. Accommodations available during testing for a student with a disability shall be only those accommodations normally employed as part of the student's classroom instruction on a regular basis. The accommodation(s) must be specified in either an IEP or a Section 504 plan.
- C.** Large print and Braille versions of the tests may be utilized with students whose visual disabilities necessitate such accommodations. The student must be utilizing large print or Braille in daily classwork as indicated on the student's IEP on file at the school district. To order large print or Braille tests, the district test coordinator shall indicate the quantities required at each grade level tested on the annual questionnaire.
- D.** The score of a student who receives a read-aloud accommodation on an OSTP ELA/Reading assessment will include a notation that the ELA/Reading test read-aloud accommodation was used. The availability to a particular student of text-to-speech, human reader, or interpreter accommodations for the English Language Arts (ELA)/Reading assessments shall be determined by the following three-prong approach:
1. The student has a specific disability that severely limits or prevents her or him from decoding text at any level of difficulty, even after varied and repeated attempts to teach the student to do so. The student is not simply reading below grade level, but is a non-reader; and
  2. The student has access to printed materials only through a reader and/or is provided with spoken text on audiotape, CD, video, or other electronic format during routine instruction, except while the student is actually being taught to decode; and
  3. The IEP team or Section 504 team will utilize the ELA/Reading Test Read-Aloud Protocol. This includes the use of the Protocol for Accommodations in Reading (PAR) or the AIM Navigator for deaf or blind students, and must be uploaded into the Nonstandard Accommodation application available on the SDE Single Sign-on for approval by the State Department of Education.

- E.** The availability of a unique accommodation that requires changes or alterations to the test materials/booklets or media presentation for a student with a disability must meet the following requirements:
1. The accommodation is required for the student to access the OSTP and is not part of the standard accommodations or provided as an accessibility feature in a computer based test.
  2. The accommodation must:
    - a. Be regularly used by the student for classroom instruction;
    - b. Be listed in the student's IEP; and
    - c. Not alter the underlying content or construct of the assessment.
  3. The accommodation must not impact the reliability or validity of the test.
  4. The request for a nonstandard accommodation may not exempt a student from taking any portion of the OSTP tests.
  5. The request for a nonstandard accommodation must be submitted utilizing Form U and uploaded through the Nonstandard Accommodation application available on the SDE Single Sign-on for approval by the State Department of Education.
- F.** Students with severe or profound cognitive disabilities who cannot be assessed in a valid and reliable manner with the general state assessment even with accommodations, as specified in the student's IEP, shall be assessed with an appropriate alternate assessment provided by the State Department of Education. Eligibility for an alternate assessment shall be determined annually by the student's IEP team. The scores from alternate assessments shall be included in accountability calculations for the school, district, and state according to the standard procedures for calculation of academic performance targets, as specified in federal law.
- G.** Students with the most significant cognitive disabilities who are unable to participate in the regular state assessment, even with accommodations, shall participate in an Alternate Assessment Program (OAAP) and should not exceed a small percentage of the special education population.
- H.** The OAAP shall consist of an alternate assessment system, which may include authentic performance tasks. Alternate assessments are designed to measure academic skills within the same domains required by the regular state assessment. The content of the alternate assessment must be academic and include the major domains/strands of the content area as reflected in state standards. The expected achievement for students is to show learning of grade referenced academic content. Alternate assessments which are portfolio based shall be scored by teams of assessors who hold at least a bachelor's degree from an accredited institution of higher education. Teams of assessors shall be supervised by an individual who has received training from the State Department of Education Office of Special Education in providing access to students with severe or profound cognitive disabilities.

# STUDENT ATTENDANCE

## OAC 210:10-1-5. Audits

- A.** Financial audit. All schools are required to make available to personnel of the State Department of Education all records pertaining to Federal programs, state aid appropriations, and expenditures from the general fund of the previous year, making it possible to complete an audit on all funds. Public officials, members of the boards of education, superintendents, principals, and any other persons whose duty it is to make appropriations and/or expenditures in accordance with the provisions of applicable state and federal law, the regulations of the State Department of Education, and the adopted policies of the State Board of Education will be held responsible for any misappropriation or illegal expenditure of such funds.
- B.** Penalty. If it is discovered that a school district is unable to pay its current year's obligations through careless handling of funds by a school administrator, the State Board of Education may require the administrator to show cause why their administrator's certificate should not be revoked.
- C.** Student attendance record audits.
  - 1. Regional Accreditation Officers of the State Department of Education are required to audit the student attendance records of all Oklahoma public school districts.
  - 2. In addition to the Statistical Report, the official document for student attendance accounting and auditing is the Student Attendance Register. All other student attendance documents, reports, and summaries only support the accuracy of the Student Attendance Register and the Statistical Report.
  - 3. A school or program within a district that has a different school year from the district must present a separate Statistical Report and Attendance information reflecting the different school year for that school or program. The school or program will be audited separately from the district.
  - 4. Each person who keeps a Student Attendance Register is required to make all entries in ink, record the attendance data for each pupil each day, keep the Register in a safe place and understand that the Register is subject to audit at any time. The Student Attendance Register may be maintained in an electronic format, provided that a school district maintaining its Student Attendance Register in an electronic format implements appropriate strategies for backing up data in the event of a potential system failure or other threat to digital record storage and retention.
  - 5. If the attendance records show that school was maintained for less than a full annual term without approval of the State Board of Education, state aid will be reduced accordingly unless it can be shown that the attendance records as originally presented were in error.
  - 6. When attendance, membership, or transportation is deducted for any reason

by the audit, state aid will be reduced accordingly. Factual information may be presented by the school within ninety (90) calendar days from the date of the audit showing acceptable evidence that indicates the audit is in error.

#### **D. Enrollment .**

1. Enrollment means recording the name of a pupil on a class roll. Total Enrollment for an attendance period or for the year, whether for a class or for an entire school is the number of all enrollments so recorded. If a student is promoted or moves from one district or school to another during a school year, the student's name will be recorded on each class roll concerned. A record of that student's enrollment will be included in the original and every subsequent roll even though the pupil will be dropped from the original roll and every subsequent roll except the current one.
2. All students attending any school within a school district shall have their names entered in the attendance register and have their attendance recorded. Students are to be placed on roll the first day that the student actually attends class or participates in their instructional program.
3. All Entries and Exits are to be entered in the Student Attendance Register on the day that the transaction occurs. Students are not considered on roll until they actually attend class or participate in instructional activities. Students are always considered on roll until an exit code is entered.

#### **E. Entry and exit.**

1. Entry codes will always be placed on the Student Attendance Register. An entry code indicates where the student is coming from, e.g., another school in the district, another school district in Oklahoma, another state or country, or a private school or other placement. The Basis of Admission will be entered on the date that the student begins school. A Basis of Admission code indicates why a student is enrolling, e.g., because they are a district resident, a transfer student, an out-of-home placement student, or another authorized basis for enrollment applies.
2. Entry codes are recorded on the first day the student actually attends class or participates in instructional activities. Each different Basis of Admission must have its own unique code on the Student Attendance Register, and must be reported to the State Department of Education using the appropriate code from the most recent requirements document for the SIF (Schools Interoperability Framework)-compliant statewide student data system, available on the agency website.
3. When a pupil enrolls in a public school in this state a second or succeeding time during the current school year, the entry must be reported to the State Department of Education using the appropriate entry code from the most recent requirements document for the SIF-compliant statewide student data system, available on the agency website.
4. An exit code is recorded each time a student withdraws from school, and in certain other limited cases such as when a student changes grade level



mid-year or changes to a different academic calendar through entrance into an alternative education program. Exit codes are to be recorded on the date when the exit occurred. A student is not considered to be off roll until an exit code is recorded. A student exit must be reported to the State Department of Education using the appropriate exit code from the most recent requirements document for the SIF-compliant statewide student data system, available on the agency website.

**F. Attendance and absence.**

1. A student is to be considered present only on those days when in actual attendance in school or when participating in scheduled school activities under the direction and supervision of a regular member of the faculty. A student who is excused from attending school because of sickness or for any other reason shall not be counted in attendance. Students authorized by law to attend a partial school day or partial school week schedule shall not be counted as absent if they are in attendance during their scheduled education program.
2. All student attendance, absence and transportation information is compiled on a half-day basis with the exception of attendance, absence, and transportation information for half-day early childhood or kindergarten programs which are recorded on a full-day basis. A student must be in attendance for two-thirds ( $2/3$ ) of the first half of the school day to be recorded present for one-half day; likewise, a student must be in attendance for two-thirds ( $2/3$ ) of the second half of the school day to be recorded present for one-half day.
3. As a condition of receiving accreditation from the State Board of Education, all students in grades nine (9) through twelve (12) shall enroll in a minimum of six (6) periods, or the equivalent in block scheduling, of rigorous academic and/or rigorous vocational courses each day, which may include arts, vocal and instrumental music, speech classes, and physical education classes.
4. A student who is absent from instruction without excuse for ten (10) consecutive days is to be recorded as absent each day. On day eleven (11), the pupil is to be exited from the roll.
5. A school day for kindergarten or early childhood can either be a half-day of at least two and one half ( $2\frac{1}{2}$ ) hours, or the district's standard full school day. However, kindergarten and early childhood absence and attendance is always recorded on a full day basis. Three (3) year old students authorized to attend public school under the Individuals with Disabilities Education Act (IDEA) should not be indicated as absent if they are in attendance for their scheduled education program, including partial school day or partial school week instructional schedules.

**G. School activities.** School activities may take place either on the school premises or off the school premises. In order for a student to be counted in attendance, the school activity must be under the direction and supervision of a teacher. Students dismissed and not under the direction and supervision of a teacher

cannot be considered as participating in a school activity and cannot be counted in attendance. A student serving as a legislative page is to be counted in attendance at the school.

- H.** Parent-teacher conference days. Only students active in membership are to be counted in attendance on parent-teacher conference days. For districts that use a one hundred eighty (180) day academic calendar, only one parent-teacher conference day per semester will be counted for attendance purposes as a regular school day and included as part of the one hundred eighty (180) days of required instruction. Other days are encouraged above the one day per semester for parent-teacher conferences, but will not be counted for attendance purposes as regular school days. For a school district which has implemented a one thousand eighty (1,080) hour school year pursuant to 70 O.S. § 1-109, parent-teacher conferences may be counted as instructional time for no more than six (6) hours per semester, for a total of up to twelve (12) hours per school year.
- I.** Concurrent enrollment. A school district may receive full average daily attendance on a high school student who is participating in concurrent enrollment. In determining a legal school day for a student who is concurrently enrolled the district can use a combination of local school enrollment, college enrollment, and travel time. A student participating in concurrent enrollment is considered present when traveling to or from and while attending the college.
- J.** Professional meeting day.
  - 1. The State Board of Education has defined a professional meeting day to be any day on which the faculty of a school district is engaged in the educational planning for improvement of the local school system; or that the faculty engages in a local, county, district or state education planning workshop or teacher's meeting. Such a day shall be identified as a professional day in each attendance register on the day the meeting occurred.
  - 2. Days used to work at the beginning or at the end of the school year shall not be counted as professional development activities. Preparing the classroom for instruction, grading papers, recording grades, completing report cards or enrolling students are not examples of professional development activities.
  - 3. A school district may not count more than thirty (30) hours each school year that are used for attendance of professional meetings toward the one hundred eighty (180) days or one thousand eighty (1,080) hours of classroom instruction time that school is required to be in session.
- K.** Transportation.
  - 1. A student must reside one and one-half (1 ½) miles or more by commonly traveled road from the school attended to be considered transported. Students living less than one-and one-half miles from the school may be transported but shall not be counted as transported pupils on the Transportation Report for state aid purposes.
  - 2. Transportation may be provided for early childhood and kindergarten students to and from school during the normally scheduled morning and

afternoon bus operation. Districts may also provide additional transportation, at local expense, for either early childhood or kindergarten students at midday. However, the school district is not required to provide midday transportation to either early childhood or kindergarten students. Midday transportation for early childhood and kindergarten pupils shall not be recorded on the Transportation Report.

3. A legally transferred or tuition student residing outside of the school district's ~~approved-transportation area~~ may be transported to the school. ~~provided the student meets the bus within the transporting district's approved transportation area.~~ However, tuition students may not be counted as transported students on the Transportation Report. [70 O.S. § 9-105](#)

**L. Authority for birth.**

1. Documentation that can be used to verify school age . Examples of Authority for Birth are:
  - a. Birth certificate
  - b. Attending physician's certificate
  - c. Permanent school record
  - d. Family bible
  - e. Parent statement
  - f. Last year's attendance register
  - g. Other official scholastic record
2. Birth certificates, if available, must be provided for early childhood, kindergarten, and first grade students who are first-time enrollees. Each different Authority for Birth must have its own unique code on the Student Attendance Register.

**M. Career and Technology Center.** Students are considered in attendance when traveling to or from and while attending a Career and Technology Center.

**N. Home-based program.** An educational program for special education students who are unable to participate in a full-day educational program at school, or for students who are unable to attend school in person for a period of time due to extended medical or other issues, and who receive education services from the school district at their home or an equivalent non-school site such as a hospital, provided by one or more certified teachers. Home-based pupils are considered on roll and in attendance for the duration of the time period they receive offsite education services from the school district.

**O. Out-of-home placement.** A student who is not a resident of the district but is housed and educated in a residential child facility or a treatment center located in the district. Out-of-home placement students are carried on roll and are considered in attendance if they are present for their scheduled education program, whether at

a school site or through offsite services provided by the district.

## **STUDENT ENTRANCE AND PROGRESSION THROUGH THE SYSTEM**

### **OAC 210:35-25-2. Student entrance and progression through the system**

The local board of education shall develop local policies, procedures and requirements for the entrance and progression of students through the educational programs of the local school system. The local board of education shall also determine the local graduation requirements for students which may exceed those of the State Board of Education. Local board of education policies and procedures shall provide, as a minimum, the following provisions:

1. All children between the ages of 5 and 21 on or before September 1 shall be entitled to attend the school free of charge in the district in which they reside or are legally transferred. Students shall be placed in an appropriate educational level based upon documentation of competency in the current Oklahoma curriculum.
2. Students entering an accredited school from a school not accredited by the State Board of Education shall be tested for placement. All student placement assessments shall be administered by the receiving accredited school and the results shall be kept on file for one year.
3. A student entering an accredited school in Oklahoma who previously attended a different accredited school in Oklahoma shall receive credit in the receiving school for courses completed at the previous school. Completion of a course that satisfied a specific graduation requirement in the previous school district or State-accredited private school shall apply toward the same requirement in the subsequent school district or State-accredited private school.
4. A student entering an accredited school in Oklahoma who previously attended an accredited or similarly qualified school outside Oklahoma shall receive credit for courses completed at any previous schools that are correlated with the academic content of courses required for graduation in Oklahoma. Credit for a course shall only be transcribed as elective credit if there is no correlation between the academic content of the course and a course required for graduation in Oklahoma.
5. Students demonstrating competency in a curriculum subject shall receive credit. Credit can also be given for the successful completion of a Carnegie Unit. A Carnegie Unit is defined as a course that meets 40 minutes a day, five days per week for at least 36 weeks, or the equivalent of 120 clock hours within the school year, or the equivalent in block scheduling. Educational options such as correspondence courses, independent study and certain internet instruction will also be considered appropriate methods for earning credit. However, correspondence, independent study courses and internet instruction shall not be included within the minimum 38 required units of credit offered at a comprehensive high school.
6. A student must demonstrate competency in or successfully complete at least 21 units of credit which must include the state-mandated curriculum

and meet all other state and local mandates to be eligible for graduation. Beginning in the 2002-2003 school year a student must successfully complete 23 units of credit for the Standard Diploma.

7. [OAC 210:35-25-3](#). **Annual student dropout reports to local school boards**

- A. The principal or a representative of each site serving students in Grades 7-12 shall review and discuss in a local school board meeting, the certified annual site dropout report submitted by the school district to the State Department of Education. The local review and discussion shall occur at the next open school board meeting after the district certifies the annual report. The discussion shall be reflected in the board minutes.
- B. Each school site that serves students in Grades 7-12 is required to submit online its accounting of dropouts to the State Department of Education annually. Each report is certified locally as an accurate accounting of the dropouts for each site. The annual report is due to the State Department of Education each year on the date designated by the agency, for inclusion in the annual state dropout report to the State Board of Education, the Governor, and the State Legislature. **(17)**

[OAC 210:35-25-4](#). **Annual student college remediation reports to local school boards**

The high school principal or a representative from each high school site within the district shall annually review and discuss with the local board of education each site's first year college remediation rate for each subject as presented in the annual Student Remediation Report provided by the Oklahoma Regents for Higher Education within two months of receiving said report. **(09)**

## **SUMMER SCHOOL PROGRAMS**

[OAC 210:35-15-1](#). **Purpose and scope**

This Subchapter contains rules and regulations for expanded opportunities for students in summer programs which relate to, and are in addition to, the accreditation standards set forth in Subchapters 1 through 13 of this Chapter. **(94)**

[OAC 210:35-15-2](#). **Summer school programs**

Rules and regulations for summer school programs are:

1. Application: Schools, including Technology Centers, desiring accreditation by the State Board of Education shall make application on forms furnished for this purpose (summer high school). The application shall be completely and properly completed and filed with the Accreditation Section, State Department of Education, on or before the end of the first week of the summer session.
2. Time in session: A high school may define a unit of credit as meeting a minimum of 60 hours for 1/2 unit of credit or a minimum of 120 hours for 1 unit of credit
3. Teacher load:
  - a. Teachers teaching in summer schools shall not teach more than two units during the summer term of school, unless special permission is granted by the State Department of Education.

- b.** Teachers shall not teach more than two subjects during any one period.
- 4. Teacher certification: All teachers shall have valid appropriate teacher certificates.
- 5. Summer school Career Orientation classes: Summer school Career Orientation classes at the technology center may be accredited for grades 9-10.

## **Part III RULES OF THE STATE BOARD OF EDUCATION**

### **PART III, SECTION C:**

#### **THE SCHOOL STAFF**

In this section:

##### GENERAL TEACHING CERTIFICATE REQUIREMENTS

- › Kinds, types, classes, and processing fees of certificates

##### ADJUNCT TEACHERS

- › Adjunct Teachers

##### CLASSROOM TEACHER ASSISTANTS

- › Classroom teacher assistants

##### TEACHER AND LEADER EFFECTIVENESS EVALUATION SYSTEM (TLE)

- › Definitions
- › Establishment of Written Policy of Evaluation
- › Due Process Procedures
- › Oklahoma Teacher and Leader Effectiveness Evaluation System
- › Reasons for Dismissal of Career Teachers
- › Procedures for Administrator to Take Upon Identifying Poor Performance or Conduct

##### FIRST-YEAR SUPERINTENDENTS IN OKLAHOMA PROGRAM

- › Requirements for first-year superintendents

##### MENTOR TEACHER

- › Mentor teachers; qualifications, selection and appointment, duties and responsibilities

##### NATIONAL BOARD CERTIFICATION

- › National certification bonus for school psychologists, speech-language pathologists, and audiologists

##### TEACHER CERTIFICATION: TEACHER EDUCATION AND CERTIFICATION

- › Requirements for renewal or reissuance of certificates
- › Administrative requirements of teacher certification
- › Certification for languages with no subject area examination
- › Career development plan to teach early childhood – infants, toddlers, and three-year-olds

## TEACHER INDUCTION PROGRAM

- › Residency committee
- › Variations to the residency program regulations

## STANDARDS OF PERFORMANCE AND CONDUCT FOR TEACHERS

- › Purpose
- › Mission statement
- › Principle I: Commitment to the students
- › Principle II: Commitment to the profession
- › Principle III: Dismissal

## TEACHER DUE PROCESS HEARINGS

- › Teacher evaluation, dismissal, and non-reemployment
- › Teacher due process hearings; hearing procedures



## **GENERAL TEACHING CERTIFICATE REQUIREMENTS**

### **OAC 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. Standard certificate - valid for five (5) years and renewal upon compliance with prescribed conditions
  2. 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. Alternative Placement Application/Evaluation \$50.00
  4. All other transactions will be \$50 or less

## **ADJUNCT TEACHERS**

### OAC 210:20-37-2. **Adjunct Teachers**

Rules which pertain to adjunct teachers are:

1. The local school district shall determine the specific qualifications, duties, and responsibilities of adjunct teachers.
2. The employment of persons to serve as adjunct teachers shall be approved by the local board of education.
3. The local district shall request a felony record search of any person approved for adjunct employment.
4. Formal notification of the employment of adjunct teachers shall be provided to the State Department of Education within thirty (30) days of the date of employment.
5. For individuals who do not hold a valid Oklahoma teaching certificate, hours taught while serving as an adjunct teacher shall not count towards teaching experience or recency for purposes of meeting certification or recertification requirements, tenure, or retirement benefits, or for placement on the state minimum salary schedule. For individuals who hold a valid Oklahoma teaching certificate, hours taught while serving as an adjunct teacher may apply toward teaching experience and recency under the experience accrual guidelines of OAC 210:25-3-4(b).
6. Salary for an uncertified individual employed as an adjunct teacher shall be established by the school district. Salary for a certified individual who serves as an adjunct teacher shall be the amount the individual would be entitled to on the state minimum salary schedule if they were serving as a full-time teacher, pro-rated to the number of hours taught.
7. Adjunct teachers employed to coach school athletic teams shall have successfully completed a course in the care and prevention of athletic injuries.

The State Board of Education shall promulgate rules authorizing adjunct teachers who shall be persons with distinguished qualifications in their field. Adjunct teachers shall not be required to meet standard certification. A person employed as an adjunct teacher pursuant to this subsection who does not hold a valid certificate to teach shall not be considered a teacher as defined by Section 1-116 of this title, 70 . O.S . § 6.122-3

## **CLASSROOM TEACHER ASSISTANTS**

### OAC 210:20-33-1. **Classroom teacher assistants**

Rules and regulations which pertain to classroom teacher assistants are:

1. Persons employed as teacher assistants after July 1, 1983, shall possess a high school diploma or a General Educational Development (GED) Certificate, and have demonstrated ability in the area or areas to which they are assigned, be proficient in the English language, and have demonstrated the following characteristics:

- a. A sense of orderliness and an ability to work within a routine.
  - b. Ability to work under supervision of the teacher.
  - c. Ability to assume responsibility.
  - d. Ability to work with children.
  - e. Neat appearance.
  - f. Ability to understand and follow oral and written directions.
  - g. Ability to work harmoniously with fellow employees.
2. Local boards of education shall develop and implement policies to provide for orientation and in-service training programs for teacher assistants employed by the district. The State Department of Education may assist local boards of education in the in-service training of teacher assistants.
  3. Teacher assistants may perform or assist a teacher in the performance of hall duty, playground duty, bus duty, lunchroom duty, and extracurricular activities. All other assigned activities of teacher assistants shall be under the direct supervision of a licensed/certified teacher. Examples of other duties which teacher assistants may perform are: prepare art supplies, bulletin boards, supplementary materials, transparencies, reports, charts and maps, file materials, and compute statistical information. All interscholastic activities shall be directed by a licensed/certified teacher.
  4. Teacher assistants shall not be given the responsibility of presenting new instructional materials to students. While under the supervision of a licensed/certified teacher, a teacher's assistant may provide tutorial or remedial services to students on curriculum that has been introduced previously by the classroom teacher.
  5. All classroom teacher assistants shall be listed on each school's application for accreditation.

## **TEACHER AND LEADER EFFECTIVENESS EVALUATION SYSTEM (TLE)**

### 70 O.S. § 6-101.3 - **Definitions**

As used in Section 6-101 et seq. of this title:

1. "Administrator" means a duly certified person who devotes a majority of time to service as a superintendent, sus, principal, supervisor, vice principal or in any other administrative or supervisory capacity in the school district;
2. "Dismissal" means the discontinuance of the teaching service of an administrator or teacher during the term of a written contract, as provided by law;
3. "Nonreemployment" means the nonrenewal of the contract of an administrator or teacher upon expiration of the contract,
4. ("Career teacher" means a teacher who:

- a. is employed by a school district prior to the 2017-2018 school year and has completed three (3) or more consecutive complete school years as a teacher in one school district under a written continuing or temporary teaching contract, or
  - b. is employed for the first time by a school district under a written continuing or temporary teaching contract during the 2017-2018 school year and thereafter:
    - I. has completed three (3) consecutive complete school years as a teacher in one school district under a written continuing or temporary teaching contract and has achieved a district evaluation rating of "superior" as measured pursuant to the TLE as set forth in Section 6-101 .16 of this title for at least two (2) of the three (3) school years,
    - II. has completed four (4) consecutive complete school years as a teacher in one school district under a written continuing or temporary teaching contract, has averaged a district evaluation rating of at least "effective" as measured pursuant to the TLE for the four-year period, and has received district evaluation ratings of at least "effective" for the last two (2) years of the four-year period, or
    - III. has completed four (4) or more consecutive complete school years in one school district under a written continuing or temporary teaching contract and has not met the requirements of subparagraph a or b of this paragraph, only if the principal of the school at which the teacher is employed submits a petition to the superintendent of the school district requesting that the teacher be granted career status, the superintendent agrees with the petition, and the school district board of education approves the petition. The principal shall specify in the petition the underlying facts supporting the granting of career status to the teacher;
5. "Teacher hearing" means the hearing before a school district board of education after a recommendation for dismissal or nonreemployment of a teacher has been made but before any final action is taken on the recommendation, held for the purpose of affording the teacher all rights guaranteed by the United States Constitution and the Constitution of Oklahoma under circumstances and for enabling the board to determine whether to approve or disapprove the recommendation;
6. "Probationary teacher" means a teacher who:
- a. is employed by a school district prior to the 2017-2018 school year and has completed fewer than three (3) consecutive complete school years as a teacher in one school district under a written teaching contract, or
  - b. is employed for the first time by a school district under a written teaching contract during the 2017-2018 school year and thereafter and has not met the requirements for career teacher as provided in paragraph 4 of this section;

7. "Suspension" or "suspended" means the temporary discontinuance of the services of an administrator or teacher, as provided by law;
8. Teacher" means a person defined as a teacher in Section 1-116 of this title; and
9. ("District evaluation rating" means the rating issued based on the components of the TLE as set forth in subsection B of Section 6-101.16 of this title.

**70 O.S. § 6-101.10 – Establishment of Written Policy of Evaluation**

- A.** Each school district board of education shall maintain and annually review, following consultation with or involvement of representatives selected by local teachers, a written policy of evaluation and corresponding professional development for all teachers and administrators. In those school districts in which there exists a professional negotiations agreement made in accordance with Section 509.1 et seq. of this title, the procedure for evaluating members of the negotiations unit and any standards of performance and conduct proposed for adoption beyond those established by the State Board of Education shall be negotiable items. Nothing in this section shall be construed to annul, modify or to preclude the renewal or continuing of any existing agreement heretofore entered into between any school district and any organizational representative of its employees. Every policy of evaluation adopted by a board of education shall:
1. Be based upon a set of minimum criteria developed by the State Board of Education, which shall be revised and based upon the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) developed by the State Board of Education as provided in Section 6-101.16 of this title. The revisions to each policy of evaluation shall be phased in according to the following schedule:
    - a. for the 2014-2015, 2015-2016 and 2016-2017 school years, the evaluation rating of teachers and administrators shall be based on the qualitative component of the TLE. For the 2016-2017 school year, the State Department of Education shall work with school districts to develop individualized programs of professional development as described in subsection B of this section. However, nothing in this subparagraph shall preclude a school district with an average daily attendance of more than thirty-five thousand (35,000) from continuing to use quantitative components which the district has incorporated at its own expense prior to the 2015-2016 school year into its evaluation system of teachers and administrators, as defined by the district's written policy,
    - b. for evaluations of teachers and administrators conducted during the 2017-2018 school year, and each school year thereafter, school districts shall incorporate and put into operation the qualitative component of the TLE as provided for in subsection B of Section 6-101.16 of this title into the evaluations used in all school sites within the district. For the 2017-2018 school year, and each school year thereafter, teachers and administrators shall receive a district evaluation rating based on the components of the TLE as set forth in subsection B of Section 6-101.16 of this title. For the 2017-2018 school year, school districts shall incorporate the individualized

programs of professional development as described in subsection B of this section on a pilot program basis, and

- c.** for evaluations of teachers and administrators conducted during the 2018-2019 school year, and each school year thereafter, school districts shall fully incorporate and put into operation the individualized programs of professional development as described in subsection B of this section;
- 2.** Be prescribed in writing at the time of adoption and at all times when amendments to the policy are adopted. The original policy and all amendments to the policy shall be promptly made available to all persons subject to the policy;
- 3.** Provide that all evaluations be made in writing and that evaluation documents and responses thereto be maintained in a personnel file for each evaluated person;
- 4.** Provide that every probationary teacher receive formative feedback from the evaluation process at least two times per school year, once during the fall semester and once during the spring semester;
- 5.** Provide that every teacher be evaluated once every year, except for career teachers receiving a district evaluation rating of "superior" or "highly effective" under the TLE who may be evaluated once every three (3) years; and
- 6.** Provide that, except for superintendents of independent and elementary school districts and superintendents of area school districts who shall be evaluated by the school district board of education, all certified personnel shall be evaluated by a principal, assistant principal, designee of the principal, supervisor, content expert, department chair, peer committee or other trained persons or groups of persons designated by the school district board of education.

## **B.** Professional Development

- 1.** Every policy of professional development adopted by a school district board of education shall provide for the development of a focused and individualized program of professional development for the teacher or administrator that is consistent with the qualitative component of the TLE. The policy of professional development shall:
  - a.** establish an annual professional growth goal for the teacher or administrator that is developed by the teacher or administrator in collaboration with the evaluator,
  - b.** be tailored to address a specific area or criteria identified through the qualitative component of the TLE,
  - c.** allow the teacher or administrator to actively engage with learning practices that are evidence-based, researched practices that are correlated with increased student achievement, and
  - d.** be supported by resources that are easily available and supplied by the school district and the State Department of Education.

2. School districts shall monitor compliance with each individualized program of professional development implemented pursuant to this subsection. All professional development completed pursuant to an individualized program of professional development shall count toward the total number of points a teacher or administrator is required to complete as established by a school district board of education pursuant to Section 6-194 of this title. The implementation of the individualized program of professional development required by this subsection shall not be construed as increasing the professional development points requirements.
  3. Individualized programs of professional development required by this subsection may include but are not limited to the following learning practices:
    - a. presenter-led workshops,
    - b. individual or faculty studies of books, scholarly articles and video productions,
    - c. peer observations,
    - d. committee studies to address student achievement issues,
    - e. work related to a specific subject area or areas associated with obtaining an advanced degree or professional certification,
    - f. action research projects designed to improve student achievement, and
    - g. participation in local, regional or state initiatives associated with the development or implementation of curriculum standards.
- C.** All individuals designated by the school district board of education to conduct the personnel evaluations shall be required to participate in training conducted by the State Department of Education or training provided by the school district using guidelines and materials developed by the State Department of Education prior to conducting evaluations.
- D.** The State Department of Education shall develop and conduct workshops pursuant to statewide criteria which train individuals in conducting evaluations.
- E.** The State Board of Education shall monitor compliance with the provisions of this section by school districts.
- F.** The State Board of Education shall study continued implementation of the TLE to produce a system that promotes reflection and professional growth for teachers and leaders.
- G.** Refusal by a school district to comply with the provisions of this section shall be grounds for withholding State Aid funds until compliance occurs.
- H.** Data collected pursuant to this section shall not be subject to the Oklahoma Open Meeting Act or the Oklahoma Open Records Act.

### 70 O.S. § 6-101.13 – **Due Process Procedures**

- A.** Whenever the school district board of education or the administration of a school district shall determine that the dismissal or nonreemployment of a full-time certified administrator from the administrative position within the school district should be effected, the administrator shall be entitled to the following due process procedures:
1. A statement shall be submitted to the administrator in writing prior to the dismissal or nonreemployment which states the proposed action, lists the reasons for effecting the action, and notifies the administrator of his or her right to a hearing before the school district board of education prior to the action; and
  2. A hearing before the school district board of education shall be granted upon the request of the administrator prior to the dismissal or nonreemployment. A request for a hearing shall be submitted to the board of education not later than ten (10) days after the administrator has been notified of the proposed action.
- B.** Failure of the administrator to request a hearing before the school district board of education within ten (10) days after receiving the written statement shall constitute a waiver of the right to a hearing. No decision of the board of education concerning the dismissal or nonreemployment of a full-time certified administrator shall be effective until the administrator has been afforded due process as specified in this section. The decision of the school district board of education concerning the dismissal or nonreemployment, following the hearing, shall be final.
- C.** Beginning with the 2017-2018 school year and thereafter, a principal who has received district evaluation ratings of “ineffective” as measured pursuant to the TLE as set forth in Section 6-101.16 of this title for two (2) consecutive school years may be dismissed or not reemployed by the school district, subject to the due process procedures of this section.

### 70 O.S. § 6-101.16 – **Oklahoma Teacher and Leader Effectiveness Evaluation System**

- A.** By December 15, 2011, the State Board of Education shall adopt a new statewide system of evaluation to be known as the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE). The Board shall work cooperatively with school districts to incorporate the components of the TLE in all school districts by the 2017-2018 school year as provided for in Section 6-101.10 of this title.
- B.** The TLE shall include the following components:
1. Annual evaluations that provide feedback to improve student learning and outcomes, except as provided for in subsection C of this section;
  2. A five-tier district evaluation rating system as follows:
    - a. superior,
    - b. highly effective,
    - c. effective,



- d. needs improvement, and
      - e. ineffective;
  - 3. An evidence-based qualitative assessment tool for the teacher qualitative portion of the TLE that will include observable and measurable characteristics of personnel and classroom practices that are correlated to student performance success, including, but not limited to:
    - a. organizational and classroom management skills,
    - b. ability to provide effective instruction,
    - c. focus on continuous improvement and professional growth,
    - d. interpersonal skills, and
    - e. leadership skills;
  - 4. An evidence-based qualitative assessment tool for the leader qualitative portion of the TLE that will include observable and measurable characteristics of personnel and site management practices that are correlated to student performance success, including, but not limited to:
    - a. organizational and school management, including retention and development of effective teachers and dismissal of ineffective teachers,
    - b. instructional leadership,
    - c. professional growth and responsibility,
    - d. interpersonal skills,
    - e. leadership skills, and
    - f. stakeholder perceptions;
  - 5. An individualized program of professional development for all teachers and administrators as adopted by the school district board of education as set forth in subsection B of Section 6-101 .10 of this title;
  - 6. For districts choosing to use, at their own expense, quantitative measures of teachers and leaders as part of the district evaluation rating, such measures shall include a minimum of one reliable, research-based measure as approved by the State Board of Education pursuant to subsection D of this section; and
  - 7. For all district evaluations, student performance, including performance on the statewide criterion-referenced tests if available, shall be discussed with the teacher and may be one of the considerations for the teacher's district evaluation rating.
- C. Career teachers receiving a district evaluation rating of "superior" or "highly effective" under the TLE may be evaluated once every three (3) years.
  - D. By December 1, 2015, the Teacher and Leader Effectiveness Commission shall recommend to the State Board of Education multiple reliable, research-based

measures to provide a quantitative evaluation component for teachers. The State Board of Education shall approve and publish a list of approved measures by February 1, 2016.

- E.** A school district with an average daily attendance of more than thirty-five thousand (35,000) which has incorporated quantitative components of the TLE into its evaluation system of teachers and administrators prior to the 2015-2016 school year may continue using its evaluation system, as defined by the school district's written policies, notwithstanding the provisions of this section and regardless of the State Board of Education's adoption of quantitative components pursuant to this section.
- F.** The State Department of Education shall provide to the Oklahoma State Regents for Higher Education and the Oklahoma Commission for Educational Quality and Accountability timely electronic data linked to teachers and leaders derived from the TLE for purposes of providing a basis for the development of accountability and quality improvements of the teacher preparation system. The data shall be provided in a manner and at such times as agreed upon between the Department, the State Regents and the Commission.
- G.** For purposes of this section, "leader" means a principal, assistant principal or any other school administrator who is responsible for supervising classroom teachers.
- H.** The State Department of Education shall keep all data collected pursuant to the TLE and records of annual evaluations received pursuant to this section confidential. Records created pursuant to this section which identify, in any way, a current or former public employee shall not be subject to disclosure under the Oklahoma Open Records Act. Nothing in this subsection shall be construed to prohibit disclosure otherwise required by this section; provided, however, any provisions requiring disclosure of TLE records shall be construed narrowly and all individually identifying information shall be removed from such records to the fullest extent possible.

#### [70 O.S. § 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 maybe 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 maybe 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 .

## 70 O.S. § 6-101.24 – **Procedures for Administrator to Take Upon Identifying Poor Performance or Conduct**

- A.** Upon full implementation of the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) as set forth in Section 6-101.10 of this title, when a teacher receives a rating as measured pursuant to the TLE as set forth in Section 6-101.16 of this title that may lead to a recommendation for the dismissal or nonreemployment of the teacher or when an administrator identifies poor performance or conduct that the administrator believes may lead to a recommendation for the dismissal or nonreemployment of the teacher, the administrator shall:
  - 1. Admonish the teacher, in writing, and make a reasonable effort to assist the teacher in correcting the poor performance or conduct; and
  - 2. Establish a reasonable time for improvement, not to exceed two (2) months, taking into consideration the rating on the evaluation or the nature and gravity of the performance or conduct.
- B.** If the teacher does not correct the poor performance or conduct cited in the admonition within the time specified, the administrator shall make a recommendation to the superintendent of the school district for the dismissal or nonreemployment of the teacher.
- C.** Whenever a member of the board of education, superintendent, or other administrator identifies poor performance or conduct that may lead to a recommendation for dismissal or nonreemployment of a teacher within the district, the administrator who has responsibility for evaluation of the teacher shall be informed, and that administrator shall comply with the procedures set forth in this section. If the administrator fails or refuses to admonish the teacher within ten (10) days after being so informed by the board, superintendent, or other administrator, such board, superintendent or other administrator shall admonish the teacher pursuant to the provisions of this section.
- D.** Repeated negligence in performance of duty, willful neglect of duty, incompetency, instructional ineffectiveness or unsatisfactory teaching performance, for a career teacher, or any cause related to inadequate teaching performance for a probationary teacher, shall not be a basis for a recommendation to dismiss or not reemploy a teacher unless and until the provisions of this section have been complied with.

## **FIRST YEAR SUPERINTENDENTS IN OKLAHOMA PROGRAM**

### OAC 210:20-21-1. **Requirements for first-year superintendents**

- A.** Purpose: The State Board reaffirms its commitment to provide support and services to school superintendents in Oklahoma. To assist first year superintendents in the state in providing their respective districts with maximum leadership, effective management, and strong educational programs, the following professional development requirements shall be met by each superintendent employed for the first time in the state of Oklahoma as a district superintendent:
  - 1. Meet qualifications for the Provisional or Standard School Superintendent Certificate.

2. Attend professional development workshops or training seminars equal to eleven days (66 hours) of training:
  - a. 1 day: Attend a meeting of the Oklahoma State Board of Education
  - b. 2 days: Attend the State Superintendent's Annual Leadership Conference
  - c. 8 days: Attend professional development workshops or training in the following general areas:
    - I. Superintendent/Board of Education Relationship
    - II. Legal Issues/School Law/Open Meeting Laws
    - III. Staff Relationship
    - IV. Community Relationship
    - V. School Finance
    - VI. Plant Management/School Facilities
    - VII. Setting School District/Site Goals
    - VIII. Special Education

**B.** Requirements to maintain certificate validity for second year: The School Superintendent's Certificate issued for the first year of employment as a district superintendent shall be considered invalid for the second year if the certificate holder has not met all requirements identified in (a) of this Section prior to the second year of employment as a district superintendent. Any district superintendent employed after the summer training conference has been offered shall enter the program at the point of employment and shall attend all training programs as listed in (a) of this Section. Verification of training shall be submitted to the director of the program at the State Department of Education. A certificate will be provided to superintendents upon completion of the training requirements.

## **MENTOR TEACHER**

### **OAC 210:20-17-3. **Mentor teachers; qualifications, selection and appointment, duties and responsibilities****

- A.** A mentor teacher shall be selected by the principal from a list of qualified teacher volunteers who have submitted their names for that purpose. After compilation of the list, the principal shall provide opportunity for input from the bargaining agent, where one exists. Membership or nonmembership in a professional teacher organization shall not be considered as a factor in selecting a mentor teacher. No teacher may serve as a mentor for more than one resident teacher at a time. When possible, a mentor teacher shall have successfully completed a mentor teacher professional development institute and be assigned to the same school site and have similar certification as the resident teacher. [[70 O.S. § 6-182](#)]
- B.** It is the intent of the regulations that mentor teachers be selected who possess the requisite knowledge and skills for assisting the beginning teacher.

- C. Every beginning teacher (zero years of experience as a classroom teacher) employed shall serve under the guidance and assistance of a mentor teacher for a minimum of one (1) school year. However, no beginning teacher shall serve under the guidance and assistance of a mentor teacher for less than 120 days.
- D. Upon employment of a beginning teacher, the superintendent or chief administrative officer shall notify the principal of the areas of certification and the teaching assignment of the beginning teacher.
- E. Within no more than ten (10) teaching days after the beginning teacher enters the classroom, the mentor teacher shall be selected.
- F. It is the responsibility of the school district to ensure that a mechanism be provided whereby the mentor teacher will provide guidance and assistance to the beginning teacher a minimum of seventy-two (72) hours per year in classroom observation and consultation.
- G. Emergency situations with regard to the selection and appointment of mentor teachers shall require State Board of Education action.

## **NATIONAL BOARD CERTIFICATION**

### **OAC 210:20-9-99.1. National certification bonus for school psychologists, speech-language pathologists, and audiologists**

- A. Subject to availability of funds, a bonus in the amount prescribed in [70 O.S. § 6-206](#), shall be provided to individuals currently providing service to children and who are an Oklahoma school psychologist who has been designated as a nationally certified school psychologist by the National School Psychology Certification Board, or a speech-language pathologist or audiologist who holds a Certificate of Clinical Competence awarded by the American Speech-Language Hearing Association.
- B. If adequate funding is not available for a full bonus to be provided, the bonus amount may be prorated.
- C. Psychologists, speech-language pathologists, or audiologists eligible for the bonus are those individuals currently employed in the public schools of Oklahoma and are carried on the school personnel report submitted to the State Department of Education. The individual must be coded as a speech-language pathologist, psychologist, or audiologist only. Individuals may be employed in multiple districts.
- D. To document having a current national certificate, being employed by a public school district, and are currently providing services to children as a psychologist, speech-language pathologist, or audiologist, as of January 1 of the year the bonus is to be awarded, a verification form will be sent to each nationally certified person to be signed by the psychologist, speech-language pathologist, or audiologist and the superintendent of the local school district and returned to the State Department of Education before the bonus is awarded.
- E. Verification of national certification shall be provided to the State Department of Education prior to the bonus being awarded.

# TEACHER CERTIFICATION: TEACHER EDUCATION AND CERTIFICATION

## [OAC 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.** Provisional certificates.

1. 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.
2. 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.

#### **C.** 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 certificates will not be accepted prior to January 1 of the year in which the certificate expires .

#### [70 O.S. § 6-187](#) - **Emergency Teacher Certificate**

The State Board of Education may renew the emergency or provisional certificate of an individual who has been employed by a school district board of education for at least two (2) years if the following criteria are met:

- a. the individual has been granted an emergency or provisional certificate for two (2) years,
- b. the individual has not successfully completed the competency examinations required by this section,
- c. the individual submits a portfolio of his or her work to the State Board of Education, which shall include evidence of progress toward standard certification,
- d. the employing school district board of education agrees to renew the individual's contract to teach for the ensuing fiscal year, and
- e. the superintendent of the employing school district submits to the State Board of Education the reason the emergency or provisional certificate should be renewed and provides evidence of the district's inability to hire a teacher who holds a standard certificate .

Individuals employed by a school district under an emergency or provisional certificate shall not be considered career teachers and therefore not entitled to the protections of the Teacher Due Process Act of 1990 .

#### [70 O.S. § 6-190](#) - **Out of State Teaching Certificate**

The Oklahoma State School Board shall issue a certificate to teach to a person who holds a valid out-of-state certificate. The certificate to teach shall 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 .

A person who meets the requirements shall not be required to take any competency examinations in those subject areas and grade levels most closely aligned to the subject areas and grade levels recognized on the out-of-state certificate.

A person who meets the requirements shall have on file with the Board a current Oklahoma criminal history record check from the Oklahoma State Bureau of Investigation as well as a national criminal history record check as defined in Section 150.9 of Title 74 of the Oklahoma Statutes. Upon receipt of the Oklahoma criminal history record check, the Board may issue a temporary certificate which shall be effective until receipt of the national fingerprint-based criminal history record check. The person applying for a certificate shall be responsible for the cost of the criminal history record checks.

**OAC 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 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 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 five (5) 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 [OAC 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 [OAC 210:20-9-104\(b\)](#);
  - b. Applicant has completed a background check conducted by the State Department of Education in 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:

- I. Renewal is requested by the employing district; and
- II. 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:
  - i. Programs, seminars, or conferences recognized for professional development credit by an Oklahoma public school district at the time the teacher attends; or
  - ii. 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.
  - 1. College transcripts and other supporting documents will neither be duplicated by nor released by the State Department of Education .
  - 2. 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.
  - 1. Applications may be made for multiple classes of certificates on one (1) form. There is a fee for each class .
  - 2. When application is made at different times for two (2) or more certificates, a fee will be charged for each certificate requested .
- G. Duplicate/update certificates . A certificate may be duplicated or updated by submitting a written request and paying the fee .
- H. Change of name . A legal change of last name on a certificate may be accomplished at any time upon written request and paying the fee .
- I. Refusal of certification . No certificate will be issued unless all requirements for the certificate in question are fully met. In addition, no certificate will be issued if the attempt to become certified is based on misrepresentation, forgery, or fraud .
- J. Grounds for cancellation of certificates . Any certificate, credential, or endorsement obtained by misrepresentation, forgery, fraud, or issued by error will be cancelled. Upon written request the holder must surrender the certificate in question to the State Department of Education .
- K. Felony as grounds for noncertification . No person shall receive an Oklahoma

certificate 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.

- L. Revocation of teaching certificate. Teaching certificates 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 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.
  1. No person whose certificate has been revoked in Oklahoma or any other state shall be issued an Oklahoma certificate unless the revoked certificate has been fully reinstated by the revoking state and grounds for the revocation do not conflict with Oklahoma law.
  2. A person who has either voluntarily surrendered a teaching certificate in another state, been denied certification 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.
- M. 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 certificates. The State Board of Education shall charge and collect reasonable fees for the issuance and duplication of certificates.

**OAC 210:20-9-104. Certification for languages with no subject area examination**

- A. The Oklahoma State Department of Education (OSDE) shall issue a certification in world languages that have no state competency examination to qualified

applicants who meet the following eligibility requirements.

1. A qualified applicant seeking certification in a world language that has no state competency examination must obtain a score of at least “intermediate-high” on the following exams administered by the American Council on the Teaching of Foreign Languages (ACTFL) in the foreign language for which the applicant is seeking certification:
    - a. The Oral Proficiency Interview (OPI) or the Oral Proficiency Interview Computer (OPIc); and
    - b. The Writing Proficiency Test (WPT)
  2. The testing assessments listed in (b) of this Section are the only testing assessments which may be used as appropriate subject area assessments in a world language that has no state competency examination, unless the world language falls within the definition of a Native American Language set forth in [OAC 210:20-9-98\(d\)](#)
  3. Applicants holding a valid Oklahoma traditional or alternative credential may add a world language that has no state competency examination by meeting the requirements listed in (1) of this subsection.
  4. Applicants seeking certification in a world language that has no state competency examination who do not hold an Oklahoma traditional or alternative credential must meet the requirements of (1) of this subsection and must qualify for an Alternative Placement Teaching Certificate. Applicants seeking certification pursuant to this section must comply with all statutory requirements of the Alternative Placement Program listed in [70 O.S. § 6-122.3](#).
- B.** The Oklahoma State Department of Education (OSDE) shall issue a certification in Native American Languages that have no state competency examination to qualified applicants who meet all of the criteria set forth in [OAC 210:20-9-98\(d\)](#) and who demonstrate proficiency in the Native American Language sought to be certified as determined by a federally-recognized tribe or tribal entity. For purposes of this subsection, proficiency in a Native American Language may be established as follows:
1. Applicant holds a Native American Language certificate issued by:
    - a. A federally-recognized tribe or tribal entity; or
    - b. An organization which has been recognized by a federally-recognized tribe or tribal entity with authority to certify Applicant’s proficiency in the Native American Language(s) of the Tribe; and
  2. Applicant has obtained a bachelor’s degree or other academic degree designated by the federally recognized Tribe or Tribal Entity as a prerequisite to certification of proficiency in the Native American Language.
- C.** As a prerequisite to recognition of certification of proficiency in a Native American Language, a tribe or tribal entity certifying proficiency in a Native American Language must provide the OSDE with an official statement issued by a tribe or

tribal entity which identifies:

1. The Native American Language(s) for which the Tribe or Tribal Entity intends to certify individuals as proficient, or, in the case of an organization identified pursuant to (b)(1)(B) of this subsection, the Native American Language for which the Tribe or Tribal Entity recognizes an organization with the authority to certify proficiency;
2. A description of the systems and standards and subject area proficiency assessments that will be used by a tribe, tribal entity, or other organization identified in (b)(1)(B) of this subsection in certifying Native American Language teachers;
3. A description of the educational requirements, training, professional development, language ability, and other qualifications necessary for teacher certification by the Tribe/Tribal Entity; and
4. A description of the levels of proficiency and/or particular Native American Language course(s) for which the Tribe/Tribal entity intends to certify or recognize certification of an individual to teach.

**D.** A certificate in Native American Languages shall qualify the authorized individual to accept a teaching position or assignment in any school district of the State of Oklahoma that offers or permits courses in Native American Language at the proficiency and/or grade level(s) for which they hold certification, provided that:

1. A holder of Native American Languages teaching certificate who does not also have a current, valid Oklahoma traditional or alternative teaching credential may not teach any subject other than the Native American language and level(s) for which the individual has been certified; and
2. In order to teach any Native American Language course offered by a school district for core academic subject as a world language credit rather than elective credit, a holder of a Native American Language teaching certificate who does not hold an Oklahoma traditional or alternative teaching credential must either qualify for an Alternative Placement Teaching Certificate or teach the class in collaboration with a teacher of record who is highly qualified in any content area for the appropriate level of instruction. **(13)**

**OAC 210:20-9-103. Career development plan to teach early childhood – infants, toddlers, and three-year-olds**

**A.** The Oklahoma State Department of Education (OSDE) shall issue a credential to teach infants, toddlers, and three-year-olds, when the following requirements are met:

1. Bachelor's degree in the area of child development or family relations with an emphasis in the development of infants and toddlers through age three (3) from a regionally accredited higher education institution recognized by the Oklahoma State Board of Education,
2. Pass the Oklahoma General Education Test, and
3. Pass the Federal Bureau of Investigation (FBI) criminal history check.

- B.** The Oklahoma State Department of Education shall issue a standard teaching certificate when the following requirements are met:
1. Complete three (3) semester hours in reading instruction from a regionally accredited higher education institution recognized by the Oklahoma State Board of Education .
  2. Documentation of successful completion of 180 days of employment by the program/site director .

## **STANDARDS OF PERFORMANCE AND CONDUCT FOR TEACHERS**

### OAC 210:20-29-1. **Purpose**

- A.** The standards of conduct for teachers in this Subchapter are adopted pursuant to [70 O.S . § 6-101.21](#) and [70 O.S . 6-101.22](#).
- B.** Teachers are charged with the education of the youth of this state. In order to perform effectively, teachers must demonstrate a belief in the worth and dignity of each human being, recognizing the supreme importance of the pursuit of truth, devotion to excellence, and the nurture of democratic principles.

### OAC 210:20-29-2. **Mission statement**

In recognition of the magnitude of the responsibility inherent in the teaching process and by virtue of the desire for the respect and confidence of their colleagues, students, parents, and the community, teachers are to be guided in their conduct by their commitment to their students and their profession .

### OAC 210:20-29-3. **Principle I: Commitment to the students**

- A.** The teacher must strive to help each student realize his or her potential as a worthy and effective member of society. The teacher must work to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals .
- B.** In fulfillment of the obligation to the student, the teacher:
1. Shall not unreasonably restrain the student from independent action in the pursuit of learning,
  2. Shall not unreasonably deny the student access to varying points of view,
  3. Shall not deliberately suppress or distort subject matter relevant to the student's progress,
  4. Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety,
  5. Shall not intentionally expose the student to embarrassment or disparagement,
  6. Shall not on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, family, social or cultural background, or sexual orientation, unfairly



- a. Exclude any student from participation in any program
  - b. Deny benefits to any students
  - c. Grant any advantage to any student,
7. Shall not use professional relationships with students for private advantage,
  8. Shall not disclose information about students obtained in the course of professional service, unless disclosure serves a compelling professional purpose and is permitted by law or is required by law.

**OAC 210:20-29-4. Principle II: Commitment to the profession**

- A.** The teaching profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.
- B.** In order to assure that the quality of the services of the teaching profession meets the expectations of the State and its citizens, the teacher shall exert every effort to raise professional standards, fulfill professional responsibilities with honor and integrity, promote a climate that encourages the exercise of professional judgment, achieve conditions which attract persons worthy of the trust to careers in education, and assist in preventing the practice of the profession by unqualified persons.
- C.** In fulfillment of the obligation to the profession, the educator:
  1. Shall not in an application for a professional position deliberately make a false statement or fail to disclose a material fact related to competency and qualifications,
  2. Shall not misrepresent his/her professional qualifications,
  3. Shall not assist any entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attribute,
  4. Shall not knowingly make a false statement concerning the qualifications of a candidate for a professional position,
  5. Shall not assist an unqualified person in the unauthorized practice of the profession,
  6. Shall not disclose information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law
  7. Shall not knowingly make false or malicious statements about a colleague,
  8. Shall not accept any gratuity, gift, or favor that might impair or appear to influence professional decisions or actions.

**OAC 210:20-29-5. Principle III: Dismissal**

- A.** 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. 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.
- C.** 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 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](#).

### **Teacher Suspension S.B. 13**

A teacher whose certificate was suspended by the State Board of Education shall be placed on suspension while proceedings for revocation or other actions are pending before the State board of Education. The provisions shall not preclude the initiation of due process procedures.

## **TEACHER DUE PROCESS HEARINGS**

### **[OAC 210:1-5-7](#). Teacher evaluation, dismissal, and non-reemployment**

- A.** Teacher Evaluation, Dismissal, and Non-reemployment Act.
1. The State Board of Education recognizes its regulatory and leadership role in the implementation of this statute and commits its cooperation accordingly. It believes that the most effective vehicle to promote professional growth is self-motivation. The teacher should be the prime recipient of the benefits of teacher evaluation thus identifying his/her own needs for improvement. The evaluation instrument serves as one objective measure by which administrators and boards of education can validly infer inadequate competencies of both teachers and administrators.
  2. The State Board of Education believes that grievances between boards of education and teachers can best be settled in the locale and thus supports the principle of due process before the local school board. It further supports the right of appeal in the exercise of human rights.

- B.** Duties. The law requires the State Board of Education to develop and adopt standards and procedures to be followed in due process hearings of local boards of education. Such standards are to follow the pattern of the [Administrative Procedures Act](#) [75 O.S. §§ 250-323].
- C.** Written policy of evaluation. A teaching principal may conduct teacher evaluations if so designated by the local board of education.
- D.** Minimum criteria for establishing evaluation systems. The written policy and procedures will facilitate the implementation of the Teacher Evaluation Law of 1977, as amended by House Bill No. 1466 ([70 O.S. §6-101.10](#)). Written policy of evaluation for all teachers and administrators is to be based on minimum criteria developed by the State Board of Education and shall include both teaching and administrative criteria. Each board of education shall maintain and annually review the evaluation policy. Each district's evaluation system should contain the following elements:
1. A written policy addressing purpose, goals, objectives, targets, procedures, methods, and uses of the evaluation system. This policy shall be developed by the board in consultation with representative teachers and administrators.
  2. Procedures for making evaluation information available to all affected personnel.
  3. A listing of the evaluation and hearing steps.
  4. Written performance criteria by which to evaluate all certificated staff. This must include, but is not limited to, state mandated minimum criteria for effective teaching performance and minimum criteria for effective administrative performance.
  5. Dates (or a schedule) for evaluation visits for probationary and tenured staff.
  6. Identification of the personnel or positions which will perform the evaluations.
  7. What is to be evaluated. Consideration should be given to:
    - a. Self-evaluation progress reports by individuals being evaluated,
    - b. Criteria, in addition to state mandated criteria, which might include: criteria related to the job description, district goals, school objectives, and the previously cooperatively developed position objectives.
    - c. Equitable application of evaluation criteria to all personnel.
    - d. Evaluating only those things which are currently applicable to the job the staff member is performing and not those things which should have been evaluated during preemployment.
  8. Specified ways that evaluation data will be collected as well as when, how long, and how observations will be performed.
  9. Security and controlled access to the evaluation reports.
  10. Provisions for initial, post visit, and follow-up conferences with evaluator or

immediate supervisor. Forms should be completed by evaluator, signed, then reviewed, commented on, and signed by the person being evaluated.

11. Place for recommendations, prescriptions, or citations of inadequacy. These procedures should include written statements by the evaluator as to:
  - a. What should be done by the person evaluated, including level of performance expected.
  - b. When the corrective action is expected to be completed, which time shall not exceed two months.
  - c. What resources the school will provide to help the person evaluated achieve the expected performance.
  - d. The form in which the report of performance should be submitted (i.e., oral interview, self-evaluation report, narrative description, list of data action documents, etc.).
12. Ways the administration will provide resources and assistance for corrective action. This assistance should provide alternatives which could include:
  - a. Assignment to another school or position within the district.
  - b. Visitations and planning.
  - c. Demonstrations or simulations.
  - d. Video tapings and assigned supervisor.
  - e. Reports.
  - f. Special supervision.
  - g. Assignment to a performance team.
  - h. Conference.
  - i. Workshops and inservice sessions.
13. Ways the district will utilize the evaluation finding to improve learning in the district to:
  - a. Develop inservice education programs to resolve inadequacies.
  - b. Identify areas where improvements are needed.
  - c. Provide justification for changes in staff, facilities, resources, and programs, or to be a needs assessment for developing new programs.
  - d. Disseminate valuable information to various publics.
  - e. Provide a record of the quality of teaching and quality of staff in the district.

**E.** Procedures designed to avoid potential teacher dismissal. Principals having delegated administrative responsibilities as a part of the comprehensive operation

of their respective schools have an inherent obligation for the professional success of their teaching staff. Subsequent to an analysis of the results of a number of measures from which it can be validly inferred from a teacher's performance the principal or evaluator shall, according to law:

1. Bring the matter to the attention of the teacher, in writing, and make a reasonable effort to assist the teacher to correct whatever appears to be the cause for potential dismissal or nonreemployment; and
2. Allow a reasonable time for improvement, which time shall not exceed two (2) months. The nature and gravity of the teacher's conduct shall be considered in determining what length of time would be reasonable. If the teacher does not correct the cause for potential dismissal or nonreemployment within a reasonable length of time, the principal shall make a recommendation to the superintendent of the school district for the dismissal or nonreemployment of the teacher. This section does not apply to a superintendent of schools. ([Jackson v. Independent School Dist. No. 16 of Payne County, 648 P.2d 26, Okla. 1982](#))
3. The school system should make facilities at its disposal available to help such teachers. The principal will encourage the use of such facilities as:
  - a. an accessible professional library and/or media center;
  - b. local, county, and State Department of Education supervisory services;
  - c. inservice education activities with local, county, regional service center, college, or state groups;
  - d. individual study; and
  - e. the acquisition and utilization of a wide variety of teacher materials.

**OAC 210:1-5-8 - **Teacher due process hearings; hearing procedures****

- A. The parties to the hearing are the teacher and the district superintendent or designee and they shall be afforded the following rights at any hearing held pursuant to these regulations.
  1. The right to be represented.
  2. The right to present witnesses in person or to present their testimony by interrogatories, affidavits, or depositions as agreed to by the parties. A list of all witnesses and a list of exhibits shall be furnished to the other party at least five (5) days before the hearing.
  3. The right to cross-examine witnesses.
  4. The right to testify in his/her own behalf and present evidence and argument on all issues involved.
  5. The right to have an orderly hearing.
  6. The right to have an impartial decision based upon the evidence presented.

- B.** The President of the school board, or in case of absence a designee, shall be the presiding officer at the hearing.
- C.** All hearings shall conform to the following:
1. Hearings shall be held no sooner than twenty (20) and no later than sixty (60) days after the teacher receives written notification of the recommendation for dismissal or nonreemployment and notice of the opportunity for hearing.
  2. Hearings held within the scope of these guidelines shall be convened by the President of the board who shall state the purpose of the hearing, introduce the parties and administer the oath to all persons who will testify.
  3. Upon the request of either party, the Presiding Officer may exclude from the hearing room the witnesses not at the time under examination, except that a party to the proceeding and his/her representative shall not be excluded.
  4. At the hearing, the burden of proof shall be on the superintendent and the standard of proof shall be by a preponderance of the evidence.
  5. The local board of education shall maintain a record (including a tape or other electronic or digital recording of the hearing and any documents or evidence presented to the board) for two (2) years from the date of the hearing.
  6. Informal disposition of any recommendation for dismissal or nonrenewal may be made by written stipulation, agreed settlement, consent order or default.
- D.** The order of procedures shall be:
1. Opening statement by superintendent.
  2. Opening statement by the teacher.
  3. Presentation of superintendent's evidence, followed by cross-examination of witnesses by teacher.
  4. Questions by local board members.
  5. Presentation of teacher's evidence followed by cross-examination of witnesses by superintendent.
  6. Questions by local board members.
  7. Presentation of Rebuttal and Surrebuttal Evidence as necessary.
  8. Closing argument by superintendent.
  9. Closing argument by teacher.
  10. Deliberation by local board.
  11. Vote by local board to accept or reject the superintendent's recommendation and recitation of findings of fact upon which the decision is based.
- E.** Presentation and consideration of evidence shall abide by the following:
1. Only evidence which reasonably relates to the issues before the board, as

reflected in the notice to the teacher, should be deemed relevant.

2. Strict rules of evidence as required by a court of law shall not apply in these hearings.
3. Rulings on admissibility of evidence will be made by the Presiding Officer.
4. Documentary evidence may be received in the form of copies or excerpts.
5. Documentary evidence presented to the board shall be marked with a distinguishing number or letter such as Teacher's Exhibit #1 or Superintendent's Exhibit #1.
6. While hearings are open to the public, no questions or statements will be allowed by members of the public attending the hearing except through the parties or their council.

**F.** Decision on hearing will be rendered.

1. After due consideration of the evidence and the testimony presented at the hearing, the local board shall decide whether to dismiss or nonreemploy the teacher.
2. The board's decision shall be voted in open meeting.
3. The decision of the board shall include a recitation of the basic or underlying facts relied upon by the board in reaching its decision.
4. The board shall notify the teacher in writing of its decision as set out above by certified mail, restricted delivery, return receipt requested or substitute process as authorized by law within ten (10) business days of the hearing.
5. The school board's decision regarding the dismissal or nonreemployment of a teacher is final.

**[70 O.S. § 5-149.3](#)- Paid Break Time for Lactating Employees**

(a) Each school district board of education in this state shall adopt a policy allowing a school district employee who is lactating reasonable paid break time each day to use a designated lactation room for the purpose of maintaining milk supply and comfort. The break time may run concurrently with any break time, paid or unpaid, already provided to the employee.

(b) Each school district board of education shall make a reasonable effort to provide a private, secure and sanitary room or other location, other than a toilet stall, where an employee can express her milk or breastfeed her child.

