

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

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

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

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

(a) Applications. The State Department of Education shall develop an application for ~~school district 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.

~~School districts shall complete the application to be submitted to the State Board of Education in order for deregulated status to be considered for approval or denial.~~

(b) Criteria for applications for deregulation, waivers, or participation in the School District Empowerment Program. The application submitted shall ~~contain~~ meet all of the following criteria-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. 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 deregulated status.
- (3) Standard(s) to be deregulated.** The application shall clearly identify/state the regulation from which the school district is proposing to be deregulated.
- (4) Financial impact.** The application shall clearly delineate the projected financial impact the proposed deregulated status would create.
- (5) Timeline(s).** The application shall clearly delineate the proposed timeline(s) which, if approved, will apply to the deregulated status, ~~i.e.,~~ The proposed timeline for implementation shall include:

(A) The ~~the~~ date(s) the school district proposes to implement the deregulated status; and

(B) The ~~the~~ date(s) proposed to terminate the deregulated status, which shall be no longer than:

- (i) Waivers and deregulations: One (1) year from the date of implementation of an 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 indicating that the local board of education has approved the application for deregulation.

(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 outlines 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.

210:35-3-229. State Department of Education/State Board of Education application program procedures Applications for participation in the School District Empowerment Program

(a) Application submission. All applications for participation the School District Empowerment Program shall be submitted by delivering one (1) copy with 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.

(ab) Application review. A ~~deregulation~~ 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~~ The team shall ~~receive and review all applications~~ the application and issue a recommendation to the State Board of Education for approval or denial. Applications which ~~do not contain the required elements~~ fail to meet the requirements set forth in this Section and in 210:35-3-228 will ~~not be considered by the deregulation team or the State Board of Education~~ be recommended for denial. The team shall determine:

(1) If the application has addressed all ~~required criteria elements~~ requirements set forth in this Section and 210:35-3-228;

(2) If the ~~standard(s)~~ statutes or regulations being proposed for which a waiver or deregulation is requested are ~~consistent with those allowed for deregulation~~ 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.

(bc) Notice-application approval of application recommendation. Within three (3) business days of ~~Upon~~ completion of application review by the deregulation team, ~~when the team recommends application approval,~~ the team shall provide the following 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 approval or disapproval of the application; -

(2) The notice shall also contain any variances to the application which it will be forwarding to the State Board of Education; and

(23) The notice shall contain the meeting 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) Notice application disapproval.~~ Upon completion of application review by the deregulation team, when the team recommends application disapproval, the team shall provide the following notice to the applicant and the State Board of Education:

~~(1) The notice shall contain the team's recommendation. The notice shall also contain the specific reason(s) why the team does not recommend approval of the application; and~~

~~(2) The notice shall contain language which notifies the school district of its right to appeal the team's recommendation to the State Board of Education. Should a school district elect to appeal a team's recommendation, it must, within 30 calendar days of the date of the team's notice to the school district, provide written notice to the State Superintendent of Public Instruction of its intent to appeal the recommendation to the State Board of Education. The State Superintendent will then place the appeal on the agenda of the State Board of Education.~~

(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 of reconsideration, and provide written notice of the date of the meeting to the district via certified mail.

(f) Effective date of approval. Upon approval of ~~the~~ by the State Board of Education of an application for participation in School District Empowerment Program, ~~the deregulated status~~ Board may ~~be~~ declare the approval of the application to take immediate effect, ~~effective immediately,~~ or to take effect on a date designated as ~~determined appropriate~~ 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 a School District Empowerment Program approved by the State Board of Education, every school district participating in the School District Empowerment Program shall submit an 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.