



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

MEMORANDUM

TO: The Honorable Members of the State Board of Education
FROM: Joy Hofmeister
DATE: December 18, 2018
SUBJECT: Administrative Rule Promulgation

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

- (1) Title 210. State Department of Education
Chapter 20. Staff
Subchapter 9. Professional Standard: Teacher Education and Certification
Part 1. General Teaching Certificate Requirements
210:20-9-9. Kinds, types, classes, and processing fees of certificates
[AMENDED]

Pursuant to House Bill 2933 (2018), the rule that addresses processing fees for teaching certificates is being amended to provide for the one-time fee waiver now required by state law for low-income individuals as defined by 59 O.S. § 4003. This statutory definition of "low-income individual" includes recipients of state or federal public assistance programs, including but not limited to Temporary Assistance to Needy Families (TANF), Medicaid, or the Supplemental Nutrition Assistance Program (SNAP). An individual whose household adjusted gross income is below 140% of the federal poverty threshold is also eligible for the one-time waiver of certification fees.

- (2) Title 210. State Department of Education
Chapter 20. Staff
Subchapter 9. Professional Standard: Teacher Education and Certification
Part 9. Teacher Certification
210:20-9-91. Application for new certificates [AMENDED]

NOTE: This is the permanent version of an emergency rule that was approved by this Board and the Governor earlier this fall. It must be adopted in permanent form to remain in effect long term.

The rule outlining applicant requirements for the issuance of new teaching certificates is being amended pursuant to House Bill 3220 (2018). Under a new provision in 70 O.S. § 6-189, the State Board of Education and the State Board of Career and Technology Education "shall promulgate rules for a certification system option specifically for teachers and instructors in the technology center school districts." The new technology center certification option is required to be competency-based, and reflect industry-based skills, standards, and certifications.

The State Board of Career and Technology Education has adopted an emergency rule amendment to Oklahoma Administrative Code 780:20-3-4 establishing requirements for applicants for this certificate. The eligibility requirements for applicants include: an associate's degree, an industry recognized credential relevant to the technology center subject matter to be taught, appropriate professional development, and the criminal history record checks that are mandatory for all teacher certification applicants.

The State Department of Education's parallel rule amendment, also already in place under an emergency rule adoption, provides that the State Board of Education may issue a technology center teaching certificate to a qualified applicant upon recommendation by the Department of Career and Technology Education. This permanent version of the emergency rule amendment already in place will ensure the technology center certification provision remains in effect after the emergency version of the rule expires.

- (3) Title 210. State Department of Education
Chapter 35. Standards for Accreditation of Elementary, Middle Level,
Secondary, and Career and Technology Schools
Subchapter 29. Alternative Education Academies, Programs, and Schools
210:35-29-8. Requirements for alternative education programs
[AMENDED]

The rule that outlines general requirements for alternative education programs is being amended to incorporate guidelines for how an elementary school district (grades PreK-8) may request a waiver from the State Board of Education from the statutory requirement to implement an alternative education program. Elementary districts are authorized to request this waiver under 70 O.S. § 568(F). The new provision will establish an application deadline of May 15 prior to the school year the waiver is requested for, so that alternative education funds declined by an elementary district that does not implement a program may be distributed among districts that do provide alternative education services.

TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 20. STAFF
SUBCHAPTER 9. PROFESSIONAL STANDARDS: TEACHER EDUCATION
AND CERTIFICATION
PART 1. GENERAL TEACHING CERTIFICATE REQUIREMENTS

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

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

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

(e) **One-time fee waiver for eligible low income applicants.** Pursuant to 59 O.S. § 4003, an individual who meets the statutory guidelines for identification as a "low-income individual" at the time they submit their application for initial educator certification or certificate renewal shall be eligible for a one-time waiver of certification fees. The fee waiver for low-income individuals is available for any type or class of certificate issued by the State Board of Education. For purposes of the fee waiver, "low-income individual" means an individual who is enrolled in a state or federal public assistance program including, but not limited to, Temporary Assistance for Needy Families (TANF), Medicaid, or the Supplemental Nutrition Assistance Program (SNAP), or whose household adjusted gross income is below one hundred forty percent (140%) of the

federal poverty line. An eligible individual is authorized to receive a waiver of certification fees only one time, but the fee waiver is available for either initial certification or certificate renewal. An individual who wishes to apply for a one-time waiver of certification fees shall submit such a request to the State Department of Education Office of Certification along with their initial certification or certificate renewal application materials, and must provide official documentation of their participation in a qualifying program or their qualifying household income. If eligibility cannot be determined from the documentation of program participation or income provided with the application materials, the Office of Certification may require the applicant to submit additional documentation in order to authorize the fee waiver.

RULE IMPACT STATEMENT 210:20-9-9

Reports and records for attendance, enrollment, and transportation [AMENDED]

a. **What is the purpose of the proposed rule change?**

Pursuant to House Bill 2933 (2018), the rule that addresses processing fees for teaching certificates is being amended to provide for the one-time fee waiver now required by state law for low-income individuals as defined by 59 O.S. § 4003. This statutory definition of "low-income individual" includes recipients of state or federal public assistance programs, including but not limited to Temporary Assistance to Needy Families (TANF), Medicaid, or the Supplemental Nutrition Assistance Program (SNAP). An individual whose household adjusted gross income is below 140% of the federal poverty threshold is also eligible for the one-time waiver of certification fees.

b. **What classes of persons will be affected by the proposed rule change and what classes of persons will bear the costs of the proposed rule change?**

The rule change will affect applicants for initial educator certification, and applicants for renewal of educator certification, who meet the statutory guidelines for identification as a "low-income individual." The costs of the proposed rule change in the form of waived certification fees will be borne by the State Department of Education.

c. **What classes of persons will benefit from the proposed rule change?**

The rule change will benefit low-income applicants for initial or renewal educator certification.

d. **What is the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions?**

The agency does not anticipate any economic impact upon political subdivisions or affected classes as a result of implementation of the proposed rule change at this time.

e. **What is the probable cost to the agency to implement and enforce the proposed rule change?**

There is not a specific estimate of the implementation cost to the agency in the form of certification fees waived for low-income applicants, as the agency does not historically collect data on the income level or public assistance program participation of certification applicants. Additional record keeping, if any, will be performed by existing staff.

f. **What is the economic impact on any political subdivision to implement the proposed rule change?**

The agency does not anticipate any economic impact on any political subdivision to implement the proposed rule change at this time.

- g. **Will implementing the rule change have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act?**

The agency does not anticipate any adverse economic impact on small business as a result of the proposed rule change at this time.

- h. **Are there any other methods which are less costly, nonregulatory, or less intrusive to achieve the purpose of the proposed rule change?**

No.

- i. **Will the rule change impact the public health, safety, and environment, and is the change designed to reduce significant risks to the public health, safety, and environment? If so, explain nature of risk and to what extent the proposed rule change will reduce the risk.**

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

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

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

- k. **Date Prepared:** October 30, 2018

STATUTORY AUTHORITY FOR 210:20-9-9

Oklahoma Statutes

Title 59. Professions and Occupations

Chapter 58 - Miscellaneous Provisions

Section 4003 - Fee Waivers for License or Certification - Low-Income Individuals - Rules

A. Except for health care professions, every administrative body, state agency director or official with authority over any occupational or professional license or certification, and each of the respective examining and licensing boards, upon presentation of satisfactory evidence that an applicant for licensure or certification is a low-income individual, shall grant a one-time one-year waiver of any fees associated with such licensure or certification. For purposes of the section, "low-income individual" means an individual who is enrolled in a state or federal public assistance program, including, but not limited to, the Temporary Assistance for Needy Families, Medicaid or the Supplemental Nutrition Assistance Program, or whose household adjusted gross income is below one hundred forty percent (140%) of the federal poverty line or a higher threshold to be set by the executive branch department that oversees business regulation.

B. Each administrative body, state agency director or official with authority over any occupational or professional license or certification, and each of the respective examining and licensing boards, shall promulgate rules to implement the provisions of this section.

TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 20. STAFF
SUBCHAPTER 9. PROFESSIONAL STANDARDS: TEACHER EDUCATION
AND CERTIFICATION
PART 9. TEACHER CERTIFICATION

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

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

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

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

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

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

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

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

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

(i) the completed application form

(ii) official up-to-date transcripts of all college course work

(iii) documentation the applicant has completed an accredited teacher preparation program

(iv) the appropriate processing fee for each class of certificate sought. See 210:20-9-9

(d)

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

(3) **Applicants who are certified out-of-state.** The State Board of Education shall issue a teaching certificate to an applicant who submits a valid out-of-state teaching certificate issued by a state or territory of the United States, a completed application for certification, and the applicable certification fee, and has on file with the State Department of Education a current Oklahoma criminal history record check from the Oklahoma State Bureau of Investigation and a national criminal history record check as defined in 74 O.S. § 150.9. The applicant shall be responsible for the costs of the criminal history record checks. The Oklahoma certificate shall be

valid only for the subject areas and grade levels most closely aligned to those recognized on the applicant's out-of-state certificate. An applicant who holds valid teaching certificates issued by more than one state is eligible for Oklahoma certification in the subject area(s) most closely aligned to any subject area(s) listed on any of the valid out-of-state certificates submitted to the State Department of Education. An applicant who is issued an Oklahoma teaching certificate under this subsection may be eligible for up to five (5) years of credit for documented and verified out- of-state teaching experience.

(4) **Applicants who are certified out-of-country.** The temporary certification of visiting teachers from outside the United States, who serve in teaching positions in Oklahoma schools as guest or exchange teachers under the provisions of 22 C.F.R. § 62.24, is governed not by this section but by OAC 210:20-9-98. The following provisions apply to applicants for Oklahoma teacher certification who hold a teacher certification issued in a country other than the United States:

(A) **Completed application and documentation.** To be eligible for consideration for an Oklahoma teaching certificate based on teaching credentials issued in a country outside the United States, an applicant must submit a completed application for certification, the applicable certification fee, and verifiable documentation of each of the requirements of this section to the State Department of Education. It is the responsibility of the applicant to obtain translation and any necessary analysis of documentation in a language other than English. The applicant shall be responsible for the costs of any necessary translation and/or analysis.

(B) **Verification of lawful presence in the United States.** In accordance with 8 U.S.C. § 1621 and 56 O.S. § 71, an applicant for certification based on an out-of-country teacher certification must provide proof of lawful presence in the United States. Under federal and state law an applicant for a state benefit such as professional licensure is not required to be a U.S. citizen, but if the applicant is not a U.S. citizen they must document that they are a qualified alien under the federal Immigration and Nationality Act who is lawfully present in the U.S. Because lawful presence is distinct from work authorization under federal immigration and labor laws, an applicant who meets all criteria for teacher certification under this subsection may be eligible for certification prior to receiving authorization to work in the United States. The State Board of Education and the State Department of Education have no authority regarding an individual's eligibility for employment under federal law, and make no representation regarding the employment authorization status of an individual who is issued an Oklahoma teaching certificate under this subsection. A school district is responsible for verifying the work authorization status of every individual employed by the district.

(C) **Baccalaureate degree or equivalent.** To be eligible for consideration for an Oklahoma teaching certificate, an applicant must submit documentation verifying that the individual has received a baccalaureate college degree (4-year undergraduate degree), or the equivalent of a baccalaureate degree in the higher education system of the country where the degree was conferred. It is the responsibility of the applicant to obtain any necessary translation and analysis of their foreign education credentials from a reputable educational credential evaluation service approved by the State Department of Education, including but not limited to services approved by the National Association of Credential Evaluation Services (NACES). The applicant shall be responsible for the costs of any necessary translation and/or analysis.

(D) **Out-of-country teaching certification and statement of good standing.**

(i) An applicant for Oklahoma certification under this subsection must submit a copy of their valid current teacher certification issued outside the United States. An applicant who holds teaching credentials issued in more than one country may submit each valid current teaching certification, but is only required to submit the most recently issued out-of-country certification. It is the responsibility of the applicant to obtain any necessary translation and analysis of the certification(s) from a reputable educational credential evaluation service. The applicant shall be responsible for the costs of any necessary translation and/or analysis.

(ii) An Oklahoma teaching certificate issued under this subsection shall be valid only for the subject areas and grade levels most closely aligned to those recognized on the applicant's out-of-country teaching certificate. For an applicant who holds teaching certifications issued by more than one licensing jurisdiction, the Oklahoma teaching certificate may include the grade level(s) or subject area(s) most closely aligned to the grade level(s) or subject area(s) recognized on any of the applicant's currently valid certifications. If the applicant's out-of-country teaching certification does not specify subject areas, the applicant may provide verification of teaching experience in one or more subjects that correspond to Oklahoma certification areas, plus documentation of a passing score on the Oklahoma Subject Area Test (OSAT) in the subject area(s).

(iii) The applicant must also submit written verification, on the letterhead of the licensing authority that issued their out-of-country teaching certification, or the school system where they were most recently employed, indicating their good standing as a member of the teaching profession whose teaching certification has not been revoked or suspended. If the applicable entity does not use an official letterhead, an alternative verification method such as notarization or apostille may be acceptable subject to the approval of the State Department of Education Office of Certification. It is the responsibility of the applicant to obtain any necessary translation and analysis of the statement of good standing from a reputable educational credential evaluation service, or a reputable translation service, subject to the approval of the Office of Certification. The applicant shall be responsible for the costs of any necessary translation and/or analysis.

(E) **Verification of teaching experience.** An applicant must submit documentation confirming that they were employed as a teacher for at least two (2) of the five (5) years preceding the application for Oklahoma certification. Teaching experience may be confirmed with a properly completed and verified "Proof of Teaching Experience" form upon approval of the State Department of Education Office of School Personnel Records. An applicant who is issued an Oklahoma teaching certificate under this subsection may be eligible for up to five (5) years of credit for documented and verified out-of-country teaching experience.

(F) **Recommendation by school administrator or education official.** An applicant must submit a letter of recommendation from a national, regional, or local education official or school administrator who has worked with or evaluated the applicant in a professional capacity. It is the responsibility of the applicant to obtain any necessary translation of the letter of recommendation from a reputable educational credential evaluation service, or a reputable translation service, subject to the approval of the Office of Certification. The applicant shall be responsible for the costs of any necessary translation and/or analysis.

(G) **Criminal history record check and statement of eligibility for certification.** An applicant shall have on file with the State Department of Education a current Oklahoma criminal history record check from the Oklahoma State Bureau of Investigation and a

national criminal history record check as defined in 74 O.S. § 150.9. In addition to the criminal history record checks required by state law, an applicant for Oklahoma certification under this subsection must affirm that they have not been convicted in any jurisdiction, and have not received a suspended or deferred sentence in any jurisdiction, for a crime or attempted crime which would make an individual ineligible for teacher certification under 70 O.S. § 3-104(6)(a) if committed or attempted in Oklahoma.

(H) **English proficiency.** So that they may adequately instruct and communicate with students, an applicant for Oklahoma certification based on a teacher certification issued in another country must be proficient in spoken and written English. By submitting an application for certification under this subsection, an applicant affirms that their command of spoken and written English is equivalent, at a minimum, to competence under the Test of English as a Foreign Language (TOEFL), the International English Language Testing System (IELTS), the American Council on the Teaching of Foreign Languages (ACTFL) oral and written English proficiency assessments, or a similar reputable English language competence examination, subject to the approval of the Office of Certification.

(5) Technology center teaching certificate applicants. Pursuant to 70 O.S. § 6-189, the State Board of Education may issue a technology center teaching certificate to an individual who meets the requirements established by the Oklahoma Department of Career and Technology Education (ODCTE) at Oklahoma Administrative Code 780:20-3-4(a)(2), including a current criminal history record check, and is recommended by ODCTE for technology center teaching certification. The technology center teaching certificate shall be valid only for the subject area(s) aligned to the applicant's degree, credential, and/or work experience, and credit earned by students shall be awarded in accordance with 70 O.S. § 11-103.6.

RULE IMPACT STATEMENT 210:20-9-9

Reports and records for attendance, enrollment, and transportation [AMENDED]

a. What is the purpose of the proposed rule change?

The rule outlining applicant requirements for the issuance of new teaching certificates is being amended pursuant to House Bill 3220 (2018). Under a new provision in 70 O.S. § 6-189, the State Board of Education and the State Board of Career and Technology Education "shall promulgate rules for a certification system option specifically for teachers and instructors in the technology center school districts." The new technology center certification option is required to be competency-based, and reflect industry-based skills, standards, and certifications.

The State Board of Career and Technology Education has adopted an emergency rule amendment to *Oklahoma Administrative Code* 780:20-3-4 establishing requirements for applicants for this certificate. The eligibility requirements for applicants include: an associate's degree, an industry recognized credential relevant to the technology center subject matter to be taught, appropriate professional development, and the criminal history record checks that are mandatory for all teacher certification applicants.

The State Department of Education's parallel rule amendment, also already in place under an emergency rule adoption, provides that the State Board of Education may issue a technology center teaching certificate to a qualified applicant upon recommendation by the Department of Career and Technology Education. This permanent version of the emergency rule amendment already in place will ensure the technology center certification provision remains in effect after the emergency version of the rule expires.

b. What classes of persons will be affected by the proposed rule change and what classes of persons will bear the costs of the proposed rule change?

The rule change will affect applicants for technology center certification who qualify under the new competency-based certification requirements established by the State Board of Career and Technology Education at Oklahoma Administrative Code 780:20-3-4(a)(2). The standard certification fees will apply to these applicants.

c. What classes of persons will benefit from the proposed rule change?

The rule change will benefit applicants who qualify for the competency-based technology center certification option, as well as Oklahoma students who attend Career Tech programs.

d. What is the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions?

The agency does not anticipate any economic impact upon political subdivisions or affected classes as a result of implementation of the proposed rule change at this time.

e. What is the probable cost to the agency to implement and enforce the proposed rule change?

There is not an anticipated cost to the agency to implement the proposed change. Additional record keeping, if any, will be performed by existing staff.

- f. **What is the economic impact on any political subdivision to implement the proposed rule change?**

The agency does not anticipate any economic impact on any political subdivision to implement the proposed rule change at this time.

- g. **Will implementing the rule change have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act?**

The agency does not anticipate any adverse economic impact on small business as a result of the proposed rule change at this time.

- h. **Are there any other methods which are less costly, nonregulatory, or less intrusive to achieve the purpose of the proposed rule change?**

No.

- i. **Will the rule change impact the public health, safety, and environment, and is the change designed to reduce significant risks to the public health, safety, and environment? If so, explain nature of risk and to what extent the proposed rule change will reduce the risk.**

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

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

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

- k. **Date Prepared:** October 30, 2018

STATUTORY AUTHORITY FOR 210:20-9-91

Oklahoma Statutes

Title 70. Schools

Chapter 1 - School Code of 1971

Article VI-A - Teacher Licensure and Certification

Section 6-189 - Licensure and Certification System - Requirements for Certificate for Superintendent of Schools and Principal

A. The certification system required by the Oklahoma Teacher Preparation Act as part of the new teacher preparation system shall be competency-based. The competencies for certification shall be integrated with competencies specified in [Section 6-185](#) of this title. By July 1, 1996, the State Board of Education shall adopt general competencies for certification, and by January 1, 1997, the Board shall have adopted full competencies and implemented the certification system as required in this act. No higher education courses or credit hours may be specified by the State Board of Education in rules for certification. Nothing in the certification rules adopted by the Board shall prohibit the Oklahoma State Regents for Higher Education from adopting policies and procedures it deems appropriate for coursework, grade point average, or credit hours for teacher preparation at institutions in The Oklahoma State System of Higher Education.

B. The certification requirements for a school principal not alternatively certified under subsection D of this section shall include not less than:

1. Completion of a standard master's degree;
2. Completion of a program in education administration approved by the Oklahoma Commission for Teacher Preparation with an emphasis on curriculum, instruction and building-level leadership skills;
3. Any other professional education and requirements as may be fixed by the State Board of Education;
4. A passing score on the subject area competency examination required in [Section 6-187](#) of this title; and
5. A minimum of two (2) years of successful teaching experience in public or private schools accredited by the State Board of Education or by the proper accrediting authority of another state of the United States.

C. The certification requirements for a superintendent of schools not alternatively certified under subsection D of this section shall include not less than:

1. Certification as a school principal or completion of the certification requirements for a school principal as set forth in subsection B of this section;
2. Completion of a program in education administration approved by the Oklahoma Commission for Teacher Preparation with an emphasis on district-level leadership skills, and which shall include the following competencies:
 - a. instructional leadership,
 - b. organizational leadership, including education finance, education law, and risk management,
 - c. collaborative and community leadership, and
 - d. ethical leadership, or

The requirement in this paragraph shall not apply to any person who has completed an Oklahoma Commission for Teacher Preparation approved Master's Degree in Education Administration or has completed a program in education administration that included competencies that are substantially equal

to those listed in this paragraph, and if the degree or program was completed between the effective date of this act and July 1, 2005;

3. Any other professional education and requirements as may be fixed by the State Board of Education;

4. A passing score on the subject area competency examination required in [Section 6-187](#) of this title; and

5. A minimum of two (2) years of administrative experience in public or private schools accredited by the State Board of Education or by the proper accrediting authority of another state of the United States.

D. 1. The standards for alternative certification for superintendents of schools and principals shall include:

a. the completion of a standard master's degree,

b. two (2) years of relevant work experience in a supervisory or administrative capacity,

c. a passing score on the subject area competency examination required in [Section 6-187](#) of this title, and

d. filing with the director of teacher education at an Oklahoma accredited institution of higher education a plan for completing an alternative administrative preparation program within three (3) years. Relevant work experience and coursework may be considered and applied to complete the plan.

2. An alternative certificate for superintendent of schools and principals shall not exceed three (3) years and shall not be renewable.

3. Upon successful completion of an alternative administrative preparation program by a participant, the State Board of Education shall issue a standard certificate for superintendent or principal, as applicable, to the applicant.

4. Any person participating in an alternative certification program for superintendent of schools and principals on the effective date of this act shall be subject to the program requirements in effect prior to the effective date of this act.

E. The certification requirements for a superintendent of a technology center school district shall include not less than a standard master's degree, any other professional education requirements as may be fixed by the State Board of Education, and a minimum of four (4) years teaching, supervisory or administrative experience, which may include teaching of full-time adult students, in a technology center school district. A person meeting the requirements set forth in subsection C of this section shall be eligible for a certificate for superintendent of a technology center school district.

F. The State Board of Education and the State Board of Career and Technology Education shall promulgate rules for a certification system option specifically for teachers and instructors in the technology center school districts. The teacher preparation system shall be competency-based. The competencies for certification shall be integrated with competencies of this title, as well as reflect industry-based skills, standards and certifications.

G. Certificates issued by the State Board of Education may be revoked by the State Board of Education for willful violation of any rule of the Board or of any federal or state law or other proper cause but only after sufficient hearing has been given before the Board.

H. Teaching in a Head Start program or programs shall be used for renewal of a standard teaching certificate.

TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 35. STANDARDS FOR ACCREDITATION OF ELEMENTARY, MIDDLE
LEVEL, SECONDARY, AND CAREER AND TECHNOLOGY SCHOOLS
SUBCHAPTER 29. ALTERNATIVE EDUCATION ACADEMIES, PROGRAMS
AND SCHOOLS

210:35-29-8. Requirements for alternative education programs

(a) **General requirements.** Alternative education is an educational process incorporating appropriate structure, curriculum, interaction, and reinforcement strategies to stimulate learning with students who are at risk of failing 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, state custody, juvenile justice involvement, and/or other such factors, not including disability status. An alternative education program must provide the additional services and supports outlined in statute, and not merely an opportunity for credit recovery. To qualify as an approved alternative education program, a school district's alternative school or alternative education program must meet all requirements listed at 70 O.S. § 1210.568, including:

- (1) Student-teacher ratios conducive to effective learning for at-risk students;
- (2) Appropriate structure, curriculum, interaction, and reinforcement strategies for effective instruction;
- (3) An intake and screening process to determine eligibility of students;
- (4) Appropriately certified teaching faculty;
- (5) Teaching faculty with experiences or personal traits that qualify them for successful work with at-risk students;
- (6) Collaboration with state and local agencies;
- (7) Courses that meet the curricular standards adopted by the State Board of Education and additional remedial courses;
- (8) Individualized instruction;
- (9) Clear and measurable program goals and objectives;
- (10) Counseling and social service components;
- (11) Graduation plan for each student;
- (12) Life skills instruction;
- (13) Opportunities for arts education;
- (14) A proposed annual budget;
- (15) An evaluation component that includes an annual written self-evaluation;
- (16) Service to students in grades six (6) through twelve (12) who are most at risk of not completing high school for reasons other than disability; and
- (17) Opportunities for student participation in vocational programs and extra-curricular activities such as athletics, band, and clubs.

(b) **Submission of alternative education plan.** Each school district shall submit and certify an Alternative Education Implementation Plan to the State Department of Education by September 15 of each year. This plan shall outline how the district will meet the criteria listed in subsection (a) to serve its at-risk students. The plan must be submitted and certified by school districts providing their own alternative education programs, as well as districts which offer alternative education through interlocal cooperative arrangements, and districts which have no alternative education program and receive no alternative education funding.

(c) Alternative education waiver available for elementary school districts. For an elementary school district, which does not offer high school grades, the State Board of Education is authorized at 70 O.S. § 1210.568(F) to grant a waiver from the statutory requirement to implement and provide an alternative education program. An elementary school district wishing to request such a waiver must submit an application to the State Department of Education Office of Accreditation no later than May 15 prior to the school year for which the waiver is requested. An elementary school district that has not received any alternative education funding pursuant to 70 O.S. § 1210.568 shall be granted this waiver automatically and need not apply, but an elementary district that has received any amount of alternative education funding must apply for the waiver by May 15 prior to the applicable school year in order to be exempt from implementing an alternative education program.

(e)(d) Deregulation not necessary for conforming alternative education programs. A school district need not apply to the State Board of Education for a deregulation in order to implement an alternative education program that meets all requirements listed in this subchapter and at 70 O.S. § 1210.566 through 70 O.S. § 1210.568.

RULE IMPACT STATEMENT 210:35-29-8

Reports and records for attendance, enrollment, and transportation [AMENDED]

a. **What is the purpose of the proposed rule change?**

The rule that outlines general requirements for alternative education programs is being amended to incorporate guidelines for how an elementary school district (grades PreK-8) may request a waiver from the State Board of Education from the statutory requirement to implement an alternative education program. Elementary districts are authorized to request this waiver under 70 O.S. § 568(F). The new provision will establish an application deadline of May 15 prior to the school year the waiver is requested for, so that alternative education funds declined by an elementary district that does not implement a program may be distributed among districts that do provide alternative education services.

b. **What classes of persons will be affected by the proposed rule change and what classes of persons will bear the costs of the proposed rule change?**

The rule change will affect elementary school districts (grades PreK-8) that have received alternative education funds in the past, but wish to apply for a waiver of the requirement to implement an alternative education program.

c. **What classes of persons will benefit from the proposed rule change?**

The rule change will benefit alternative education programs and students statewide by enabling alternative education funds declined by elementary school districts that apply for the waiver to be distributed among districts with alternative education programs in place.

d. **What is the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions?**

The agency does not anticipate any economic impact upon political subdivisions or affected classes as a result of implementation of the proposed rule change at this time.

e. **What is the probable cost to the agency to implement and enforce the proposed rule change?**

There is not an anticipated cost to the agency to implement the proposed change. Additional record keeping, if any, will be performed by existing staff.

f. **What is the economic impact on any political subdivision to implement the proposed rule change?**

The agency does not anticipate any economic impact on any political subdivision to implement the proposed rule change at this time.

- g. **Will implementing the rule change have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act?**

The agency does not anticipate any adverse economic impact on small business as a result of the proposed rule change at this time.

- h. **Are there any other methods which are less costly, nonregulatory, or less intrusive to achieve the purpose of the proposed rule change?**

No.

- i. **Will the rule change impact the public health, safety, and environment, and is the change designed to reduce significant risks to the public health, safety, and environment? If so, explain nature of risk and to what extent the proposed rule change will reduce the risk.**

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

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

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

- k. **Date Prepared:** October 30, 2018

STATUTORY AUTHORITY FOR 210:35-29-8

Oklahoma Statutes

Title 70. Schools

Chapter 22A - High Challenge Children and Youth

Section 1210.568 - Implementation of Statewide System of Alternative Education Programs

A. Beginning with the first semester of the 1996-1997 school year, the State Board of Education shall implement a statewide system of alternative education programs which shall be phased-in within seven (7) years. The statewide system shall include but not be limited to Alternative Approaches grant programs, funded pursuant to [Section 1210.561 of this title](#), and alternative academies or alternative programs implemented pursuant to this section.

B. Beginning with the first semester of the 2002-2003 school year, all school districts of this state shall provide alternative education programs that conform to the requirements of statutes and rules applicable to alternative education. A program shall:

1. Allow class sizes and student/teacher ratios which are conducive to effective learning for at-risk students;
2. Incorporate appropriate structure, curriculum, and interaction and reinforcement strategies designed to provide effective instruction;
3. Include an intake and screening process to determine eligibility of students;
4. Demonstrate that teaching faculty are appropriately certified teachers;
5. Demonstrate that teaching faculty have been selected on the basis of a record of successful work with at-risk students or personal and educational factors that qualify them for work with at-risk students;
6. Reflect appropriate collaborative efforts with state agencies and local agencies serving youth;
7. Provide courses that meet the academic curricula standards adopted by the State Board of Education and additional remedial courses;
8. Offer individualized instruction;
9. State clear and measurable program goals and objectives;
10. Include counseling and social services components with the provision that providers of services are not required to be certified as school counselors;
11. Require a plan leading to graduation be developed for each student in the program which will allow the student to participate in graduation exercises for the school district after meeting the requirements of the school district as specified in the individual graduation plan for that student; provided, for students who enter the ninth grade in or prior to the 2007-08 school year, the plan shall specifically address whether the student is required to meet the graduation requirements established in [Section 11-103.6 of this title](#);
12. Offer life skills instruction;
13. Provide opportunities for arts education to students, including Artists in Residence programs coordinated with the Oklahoma Arts Council;
14. Provide a proposed annual budget;
15. Include an evaluation component including an annual written self-evaluation;

16. Be appropriately designed to serve middle school, junior high school and secondary school students in grades six through twelve who are most at risk of not completing a high school education for a reason other than that identified in [Section 13-101 of this title](#); and

17. Allow students in the alternative education program, who otherwise meet all of the participation requirements, to participate in vocational programs and extracurricular activities, including but not limited to athletics, band, and clubs.

C. The alternative education program of a school district shall be operational and serving students by September 15 of each school year.

D. Each alternative education program of a school district shall receive funding based on the combined number of dropouts and students within the district who have been referred to a county juvenile service unit, a county juvenile bureau or who have been committed to the custody of the Office of Juvenile Affairs. Each alternative education program shall receive incentive funding as follows:

1. For the first year of operation, One Thousand Dollars (\$1,000.00) per student;
2. For the second year of operation, Seven Hundred Fifty Dollars (\$750.00) per student; and
3. For the third year of operation and each year thereafter, Seven Hundred Dollars (\$700.00) per student.

Statewide alternative education funding shall not be used to supplant existing school district resources or to support programs that do not meet all the criteria for the statewide alternative education system. No alternative education program shall receive less than a total of Ten Thousand Dollars (\$10,000.00) per school year.

E. By September 15 of each school year, all statewide alternative education funds received and expended for students participating in an alternative education program shall be reported to the State Department of Education by major object codes and by program classifications pursuant to the Oklahoma Cost Accounting System as adopted by the State Board of Education pursuant to [Section 5-135 of this title](#).

F. Elementary school districts, as defined in [Section 5-103 of this title](#), may request a waiver from the State Board of Education from the requirements of this section to implement and provide an alternative education program. Any elementary school district that has not received funding pursuant to the provisions of subsection D of this section shall be automatically granted a waiver. If a school district is granted a waiver, no statewide alternative education funding shall be allocated to the district.

G. 1. The State Board of Education shall contract for technical assistance for operation of an Alternative Education Technical Assistance Center. The technical assistance provider shall be an entity located in Oklahoma that has been officially recognized by the United States Department of Education to assess and facilitate dissemination of validated educational programs in Oklahoma. The technical assistance provider shall have priority, if its operations are deemed satisfactory by the State Board of Education and if funds are available, for annual renewal of the contract.

2. The duties of the technical assistance provider shall include, but shall not be limited to:

- a. providing initial and ongoing training of personnel who will educate at-risk populations through alternative education programs,
- b. providing technical assistance to school districts to enhance the probability of success of their alternative education programs,
- c. evaluating state-funded alternative education programs,
- d. reporting to the State Board of Education the evaluation results of state-funded alternative education programs, and
- e. providing in-depth program analysis and evaluation of state-funded alternative education programs.

3. The State Board of Education shall not provide funding to an alternative education program that does not receive a recommendation for continued funding in the evaluation provided for in this subsection. Provided, any school district not receiving such a recommendation for continued funding may request a hearing before the Board with a review of the evaluation prior to the Board's final determination.

H. All alternative education programs shall be subject to statutes and rules applicable to alternative education, including any exemptions from statutory or regulatory requirements authorized by statutes or rule.

I. An alternative education program may be offered by an individual school district or may be offered jointly by school districts that have formed interlocal cooperative agreements pursuant to [Section 5-117b of this title](#). Any school district submitting a plan for an alternative education program serving fewer than ten students shall enter into a cooperative agreement with another school district to jointly provide the program unless the program has been granted a waiver from this requirement by the State Board of Education.

J. Any materials or equipment purchased by a school district with revenue received for students participating in an alternative education program shall be used only in or directly for the alternative education program offered by the district or any subsequent alternative education program offered to students enrolled in that district. Such materials and equipment shall be made available exclusively to alternative education students during the hours that the alternative education program is operating; provided, the material or equipment may be used for other purposes when the alternative education program is not operating.

K. Upon implementation of this subsection as provided for in subsection M of this section and contingent upon the provision of appropriated funds designated for such purpose, all school districts in the state providing alternative education programs as required in subsection B of this section shall expand the programs to include middle-school-grade students. The program shall conform to the requirements of subsection B of this section.

L. Upon implementation of this subsection as provided for in subsection M of this section and contingent upon the provision of appropriated funds designated for such purpose, each urban school district identified by the State Department of Education as having a high population of elementary grade students who are at-risk and in need of alternative education shall provide elementary level alternative education programs. The State Department of Education shall establish requirements for the programs. For purposes of this section, "urban school district" means a school district with an average daily membership of thirty thousand (30,000) or more.

M. Implementation of subsections K and L of this section shall be delayed until the current expenditure per pupil in average daily attendance in public elementary and secondary schools in unadjusted dollars for the 1998-99 school year or any school year thereafter for Oklahoma, as reported by the National Center for Education Statistics annually in the Digest of Education Statistics, reaches at least ninety percent (90%) of the regional average expenditure for that same year, and funds are provided. For purposes of this subsection, the regional average expenditure shall consist of the current expenditure per pupil in average daily attendance in public elementary and secondary schools in unadjusted dollars for each of the following states: Arkansas, Colorado, Kansas, Missouri, New Mexico, Oklahoma, and Texas, averaged together. By January 1 of each year, the State Board of Education shall report whether or not the ninety-percent expenditure level has been reached based on information reported annually in the Digest of Education Statistics by the National Center for Education Statistics. Subsections K and L of this section shall be implemented on July 1 after the first January 1 report verifies that the ninety-percent expenditure level has been reached and funds have been provided for the specific purposes of this section.