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OKLAHOMA STATE DEPARTMENT *of* EDUCATION

MEMORANDUM

TO: The Honorable Members of the State Board of Education

FROM: Joy Hofmeister

DATE: March 23, 2017

SUBJECT: Administrative Rule Promulgation

The State Board of Education will be taking action at the March 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 10. School Administration and Instructional Services
Subchapter 13. Student Assessment
210:10-13-21. Academic Assessment Monitoring Program (AAMP)
[AMENDED]

The rule addressing the Academic Assessment Monitoring Program, established to evaluate schools' implementation of required academic assessments, must be updated to reflect changes to federal and state law. Legal citations to the *Elementary and Secondary Education Act* (ESEA) now refer to the section numbers as revised in the *Every Student Succeeds Act of 2015* (ESSA), and a reference to a discontinued federal administrative guide is corrected to the current version. Provisions that address charter schools are also updated, because state law now provides for charter school sponsors other than school districts.

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

House Bill 2946 (2016) added provisions to the teacher certification statutes authorizing the State Board of Education to issue an Oklahoma teaching certificate to a teacher who holds a valid teaching certificate issued in another

country, and meets all other requirements established by the Board. This amendment adds a new subsection to the rule that governs new teaching certificates, establishing the requirements an out-of-country applicant must meet to be eligible for consideration for an Oklahoma teaching certificate. Requirements include: verification of lawful presence in the United States, baccalaureate degree or equivalent, current valid out-of-country teaching certificate, verification of teaching experience, recommendation by a school administrator or education official, criminal history record check, and English proficiency. Applicants are responsible for obtaining any necessary translation and analysis of documents in a language other than English, and bear the costs of translation and/or analysis by a reputable educational credential evaluation service.

- (3) Title 210. State Department of Education
 - Chapter 20. Staff
 - Subchapter 37. Adjunct Teachers
 - 210:20-37-2. Adjunct teachers [AMENDED]**

House Bill 3102 (2016) amended the statute governing adjunct teachers, expanding the number of clock hours that adjunct teachers are authorized to provide classroom instruction from ninety (90) hours per semester to two hundred seventy (270) hours per semester. Each school district establishes its own requirements and salary for adjunct teachers, who must pass a background check, but under 70 O.S. § 6-122.3 are not required to hold a teaching certificate. The amendment to the adjunct teachers rule incorporates the expansion of authorized teaching hours for adjuncts, and also clarifies that if a district employs a certified teacher as an adjunct, the certified individual's salary shall be the amount they would be entitled to on the state minimum salary schedule, pro-rated to the number of hours taught.

- (4) Title 210. State Department of Education
 - Chapter 40. Grants and Programs-in-Aid
 - Subchapter 31. Public School Classroom Support Grants [NEW]
 - 210:40-31-1. Public School Classroom Support Grants [NEW]**

70 O.S. § 1-122 established a fund consisting of contributions designated on Oklahoma income tax and corporate tax forms, donated by taxpayers for the benefit of the Public School Classroom Support Revolving Fund. The fund is to be used for the purpose of "providing grants to public school classroom teachers...for supplies, materials, or equipment for the class or classes taught by the teacher" (70 O.S. § 1-123). The proposed rule lays out guidelines for the grant program. The rule includes eligibility requirements for grant applicants, such as defining who is included in the statutory term "classroom teacher" and outlining general criteria for selection. Minimum (\$1,000) and maximum (\$5,000) amounts for grant requests are established. To be eligible for consideration, a classroom teacher's grant application must include an articulated

purpose that aligns with the Oklahoma Academic Standards, or with the year's grant focus in the event the State Department of Education announces a particular focus for an upcoming grant year. The rule provides that the entire amount available in the grant fund will not be expended during any single year, since taxpayer contributions to the fund vary annually, and maintaining a fund balance will allow grants to be awarded every year although donations may differ from one year to the next.

PROPOSED RULE

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES
SUBCHAPTER 13. STUDENT ASSESSMENT**

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 Section 930420 U.S.C. § 7844 (a)(1) requires 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) ESEA Section 930420 U.S.C. § 7844(a)-(B)(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) Section 80.4034 C.F.R. § 200.328 of the Education Department General Administrative Regulations (EDGAR) 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, and the Oklahoma School Testing Program (OSTP) Act at Title 70 O.S. § 1210.505 Student Assessment et seq., Oklahoma School Testing Program (OSTP), and Oklahoma Administrative ~~Codes~~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 Codes (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) ~~If charter schools have been established within the school district, these sites~~ Charter schools may also be monitored.

(2) **Desk monitoring.**

(A) The staff of the Office of Accountability and Assessments will analyze across a ~~4~~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) If charter schools have been established within the school district, these sites may also be monitored.~~

~~(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 ~~at~~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 ~~End of Instruction (EOI) online~~ 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 ~~forty five (45) working days from the end of the 20 day submission date of the On-Site or Desk Monitoring documents from the school district being monitored.~~ 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.

RULE IMPACT STATEMENT

210:10-13-21. Academic Assessment Monitoring Program (AAMP) [AMENDED]

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

The rule addressing the Academic Assessment Monitoring Program, established to evaluate schools' implementation of required academic assessments, must be updated to reflect changes to federal and state law. Legal citations to the *Elementary and Secondary Education Act* (ESEA) now refer to the section numbers as revised in the *Every Student Succeeds Act of 2015* (ESSA), and a reference to a discontinued federal administrative guide is corrected to the current version. Provisions that address charter schools are also updated, because state law now provides for charter school sponsors other than school districts, and references to the discontinued End-of-Instruction (EOI) exams are removed.

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 change will affect Oklahoma schools and school districts.

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

The change will benefit Oklahoma schools and school districts by ensuring the rule governing the Academic Assessment Monitoring Program reflects current law and does not include discontinued requirements.

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

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

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

The agency does not anticipate any cost to the agency to implement and enforce as a result of the proposed change in the rule at this time. Additional record keeping, if any, will be performed by existing staff.

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

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

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

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

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

No.

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

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

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

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

k. Date Prepared: February 6, 2017

STATUTORY AUTHORITY FOR 210:10-13-21

Oklahoma Statutes

Title 70. Schools

Chapter 22 - Testing and Assessment

Oklahoma School Testing Program Act

Section 1210.507 - Promulgation of Rules and Regulations - Information to Public About Proper Meaning and Use of Assessments

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.

Oklahoma Statutes

Title 70. Schools

Chapter 22 - Testing and Assessment

Oklahoma School Testing Program Act

Section 1210.508 - Statewide System of Student Assessments - Remediation for Students not Performing at Proficiency Level

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.

PROPOSED RULE

**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 following provisions apply to applicants for Oklahoma teaching certificates who already hold certificates issued by another state:~~

~~(A)–The State Board of Education shall issue a 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.~~

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

(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.

(1) 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.

(2) 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).

(3) 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.

(G) 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.

(H) 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.

(I) 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.

RULE IMPACT STATEMENT

210:20-9-91. Application for new certificates [AMENDED]

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

House Bill 2946 (2016) added provisions to the teacher certification statutes authorizing the State Board of Education to issue an Oklahoma teaching certificate to a teacher who holds a valid teaching certificate issued in another country, and meets all other requirements established by the Board. This amendment adds a new subsection to the rule that governs new teaching certificates, establishing the requirements an out-of-country applicant must meet to be eligible for consideration for an Oklahoma teaching certificate. Requirements include: verification of lawful presence in the United States, baccalaureate degree or equivalent, current valid out-of-country teaching certificate, verification of teaching experience, recommendation by a school administrator or education official, criminal history record check, and English proficiency. Applicants are responsible for obtaining any necessary translation and analysis of documents in a language other than English, and bear the costs of translation and/or analysis by a reputable educational credential evaluation service.

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 change will affect applicants for Oklahoma teacher certification who hold teaching credentials issued outside the United States, and school districts who wish to employ such teachers.

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

The change will benefit applicants for Oklahoma teacher certification who hold teaching credentials issued outside the United States, and school districts who wish to employ such teachers.

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

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

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

The agency does not anticipate any cost to the agency to implement and enforce as a result of the proposed change in the rule at this time. Additional record keeping, if any, will be performed by existing staff.

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

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

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

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

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

No.

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

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

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

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

k. Date Prepared: February 6, 2017

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 6-190 - Contract with Certified or Licensed Teachers - Criteria for Issuance of License and Certificate to Teach

A. The board of education of each school district shall employ and contract in writing, as required in Section 6-101 of this title, only with persons certified to teach by the State Board of Education in accordance with the Oklahoma Teacher Preparation Act, except as otherwise provided for by Section 6-101 of this title and by other law.

B. The Board shall issue a certificate to teach to any person who:

1. Has successfully completed the teacher education program required by the Oklahoma Commission for Teacher Preparation;

2. Has graduated from an accredited institution of higher education that has approval or accreditation for teacher education;

3. Has met all other requirements as may be established by the Board;

4. Has made the necessary application and paid the competency examination fee in an amount and as prescribed by the Commission;

5. Has successfully completed the competency examination required in Section 6-187 of this title; and

6. Beginning November 1, 2001, has on file with the Board a current Oklahoma criminal history record 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, the Board may issue a temporary certificate which shall be effective until receipt of the national fingerprint-based criminal history record. The person applying for a certificate shall be responsible for the cost of the criminal history records.

C. The Board shall issue a certificate to teach to any person who:

1. Holds an out-of-state certificate and meets the requirements set forth in subsection F of this section;

2. Holds certification from the National Board for Professional Teaching Standards;

3. Holds an out-of-country certificate and meets the requirements set forth in subsection F of this section; or

4. Has successfully completed a competency examination used in the majority of other states or comparable customized exam and meets the requirements set forth in subsection G of this section.

D. Beginning July 1, 2004, any person applying for initial Oklahoma certification shall have on file with the Board a current Oklahoma criminal history record 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, the Board may issue a temporary certificate which shall be effective until receipt of the national fingerprint-based criminal history record. The person applying for a certificate shall be responsible for the cost of the criminal history records.

E. Any person holding a valid certificate, issued prior to January 1, 1997, shall be a certified teacher for purposes of the Oklahoma Teacher Preparation Act, subject to any professional development requirements prescribed by the Oklahoma Teacher Preparation Act or by the State Board of Education.

F. 1. The Board shall issue a certificate to teach to a person who holds a valid out-of-state certificate or to a person who holds a valid out-of-country certificate and meets any requirements established by the Board. 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 or out-of-country certificate.

2. A person who meets the requirements of paragraph 1 of this subsection 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 or out-of-country certificate.

3. A person who meets the requirements of paragraph 1 of this subsection 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.

4. The Board shall promulgate rules establishing a process by which out-of-country certificates will be reviewed and evaluated for purposes of awarding a certificate to teach pursuant to this subsection.

G. 1. The Board shall issue a certificate to teach to a person who has successfully completed a competency exam used in a majority of the other states. The certificate to teach shall only be for those subject areas and grade levels that correspond with a certification area used in Oklahoma.

2. A person who meets the requirements of paragraph 1 of this subsection 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.

PROPOSED RULE

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 20. STAFF
SUBCHAPTER 37. ADJUNCT TEACHERS**

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) Adjunct teachers shall be limited to two hundred seventy (270) clock hours of classroom teaching per semester.
- (56) For individuals who do not hold a valid Oklahoma teaching certificate, Hourshours 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 210:25-3-4(b).
- (7) 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.
- (68) Adjunct teachers employed to coach school athletic teams shall have successfully completed a course in the care and prevention of athletic injuries.

RULE IMPACT STATEMENT

210:20-37-2. Adjunct teachers [AMENDED]

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

House Bill 3102 (2016) amended the statute governing alternative placement and adjunct teachers, expanding the number of clock hours that adjunct teachers are authorized to provide classroom instruction from ninety (90) hours per semester to two hundred seventy (270) hours per semester. Each school district establishes its own requirements and salary for adjunct teachers, who must pass a background check, but under 70 O.S. § 6-122.3 are not required to hold a teaching certificate. The amendment to the adjunct teachers rule incorporates the expansion of authorized teaching hours for adjuncts, and also clarifies that if a district employs a certified teacher as an adjunct, the certified individual's salary shall be the amount they would be entitled to on the state minimum salary schedule, pro-rated to the number of hours taught.

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 change will affect school districts and adjunct teachers.

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

The change will benefit school districts and the adjunct teachers they employ, who may now teach up to 270 hours per semester.

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

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

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

The agency does not anticipate any cost to the agency to implement and enforce as a result of the proposed change in the rule at this time. Additional record keeping, if any, will be performed by existing staff.

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

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

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

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

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

No.

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

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

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

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

k. Date Prepared: February 6, 2017

STATUTORY AUTHORITY FOR 210:20-37-2

Oklahoma Statutes

Title 70. Schools

Chapter 1 - School Code of 1971

Article VI - Teachers

Section 6-122.3 - Eligibility for Grant of Alternative Placement Teaching Certificate

F. 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. Adjunct teachers shall be limited to two hundred seventy (270) clock hours of classroom teaching per semester.

PROPOSED RULE

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 40. GRANTS AND PROGRAMS-IN-AID SUBCHAPTER 31. PUBLIC SCHOOL CLASSROOM SUPPORT GRANTS

210:40-31-1. Public School Classroom Support Grants

(a) Purpose. The State Board of Education is authorized to award one or more grants annually to classroom teachers from funds available in the Public School Classroom Support Revolving Fund established pursuant to 70 O.S. § 1-123. A grant awarded under this section shall be used by the grantee teacher for the purpose of purchasing supplies, materials, or equipment for their class or classes. To ensure the continuing availability of the grant program, which is funded by taxpayer donations that vary annually, the full amount available in the Public School Classroom Support Revolving Fund may not be awarded during a single year.

(b) Eligibility. A public school classroom teacher in Oklahoma is eligible to apply for a Public School Classroom Support Grant. A certified educator employed under Oklahoma Cost Accounting System (OCAS) Job Class Code 210, "Teacher", or OCAS Job Class Code 213, "Resource Teacher", shall be considered a classroom teacher for purposes of the Public School Classroom Support Grant program.

(c) Limitations. The minimum amount that may be requested for each Public School Classroom Support Grant is \$1,000, and the maximum amount that may be requested is \$5,000. A classroom teacher may receive an individual Public School Classroom Support Grant only once. A teacher who has previously applied for a grant, but has not received one, is eligible to apply again in subsequent years. A teacher may submit one application per year for an individual Classroom Support Grant, and may also be included in one shared grant application per year, provided that a teacher may not be awarded an individual grant and a shared grant during the same year. A teacher who has been one of the recipients of a shared grant may not apply for another shared grant for a period of two (2) years following the year the shared grant was received.

(d) Focus areas and focus goals. In order to maximize the efficacy of resources donated by Oklahoma taxpayers to the Public School Classroom Support Revolving Fund, the State Department of Education may designate focus areas and/or focus goals that will apply to the upcoming year's Public School Classroom Support Grant cycle. In the event the State Department of Education designates focus areas and/or focus goals for the following year's Public School Classroom Support Grants, grant applications must be relevant to one or more of the stated focuses to be eligible for consideration. If the State Department of Education does not designate a focus area and/or focus goal prior to the end of the calendar year to apply to the following year's grant cycle, grant applications must articulate a purpose intended to promote student learning in one or more content areas or skills aligned with the Oklahoma Academic Standards to be eligible for consideration.

(e) Distribution of grants. To the extent possible, subject to the availability of funds, grants will be awarded each year to at least one recipient who represents each of the following categories:

- (1) An early childhood or elementary school.
- (2) A middle or junior high school.
- (3) A high school.

(4) An alternative school, alternative academy, or alternative education program as defined by 70 O.S. § 1210.568.

(5) A school in a "small school district" as defined by 70 O.S. § 18-201.1(B)(3).

(6) A school in a district with an average daily membership of thirty thousand (30,000) or more.

(7) A school in a district that is not a "small school district" and has an average daily membership lower than thirty thousand (30,000).

(f) **Grant applications.** Applications will be accepted from January 1 through March 31 of each year, with grants awarded for the following school year. Each application must contain:

(1) The amount of the requested grant, with a minimum amount of \$1,000 and a maximum amount of \$5,000.

(2) The purpose of the requested grant, which must be intended to promote student learning in one or more content areas or skills, and the supplies, materials, and/or equipment to be funded.

(3) The applying teacher's plan for using the proposed materials and/or equipment in their classroom to achieve the stated purpose.

(4) A proposed budget itemizing how grant funds will be spent if awarded, which includes the appropriate Oklahoma Cost Accounting System (OCAS) codes for the planned expenditures. The OCAS manual that lists the expenditure codes is updated annually and is available on the State Department of Education website.

(5) The name and signature of the applying teacher and the administrator of the school site where the teacher is employed. For shared grants, the names and signatures of all applying teachers should be included along with the name and signature of the site administrator.

(g) **Criteria.** Grant applications will be evaluated by an Oklahoma State Department of Education (OSDE) selection committee, which will make recommendations for each year's grant awards to the State Board of Education. The selection committee will include curriculum specialists who have trained on the rubric that will apply to the specific evaluation criteria that have been announced for the grant year. Applications will be evaluated according to the following general criteria, in addition to any specific criteria announced for a grant year with a designated focus:

(1) An articulated purpose for the requested grant that is intended to promote student learning in one or more content areas or skills.

(2) A specific plan for incorporating supplies, materials, and/or equipment funded by the requested grant into the applying teacher's course(s) for the stated purpose.

(3) Alignment of the purpose and plan for the requested grant with:

(A) The Oklahoma Academic Standards, if a focus area or focus goal has not been designated for the grant year, or

(B) One or more of the focus area(s) and/or focus goal(s), if the State Department of Education has designated focus area(s) and/or focus goal(s) for the grant year.

(h) **Shared grants.** Two (2) or more teachers at the same school site may apply for a shared grant to be used for the same purpose in more than one classroom. One application should be submitted for a shared grant. If a shared grant is awarded, the funded amount of the grant will be shared by the participating teachers listed on the application, with appropriate distribution of the grant funds among participating classrooms to be the responsibility of the participating teachers and the site administrator. A teacher who has been one of the recipients of a shared grant is not

eligible to apply for another shared grant for two (2) years following the year the shared grant was received.

RULE IMPACT STATEMENT

210:40-31-1. Public School Classroom Support Grants [NEW]

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

70 O.S. § 1-122 established a fund consisting of contributions designated on Oklahoma income tax and corporate tax forms, donated by taxpayers for the benefit of the Public School Classroom Support Revolving Fund. The fund is to be used for the purpose of "providing grants to public school classroom teachers...for supplies, materials, or equipment for the class or classes taught by the teacher" (70 O.S. § 1-123). The State Board of Education is authorized to establish rules for the implementation of grants to be issued from the Public School Classroom Support Revolving Fund, and the proposed rule lays out guidelines for the Public School Classroom Support Grants program. The rule includes eligibility requirements for grant applicants, such as defining who is included in the statutory term "classroom teacher" and outlining general criteria for selection. Minimum (\$1,000) and maximum (\$5,000) amounts for grant requests are established. To be eligible for consideration a classroom teacher's grant application must include an articulated purpose that aligns with the Oklahoma Academic Standards, or with the year's grant focus in the event the State Department of Education announces a particular focus for an upcoming grant year. The rule provides that the entire amount available in the grant fund will not be expended during any single year, since taxpayer contributions to the fund vary annually, and maintaining a fund balance will allow grants to be awarded each year although donations may vary.

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 change will affect classroom teachers in Oklahoma public schools.

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

The change will benefit classroom teachers in Oklahoma public schools, and the students of grant recipients.

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

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

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

The agency does not anticipate any cost to the agency to implement and enforce as a result of the proposed change in the rule at this time. Additional record keeping, if any, will be performed by existing staff.

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

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

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

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

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

No.

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

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

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

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

k. Date Prepared: February 6, 2017

STATUTORY AUTHORITY FOR 210:40-31-1

Oklahoma Statutes

Title 70. Schools

Chapter 1 - School Code of 1971

Article I - Scope, Organization, and Definitions

Section 1-123 - Public School Classroom Support Revolving Fund - Grants

A. There is hereby created in the State Treasury a revolving fund for the State Board of Education to be designated the "Public School Classroom Support Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Board of Education from the state income tax checkoff as provided for in Section 1-122 of this title, any state-appropriated funds, federal funds, donations, grants, contributions, and gifts from any public or private source. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Board of Education for the purposes of providing grants to public school classroom teachers as provided for in subsection B of this section. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

B. Contingent upon the amount of funds available in the Public School Classroom Support Revolving Fund, the State Board of Education shall award one or more grants annually to classroom teachers. The grants shall be used by the classroom teacher for supplies, materials, or equipment for the class or classes taught by the teacher. The Board shall determine the criteria for and establish a process for the submission of grants applications. The applications shall be considered on a statewide competitive basis. The Board shall promulgate rules for the implementation of the grants issued pursuant to this section.