



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: March 22, 2018
SUBJECT: Administrative Rule Promulgation

The State Board of Education will be taking action at the March meeting on the following administrative rule changes 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 1. General Provisions
210:10-1-5. Audits [AMENDED]

The rule that outlines requirements for recording student enrollment and attendance is being updated to reflect changes to student information systems in the years since its last major revision. There are now several more entry and exit codes available to school districts to more specifically classify the basis for a student's enrollment or departure from the school than what is reflected in the existing rule, as well as additional codes for noting different classifications of student absences. Rather than incorporating the many specific codes which are periodically updated, the rule now gives general guidelines and refers school districts to the specific codes found in the annually updated document of requirements for School Interoperability Framework (SIF)-compliant statewide student data system, available on the agency website. Language that previously assumed all school instruction occurs in a traditional brick-and-mortar setting is also being updated to accommodate online instruction. A provision that historically required school districts to drop all students from the roll upon suspension is being removed, to account for the fact schools are required to provide education services to students who are suspended for more than five (5) days.

- (2) Title 210. State Department of Education
Chapter 10. School Administration and Instructional Services
Subchapter 1. General Provisions
210:10-1-16. Oklahoma Academic Scholar Recognition [AMENDED]

The rule outlining qualifications for recognition of students by the State Board of Education as Oklahoma Academic Scholars is being updated to reflect that qualifying scores on ACT or SAT exams taken on state-administered test dates, and not only national test administration dates, may be used to demonstrate eligibility. Outdated

provisions that expired in school year 2002-2003 are also being removed, to update the rule so it reflects only the current eligibility requirements.

- (3) Title 210. State Department of Education
Chapter 10. School Administration and Instructional Services
Subchapter 13. Student Assessment
210:10-13-24. Medical exemptions from chronic absenteeism [NEW]

(This is the **permanent version** of an emergency rule approved by the State Board at its Special Meeting on March 8, 2018.) The State Board of Education and the Oklahoma Legislature have approved a new public school accountability system in compliance with the *Every Student Succeeds Act* (ESSA), which includes chronic absenteeism as one of the indicators used in calculating the school report cards required under 70 O.S. § 1210.545. House Bill 1693 (2017) directs the State Board of Education to "promulgate rules regarding the school site report card that grant a medical exemption from the eighteen-day chronic absenteeism provision." The proposed rule establishes guidelines for this medical exemption.

The proposed medical exemption would be available to apply to the qualifying absences of students who meet the rule's criteria for a "significant medical condition". The exemption is not for all medically excused absences, but only for those related to a condition that seriously incapacitates a student for an extended time, or absences necessary to receive treatment for a chronic condition (e.g., chemotherapy, dialysis, or similar recurring treatment needs). The exemption would also be available for absences related to a death in the student's immediate family, or certain other catastrophic events like a serious assault on the student. Schools applying for an exemption under these provisions will be required to submit an application that includes medical documentation of the condition, and the applications will be reviewed by a committee of OSDE personnel in the same manner as applications for emergency medical exemptions from Oklahoma School Testing Program assessments.

- (4) Title 210. State Department of Education
Chapter 25. Finance
Subchapter 3. Funding Criteria
210:25-3-4. Personnel [AMENDED]

Two new provisions are proposed for inclusion in the rule that establishes how teaching experience is calculated for application toward Oklahoma's minimum salary schedule for public school teachers. The first added provision clarifies that under federal law, teachers who are members of the uniformed services called to active duty (includes all reserve components of the military branches, as well as Air National Guard and Army National Guard) are entitled to accrue experience during their active duty deployment that applies toward their seniority on the teacher salary schedule.

The second addition to the "Personnel" rule provides that certified educators who deliver educational services to young children through the SoonerStart Early Intervention

Program, jointly operated by the State Department of Education and the State Department of Health, are eligible to accrue teaching experience if the services they provide through SoonerStart are substantially equivalent to the educational services they would provide if employed by a public school district.

- (5) Title 210. State Department of Education
Chapter 35. Standards for Accreditation of Elementary, Middle Level,
Secondary, and Career and Technology Schools
Subchapter 9. Additional Standards for Secondary Schools
Part 7. Standard IV: Curriculum, Instruction, Assessment, and Climate
210:35-9-31. Program of studies and graduation requirements [AMENDED]

Under House Bill 3218 (2016), the State Board of Education is directed to “promulgate rules to ensure that students who transfer into an Oklahoma school district from out-of-state after the junior year of high school shall not be denied the opportunity to be awarded a standard diploma due to differing testing requirements” (70 O.S. § 1210.508(F)(4)). The proposed amendment adds a provision to the "Program of studies and graduation requirements" rule that authorizes a school board to waive Oklahoma School Testing Program (OSTP) graduation requirements for a student who transfers to the district after the junior year of high school, upon determining that the student was on track to meet assessment requirements in their previous state.

TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES
SUBCHAPTER 1. GENERAL PROVISIONS

210:10-1-5. Audits

(a) **Financial audit.** All schools are required to make available, to personnel of the State Department of Education, all records pertaining to Federal programs, state aid appropriations, and expenditures from the general fund of the previous year, making it possible to complete an audit on all funds. Public officials, members of the boards of education, superintendents, principals, and any other persons, whose duty it is to make appropriations and/or expenditures in accordance with the provisions of the state aid law, the applicable state and federal law, and the regulations of the State Board Department of Education, and the adopted policies of the State Board of Education will be held responsible for any misappropriation or illegal expenditure of such funds.

(b) **Penalty.** If it is discovered that a school district is unable to pay its current year's obligations through careless handling of funds by ~~the~~ a school administrator, the State Board of Education may require the administrator to show cause why ~~his~~ their administrator's certificate should not be revoked.

(c) **Student attendance record audits.**

(1) Regional Accreditation Officers of the State Department of Education are required to audit the student attendance records of all Oklahoma public school districts.

(2) In addition to the Statistical Report, the official document for student attendance accounting and auditing is the Student Attendance Register. All other student attendance documents, reports, and summaries only support the accuracy of the Student Attendance Register and the Statistical Report.

(3) A school or program within a district that has a different school year from the district must present a separate Statistical Report and Attendance information reflecting the different school year for that school or program. The school or program will be audited separately from the district.

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

(5) If the attendance records show that school was maintained for less than a full annual term without approval of the State Board of Education, state aid will be reduced accordingly unless it can be shown that the attendance records as originally presented were in error.

(6) When attendance, membership, or transportation is deducted for any reason by the audit, state aid will be reduced accordingly. Factual information may be presented by the school within ninety (90) calendar days from the date of the audit showing acceptable evidence that indicates the audit is in error.

(d) **Enrollment.**

(1) Enrollment means recording the name of a pupil on a class roll. Total Enrollment for an attendance period or for the year, whether for a class or for an entire school is the number of

all enrollments so recorded. If a student is promoted or moves from one district or school to another during a school year, the student's name will be recorded on each class roll concerned. A record of that student's enrollment will be included in the original and every subsequent roll even though the pupil will be dropped from the original roll and every subsequent roll except the current one.

(2) All students attending any school within a school district, ~~including underage, overage, nongraded, nonresident, tuition, and nontransferred students,~~ shall have their names entered in the attendance register and have their attendance recorded ~~in the same manner as any other student.~~ Students are to be placed on roll the first day that the student actually attends class or participates in their instructional program.

(3) All Entries and Exits are to be entered in the Student Attendance Register on the day that the transaction occurs. Students are not considered on roll until they actually attend class or participate in instructional activities. Students are always considered on roll until an exit code is entered.

(e) **Entry, gain, and loss** ~~Entry and exit.~~

(1) ~~Source of Entry~~ Entry codes will always be placed on both the Student Attendance Register and the Master Roster. An entry code indicates where the student is coming from, e.g., another school in the district, another school district in Oklahoma, another state or country, or a private school or other placement. ~~The Source of Entry~~ Basis of Admission will be entered on the date that the ~~child~~ student begins school, ~~and it consists of a letter and a number.~~ The letter indicates ~~whether the student is entering a public school in this state for the first time during the current school year.~~ The number identifies where the student was previously enrolled. Both the letter and number are to be used for Source of Entry. A Basis of Admission code indicates why a student is enrolling, e.g., because they are a district resident, a transfer student, an out-of-home placement student, or another authorized basis for enrollment applies.

(2) ~~A student cannot be an Original Entry more than once during any one school year. The student only has one Original Entry regardless of the number of different classrooms, schools or school districts in which the pupil enrolls or attends during the year.~~ Entry codes are recorded on the first day the student actually attends class or participates in instructional activities. There are two kinds of entry codes: Each different Basis of Admission must have its own unique code on the Student Attendance Register, and must be reported to the State Department of Education using the appropriate code from the most recent requirements document for the SIF (Schools Interoperability Framework)-compliant statewide student data system, available on the agency website.

(A) — E1 — ~~A student entering a public school for the first time during the current school year. The student has not been enrolled in Oklahoma or any other state. However, a student transferring from a private or parochial school during the current school year is also classified as an E1.~~

(B) — E2 — ~~A student entering a public school in Oklahoma from another state. The student has previously been enrolled in a public school in another state during the current school year.~~

(3) ~~When a pupil enrolls in a public school classroom in this state a second or succeeding time during the current school year, the student is called a Gain. A student can be a Gain more than once during the same school year. The number of Gains in a school or school~~

district do not decrease during the current school year. Gain codes are recorded on the first day the student actually attends class. There are four kinds of gains:

(A) — G1 — A student enters a classroom by transfer or promotion from another school in the same school district.

(B) — G2 — A student enters from another school district in Oklahoma.

(C) — G3 — A student reenters the same school after a withdrawal due to illness, suspension, necessity to work, truancy, or temporary absence from the district.

(D) — G4 — A student reenters the same school system after an apparent permanent withdrawal. the entry must be reported to the State Department of Education using the appropriate entry code from the most recent requirements document for the SIF-compliant statewide student data system, available on the agency website.

(4) A LossAn exit code is recorded each time a student withdraws from school, and in certain other limited cases such as when a student changes grade level mid-year or changes to a different academic calendar through entrance into an alternative education program.

LossExit codes are to be recorded on the date when the lossexit occurred. A student is not considered to be off roll until a Lossan exit code is recorded. There are four kinds of Losses:

(A) — L1 — A student is promoted to another grade or transferred to another school in the same school district.

(B) — L2 — A student moves to another school district in Oklahoma.

(C) — L3 — A student leaves school due to sickness, suspension, necessity to work, truancy or temporary absence from the district.

(D) — L4 — A student leaves school due to passing compulsory school age, graduation, dropping out, moving to another state, attending a nonpublic school or death. A student exit must be reported to the State Department of Education using the appropriate exit code from the most recent requirements document for the SIF-compliant statewide student data system, available on the agency website.

(5) — All Entries, Gains and Losses are to be entered in the Student Attendance Register on the day that the transaction occurs. Students are not considered on roll until they actually attend class. Students are always considered on roll until a loss code is entered.

(f) **Attendance and absence.**

(1) A student is to be considered present only on those days when in actual attendance in school or when participating in scheduled school activities under the direction and supervision of a regular member of the faculty. A student who is excused from attending school during an examination period or because of sickness or for any other reason shall not be counted in attendance. Students authorized by law to attend a partial school day or partial school week schedule shall not be counted as absent if they are in attendance during their scheduled education program.

(2) All student attendance, absence and transportation information is compiled on a half-day basis with the exception of attendance, absence, and transportation information for half-day early childhood or kindergarten programs which are recorded on a full-day basis. A student must be in attendance for two-thirds (2/3) of the first half of the school day to be recorded present for one-half day; likewise, a student must be in attendance for two-thirds (2/3) of the second half of the school day to be recorded present for one-half day.

(3) School hours are different from school periods. A school day must consist of six periods not including a lunch period. The six-hour school day can be divided into periods as the school deems appropriate. As a condition of receiving accreditation from the State Board

of Education, all students in grades nine (9) through twelve (12) shall enroll in a minimum of six (6) periods, or the equivalent in block scheduling, of rigorous academic and/or rigorous vocational courses each day, which may include arts, vocal and instrumental music, speech classes, and physical education classes.

(4) A student who is suspended out of school for any length of time is to be dropped as an L3 on the first day of the suspension. The suspended student is to be recorded as a G3 when the student returns to class. A student who is absent from the classroom instruction without excuse for ten (10) consecutive days is to be recorded as absent each day. On day eleven (11), the pupil is to be dropped (L3) exited from the roll. All withdrawals are to be recorded on the date that the student is no longer in attendance.

(5) A school day for kindergarten or early childhood can either be a half-day of at least two and one half (2 ½) hours, or the district's standard full school day. However, kindergarten and early childhood absence and attendance is always recorded on a full day basis. Nongraded pupils who are on a partial day schedule are to be counted on roll and in attendance when present. Three (3) year old students authorized to attend public school under the *Individuals with Disabilities Education Act* (IDEA) should not be indicated as absent if they are in attendance for their scheduled education program, including partial school day or partial school week instructional schedules.

(6) As a condition of receiving accreditation from the State Board of Education, all students in Grades nine through twelve shall enroll in a minimum of six periods, or the equivalent in block scheduling, of rigorous academic and/or rigorous vocational courses each day, which may include arts, vocal and instrumental music, speech classes, and physical education classes.

(g) **School activities.** School activities may take place either on the school premises or off the school premises. In order for a student to be counted in attendance, the school activity must be under the direction and supervision of a teacher. Students dismissed and not under the direction and supervision of a teacher cannot be considered as participating in a school activity and cannot be counted in attendance. A student serving as a legislative page is to be counted in attendance at the school.

(h) **Parent-teacher conference days.** Only students active in membership are to be counted in attendance on parent-teacher conference days. For districts that use a one hundred eighty (180) day academic calendar, Only one parent-teacher conference day per semester will be counted for attendance purposes as a regular school day and included as part of the one hundred eighty (180) days of required classroom instruction. Other days are encouraged above the one day per semester for parent-teacher conferences, but will not be counted for attendance purposes as regular school days. For a school district which has implemented a one thousand eighty (1,080) hour school year pursuant to 70 O.S. § 1-109, parent-teacher conferences may be counted as classroom instructional time for no more than six (6) hours per semester, for a total of up to twelve (12) hours per school year.

(i) **Concurrent enrollment.** A school district may receive full average daily attendance on a high school student who is participating in concurrent enrollment. In determining a legal school day for a student who is concurrently enrolled the district can use a combination of local school enrollment, college enrollment, and travel time. A student participating in concurrent enrollment is considered present when traveling to or from and while attending the college.

(j) **Professional meeting day.**

(1) The State Board of Education has defined a professional meeting day to be any day on which the faculty of a school district is engaged in the educational planning for improvement of the local school system; or that the faculty engages in a local, county, district or state education planning workshop or teacher's meeting. Such a day shall be identified as a professional day in each attendance register on the day the meeting occurred.

(2) Days used to work at the beginning or at the end of the school year shall not be counted as professional development activities. Preparing the classroom for instruction, grading papers, recording grades, completing report cards or enrolling students are not examples of professional development activities.

(3) A school district may not count more than thirty (30) hours each school year that are used for attendance of professional meetings toward the one hundred eighty (180) days or one thousand eighty (1,080) hours of classroom instruction time that school is required to be in session.

(k) Transportation.

(1) A student must reside one and one-half ($1 \frac{1}{2}$) miles or more by commonly traveled road from the school attended to be considered transported. Students living less than one-and-one-half miles from the school may be transported but shall not be counted as transported pupils on the Transportation Report for state aid purposes.

(2) Transportation may be provided for early childhood and kindergarten students to and from school during the normally scheduled morning and afternoon bus operation. Districts may also provide additional transportation, at local expense, for either early childhood or kindergarten students at midday. However, the school district is not required to provide midday transportation to either early childhood or kindergarten students. Midday transportation for early childhood and kindergarten pupils shall not be recorded on the Transportation Report.

(3) A legally transferred or tuition student residing outside of the school district's approved transportation area may be transported to the school provided the student meets the bus within the transporting district's approved transportation area. However, tuition students may not be counted as transported students on the Transportation Report.

(l) Authority for birth.

(1) Documentation that can be used to verify school age. Examples of Authority for Birth are:

- (A) Birth certificate
- (B) Attending physician's certificate
- (C) Permanent school record
- (D) Family bible
- (E) Parent statement
- (F) Last year's attendance register
- (G) Other official scholastic record

(2) Birth certificates, if available, must be provided for early childhood, kindergarten, and first grade students who are first-time enrollees. Each different Authority for Birth must have its own unique code on the Master Roster Student Attendance Register.

~~(m) Basis of admission.~~

~~(1) A student is admitted to school because the student meets certain criteria. Examples of Basis of Admission are:~~

- ~~(A) The student's parents are residents of the district~~

(B) The student has a valid transfer

(C) The student is a 9-12th grade pupil who resides in an elementary school district

(D) The student is a nonresident pupil that pays tuition in order to attend this school

(2) Each different Basis of Admission must have its own unique code on the Master Roster.

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

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

(p) **Nongraded.** Students who are below school age, but at least three years old, who are required by law to be served by the public schools. Also, students who have passed compulsory attendance age and are required by law to be served by the public schools may be classified as nongraded. Nongraded students are carried on roll and in attendance.

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

RULE IMPACT STATEMENT 210:10-1-5

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

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

The rule that outlines requirements for recording student enrollment and attendance is being updated to reflect changes to student information systems in the years since its last major revision. There are now several more entry and exit codes available to school districts to more specifically classify the basis for a student's enrollment or departure from the school than what is reflected in the existing rule, as well as additional codes for noting different classifications of student absences. Rather than incorporating the many specific codes which are periodically updated, the rule now gives general guidelines and refers school districts to the specific codes found in the annually updated document of requirements for School Interoperability Framework (SIF)-compliant statewide student data system, available on the agency website. Language that previously assumed all school instruction occurs in a traditional brick-and-mortar setting is also being updated to accommodate online instruction. A provision that historically required school districts to drop all students from the roll upon suspension is being removed, to account for the fact schools are required to provide education services to students who are suspended for more than five (5) days.

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 school districts and charter schools, and their Student Information System vendors. Suspended students and the school districts that serve them will also be affected to some extent.

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

The rule change will benefit school districts and charter schools by providing guidance updated to reflect the Student Information Systems currently in use, and the State Department of Education will also benefit from updated guidance compatible with the statewide student information system used to track Oklahoma student data. Suspended students and the school districts that serve them will benefit from removal of the provision requiring students to be dropped from the roll upon suspension, which is being removed because students serving suspensions of more than five days are required by statute to receive education services, and school districts are also encouraged to provide education services to students serving suspensions of five or fewer days.

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?**

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 8, 2018

PUBLIC COMMENT SUMMARY
State Department of Education Proposed Permanent Rule Amendment
Chapter 10. School Administration and Instructional Services
Subchapter 1. General Provisions
210:10-1-5. Audits [AMENDED]

Summary of Public Comment	Agency Response
<p>"This is finally a good change on not dropping students from school roll/attendance for suspensions. The schools have always been required to continue to send instruction or home made available to be picked up by students parent/guardian-we are still providing them with their education. They should be counted on the attendance register until they are dropped permanently or moved out of school district."</p>	<ul style="list-style-type: none"> OSDE has received feedback from school districts requesting a change to the rule requirement to drop a student from the roll upon suspension. The agency agrees that given a public school's ongoing obligation to provide education services to its suspended students in most scenarios, it is appropriate to make that change.
<p>"Congratulations on updating this rule. This is a very positive and needed rule change for OK Public School Districts."</p> <p>[Comment then copies the amended text of subsection (f)(4), showing the elimination of the requirement to drop a student from the roll upon suspension.]</p>	<ul style="list-style-type: none"> <i>See above</i>
<p>"I particularly like this section: A provision that historically required school districts to drop all students from the roll upon suspension is being removed, to account for the fact schools are required to provide education services to students who are suspended for more than five (5) [days.] That will be helpful to schools still providing services to students under disciplinary action."</p>	<ul style="list-style-type: none"> <i>See above</i>

STATUTORY AUTHORITY FOR 210:10-1-5

Oklahoma Statutes

Title 70. Schools

Chapter 1 - School Code of 1971

Article III - State Department of Education

Section 3-104 - State Board of Education - Powers and Duties

The supervision of the public school system of Oklahoma shall be vested in the State Board of Education and, subject to limitations otherwise provided by law, the State Board of Education shall:

1. Adopt policies and make rules for the operation of the public school system of the state;

4. On the first day of December preceding each regular session of the Legislature, prepare and deliver to the Governor and the Legislature a report for the year ending June 30 immediately preceding the regular session of the Legislature. The report shall contain:

a. detailed statistics and other information concerning enrollment, attendance, expenditures including State Aid, and other pertinent data for all public schools in this state,

7. Promulgate rules governing the classification, inspection, supervision and accrediting of all public nursery, kindergarten, elementary and secondary schools and on-site educational services provided by public school districts or state-accredited private schools in partial hospitalization programs, day treatment programs, and day hospital programs as defined in this act for persons between the ages of three (3) and twenty-one (21) years of age in the state. However, no school shall be denied accreditation solely on the basis of average daily attendance.

16. Provide for the establishment of a uniform system of pupil and personnel accounting, records and reports;

TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES
SUBCHAPTER 1. GENERAL PROVISIONS

Language changes made following public comment appear in red.

210:10-1-16. Oklahoma Academic Scholar Recognition

(a) **Purpose.** The rules of this subchapter have been adopted for the purpose of providing requirements for recognition as an Oklahoma Academic Scholar. The purpose of the program is to recognize those secondary students within the State of Oklahoma who exceed the basic graduation requirements and who, through diligence, achieve academic ratings above those of their peers.

(b) **Requirements for recognition.** Students who meet all the requirements listed below shall be recognized by the local school district and the State Board of Education as an Oklahoma Academic Scholar.

(1) ~~Accumulate over grades 9, 10, 11 and the first semester of grade 12, a minimum grade point average of 3.7 on a four point scale or be in the top 10% of their graduation class.~~

(2) ~~Complete (or will complete) 22 units for graduation which consist of at least:~~

(A) ~~English 4 units (Grammar, Composition, Literature)~~

(B) ~~Mathematics 3 units (Algebra I, Algebra II, Geometry, Trigonometry, Analysis, Calculus; or Applied Math I and II and Algebra II) Note: One unit for the mathematics requirement may be completed prior to the 9th grade.~~

(C) ~~Science 3 units (Biology I, Biology II, Chemistry I, Chemistry II, Physical Science, Botany, Zoology, Physics, Physiology) Note: One unit of Applied Biology/Chemistry or one unit of Principles of Technology may substitute for one unit of required lab science.~~

(D) ~~Social Studies 3 units (History, Government, Sociology, Psychology, Economics, Anthropology, Geography) or a combination of 2 units of social studies and 2 units of the same foreign language may be used to satisfy the requirement.~~

(3) ~~Score a 27 on the Enhanced American College Test (ACT) or 1,180 combined score on the Scholastic Assessment Test (SAT). The SAT or ACT must have been taken on a national test date before the date of graduation.~~

~~(c) **Requirements for recognition effective with the graduation class of 2002-**~~

~~**2003.** Students who meet all the requirements listed below shall be recognized by the local school district and the State Board of Education as an Oklahoma Academic Scholar:~~

(1) ~~Accumulate over grades 9, 10, 11 and the first semester of grade 12, a minimum grade point average of 3.7 on a 4.0 scale or be in the top 10% of their graduation class.~~

(2) ~~Complete (or will complete) the curricular requirements for a standard diploma.~~

(3) Score at least a composite of 27 on the American College Test (ACT) or a 1,220-1220 combined score on the Scholastic Assessment Test (SAT-I). The ACT or SAT-I must have been taken on a national test date or state-administered test date before the date of graduation. For students with documented disabilities requiring testing accommodations not available on a national or state administration date, a qualifying score on the ACT or SAT may be demonstrated using alternate administration dates.

RULE IMPACT STATEMENT 210:10-1-16

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES
SUBCHAPTER 1. GENERAL PROVISIONS**

- a. **What is the purpose of the proposed rule change?**
The rule outlining qualifications for recognition of students by the State Board of Education as Oklahoma Academic Scholars is being updated to reflect that qualifying scores on ACT or SAT exams taken on state-administered test dates, and not only national test administration dates, may be used to demonstrate eligibility. Outdated provisions that expired in school year 2002-2003 are also being removed, to update the rule so it reflects only the current eligibility requirements.
- 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 students who meet the requirements for recognition as Oklahoma Academic Scholars.
- c. **What classes of persons will benefit from the proposed rule change?**
The rule change will benefit students who meet the requirements for recognition as Oklahoma Academic Scholars, by ensuring the results of ACT or SAT exams taken on state-administered test dates are eligible to be used as qualifying scores.
- 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?**
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 8, 2018

PUBLIC COMMENT SUMMARY

State Department of Education Proposed Permanent Rule Amendment

Chapter 10. School Administration and Instructional Services

Subchapter 1. General Provisions

210:10-1-16. Oklahoma Academic Scholar Recognition [AMENDED]

Summary of Public Comment	Agency Response
"Good change and update!"	<ul style="list-style-type: none">• OSDE continues working to update the administrative rules to provide helpful guidelines that reflect current law and practices.
<p>"In Section (b)(3), regarding the ACT and SAT, the proposed language provides that "The ACT or SAT must have been taken on a national test date or state-administered test date before the date of graduation." The requirement that the test be taken on a national test date or state-administered test date could exclude from Oklahoma Academic Scholar Recognition students with disabilities who have documented disabilities requiring accommodations that cannot be provided at the test site on a specified national or state test date, such as students who require testing over multiple days."</p>	<ul style="list-style-type: none">• Language has been added to the proposed rule providing that students with documented disabilities requiring testing accommodations that are not available on a national or state administration date may demonstrate their eligibility using an ACT or SAT score from alternate administration dates.

STATUTORY AUTHORITY FOR 210:10-1-16

Oklahoma Statutes

Title 70. Schools

Chapter 1 - School Code of 1971

Article XI - Curriculum

Section 11-103.2 - Development and Implementation of Program Recognizing Academic Scholars

The State Board of Education shall have authority to develop and implement a program for the purpose of recognizing academic scholars in the secondary schools of the state. The State Board of Education shall determine the requirements which are necessary for a student to attain academic scholar status. The requirements shall include but not be limited to the minimum graduation requirements set by the State Board of Education. Recognition for academic scholar status shall be indicated upon the diploma of those students who qualify for such status and in such other manner as the Board may determine. The State Board of Education shall be authorized to promulgate rules and regulations in order to implement the provisions of this section.

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

210:10-13-24. Medical exemptions from chronic absenteeism

(a) Purpose of the chronic absenteeism indicator. Because chronic absenteeism has been linked to lower academic performance, higher dropout rates, and diminished success after high school, Oklahoma has included chronic absenteeism as an indicator in the school accountability system adopted under the requirements of the *Every Student Succeeds Act* (ESSA). By highlighting the importance of regular school attendance to student success in school and beyond, the State of Oklahoma encourages schools to actively engage with students and their families in eliminating barriers to regular attendance, and to ensure students receive the supports needed to attend school every day.

(b) Purpose of the medical exemption from chronic absenteeism. The State Board of Education is directed in 70 O.S. § 1210.545 to promulgate rules providing for a medical exemption from the chronic absenteeism indicator. A public school district or charter school may request an exemption from inclusion in the school's chronic absenteeism indicator calculations for the related absences of a student who meets the criteria established in this Section for a significant medical condition.

(c) Definitions. The following words and terms, when used in this Section, shall have the following meaning, unless the context clearly indicates otherwise:

(1) **"Chronic absenteeism"** means absence from school at least ten percent (10%) of the time that school is in session and the student is included in membership, eighteen (18) or more days on a 180 day school calendar or ten percent (10%) or more of school days on a 1,080 hours school calendar.

(2) **"Significant medical condition"** means, for the purposes of this Section, a severe, chronic, or life-threatening physical or mental illness, infection, injury, disease, or emotional trauma that meets all of the following criteria:

(A) The condition affects the student so severely as to incapacitate the student from attending school for an identifiable time period or number of school days, or for which the student must receive regular medical care requiring absence from school;

(B) The student is unable to receive instruction through homebound education services for an identifiable time period or number of school days due to the medical condition or its treatment, or homebound education is not appropriate due to brief recurring absences for the purpose of receiving treatment;

(C) The school or school district has been provided with written documentation of the condition that is verified in writing by a physician licensed to practice in the State of Oklahoma, or by a physician licensed in another state if the student has received related treatment out of state. A copy of the documentation verifying the student's condition shall be filed in the student's educational record.

(D) The term "significant medical condition" shall not include:

(i) Minor illnesses or injuries that do not incapacitate the student or require recurring treatment;

(ii) Short term illnesses or injuries resulting in absences of ten (10) or fewer consecutive instructional days, including those that require short term hospitalization of ten (10) or fewer consecutive instructional days;

- (iii) Pregnancy, unless complications of the pregnancy otherwise meet this Section's criteria for a significant medical condition; or
- (iv) Refusal of a parent/guardian to permit the student to attend school or receive homebound services due to the illness, injury, or trauma.
- (v) The occurrence of one of the conditions listed in (D) shall not disqualify a student who is eligible for a medical exemption on a different basis.
- (E) Examples of conditions that could be considered "significant medical conditions" for the purposes of this Section may include, but are not limited to:
 - (i) The student is in the final stages of a terminal disease or degenerative illness, or the student has been placed in hospice care;
 - (ii) The student is comatose;
 - (iii) The student has a serious chronic medical condition (a condition lasting three months or more), and is absent for the purpose of receiving condition-related treatment such as chemotherapy or dialysis;
 - (iv) The death or life-threatening injury of an immediate family member of the student (student's parent/guardian, sibling, or child); or
 - (v) The student has sustained serious mental or physical injury as a result of a catastrophic event such as:
 - (I) A natural disaster or other event resulting in a declared state of emergency;
 - (II) An act of violence, including but not limited to: acts of physical assault, sexual assault, kidnapping, homicide, torture, or terrorism;
 - (III) Drowning;
 - (IV) Poisoning, fall, or traumatic brain injury; or
 - (V) Fire or explosion in the student's home when the student was present.
- (d) **Absences from school that do not accrue toward chronic absentee status.** A student with disabilities who is on an Individualized Education Program (IEP), or a student with a physical or mental impairment who is on a Section 504 Plan, is considered in attendance and does not accrue absences while receiving offsite services addressed in the IEP or Section 504 plan. A student on an IEP or Section 504 Plan whose condition worsens or who requires more frequent treatments should have their IEP or Section 504 Plan updated accordingly. A student who is receiving homebound education services from their school district is considered in attendance and does not accrue absences while in homebound status.
- (e) **Effect of exempt absence.** The exempt absence(s) of a student who has been granted an exemption of one or more absences from school in accordance with the provisions of this Section shall not be included in the calculation of the chronic absenteeism indicator on the school site report card.
- (f) **Applications for exemption of one or more student absences.** A school district's application for a significant medical condition exemption for one or more student absences must include all supporting documentation, including physician verification and documentation of each date for which an exemption is requested, and must be submitted in the time, place, and manner designated by the State Department of Education.
- (g) **Appeal of a denial of a medical exemption.** A request for a medical exemption that has been denied by the State Department of Education for failure to meet the criteria for "significant medical condition" outlined in (c)(2) of this Section may be appealed to the State Board of Education in accordance with the following procedures:

(1) **Petition for appeal.** The school district or charter school in which the student is enrolled may appeal the Department's denial of a medical exemption to the State Board of Education. The parent or legal guardian of a student, an individual who has been issued letters of guardianship of the person of a student pursuant to the Oklahoma Guardianship and Conservatorship Act, or an adult who has assumed permanent care and custody of a student in accordance with local district policies and applicable state law must grant permission to the school district or charter school to file a petition for appeal to the State Board of Education. Parental consent shall be provided in writing and shall be documented by the requesting school district or charter school.

(2) **Filing requirements.** A petition for appeal must comply with the following requirements:

(A) **Time of filing.** The petition for appeal must be submitted in writing to the Secretary of the State Board of Education within ten (10) business days after the date the school district receives notice of the Department's denial of the medical exemption.

(B) **Method of filing.** Petitions for appeal may be submitted to the Secretary of the State Board of Education in person or by mail. A petition submitted by mail will be accepted as timely if the mailing envelope contains a postmark dated on or before the date of the filing deadline.

(C) **Verification of a petition for appeal.** The petition for appeal must be signed by the school Superintendent or the school Superintendent's designee, or charter school administrator or designee, for the purpose of verifying that, to the best of the individual's knowledge, the information submitted in the appeal is accurate and correct.

(D) **Acceptance of a petition for filing.** Upon receipt of the petition for appeal, the Secretary of the Board of Education shall file the petition and obtain copies of all records and information submitted by the school district or charter school to the State Department of Education pursuant to (f) of this Section. Copies of agency records and additional documentation submitted in the petition for appeal shall be provided to members of the State Board of Education for consideration. Only timely filed petitions for appeal shall be brought to the State Board of Education for consideration. The Board shall take action on the petition at the next regularly scheduled State Board of Education meeting, unless the petition is received ten (10) or fewer calendar days prior to the next regularly scheduled meeting. A petition received ten (10) or fewer calendar days prior to the next regularly scheduled meeting of the Board will be considered at the following month's regularly scheduled meeting.

(3) **Review of petitions.** Because the privacy of individual student data is protected by the Family Educational Rights and Privacy Act (FERPA) and Oklahoma's Student Data Accessibility, Transparency, and Accountability Act, the State Board of Education shall review petitions for appeal in executive session as authorized by 25 O.S. § 307 (A)(7). The State Board of Education shall evaluate each petition for appeal based on the following criteria to determine whether a "significant medical condition" exists as contended by the appealing school district or charter school:

(A) The applicability of the criteria outlined in (c)(2) of this section related to the determination of a "significant medical condition";

(B) The extent of the student's incapacitation or need for treatment; or

(C) The existence of newly discovered documentation or newly available information that significantly and substantively reflects on the student's mental and/or physical state

of being and that would have resulted in an exemption being granted for one or more absences if the newly discovered information had been available when the request was denied.

(4) **Actions on a petition for appeal.** After review of the petition for appeal in accordance with (g)(3) of this section, the State Board of Education shall take action on a petition for appeal based on the merits of the information provided in the written appeal.

(A) The Board shall consider each petition for appeal on an individual basis and shall issue an approval or denial of the request for a medical exemption.

(B) The Secretary of the Board shall notify the school district or charter school and the State Department of Education in writing of the Board's determination.

(C) The State Department of Education shall document each determination to maintain an accurate agency record of each request for a medical exemption.

(D) Requests for student medical exemptions granted by the State Board of Education will be processed pursuant to (f) and (g) of this Section. The absences of students denied medical exemptions by the State Board of Education will be included in the calculation of the chronic absenteeism indicator of the school and/or school district.

RULE IMPACT STATEMENT 210:10-13-24

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

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

The State Board of Education and the Oklahoma Legislature have approved a new public school accountability system in compliance with the *Every Student Succeeds Act* (ESSA), which includes chronic absenteeism as one of the indicators used in calculating the school report cards required under 70 O.S. § 1210.545. House Bill 1693 (2017) directs the State Board of Education to "promulgate rules regarding the school site report card that grant a medical exemption from the eighteen-day chronic absenteeism provision." The proposed rule establishes guidelines for this medical exemption.

The proposed medical exemption would be available to apply to the qualifying absences of students who meet the rule's criteria for a "significant medical condition". The exemption is not for all medically excused absences, but only for those related to a condition that seriously incapacitates a student for an extended time, or absences necessary to receive treatment for a chronic condition (e.g., chemotherapy, dialysis, or similar recurring treatment needs). The exemption would also be available for absences related to a death in the student's immediate family, or certain other catastrophic events like a serious assault on the student. Schools applying for an exemption under these provisions will be required to submit an application that includes medical documentation of the condition, and the applications will be reviewed by a committee of OSDE personnel in the same manner as applications for emergency medical exemptions from Oklahoma School Testing Program assessments.

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

The proposed change will affect schools attended by students who meet the criteria for exemption of certain qualifying absences, as exempt absences will not be included in the chronic absenteeism data for the school's accountability calculations.

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

The proposed change will benefit schools attended by students who meet the criteria for exemption of certain qualifying absences, because absences approved for exemption will not be included in the chronic absenteeism data for the school's accountability calculations.

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?**

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 8, 2018

PUBLIC COMMENT SUMMARY
State Department of Education Proposed Permanent Rule Amendment
Chapter 10. School Administration and Instructional Services
Subchapter 13. Student Assessment
210:10-13-24. Medical exemptions from chronic absenteeism [NEW]

Summary of Public Comment	Agency Response
<p>"From the perspective of a principal, I am not sure how practical it will be for schools to apply for exemptions for all of the attendance qualifications listed in this section:</p> <p style="padding-left: 40px;">Schools applying for an exemption under these provisions will be required to submit an application that includes medical documentation of the condition, and the applications will be reviewed by a committee of OSDE personnel in the same manner as applications for emergency medical exemptions from Oklahoma School Testing Program assessments.</p> <p>The provisions would be helpful for the state-report-card attendance score, but large schools will find this process burdensome or cumbersome for the myriad situations where students may qualify for exemptions.</p> <p>What kind of form or application can be created to expedite this process?</p> <p>Could an online reporting option be available via the WAVE that would make these calculations less burdensome for schools or OSDE?"</p>	<ul style="list-style-type: none"> • While the exemption is intended to be available only for severe medical issues as described in the rule, OSDE recognizes that the application process could potentially be burdensome for large school districts if paper document submissions were required. <p>The Office of Accountability has designed an online submission process that will utilize the Single Sign-On system school districts use for securely submitting documents and reports to OSDE.</p> <p>A school district applying for a chronic absenteeism medical exemption for one of its students will be able to fill out an application through the Single Sign-On system, and securely upload the necessary supporting documentation.</p>
<p>"Good update for chronic absenteeism issues for serious illnesses or other serious issues with students that would cause them to miss school."</p>	<ul style="list-style-type: none"> • <i>See above</i>

"We suggest the following alternate wording for (c)(2)(A): The condition affects the student so severely as to incapacitate the student from attending school for an identifiable time period or number of school days or, as a result of the condition, the student must receive regular medical care requiring absence from school[.]"

"Section (c)(2)(C) requires that the school or district has 'written documentation of the condition that is verified in writing by a physician licensed to practice in the State of Oklahoma, or by a physician licensed in another state if the student has received related treatment out of state.' Ideally, all children (and their parents/guardians) would receive periodic treatment from a licensed physician. However, that is unfortunately not the case for many. In addition, some of the conditions identified in the proposed rule – such as emotional trauma – might be more appropriately treated by other mental health care providers. Although it might be ideal to have a child psychiatrist treating all children with such issues, they are scarce in Oklahoma. Therefore, instead of limiting section (c)(2)(C) to information from a 'physician,' it should be expanded to include information from other health care providers who may instead be the primary treatment source for children (and their parents/guardians), including but not limited to Advanced Registered Nurse Practitioners (ARNP...and licensed psychologists. The same change should be made in section (f), which refers to 'physician verification.'"

"The word 'homebound' in section (d) should be changed to 'homebased' or 'home instruction' to avoid confusion. The term 'homebound' is not used as part of the continuum of placements for students with

- OSDE acknowledges the potential for more precise language in some subsections of the rule. Because an emergency version of this rule has been presented to the Governor's Office for consideration, at this time the language of the proposed permanent version is being preserved in its current form to be consistent with the emergency version that we anticipate will soon go into effect. OSDE does not believe the issues identified by the commenter will disadvantage applicants for the exemption, given the agency's intent to apply the provisions reasonably and to provide additional guidance to school districts during this first year of planned implementation. The agency would be open to refining the rule language as part of the general accountability rule update planned for early next year, based on this commenter's input and any additional feedback received from school districts in the coming months.
- Regarding the comment on subsection (c)(2)(C)'s requirement of physician documentation, OSDE intends to consider reasonable equivalents in circumstances like the commenter describes, such as a student who experiences a severe emotional trauma.
- "Homebound" was the term included in this rule because it is the term that appears in the existing rule on "Emergency medical exemptions from assessments required by the Oklahoma School Testing Program" at 210:10-13-23. Some other state materials have also historically used "homebound". While OSDE is not aware of this causing any confusion for school districts, consideration will be given to aligning terminology as rules and other materials that refer to this category of instruction are updated.

...disabilities under the IDEA or Section 504."

"Section (f) provides that '[a] school district's application . . . must include all supporting documentation, including physician verification and documentation of each date for which an exemption is requested[.]' Is this language intended to require physician verification of the condition and also physician documentation of each date for which an exemption is requested? If it is intended to require physician documentation of each date, that is an unrealistic requirement and should be removed, because it is very unlikely that a health care provider will see a student (or parent/guardian, sibling or child) on and have documentation for each and every date on which the condition may have incapacitated the student from school attendance. If that is not what is intended, please clarify the language."

"Section (g)(1) provides that '[t]he parent or legal guardian of a student, an individual who has been issued letters of guardianship of the person of a student pursuant to the Oklahoma Guardianship and Conservatorship Act, or an adult who has assumed permanent care and custody of a student in accordance with local district policies and applicable state law must grant permission to the school district or charter school to file a petition for appeal to the State Board of Education.' Is this intended to be an exclusive list of the persons who can grant permission to file an appeal? If it is, it leaves off other individuals who would be appropriate persons to do so under federal and state law concerning student residency, including a person with legal custody of the student under *Okla. Stat. tit. 70, § 1-113(a)*, a person who is, at least

- Physician documentation will be required to verify the qualifying condition itself, but the documentation required for the date of each absence requested for exemption may be satisfied by other means (e.g., class excuse notes issued by clinics/nurses, a letter or scheduling sheet from a medical facility listing multiple treatment dates, or other equivalent written materials).

- This is also language that parallels what appears in the existing rule on emergency medical exemptions from OSTP exams (210:10-13-23). It is intended to apply to any "person having legal custody" under 70 O.S. § 1-113(A). The list is meant to be explanatory rather than exclusive, but OSDE will be responsive to feedback from school districts and will clarify if any confusion arises.

temporarily, standing in the place of a parent, or serving as a surrogate parent for a student with disabilities (when the parent cannot be located under 34 CFR 300.30) and other individuals for transitioning military children and homeless children and youth. We suggest that you expand the list of persons who can grant permission under this section to ensure that it provides opportunities for appeal whatever a student's living and supervision situation may be or indicate 'other appropriate persons' may also grant such permission."

"[C]oncerning section (g)(1), to even require parent permission or consent for a district or charter school to appeal the denial of a medical exemption to SBE seems very cumbersome and may serve as a barrier to the filing of appeals. It is quite likely that this situation will arise during one of the worst possible times in a family's life, and thinking about how to get a consent or permission signed for a district or school will probably be a low priority to a parent or other person caring for a child (or sick themselves). If this permission or consent requirement stands, we suggest that you not require the parent's (or other person's) signature on a specific form. That requirement would probably make it unlikely that the parent or person would promptly return a signed form in time for an appeal."

- The requirement that a parent/guardian/person with legal custody must consent in order for a school district to appeal an exemption denial to the State Board of Education is intended to give the family a final say in whether the student's severe illness or trauma is discussed at the meeting of a statewide public body. Although these appeals would of course occur in executive session which is closed to the public, OSDE believes the student's family needs to be aware of, and comfortable with, the State Board of Education discussing this sensitive information. A specific signed form is not intended to be required.

STATUTORY AUTHORITY FOR 210:10-13-24

Oklahoma Statutes

Title 70. Schools

Chapter 22 - Testing and Assessment

Section 1210.545 - Annual Reports for Oklahoma School Testing Program - Rules - Grades

A. Except as otherwise provided, as part of the accountability system developed as provided for in Section 1210.541 of this title, the State Board of Education shall prepare annual reports of the results of the Oklahoma School Testing Program which describe student achievement in the state, and each school site, pursuant to the Elementary and Secondary Education Act of 1965 (ESEA) as reauthorized by P.L. No. 114-95, also known as the Every Student Succeeds Act (ESSA), and any related federal regulations.

B. The annual report as required pursuant to subsection A of this section shall identify school sites as having one of the following grades for each indicator, separately, and by a single overview grade of all indicators, defined according to rules of the State Board of Education:

1. "A" means schools making excellent progress;
2. "B" means schools making above average progress;
3. "C" means schools making satisfactory progress;
4. "D" means schools making less than satisfactory progress; and
5. "F" means schools failing to make adequate progress.

C. Each school that has students who are tested and included in the school grading system as provided for in this section shall receive a school grade, except as follows:

1. A school shall not receive a school grade if the number of students tested and included in the school grading system is less than the minimum sample size necessary for statistical reliability and prevention of the unlawful release of personally identifiable student data. The State Board of Education is directed to establish the lowest minimum sample size necessary to meet the requirements of this paragraph; and
2. The academic performance of students who are enrolled full-time in an online program that is offered by a school district or charter school that is not the district of residence or is not located in the district of residence of the student shall be reported separately by the school district or charter school and shall not be included when determining the grade of the school site or charter school.

D. The State Board of Education may adopt alternate systems of accountability for statewide virtual charter schools, alternative education programs as defined in Section 1210.568 of this title, and schools serving only grades prekindergarten or kindergarten through two.

E. The grade of a school shall be based on a multimeasures approach to accountability in accordance with the Elementary and Secondary Education Act of 1965 (ESEA) as reauthorized by P.L. No. 114-95, also known as the Every Student Succeeds Act (ESSA) and any federal regulations that include, but are not limited to, the following indicators:

1. Statewide assessments, including the establishment of student performance bands;
2. Graduation rates for high schools;
3. Statewide academic measures for elementary and middle schools;
4. English language proficiency for English learners; and

5. At least one additional statewide measure of school quality or student success, including, but not limited to, school climate, school safety, student engagement, educator engagement, and/or advanced coursework and postsecondary readiness.

F. Of the indicators included in subsection E of this section, not less than seventy percent (70%) of the overview grade must be given to indicators 1, 2, 3 and 4 and, in the aggregate, with not more than thirty percent (30%) of the grade given to indicator 5.

G. Further, the grade of an elementary or middle school site shall include, but not be limited to, a measure of status for English language arts (ELA), math and science, growth in ELA and math, English Language Proficiency Assessment (ELPA) progress, and chronic absenteeism.

H. The grade of a high school site shall include, but not be limited to, a measure of status for English language arts (ELA), math and science status, English Language Proficiency Assessment (ELPA) progress, graduation rate, chronic absenteeism, and postsecondary opportunities. For purposes of this section postsecondary opportunities shall include Advanced Placement, International Baccalaureate, dual and concurrent enrollment, internships, mentorships and apprenticeships, and industry certifications. The Board shall adopt a time line for moving from completion of such opportunities to crediting achievement of such opportunities.

I. The annual report shall identify the performance of each school as having improved, remained the same, or declined. This school improvement rating shall be based on a comparison of the student and school performance data of the current year to the previous year data.

J. The State Department of Education shall annually develop a school site report card to be delivered to parents throughout each school district. The report card shall be in accordance with the requirements of the Elementary and Secondary Education Act of 1965 (ESEA), as reauthorized and amended by P.L. No. 114-95, also known as the Every Student Succeeds Act (ESSA) and includes the grade for the school, information regarding school improvement, an explanation of school performance, and indicators of return on investment. The report card for each school site shall be published annually by the Department on its website, and every school district shall provide the school site report card to the parent or guardian of each student enrolled in the school site. In order to provide information regarding school performance for school report cards issued during the 2016-2017 and 2017-2018 school year, the Department shall include an explanation of the changes to the statewide system of student assessments as required in Section 1210.508 of this title and how the transition in assessments may impact school performance. The Department shall issue school report cards using the 2016-2017 school year assessment data that is available.

K. The Legislature may factor in the performance of schools in calculating any performance-based funding policy that is provided to public school districts.

L. The State Board of Education shall promulgate rules to implement the provisions of this section. The Board shall promulgate rules regarding the school site report card that grant a medical exemption from the eighteen-day chronic absenteeism provision.

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 25. FINANCE
SUBCHAPTER 3. FUNDING CRITERIA**

210:25-3-4. Personnel

- (a) Teachers who have not yet received their degrees shall be considered as having a degree if all requirements have been completed except participation in graduation exercises.
- (b) A teacher who has taught more than one-half of a day for 120 days or more shall be considered as having had one year of experience. A teacher who has taught the equivalent of 120 days within not more than two contractual years shall be considered as having had one year of experience. Experience shall be counted if the individual was legally employed and paid from funds under the supervision of a school board of education or any school accredited by the State Board of Education. Practice teaching or a practicum in a teacher-training institution shall not be considered as experience. Veterans Agricultural training instructors or any teacher employed full-time by an accredited college or university shall be considered as having one (1) year of teaching experience for each year of service after July 1, 1945, if such teaching experience is approved by the State Board of Education, provided such teacher held a bachelor's degree at the time these services were performed and was eligible to have been issued a teaching certificate.
- (c) Any district identified as contracting with a teacher, or administrator without a valid certificate shall be penalized in state aid. The state aid penalty amount shall be the salary amount paid by the district for the number of days the teacher or administrator taught without a valid certificate in excess of allowable substitute days.
- (d) All teachers must have an official transcript on file with the Professional Standards Section showing the degree completed.
- (e) The timeframe for submitting Initial Personnel Reports shall be open from September 1 through October 1 of each year. No later than October 1, all public school districts must file an accurate Initial Personnel Report with the State Department of Education. The report shall list all personnel in the district and shall list for each person the position code, compensation, degree, certification information, years of qualified experience, number of days employed and other information as deemed necessary. Beginning with the 2004-2005 school year the school district will report to the State Department of Education the salary and benefit information disaggregated as required by law. For each employee not returning from the previous year, a reason for no return code shall be recorded. The Initial Personnel Report must be certified no later than October 15.
- (f) From November 1 through December 15 of each year, a school district superintendent shall have access to the district's Initial Personnel Report. During this period, the superintendent will be permitted to make necessary corrections and updates to the report. Any changes made by a superintendent to the school district's Initial Personnel Report must be submitted no later than December 15. Reports are to be recertified after updates are complete.
- (g) The timeframe for submitting Mid-Year Personnel Reports shall be open from January 1 through February 1 of each year. No later than February 1, all public school districts must file an accurate revised Mid-Year Personnel Report with the State Department of Education. The report shall contain any corrections, departures, and additions that have occurred since the October 1 Initial Personnel Report was filed so that more accurate information is available for state aid calculations, legislative projections and other statistical requirements. State Aid funds shall be withheld from any school district that does not submit the Mid-Year Personnel Report by

February 1. Only after the accurate report has been received by the State Department of Education shall the withheld State Aid funds be released to the school district.

(h) From February 15 through May 15 of each year, a school district superintendent shall have access to the district's Mid-Year Personnel Report. During this period, the superintendent will be permitted to make necessary corrections and updates to the report. Any changes made by a superintendent to the school district's Mid-Year Personnel Report must be submitted no later than May 15. Reports are to be recertified after updates are complete.

(i) All public school districts must file an accurate End-of-Year Supplemental Personnel Report showing the changes for personnel previously listed as well as all information required on any new employees not previously listed. This report shall contain any corrections or changes to be made to the February 1 Mid-Year Personnel Report. All employees that departed the school district prior to completion of the school year shall be given a "Reason-For-Leaving" code and have salary and days employed adjusted. School districts shall also file the Certified Substitute Teachers Report listing the number of days taught in the school year by all certified substitute teachers. The timeframe for submitting End-of-Year Supplemental Personnel Reports and Certified Substitute Teachers Reports shall be open from June 1 to July 15 of each year. These two reports shall be filed with the State Department of Education no later than July 15.

(j) If the district pays a teacher less than the minimum salary required by law, the difference shall be deducted from the next payment of state aid, or a claim shall be filed by the Director of Finance to recover any such overpayment to the school district.

(1) The School Personnel Records Section will notify the school superintendent of all potentially underpaid teachers after the Mid-Year Personnel Reports are filed with the State Department of Education in February. The school superintendent shall notify the School Personnel Records Section of the district's intent to pay the teacher the underpaid amount or to dispute the amount. If disputed, the school superintendent is responsible for providing documentation to the School Personnel Records Section to show the teacher was not underpaid based on the state minimum salary schedule. The State Aid Section shall withhold from state aid the amount underpaid by October 1 in the school year following the year in which the underpayment occurred.

(2) The method for calculating teacher salaries to ensure state minimums are met shall be determined by the School Personnel Records Section.

(k) If a teacher asserts that the school district he or she is employed by and was employed by the previous year, (or if underpayment occurred prior to July 1, 2002, and the teacher filed an action to recover an underpayment in a court of competent jurisdiction before July 1, 2002), has reduced the salary and/or fringe benefit level without a proportionate reduction in hours or duties, the teacher may file a complaint with the State Department of Education's School Personnel Records Section. The complaint must be accompanied by documentation sufficient to justify the allegations in the complaint. The teacher shall also send a copy of the complaint and supporting documentation to the superintendent of the school district. The documentation shall include, but not be limited to, the teacher's salary and benefit amount for each year in question. The superintendent shall be given an opportunity to submit documentation to refute the teacher's claim within 20 calendar days of receipt of the complaint. The School Personnel Records Section shall review all the documentation presented and present the complaint to the State Board of Education for determination of whether the school district willfully reduced the teacher's salary and benefits in violation of the law. If the school district does not provide a response and supporting documentation to the complaint, the complaint shall be upheld. In the event the

review of the documents reveals that the complaint is valid, the State Board of Education shall withhold the amount underpaid from the district's state aid as a penalty. Additionally, the same amount shall be withheld and that amount shall be sent to the teacher.

(l) Any superintendent, principal, or teacher shall not be considered as having received their minimum salary unless such salary is paid by school district warrants issued by the board of education or the school district.

(m) Personnel on the staff of the Oklahoma Department of Career and Technology Education shall be approved by the State Board of Education for increment purposes.

(n) Certified personnel teaching in Manpower Skill Centers and other Manpower Development Training Programs approved by the Oklahoma Department of Career and Technology Education shall be considered as teaching in a school approved by the State Board of Education for increment purposes as provided by Oklahoma School Law.

(o) Under the federal *Uniformed Services Employment and Reemployment Rights Act* (USERRA), a teacher who is called to active duty in the uniformed services is entitled to certain continuing benefits of civilian employment, including the accrual of Oklahoma teaching experience for minimum salary schedule purposes during their active duty service. For purposes of this subsection, the term "uniformed services" incorporates the definition at 38 U.S.C. § 4303 and includes the Air Force, Army, Coast Guard, Marine Corps, Navy, and the reserve components of these services, as well as the Air National Guard and Army National Guard. There is a cumulative limit of five (5) years on Oklahoma teaching experience accrued during active duty service while contracted as a public school teacher. Because teachers who are called to active duty while under contract with a school district are entitled to this benefit of employment under federal law, this category of up to five (5) years of service is separate from the up to five (5) years of active duty military service accrued *prior to* service as a teacher that an applicant for Oklahoma teaching certification may be eligible to have applied toward their initial step on the minimum salary schedule under 70 O.S. § 18-114(D). An individual who has been awarded up to five (5) years of credit for active duty service accrued prior to teaching, under 70 O.S. § 18-114(D), may also be eligible for up to five (5) years of credit awarded under this subsection if they are called to active duty while serving as a teacher.

(p) Certified personnel who are employed in the SoonerStart Early Intervention Program, a joint operation of the State Department of Education and the State Department of Health that delivers educational services to children from birth through age two (2) under Part C of the *Individuals with Disabilities Education Act* (IDEA), shall be eligible to accrue Oklahoma teaching experience for services provided through SoonerStart that are substantially equivalent to educational services that the certified individual would provide if employed by a public school. Credit will be awarded based on the guidelines in subsection (b) of this rule, with at least one-half day of SoonerStart service provision for at least one hundred twenty (120) days per year, or at least three hundred sixty (360) hours per calendar year, resulting in one (1) year of Oklahoma teaching experience for salary schedule and retirement system purposes.

RULE IMPACT STATEMENT 210:25-3-4

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 25. FINANCE SUBCHAPTER 3. FUNDING CRITERIA

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

Two new provisions are proposed for inclusion in the rule that establishes how teaching experience is calculated for application toward Oklahoma's minimum salary schedule for public school teachers. The first added provision clarifies that under federal law, teachers who are members of the uniformed services called to active duty (includes all reserve components of the military branches, as well as the Air National Guard and Army National Guard) are entitled to accrue experience during their active duty deployment that applies toward their seniority on the teacher salary schedule. The second addition to the rule provides that certified educators who deliver educational services to young children through the SoonerStart Early Intervention Program, jointly operated by the State Department of Education and the State Department of Health, are eligible to accrue teaching experience if the services they provide through SoonerStart are substantially equivalent to the educational services they would provide if employed by a public school district.

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 teachers who are employed by public school districts when called to active duty in the uniformed services, and certified educators who deliver educational services through the SoonerStart program.

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

The change will benefit teachers who are employed by public school districts when called to active duty in the uniformed services, and certified educators who deliver educational services through the SoonerStart program.

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: December 14, 2017

STATUTORY AUTHORITY FOR 210:25-3-4

Oklahoma Statutes

Title 70. Schools

Chapter 1 - School Code of 1971

Article III - State Department of Education

Section 3-104 - State Board of Education - Powers and Duties

The supervision of the public school system of Oklahoma shall be vested in the State Board of Education and, subject to limitations otherwise provided by law, the State Board of Education shall:

1. Adopt policies and make rules for the operation of the public school system of the state;

6. Have authority in matters pertaining to the licensure and certification of persons for instructional, supervisory and administrative positions and services in the public schools of the state subject to the provisions of Section 6-184 of this title, and shall formulate rules governing the issuance and revocation of certificates for superintendents of schools, principals, supervisors, librarians, clerical employees, school nurses, school bus drivers, visiting teachers, classroom teachers and for other personnel performing instructional, administrative and supervisory services, but not including members of boards of education and other employees who do not work directly with pupils, and may charge and collect reasonable fees for the issuance of such certificates:

20. Have authority and is hereby required to perform all duties necessary to the administration of the public school system in Oklahoma as specified in the Oklahoma School Code; and, in addition thereto, those duties not specifically mentioned herein if not delegated by law to any other agency or official;

38 U.S.C. § 4316. Rights, benefits, and obligations of persons absent from employment for service in a uniformed service

(a) A person who is reemployed under this chapter is entitled to the seniority and other rights and benefits determined by seniority that the person had on the date of the commencement of service in the uniformed services plus the additional seniority and rights and benefits that such person would have attained if the person had remained continuously employed.

(b)(1) Subject to paragraphs (2) through (6), a person who is absent from a position of employment by reason of service in the uniformed services shall be—

(A) deemed to be on furlough or leave of absence while performing such service; and

(B) entitled to such other rights and benefits not determined by seniority as are generally provided by the employer of the person to employees having similar seniority, status, and pay who are on furlough or leave of absence under a contract, agreement, policy, practice, or plan in effect at the commencement of such service or established while such person performs such service.

(2)(A) Subject to subparagraph (B), a person who—

(i) is absent from a position of employment by reason of service in the uniformed services, and

(ii) knowingly provides written notice of intent not to return to a position of employment after service in the uniformed service,

is not entitled to rights and benefits under paragraph (1)(B).

(B) For the purposes of subparagraph (A), the employer shall have the burden of proving that a person knowingly provided clear written notice of intent not to return to a position of employment after service in the uniformed service and, in doing so, was aware of the specific rights and benefits to be lost under subparagraph (A).

(3) A person deemed to be on furlough or leave of absence under this subsection while serving in the uniformed services shall not be entitled under this subsection to any benefits to which the person would not otherwise be entitled if the person had remained continuously employed.

(4) Such person may be required to pay the employee cost, if any, of any funded benefit continued pursuant to paragraph (1) to the extent other employees on furlough or leave of absence are so required.

(5) The entitlement of a person to coverage under a health plan is provided for under section 4317.

(6) The entitlement of a person to a right or benefit under an employee pension benefit plan is provided for under section 4318.

(c) A person who is reemployed by an employer under this chapter shall not be discharged from such employment, except for cause—

(1) within one year after the date of such reemployment, if the person's period of service before the reemployment was more than 180 days; or

(2) within 180 days after the date of such reemployment, if the person's period of service before the reemployment was more than 30 days but less than 181 days.

(d) Any person whose employment with an employer is interrupted by a period of service in the uniformed services shall be permitted, upon request of that person, to use during such period of service any vacation, annual, or similar leave with pay accrued by the person before the commencement of such service. No employer may require any such person to use vacation, annual, or similar leave during such period of service.

(e)(1) An employer shall grant an employee who is a member of a reserve component an authorized leave of absence from a position of employment to allow that employee to perform funeral honors duty as authorized by section 12503 of title 10 or section 115 of title 32.

(2) For purposes of section 4312(e)(1) of this title, an employee who takes an authorized leave of absence under paragraph (1) is deemed to have notified the employer of the employee's intent to return to such position of employment.

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

210:35-9-31. Program of studies and graduation requirements

- (a) **General provisions.** Every student at every high school shall have the opportunity to acquire all the competencies to matriculate at a comprehensive graduate institution of the Oklahoma State System of Higher Education without the necessity of enrolling at the university in secondary-level courses. Each student will have the opportunity to attain proficiency in the Oklahoma Academic Standards.
- (b) **Definitions.** The following definitions shall apply to this section:
- (1) **"Contextual methodology"** means academic content and skills taught by utilizing real-world problems and projects in a way that helps students understand the application of that knowledge.
 - (2) **"Courses approved for college admission requirements"** means courses which are approved by the Oklahoma State Regents for Higher Education for admission to an institution within the Oklahoma State System of Higher Education.
 - (3) **"Qualified agricultural courses"** means courses that have been determined by the State Board of Education to offer the sets of competencies set forth in the Oklahoma Academic Standards for one or more science content areas and which correspond to academic science courses and are taught by teacher who is certified and considered "highly qualified" to teach in the science course taught. Qualified agricultural education courses shall include, but are not limited to, Horticulture, Plant and Soil Science, Natural Resources and Environmental Science, and Animal Science.
 - (4) **"Rigor"** means a level of difficulty that is appropriate for the grade level and that meets state and/or national standards;
 - (5) **"Sets of competencies"** means instruction in those skills and competencies that are specified skills and competencies adopted by the State Board of Education without regard to specified instructional time;
 - (6) **"Unit"** means a Carnegie Unit which is given for the successful completion of a course that meets the equivalent of 120 clock hours within the school year.
- (c) **Total minimum graduation requirements.** In order to graduate with a standard diploma from a public high school accredited by the State Board of Education, students shall complete twenty-three (23) units or sets of competencies in grades nine (9) through twelve (12), which shall include either:
- (1) Seventeen (17) units or sets of competencies of the college preparatory/work ready curriculum requirements set forth in (d) of this Section, plus six (6) elective units or sets of competencies; or
 - (2) Fifteen (15) units or sets of competencies of the core curriculum requirements set forth in (e) of this Section, plus eight (8) elective units or sets of competencies.
- (d) **College preparatory/work ready curriculum requirements.** In order to graduate with a standard diploma from a public high school accredited by the State Board of Education, students shall complete the following college preparatory/work ready curriculum units or sets of competencies at the secondary level:
- (1) Four (4) units or sets of competencies of English to include:
 - (A) Grammar;

- (B) Composition;
- (C) Literature; or
- (D) Any English course approved for college admission requirements;
- (2) Three (3) units or sets of competencies of mathematics, limited to:
 - (A) Algebra I;
 - (B) Algebra II;
 - (C) Geometry;
 - (D) Trigonometry;
 - (E) Math Analysis;
 - (F) Calculus;
 - (G) Advanced Placement Statistics; or
 - (H) Any mathematics course with content and/or rigor above Algebra I and approved for college admission requirements;
- (3) Three (3) units or sets of competencies of laboratory science, limited to:
 - (A) Biology;
 - (B) Chemistry;
 - (C) Physics; or
 - (D) Any laboratory science course with content and/or rigor equal to or above Biology and approved for college admission requirements;
- (4) Three (3) units or sets of competencies of history and citizenship skills, including:
 - (A) One (1) unit of American History;
 - (B) One-half (1/2) unit of Oklahoma History;
 - (C) One-half (1/2) unit of United State Government; and
 - (D) One (1) unit of a course that has been approved for college admission requirements in one of the following subjects:
 - (i) History;
 - (ii) Government;
 - (iii) Geography;
 - (iv) Economics;
 - (v) Civics; or
 - (vi) Non-Western culture;
- (5) Two (2) units or sets of competencies in one (1) of the following:
 - (A) Two (2) units of the same foreign, Native American, or non-English language; or
 - (B) Two (2) units of computer technology approved for college admission requirements, whether taught at a high school or a technology center school, including:
 - (i) Computer programming;
 - (ii) Computer hardware;
 - (iii) Business computer applications (excluding keyboarding or typing courses) such as:
 - (I) Word processing;
 - (II) Databases;
 - (III) Spreadsheets;
 - (IV) Graphics;
- (6) One (1) additional unit or set of competencies selected from:
 - (A) The categories of units or sets of competencies set forth in (1) through (5) of this subsection; or

- (B) Career and technology courses approved for college admission requirements;
- (7) One (1) unit or set of competencies of
 - (A) Fine arts such as music, art, or drama; or
 - (B) Speech.

(e) **Core curriculum requirements in lieu of college/work ready curriculum requirements.**

Upon written approval of the parent or legal guardian of a student, a student may enroll in the core curriculum requirements in lieu of the college/work ready curriculum requirements set forth in (d) of this Section. The fifteen (15) units of credit required for high school graduation with a standard diploma in accordance with the provisions of this subsection are:

- (1) Language Arts: Four (4) units or sets of competencies, to consist of:
 - (A) One (1) unit or set of competencies of grammar and composition; and
 - (B) Three (3) units or sets of competencies which may include, but are not limited to, the following courses:
 - (i) American Literature;
 - (ii) English Literature;
 - (iii) World Literature; or
 - (iv) Advanced English Courses or
 - (v) Any other English courses with content and/or rigor equal to or above grammar and composition;
- (2) Mathematics: Three (3) units or sets of competencies, to consist of:
 - (A) One (1) unit or set of competencies of Algebra I or Algebra I taught in a contextual methodology; and
 - (B) Two (2) units or sets of competencies which may include, but are not limited to, the following courses:
 - (i) Algebra II;
 - (ii) Geometry or Geometry taught in a contextual methodology;
 - (iii) Trigonometry;
 - (iv) Math Analysis or Precalculus;
 - (v) Calculus;
 - (vi) Statistics and/or Probability;
 - (vii) Computer Science, if taught by a teacher who is certified to teach mathematics;
 - (viii) Other contextual mathematics courses which enhance technology preparation taught at a comprehensive high school;
 - (ix) Other contextual mathematics courses which enhance technology preparation taught at a technology center school by a teacher certified in the secondary subject area, when taken in the eleventh (11th) or twelfth (12th) grade, and approved by the State Board of Education and the independent district board of education; or
 - (x) Any other mathematics courses with content and/or rigor equal to or above Algebra I.
- (3) Science: Three (3) units or sets of competencies, to consist of:
 - (A) One (1) unit or set of competencies of Biology I or Biology I taught in a contextual methodology; and
 - (B) Two (2) units or sets of competencies in the areas of life, physical, or earth science or technology which may include, but are not limited to, the following courses:
 - (i) Chemistry I;

- (ii) Physics;
 - (iii) Biology II;
 - (iv) Chemistry II;
 - (v) Physical Science;
 - (vi) Earth Science;
 - (vii) Botany;
 - (viii) Zoology;
 - (ix) Physiology;
 - (x) Astronomy;
 - (xi) Applied Biology/Chemistry;
 - (xii) Applied Physics;
 - (xiii) Principles of Technology;,,
 - (xiv) Qualified agricultural education courses; or
 - (xv) Other contextual science courses which enhance technology preparation taught at a comprehensive high school;
 - (xvi) Other contextual science courses which enhance technology preparation taught at a technology center school when taken in the eleventh (11th) or twelfth (12th) grade, taught by a certified teacher, and approved by the State Board of Education and the independent district board of education;
 - (xvii) Other science courses with content and/or rigor equal to or above Biology I.
- (4) Social Studies: Three (3) units or sets of competencies, to consist of:
- (A) One (1) unit or set of competencies of United States History;
 - (B) One-half (1/2) to one (1) unit or set of competencies of United States Government;
 - (C) One-half (1/2) unit or set of competencies of Oklahoma History; and
 - (D) One-half (1/2) to one (1) unit or set of competencies which may include, but are not limited to, the following courses:
 - (i) World History;
 - (ii) Geography;
 - (iii) Economics;
 - (iv) Anthropology; or
 - (v) Other social studies courses with content and/or rigor equal to or above United States History, United States Government, and Oklahoma History; and
- (5) Arts: Two (2) units or sets of competencies which may include, but are not limited to, courses in Visual Arts and General Music.
- (f) **Other curriculum requirements.** In addition to the curriculum requirements set forth in (c) through (e) of this subsection, each secondary school shall ensure that the following curriculum requirements are met:
- (1) **Personal Financial Literacy Passport.** Beginning with the seventh grade, students shall fulfill the requirements for a Personal Financial Literacy Passport in order to graduate with a standard diploma from a public high school accredited by the State Board of Education.
 - (A) The requirements for a Personal Financial Literacy Passport shall be the satisfactory completion and demonstration of satisfactory knowledge in all fourteen (14) areas of instruction during grades seven (7) through twelve (12). The fourteen (14) areas of instruction are:
 - (i) Understanding interest, credit card debt, and online commerce;

- (ii) Rights and responsibilities of renting or buying a home;
 - (iii) Savings and investing;
 - (iv) Planning for retirement;
 - (v) Bankruptcy;
 - (vi) Banking and financial services;
 - (vii) Balancing a checkbook;
 - (viii) Understanding loans and borrowing money, including predatory lending and payday loans;
 - (ix) Understanding insurance;
 - (x) Identity fraud and theft;
 - (xi) Charitable giving;
 - (xii) Understanding the financial impact and consequences of gambling;
 - (xiii) Earning an income; and
 - (xiv) Understanding state and federal taxes.
- (B) Instruction in these fourteen areas must align and meet the Personal Financial Literacy academic standards as adopted by the Oklahoma State Board of Education.
- (C) School districts shall have the option of determining when each of the fourteen (14) areas of instruction listed above shall be presented to students in grades seven (7) through twelve (12). Options include:
- (i) Integration into one or more existing courses of study;
 - (ii) A separate Personal Financial Literacy course; and/or
 - (iii) Use of State Department of Education Personal Financial Literacy online modules of learning.
- (D) The Oklahoma State Department of Education online modules of learning and the assessments shall be available to all students as determined by the local school district.
- (E) In order to facilitate the monitoring of student progress towards achieving the Personal Financial Literacy Passport, districts shall maintain a Personal Financial Literacy Passport cumulative record. The Personal Financial Literacy Passport cumulative record shall be a uniform document used by all school districts within the state. The State Department of Education shall provide an electronic version of the Personal Financial Literacy Passport cumulative record to the districts. Completion of the fourteen (14) areas of instruction of Personal Financial Literacy shall be documented on the student's high school transcript. The Personal Financial Literacy Passport cumulative record shall accompany the student when transferring to a new district.
- (F) Elementary districts, PK-8, may enter into a vertical articulated curriculum agreement with an independent district, PK-12, for facilitating and sharing of the personal financial literacy curriculum and instruction.
- (G) Teachers providing instruction in personal financial literacy shall be certified in accordance with the provisions of the Passport to Financial Literacy Act at 70 O.S. § 11-103.6h.
- (H) School districts shall assess the knowledge of all students who transfer into an Oklahoma school district from out of state after the seventh grade.
- (i) If the school district determines that the transferred student has successfully completed instruction in any or all of the areas of personal financial literacy instruction at the previous school in which the student was enrolled, or if the student demonstrates satisfactory knowledge of any or all of the areas of personal financial

literacy instruction through an assessment approved by the State Department of Education, the school district may exempt the student from completing instruction in that area of personal financial literacy instruction.

(ii) Students who transfer into an Oklahoma school district from out of state after the junior year of high school may be granted an exception from the requirements of the personal financial literacy passport in accordance with the provisions of 70 O.S. 11-103.6.

(2) **Recommended curriculum.** School districts shall strongly encourage students to complete two units or sets of competencies of foreign languages and two units or sets of competencies of physical and health education.

(3) **Credit toward graduation requirements.** Credits for meeting curriculum requirements toward graduation shall be determined in accordance with all of the following provisions:

(A) No student shall receive credit for high school graduation more than once for completion of the same unit or set of competencies to satisfy the core curriculum requirements.

(B) Credit for all units or sets of competencies required in (d) and (e) of this Section shall be given when such units or sets of competencies are taken prior to ninth (9th) grade if:

(i) The teachers are certified or authorized to teach the subjects for high school credit; and

(ii) The required rigor of the course is maintained.

(C) Notwithstanding the provisions of (3)(B) of this subsection, the three units or sets of competencies in mathematics required in (d) or (e) of this Section shall be completed in the ninth (9th) through twelfth (12th) grades. If a student completes any required courses or sets of competencies in mathematics prior to ninth grade, the student may take any other mathematics courses or sets of competencies to fulfill the requirement to complete three (3) units or sets of competencies in grades nine (9) through twelve (12) after the student has satisfied the requirements of subsection (d) or (e) of this Section.

(g) **Additional accreditation requirements.** In addition to the curriculum requirements set forth in (c) through (f) of this Section, all public school districts shall ensure that its schools' secondary programs are designed to meet all of the following requirements:

(1) As a condition of receiving accreditation from the State Board of Education, all school districts shall require all students in grades nine (9) through twelve (12) to enroll in a minimum of six periods, or the equivalent in block scheduling or other scheduling structure that allows for instruction in sets of competencies, of rigorous academic and/or rigorous vocational courses each day, which may include arts, vocal and instrumental music, speech classes, and physical education classes. However, students re-enrolled in high school solely for the purpose of completing curricular requirements as authorized by 70 O.S. § 11-103.6(Q) shall be exempt from this requirement.

(2) Each high school's academic program shall be designed to prepare all students for employment and/or postsecondary education. The secondary academic program shall be designed to provide the teaching and learning of the skills and knowledge in the Oklahoma Academic Standards. All high schools accredited by the State Department of Education shall offer the college preparatory/work ready curriculum required for the students to earn a standard diploma during grades nine (9) through twelve (12). To meet graduation

requirements, local options may include courses taken by advanced placement, concurrent enrollment, correspondence courses, supplemental online courses, or courses bearing different titles.

(3) The secondary academic programs may also provide the traditional units of credit to be offered in grades nine (9) through twelve (12) with each secondary school offering and teaching at least thirty-eight (38) units or their equivalent each school year. Four (4) of these units may be offered on a two-year alternating plan with thirty-four (34) units or their equivalent to be taught in the current school year. In schools with other than a four-year organization, these units shall be offered and taught in conjunction with the affiliated schools containing those grade levels. Career and technology center courses in which secondary students are enrolled may count toward the thirty-eight (38) required units of credit or their equivalent.

(4) District boards of education can make exceptions to state high school graduation curriculum requirements for students who move to this state from another state after their junior year of high school.

(A) After a student from another state enrolls in an accredited Oklahoma high school the school board can make an exception to the high school graduation curriculum requirements of 70 O.S. §11-103.63. Individual exceptions can only be made when there are differing graduation requirements between the two states and completing Oklahoma graduation requirements will extend the student's date of graduation beyond the graduation date for the student's class.

(B) The district must report all exceptions made to state graduation requirements for these senior students to the State Department of Education each school year. All exceptions made at each district high school will be forwarded to the State Department of Education on or before July 1 of each year. Districts may report the information on the Annual Statistical Report. This reporting provision does not include students who have individualized education programs pursuant to the Individuals with Disabilities Education Act (IDEA) and who satisfy graduation requirements through the individualized education program.

(C) In order to avoid denying a student who transfers into an Oklahoma school district from another state after the junior year of high school a standard diploma due to differing assessment requirements, school districts should evaluate such a student's assessment records to determine whether the student was on track to meet assessment requirements in the state where they previously attended school. If it is determined that the student was on track to meet assessment requirements in the state where they previously attended school, the school district shall have the option of waiving Oklahoma School Testing Program (OSTP) requirements for the student.

(5) District boards of education shall waive the Oklahoma History graduation requirement for children of military families who transition with the military from another state and who have satisfactorily completed a similar state history class in another state. "Children of military families", as defined in 70 O.S. § 510.1, means "a school-aged child(ren), enrolled in Kindergarten through Twelfth grade, in the household of an active duty member".

(6) In order for a course offered by a supplemental educational organization to be counted for purposes of student academic credit and towards graduation requirements, the local board of education must verify that the course meets all requirements in 70 O.S. § 11-103.6.) Upon

verification, the local school board of education's request for course approval shall be submitted to the State Board of Education for final approval.

RULE IMPACT STATEMENT 210:35-9-31

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 35. STANDARDS FOR ACCREDITATION OF ELEMENTARY, MIDDLE
LEVEL, SECONDARY, AND CAREER AND TECHNOLOGY SCHOOLS
SUBCHAPTER 9. ADDITIONAL STANDARDS FOR SECONDARY SCHOOLS
PART 7. STANDARD IV: CURRICULUM, INSTRUCTION, ASSESSMENT,
AND CLIMATE**

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

Under House Bill 3218 (2016), the State Board of Education is directed to "promulgate rules to ensure that students who transfer into an Oklahoma school district from out-of-state after the junior year of high school shall not be denied the opportunity to be awarded a standard diploma due to differing testing requirements" (70 O.S. § 1210.508(F)(4)). The proposed amendment adds a provision to the "Program of studies and graduation requirements" rule that authorizes a school district to waive Oklahoma School Testing Program (OSTP) graduation requirements for a student who transfers to the district after the junior year of high school, upon determining that the student was on track to meet assessment requirements in their previous state.

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 students who transfer to an Oklahoma school district after completing the junior year of high school, and the Oklahoma school districts that receive such students.

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

The change will benefit students who transfer to an Oklahoma school district after completing the junior year of high school, and have already completed the applicable assessment requirements for high school graduation in the state where they previously attended school.

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: December 14, 2017

STATUTORY AUTHORITY FOR 210:35-9-31

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

A. 1. By no later than December 31, 2016, the State Board of Education shall adopt a statewide system of student assessments in compliance with the Elementary and Secondary Education Act of 1965 (ESEA), as reauthorized and amended by P.L. No. 114-95, also known as the Every Student Succeeds Act (ESSA).

2. The statewide student assessment system adopted by the Board pursuant to this subsection shall be aligned with the Oklahoma Academic Standards as adopted by the Board and which prepare students for college and careers.

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

2. Beginning with students entering the ninth grade in the 2017-2018 school year, each student, in addition to taking the assessment or assessments included in the statewide student assessment system adopted by the Board pursuant to subsection A of this subsection, shall meet any other high school graduation requirements adopted by the Board pursuant to Section 5 of this act in order to graduate from a public high school with a standard diploma.

3. For students who start the ninth grade prior to or during the 2016-2017 school year, school districts shall adopt a plan that establishes the assessment or assessments those students are required to take in order to graduate from a public high school with a standard diploma. The plan may also include any or all of the other high school graduation requirements adopted by the Board pursuant to Section 5 of this act that those students will be required to meet in order to graduate from a public high school with a standard diploma.

4. The Board shall promulgate rules to ensure that students who transfer into an Oklahoma school district from out-of-state after the junior year of high school shall not be denied the opportunity to be awarded a standard diploma due to differing testing requirements.
