



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:** November 16, 2017  
**SUBJECT:** Administrative Rule Promulgation

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

- (1) Title 210. State Department of Education  
Chapter 20. Staff  
Subchapter 9. Professional Standards: Teacher Education and Certification  
**210:20-9-172. Full (subject matter) competencies for licensure and certification [AMENDED]** (adds Speech Language Pathology Assistants)

The proposed amendment to the rule outlining subject matter competencies for certification by the Oklahoma State Department of Education (OSDE) adds a new subsection addressing competencies for Speech-Language Pathology Assistants (SLPAs). While the existing rule already includes competencies for Speech-Language Pathologists, Speech-Language Pathology Assistants have not previously been eligible for full certification by OSDE because Oklahoma has not offered a certification exam for school SLPAs. Full subject matter competencies must be adopted in order for a certification exam to be developed. SLPAs currently receive a credential from OSDE that is classified differently than an educator certificate, and does not require a baccalaureate degree.

This addition to the subject matter competencies is appropriate because Speech-Language Pathology Assistants in Oklahoma hold a professional licensure from the same entity that licenses Speech-Language Pathologists, the Board of Examiners for Speech-Language Pathology and Audiology (OBESPA). The addition of SLPA competencies to the rule will enable the Office of Educational Quality and Accountability (OEQA) to develop a subject matter exam allowing for OSDE certification of this class of professional service providers. The current level of credential issued to SLPAs will remain available for those who do not wish to pursue a certificate, or do not meet the certification requirement of holding a baccalaureate degree.

- (2) Title 210. State Department of Education  
Chapter 35. Standards for Accreditation of Elementary, Middle Level,  
Secondary, and Career and Technology Schools  
Subchapter 3. Standards for Elementary, Middle Level, Secondary, and  
Career and Technology Schools  
Part 7. Standard IV: Curriculum, Instruction, Assessment, and Climate  
**210:35-3-61. Statement of the Standard [AMENDED]**  
**210:35-3-66. Curriculum [AMENDED]**  
**210:35-3-67. Instruction [AMENDED]**  
**210:35-3-68. Assessment [AMENDED]**  
Subchapter 5. Additional Standards for Elementary Schools  
Part 7. Standard IV: Curriculum, Instruction, Assessment, and Climate  
**210:35-3-31. Program of studies [AMENDED]**  
Subchapter 27. Proficiency Based Promotion  
**210:35-27-2. Proficiency based promotion and evaluations of student  
placement [AMENDED]**

The proposed rule action makes necessary updates to terminology in six sections of the school accreditation standards. References throughout the accreditation rules to the superseded "Priority Academic Student Skills" (PASS) subject matter standards are updated to the current "Oklahoma Academic Standards". The administrative rule addressing proficiency based promotion and student placement is also being updated to remove requirements related to the discontinued Achieving Classroom Excellence (ACE) Act and end-of-instruction (EOI) exams.



**TITLE 210. STATE DEPARTMENT OF EDUCATION**  
**CHAPTER 20. STAFF**  
**SUBCHAPTER 9. PROFESSIONAL STANDARDS: TEACHER EDUCATION**  
**AND CERTIFICATION**  
**PART 17. FULL (SUBJECT MATTER) COMPETENCIES FOR LICENSURE**  
**AND CERTIFICATION**

**210:20-9-172. Full (subject matter) competencies for licensure and certification**

Full (subject matter) competencies are listed in (1) through (423) by subject/content area.

- (1) **Art education.** The candidate for licensure and certification:
  - (A) Has a sound philosophical understanding of visual art education and is able to support, justify, and implement the visual art curriculum.
  - (B) Has an understanding of past, current, and future trends and issues in art education as well as art education research.
  - (C) Has a knowledge of developmentally appropriate visual art content including aesthetics, art criticism, and art history, around a core of art production.
  - (D) Has a working knowledge of and has had experience in integration of the arts with other fine arts areas as well as other academic disciplines.
  - (E) Understands and has experience in the application of the elements and principles of art and design.
  - (F) Understands art history including various styles, periods, ethnic groups, and cultures from around the world.
  - (G) Has a knowledge of aesthetics (the field of study that relates to beauty in the arts) and art criticism (art review and commentary), along with teaching strategies appropriate for both areas that involve a variety of media and awareness of developmental levels.
  - (H) Understands and has experience in various methods of art production and creative development including drawing, figure drawing, color and design, painting, printmaking, sculpture, clay, applied design, and technology. Additional experience should involve metal, stone, fiber, papermaking, wood, and mixed media.
  - (I) Has proficiency in teaching strategies that are developmentally appropriate and inclusive of various student learning styles and is sensitive to the needs of diverse ethnic and cultural groups and those with disabilities.
  - (J) Develops a portfolio of his/her own artwork.
  - (K) Understands that contests and competitions have a valuable place in art education; however, they should not drive the development of the local curriculum.
  - (L) Has a knowledge of a wide variety of arts resources including community resources, materials, equipment, and information about exhibitions and/or major collections.
  - (M) Recognizes the important role of technology in education and that it may serve as a supportive tool in art education.
  - (N) Understands the art-related competencies in the Oklahoma core curriculum and knows how to incorporate them into various art classes.
- (2) **Business education.** Competencies for business education are fulfilled by meeting competencies for vocational business.
- (3) **Driver/safety education.** The candidate for licensure and certification:
  - (A) Applies, models, and teaches appropriate learning strategies for the safe operation of motor vehicles.

- (L) Understands the role of co-curricular and extracurricular activities in the development of student interest as an extension of the classroom instruction.
- (M) Understands, teaches, and implements Oklahoma's Core Curriculum.
- (33) **Speech-language pathologist: (SLP).**
  - (A) The candidate for licensure and certification:
    - (i) Understands the models, theories and philosophies that provide the basis for the practice of ~~speech/language~~speech-language pathology, in the following knowledge areas:
      - (I) content areas in ~~speech/language~~speech-language pathology (language, articulation, voice, fluency, augmentative communication)
      - (II) etiologies which may contribute to communication impairments
      - (III) a working understanding of other assessments (medical, psychological, audiological, etc.)
      - (IV) modality (spoken, written, sign)
    - (ii) Accommodates the individual learning styles and communication/educational needs of the student.
    - (iii) Demonstrates the ability to screen, evaluate, and diagnose students with suspected communication impairments using a variety of formal and informal procedures.
    - (iv) Plans and implements evidence based intervention strategies and the appropriate service delivery models for students with communication impairments, including:
      - (I) determines least restrictive environment
      - (II) provides ongoing assessment and monitors individualized education program (IEP) progress
      - (III) develops individualized education program (IEP)
    - (v) Facilitates the development of the student's functional and literate communication skills (i.e., how communication occurs including written language) across environments, including:
      - (I) developing modifications/adaptations
      - (II) determining transition service needs
    - (vi) Recognizes and understands the relationship among behavior, social interaction and communication impairments, and is able to determine realistic expectations for the student's personal and social behavior in various settings.
    - (vii) Uses collaborative strategies in working with parents, school, and community to address the needs of students with communication impairments.
    - (viii) Promotes and maintains competence and integrity in the practice of ~~speech/language~~speech-language pathology as follows:
      - (I) develops a plan for professional development
      - (II) identifies community agencies and resources by participating in continuing education as required to maintain professional licensure, national certification, and/or Oklahoma State Department of Education (OSDE) certification, as well as by identifying community agencies and resources for students.
    - (ix) Implements practices that recognize the multicultural issues and the effect of cultural and linguistic diversity on students' communication skills and learning styles.
    - (x) Demonstrates knowledge of laws and regulations pertaining to students with communication impairments.
    - (xi) Defines, describes, and implements tenets of professional services that include



interprofessional practices (IPP).

(xii) Knows the requirements for supervision of student interns, speech-language pathology assistants, and the mentorship of clinical fellows.

(B) Competency for Speech-language Pathologist certification may also be verified by the Certificate of Clinical Competence (C-C-C) from the American Speech-Language-Hearing Association (ASHA), or Oklahoma Board of Examiners for Speech-Language Pathology and Audiology (OBESPA) licensure.

**(34) Speech-language pathology assistant (SLPA).**

(A) The candidate for licensure and certification:

(i) Understands the models, theories and philosophies that provide the basis for the practice of speech/language pathology, in the following knowledge areas:

(I) content areas in speech-language pathology (language, articulation, voice, fluency, augmentative communication, swallowing)

(II) etiologies which may contribute to communication impairments

(III) a working understanding of other assessments (medical, psychological, audiological, etc.)

(IV) modality (spoken, written, sign)

(ii) Accommodates the individual learning styles and communication/educational needs of the student.

(iii) Demonstrates the ability to assist the speech-language pathologist in screening and assessing students with suspected communication impairments using a variety of formal and informal procedures.

(iv) Implements evidence based intervention strategies developed by the supervising speech-language pathologist, and appropriate service delivery models for students with communication impairments, including:

(I) provides ongoing data collection and monitors individualized education program (IEP) progress

(II) develops IEP with prior approval of the licensed speech-language pathologist

(v) Facilitates the development of the student's functional and literate communication skills (i.e., how communication occurs, including written language) across environments and provides modifications/adaptations.

(vi) Recognizes and understands the relationship among behavior, social interaction and communication impairments, and is able to provide realistic expectations for the student's personal and social behavior in various settings.

(vii) Uses collaborative strategies in working with parents, school, and community to address the needs of students with communication impairments.

(viii) Promotes and maintains competence and integrity in the practice of speech-language pathology by participating in continuing education as required to maintain professional license and Oklahoma State Department of Education (OSDE) certification or credential.

(ix) Implements practices that recognize multicultural issues and the effect of cultural and linguistic diversity on students' communication skills and learning styles.

(x) Defines, describes, and implements tenets of professional services that include interprofessional practices (IPP).

(xi) Demonstrates knowledge of laws and regulations pertaining to students with communication impairments.



(xii) Knows and adheres to SLPA roles and responsibilities as defined in licensure and certification rules and regulations.

(B) Competency for Speech-Language Pathology Assistant certification or credential shall be verified by the Oklahoma Board of Examiners for Speech-Language Pathology and Audiology (OBESPA) and the successful passing of the Oklahoma exam for SLPAs or a national exam for SLPAs when available. An SLPA must work under the direct and indirect supervision of a licensed/certified speech-language pathologist (SLP) to be eligible for certification. The SLPA will not independently give assessments and will not determine eligibility for services. Responsibilities will be assigned by the supervising speech-language pathologist based on the SLPA's level of competence in each area.

(34)(35) **Agricultural education.** The candidate for licensure and certification shall possess the competencies specified in (A) through (F).

(A) **Agricultural business/marketing.** The candidate for licensure and certification understands the fundamental principles of agricultural business/marketing and management including principles of basic recordkeeping and methods for acquiring and managing agricultural finances.

(B) **Animal science.** The candidate for licensure and certification:

- (i) Selects and handles livestock, recognizes factors related to the safe handling of animals and animal products which become food for human consumption, and understands the importance of alternative agricultural enterprises.
- (ii) Understands concepts and principles of animal reproduction and the importance of livestock health and nutrition.

(C) **Plant and soil science.** The candidate for licensure and certification:

- (i) Understands concepts, principles, and laboratory skills related to plant and soil science including the importance of traditional crops and alternative enterprises.
- (ii) Knows factors related to the safe handling of plants and plant products which become food for human consumption and identifies causes and characteristics of common plant pests and diseases.

(D) **Agricultural mechanics.** The candidate for licensure and certification practices:

- (i) shop safety, including the operation and knowledge of hand/power tools,
- (ii) basic principles/concepts of power and machinery, metals and metal processes, and
- (iii) basic principles of building construction.

(E) **Natural resources.** The candidate for licensure and certification:

- (i) Evaluates the relationship between agriculture and the management of water, land, and air quality, and
- (ii) Understands concepts and principles of plant and animal environmental factors including the handling of chemicals.

(F) **Communications/leadership.** The candidate for licensure and certification:

- (i) Acknowledges the foundations of agricultural education including its purpose, functions, and the background of Future Farmers of America (FFA).
- (ii) Demonstrates an understanding of basic parliamentary procedure, effective oral and written communication skills, and promotes teamwork, motivation, and leadership principles.

(35)(36) **Marketing education.** The candidate for licensure and certification shall possess the competencies specified in (A) through (N).



## **RULE IMPACT STATEMENT**

### **TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 20. STAFF SUBCHAPTER 9. PROFESSIONAL STANDARDS: TEACHER EDUCATION AND CERTIFICATION PART 17. FULL (SUBJECT MATTER) COMPETENCIES FOR LICENSURE AND CERTIFICATION**

- a. **What is the purpose of the proposed rule change?**  
The proposed amendment to the rule outlining subject matter competencies for certification by the Oklahoma State Department of Education (OSDE) adds a new subsection addressing competencies for Speech-Language Pathology Assistants. While the existing rule already includes competencies for Speech-Language Pathologists, Speech-Language Pathology Assistants have not previously been eligible for OSDE certification because Oklahoma has not offered a certification exam for school SLP Assistants. Full subject matter competencies must be adopted in order for a certification exam to be developed. This addition to the subject matter competencies is appropriate because Speech-Language Pathology Assistants in Oklahoma hold a professional licensure from the same entity that licenses Speech-Language Pathologists, the Board of Examiners for Speech-Language Pathology and Audiology (OBESPA). The addition of SLP Assistant (SLPA) competencies to the rule will enable the Oklahoma Commission for Educational Quality and Accountability (OEQA) to develop a subject matter exam allowing for OSDE certification of this class of professional service providers.
- 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 Speech-Language Pathology Assistants who meet the subject matter competencies and other applicable requirements for certification.
- c. **What classes of persons will benefit from the proposed rule change?**  
The change will benefit Speech-Language Pathology Assistants who meet all qualifications and wish to be certified by OSDE.
- 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:** September 8, 2017



## PUBLIC COMMENTS

**From:** Cynthia Gable

**Sent:** Saturday, September 30, 2017 7:23 PM

**To:** SDE Rules

**Subject:** Proposed Rule Change 210:20-9-172.

Written Comment regarding proposed rule change that adds a new subsection addressing competencies for Speech-Language Pathology Assistants.

I am writing in favor of the proposed administrative rule amendment. I have worked with several Speech-Language Pathology Assistants (SLPA) in a supervisory role. We know that Oklahoma schools are hurting and in critical need of highly qualified professionals. Oklahoma is in a serious staffing shortage. The SLPAs that I have worked with have ensured that Oklahoma students are getting their needs met for speech-language therapy. I support the rule change because I see it increasing school districts' abilities to recruit, hire, and retain Speech-Language Pathology Assistants. As a 20 year veteran school Speech-Language Pathologist, I only see positive reasons for OSDE to adopt the proposed rule amendment. SLPA certification from OSDE will increase hiring opportunities and job security for SLPAs. OSDE SLPA certification would only increase the support that students with speech-language impairments in Oklahoma public schools could receive. Oklahoma is in serious, dire-need of highly qualified professionals. Increasing the marketability of SLPAs to school districts could help the state to reduce the number of students' needs not being met. Oklahoma SLPs, especially in rural school districts, are overloaded with high caseloads where students' needs are not being met in terms of speech-language therapy because of staffing shortages. Certification from OSDE is a critical step needed in order to help increase the availability of SLPAs to school districts. I greatly appreciate your time and support.

Respectfully submitted,  
Cynthia L. Price Gable, M.S., CCC-SLP  
Speech-Language Pathologist

**From:** Ryan, Mona (HSC)  
**Sent:** Tuesday, October 17, 2017 4:16 PM  
**To:** SDE Rules  
**Subject:** Written Public Comment - 210:20-9-172

I am writing in support of the rules changes to reflect updated standards for speech-language pathologists (SLPs) and new standards for speech-language pathology assistants (SLPAs).

OSDE has certified SLPs at the master's level requirement since ~1985. The standards currently did not reflect the current full scope of practice for SLPs according to our profession. The additions to the standards or updates do reflect the standards for speech-language pathology from the American Speech-Language-Hearing Association (ASHA) and the Oklahoma Board of Examiners for Speech-Language Pathology and Audiology.

OSDE has not had standards for SLPAs although these professionals have been utilized in our state. Without standards, a certification test is not able to be written nor certification granted for these professionals. Many districts struggle in knowing how to pay SLPAs and many do not want to hire them without certification. SLPAs and their supervisors have expressed desire to have certification. ASHA currently is developing a credentialing examination for SLPAs. The timeline is not known and we in Oklahoma would like an exam to be available for our SLPAs to add to the credibility of their knowledge base. It will also encourage districts hesitant to hire SLPAs to know that they are qualified for the job.

Thank you for considering these comments about these changes. I am happy to answer any questions you may have concerning my comments or the supervision and use of SLPAs.

Mona Ryan, M.S., CCC-SLP  
ASHA Fellow  
University of Oklahoma Health Sciences Center



## STATUTORY AUTHORITY FOR 210:20-9-172

### **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**

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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:

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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:

a. the State Department of Education shall not issue a certificate to and shall revoke the certificate of any person who has been convicted, whether upon a verdict or plea of guilty or upon a plea of nolo contendere, or received a suspended sentence or any probationary term for a crime or an attempt to commit a crime provided for in Section 843.5 of Title 21 of the Oklahoma Statutes if the offense involved sexual abuse or sexual exploitation as those terms are defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, Sections 741, 843.1, if the offense included sexual abuse or sexual exploitation, 865 et seq., 885, 888, 891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes or who enters this state and who has been convicted, received a suspended sentence or received a deferred judgment for a crime or attempted crime which, if committed or attempted in this state, would be a crime or an attempt to commit a crime provided for in any of said laws,

b. all funds collected by the State Department of Education for the issuance of certificates to instructional, supervisory and administrative personnel in the public schools of the state shall be deposited in the "Teachers' Certificate Fund" in the State Treasury and may be expended by the State Board of Education to finance the activities of the State Department of Education necessary to administer the program, for consultative services, publication costs, actual and necessary travel expenses as provided in the State Travel Reimbursement Act incurred by persons performing research work, and other expenses found necessary by the State Board of Education for the improvement of the preparation and certification of teachers in Oklahoma. Provided, any unobligated balance in the Teachers' Certificate Fund in excess of Ten Thousand Dollars (\$10,000.00) on June 30 of any fiscal year shall be transferred to the General Revenue Fund of the State of Oklahoma. Until July 1, 1997, the State Board of Education shall have authority for approval of teacher education programs. The State Board of Education shall also have authority for the administration of teacher residency and professional development, subject to the provisions of the Oklahoma Teacher Preparation Act;

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

**SUBCHAPTER 3. STANDARDS FOR ELEMENTARY, MIDDLE LEVEL,**  
**SECONDARY, AND CAREER AND TECHNOLOGY SCHOOLS**  
**PART 7. STANDARD IV: CURRICULUM, INSTRUCTION, ASSESSMENT,**  
**AND CLIMATE**

**210:35-3-61. Statement of the standard**

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

**210:35-3-66. Curriculum**

- (a) Quality curriculum shall be accessible for all students.
- (b) The curriculum shall reflect the school's statement of philosophy (and/or mission) and goals.
- (c) The written curriculum shall include the state Priority Academic Student SkillsOklahoma Academic Standards.
- (d) The school shall provide an organizational structure and curriculum which allows each student to progress in accordance with ~~her/his~~ individual growth and development.
- (e) The curriculum shall reflect principles of human growth and development and the specific learning theories accepted by the school.
- (f) The curriculum shall reflect the needs, the goals, and the values of the community.
- (g) The curriculum shall utilize the resources of the community.
- (h) The curriculum shall be developed, evaluated, and revised by the professional staff, with the appropriate involvement by the community and the students.
- (i) The curriculum shall be broad in scope and shall provide a wide range in student rate, readiness, and potential for learning through a balanced program of skills and knowledge.



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

#### **210:35-3-67. Instruction**

- (a) Special instruction, services, materials, and testing programs shall be available for those students having exceptional needs.
- (b) The overall educational program shall incorporate high expectations and successful experiences for all students.
- (c) Students and parents/guardians shall be informed about the ~~Priority Academic Student Skills~~Oklahoma Academic Standards for the core curriculum areas.
- (d) The placement of students in instructional skill groups within classes shall be reviewed frequently and adjustments shall be made in accordance with student needs and ~~Priority Academic Student Skills~~Oklahoma Academic Standards performance.
- (e) All instructional/learning materials shall be selected with consideration for the appropriate treatment of racial, ethnic, and cultural groups and the avoidance of stereotyping.
- (f) Appropriate instructional materials and equipment for core curriculum areas shall be provided in the amount and types needed to ensure that all students demonstrate competency in the ~~Priority Academic Student Skills~~Oklahoma Academic Standards.
- (g) Students and parents/guardians shall be informed in writing about their rights and responsibilities pertaining to the school curriculum.
- (h) The school shall protect the legal rights of students and parents/guardians as those rights relate to the curriculum.
- (i) Instructional methods shall provide for cooperative group learning in addition to competitive and individualized learning formats.
- (j) Learning activities and assessment procedures shall be congruent with the ~~Priority Academic Student Skills~~Oklahoma Academic Standards.
- (k) Learning activities shall be supported by supplementary or alternative instructional services as required by individual student needs.
- (l) Teacher/student interaction shall be utilized in planning of instructional options for learning activities.
- (m) All activities to teach ~~Priority Academic Student Skills~~Oklahoma Academic Standards shall provide for the different learning styles of students by including a diversity of appropriate learning opportunities.

- (n) Learning activities shall provide for the use of a variety of instructional materials and equipment.
- (o) Teachers shall use classroom practices which make the most productive use of class time.
- (p) The school's administrators shall enforce procedures and regulations which protect student learning time.

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

- (a) The principal, teachers, and parents/guardians shall be responsible for assessing the effectiveness of the curriculum and for planning improvement of the curriculum.
- (b) Students shall receive regular and frequent assessment of their progress toward achievement of Priority Academic Student Skills proficiency in the Oklahoma Academic Standards.
- (c) The school shall evaluate the major aspects of its curriculum through use of performance indicators and criteria for monitoring student progress. [70 O.S., § 1210.505]
- (d) Evaluation data derived from a variety of measures shall include information on:
  - (1) Student achievement.
  - (2) School climate.
  - (3) Expectations of parents/guardians. [70 O.S., § 11-107]
- (e) Student achievement data shall include, when appropriate:
  - (1) Norm-referenced tests.
  - (2) Criterion-referenced tests.
  - (3) Teacher-made tests.
  - (4) Career assessments.
  - (5) College admission and placement tests.
- (f) A variety of assessments shall be used to evaluate the performance of each student in order to improve instruction.
- (g) The school shall provide diagnostic and prescriptive services for special class placement of exceptional students.
- (h) The result of the school's student assessment program shall be used to modify curriculum and instructional methodology.
- (i) The school shall make appropriate use of follow-up information concerning its former students to assist in the assessment and improvement of the curriculum.
- (j) Through written reports and individual conferences, parents/guardians shall be informed frequently and regularly about student progress.

### **SUBCHAPTER 5. ADDITIONAL STANDARDS FOR ELEMENTARY SCHOOLS**

#### **PART 7. STANDARD IV: CURRICULUM, INSTRUCTION, ASSESSMENT, AND CLIMATE**

#### **210:35-5-31. Program of Studies**

- (a) School districts are required to provide physical education programs to all students. These programs may include athletics.
- (b) Public elementary schools must provide instruction in physical education for all students in full-day kindergarten through Grade 5 for an average of sixty (60) minutes per week.



- (c) Physical education instruction must be aligned with the **Priority Academic Student Skills (PASS) Oklahoma Academic Standards.**
- (d) Time spent in recess cannot count toward the average of sixty (60) minutes per week required for physical education.

## **SUBCHAPTER 27. PROFICIENCY BASED PROMOTION**

### **210:35-27-2. Proficiency based promotion and evaluations of student placement**

(a) **General provisions.** The provisions of this Section address requirements of school district policies and procedures pertaining to use of assessments to evaluate appropriate placement of students and/or provide course credit to students who can demonstrate proficiency in sets of competencies in the areas of curriculum required by 70 O.S. § 11-103.6, provided that the provisions of this Section are not intended to preclude a district from awarding credit to a student who satisfactorily completes all course requirements and sets of competencies for a course. The policies and procedures shall comply with the requirements of this Section and shall set forth the district's use of proficiency assessments for each of the following purposes:

- (1) **Course placement.** Proficiency assessments for purposes of "course placement" refer to assessments administered solely for the purpose of evaluation of appropriate grade or course placement of students; and
- (2) **Credit by examination.** Proficiency assessments for purposes of providing "credit by examination" refer to assessments administered for the purpose of providing course credit for a student who demonstrates mastery of a set of competencies through the examination in lieu of completion of Carnegie units ("proficiency based promotion").

(b) **Policies regarding use of proficiency-based assessments for appropriate grade or course placement.** School district policies and procedures regarding use of proficiency assessments shall address all of the following provisions:

- (1) **Requests for proficiency assessments for evaluation of appropriate grade or course placement.** The district policies required by this Section shall clearly describe the procedures for requesting proficiency assessments for the purpose of evaluating appropriate grade or course placement of a new student or currently enrolled student and shall ensure compliance with all of the following provisions:

(A) Every school district shall provide all new students with an opportunity to request a proficiency assessment for the purpose of determining appropriate course placement within thirty (30) days of enrollment or re-enrollment in the district. School district policies shall permit a request for an assessment for this purpose to be initiated by a new student or the student's teacher, parent, or legal guardian.

(B) For purposes of this paragraph, any student currently enrolled in the district who was not enrolled in the district during all or part of the immediately preceding school term, excluding summer school terms, shall be considered a new student.

- (2) **Requests for proficiency assessments for credit by examination.** The district policies required by this Section shall clearly describe the procedures for requesting proficiency assessments for the purpose of obtaining course credit by examination and shall ensure compliance with all of the following provisions:

(A) Every school district shall provide all students legally enrolled in the school district with at least two opportunities per school year to obtain course credit through examination in each required curriculum area. School district policies shall permit a

request for an assessment for this purpose to be initiated by a student or the student's teacher, parent, or legal guardian.

(B) Identification as a "Gifted and Talented" student in accordance with the provisions of 70 O.S. § 1210.301 et seq. and accompanying regulations shall not be used as a prerequisite for requesting an assessment for the purpose of obtaining credit by examination.

(C) Enrollment in a course or completion of a course shall not be used as a prerequisite for requesting an assessment for the purpose of obtaining credit by examination.

(D) Students who do not successfully demonstrate proficiency by evaluation or assessment pursuant to the provisions of this Section shall be allowed to attempt the assessment again during the next available proficiency evaluation period.

(3) **Curriculum areas eligible for course credit by examination.** The district policies required by this Section shall clearly state the areas of curriculum for which evaluation of proficiency may be requested for the purpose of obtaining course credit through examination.

(A) The areas of required curriculum in which opportunities for credit by examination will be offered shall include:

- (i) Social studies, history, or citizenship skills;
- (ii) Language arts or English;
- (iii) Visual arts, fine arts, performing arts, or speech/communication;
- (iv) Non-English languages;
- (v) Mathematics; and
- (vi) Science

(B) Written criteria for demonstrating mastery in each required curriculum area shall be made available to a student or the student's parent or legal guardian upon request. Demonstration of proficiency in all laboratory science courses shall include a requirement of demonstration of the student's ability to perform relevant laboratory techniques.

(c) **Proficiency assessment tools - requirements.** Each school district shall clearly identify the assessment tools it will use to make student placement decisions and assessment tools it will use to provide course credit by examination. The assessment tools must comply with all of the following requirements:

(1) **Proficiency assessments for purposes of evaluating appropriate grade or course placement.** Each district shall clearly identify all assessment tools used to evaluate appropriate grade or course placement of a student in absence of evidence of the student's successful completion of a previous grade level or a prerequisite course in the district. Evaluations administered for this purpose shall assess the student's proficiency in sets of competencies appropriate to the curriculum area, and shall meet all of the following requirements:

(A) The evaluation shall ensure that appropriate grade and/or course placement of a student meets the requirements of (d)(2) of this Section and shall ensure that the academic needs of the student are met.

(B) The evaluation shall ensure that appropriate grade and/or course placement of a student complies with all other requirements of state or federal law (e.g., provisions of the Reading Sufficiency Act at 70 O.S. 1210.508A et seq. ~~or the Achieving Classroom Excellence Act at 70 O.S. § 1210.523~~).



(C) Examples of types of appropriate assessment tools for making student grade or placement decisions may include, but shall not be limited to:

- (i) A portfolio of student work;
- (ii) A criterion-referenced test,
- (iii) A student thesis, project, or product;
- (iv) A student performance or recital;
- (v) Student classroom performance; or
- (vi) Recommendations of the student's teacher.

(2) **Course credit through examination.** Each district shall clearly identify all assessments used to determine proficiency for the purpose of obtaining credit through examination for required courses. Students may take assessments for this purpose before, during, or after enrollment in the course. Assessments of proficiency for this purpose shall require a demonstration of proficiency appropriate to the curriculum area and shall meet all of the following requirements:

(A) **Courses tested under the Oklahoma School Testing Program.** Credit by examination for courses that are tested under the Oklahoma School Testing Program ("OSTP") at 70 O.S. § 1210.508 shall require the student to obtain a proficient score on an assessment tool identified by the district in accordance with local school district policies.

(i) Credit by examination for secondary-level courses that are used to meet high school graduation requirements and are tested under the Oklahoma School Testing Program at 70 O.S. § 1210.508 shall require a score of at least "Proficient" or above in the criterion-referenced test that corresponds to the required course.

~~(ii) Credit by examination in lieu of completion of the required Carnegie units in secondary coursework for any course in a subject area identified in 70 O.S. § 1210.523 that requires an end-of-instruction examination shall require the student to obtain a score of "Proficient" or above on the end-of-instruction examination for the course administered pursuant to the provisions of 70 O.S. §§ 1210.508 and 1210.523.~~

~~(iii)~~ (ii) Credit by examination for any elementary or middle level course shall require the student to obtain a score of "Proficient" or above on the criterion-referenced test that corresponds to the course for which the student seeks credit.

(B) **Courses not tested under the Oklahoma School Testing Program.** Credit by examination for courses not tested under the Oklahoma School Testing Program at 70 O.S. § 1210.508 shall require the student to obtain a proficient score on an assessment tool identified by the school district in accordance with local school district policies and approved by the local district board of education.

(i) Every school district shall ensure that each assessment tool identified for use to provide credit through examination pursuant to the provisions of this subparagraph meets all of the following requirements:

(I) The assessment tool for the curriculum area requires a demonstration of proficiency that is appropriate to the subject area; and

(II) The assessment tool for the curriculum area is aligned to the district's curriculum standards and accurately measures the student's demonstration of the sets of competencies in the current academic method and process standards most recently adopted by the State Board of Education.

(ii) Examples of types of appropriate assessment tools in curriculum areas not tested under the provision of the OSTP may include, but shall not be limited to:

- (I) A portfolio of student work;
- (II) A criterion-referenced assessment;
- (III) A student thesis;
- (IV) A student project;
- (V) A student performance or recital.

(3) **Students with disabilities.** Every evaluation or assessment tool administered to students in accordance with the provisions of this Section shall include necessary accommodations set forth in a student's IEP or Section 504 plan, if any. Accommodations to a proficiency assessment may be approved by a local district for students with disabilities. The appropriateness of such accommodations shall be determined on a case-by-case basis in accordance with the student's IEP or Section 504 plan.

(d) **Results of proficiency assessments.** Each district shall establish policies for student placement and/or promotion that include consideration of the results of assessments given in accordance with the provisions of this Section. Such policies shall ensure compliance with all of the following requirements:

(1) **Unsuccessful demonstration of proficiency.** Failure to demonstrate proficiency in an assessment provided in accordance with the provisions of this Section shall not be noted on the student's transcript.

(2) **Successful demonstration of proficiency.** Decisions regarding promotion of students who demonstrate proficiency in a required curriculum area in accordance with the provisions of this Section shall be determined in accordance with local school district policies and shall meet all of the following requirements:

(A) The school shall confer with **parents/guardians** in making decisions regarding student placement or promotion. Such factors as social, emotional and intellectual needs of the student should be considered.

(B) If the parent or guardian requests promotion/acceleration contrary to the recommendation of school personnel, the parent or guardian shall sign a written statement which shall be included in the permanent record of the student.

(C) If a student is being assessed in a set of competencies that is part of a curriculum sequence, the student may demonstrate proficiency in any sequence recommended by the school district.

(D) Options for accommodating a student's needs for advancement after a student has demonstrated proficiency may include, but are not limited to, the following:

- (i) Individualized instruction
- (ii) Correspondence courses
- (iii) Independent study
- (iv) Concurrent enrollment
- (v) Cross-grade grouping
- (vi) Cluster grouping
- (vii) Grade/course skipping
- (viii) Individualized education programs
- (ix) Supplemental online courses



## **RULE IMPACT STATEMENT**

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

- a. **What is the purpose of the proposed rule change?**  
The proposed rule action makes necessary updates to terminology in six sections of the school accreditation standards. References throughout the accreditation rules to the superseded "Priority Academic Student Skills" (PASS) subject matter standards are updated to the current "Oklahoma Academic Standards". The administrative rule addressing proficiency based promotion and student placement is also being updated to remove requirements related to the discontinued Achieving Classroom Excellence (ACE) Act and end-of-instruction (EOI) exams.
- b. **What classes of persons will be affected by the proposed rule change and what classes of persons will bear the costs of the proposed rule change?**  
The change will affect school districts and state accreditation personnel, and no costs will result from the amendments.
- c. **What classes of persons will benefit from the proposed rule change?**  
The change will benefit school districts and state accreditation personnel, in that the administrative rules for school accreditation will align with new terminology for the subject matter standards, and will no longer include outdated requirements relating to ACE and EOI exams.
- 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:** September 25, 2017



## **STATUTORY AUTHORITY FOR 210:35**

### **Oklahoma Statutes**

#### **Title 70. Schools**

##### **Chapter 1 - School Code of 1971**

##### **Article III - State Department of Education**

##### **Section 3-104.4 - Standards for Accreditation of Public Schools - Assistance - Compliance**

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A. On or before February 1, 1991, the State Board of Education shall adopt standards for the accreditation of the public schools in this state according to the requirements of this act, to be effective as set forth in this act. The accreditation standards shall incorporate the curricular standards established pursuant to Section 11-103.6 of this title. The accreditation standards shall equal or exceed the accreditation standards for schools promulgated by the North Central Association of Colleges and Schools to the extent that the standards are consistent with an academic results oriented approach to accreditation, excluding those standards which deal with affective behavior to the extent the adoption of the standards does not conflict with state statute. The accreditation adopted by the State Board shall encompass accreditation for elementary schools, middle schools, junior high schools, and high schools. The accreditation standards shall be made available for public inspection at the offices of the State Department of Education.

B. Standards for accreditation adopted by the State Board of Education shall include standards relating to the provision of school counselors to the public school children of this state. The State Board of Education shall require each local school district to provide information regarding the number of counselors serving each school site, the duties of all such counselors including all administrative duties, the number of students served by each counselor, and information regarding the number of counselors employed per elementary school, middle school, junior high school and high school.

C. Except as otherwise provided by subsection A of this section with regard to curricular standards, as a condition of receiving state accreditation pursuant to this act:

1. High schools shall meet the accreditation standards not later than June 30, 1995; and
2. Elementary, middle and junior high schools shall meet the accreditation standards not later than June 30, 1999.

Schools shall thereafter continue to meet the accreditation standards as a condition of continued accreditation. Nothing herein shall be construed as preventing changes to the adopted standards by the State Board of Education pursuant to the Administrative Procedures Act.

D. If one or more school sites fails to receive accreditation as required pursuant to this section by the dates set forth in subsection C of this section or subsequently loses accreditation, the State Board of Education shall close the school and reassign the students to accredited schools within the district or shall annex the district to one or more other districts in which the students can be educated in accredited schools.

E. Standards for accreditation adopted by the State Board of Education shall include standards relating to the provision of educational services provided in partial hospitalization programs, day treatment programs, day hospital programs, residential treatment programs and emergency shelter programs for persons between the ages of three (3) and twenty-one (21) years of age. The accreditation standards shall apply to onsite and offsite educational services provided by public school districts or state-accredited private schools. The accreditation standards shall provide for warnings, probation or nonaccredited status for schools that fail to meet the standards. Each school which is providing or is required to provide

educational services for students placed in a program as described in this subsection shall be actively monitored by the State Department of Education. The Department shall determine on an ongoing basis if the educational program and services are in compliance with the accreditation standards. The Department shall investigate a complaint of failure to provide educational services within ten (10) days of receiving the complaint. If the Department determines that a school has failed to comply with the accreditation standards the Department shall report the recommended warning, probation or nonaccredited accreditation status to the State Board of Education within sixty (60) days. If a school does not take action to comply with the accreditation standards within ninety (90) days after a report is filed by the Department, the Board shall withdraw accreditation for the school.

F. State Board accreditation regulations shall provide for warnings and for assistance to schools and school districts whenever there is reason to believe a school is in danger of losing its state accreditation.

G. The State Board shall provide assistance to districts in considering the possibility of meeting accreditation requirements through the use of nontraditional means of instruction. The State Board shall also assist districts in forming cooperatives and making arrangements for the use of satellite instruction or other instructional technologies to the extent that use of such instructional means meets accreditation standards.

H. 1. Accreditation shall not be withdrawn from or denied nor shall a penalty be assessed against a school or school district for failing to meet the media materials and equipment standards and media program expenditure standards as set forth in the accreditation standards adopted by the Board.

2. The provisions of paragraph 1 of this subsection shall cease to be effective during a fiscal year immediately following a fiscal year that the state financial support of public schools provides an amount equal to or more than Three Thousand Two Hundred Ninety-one Dollars and sixty cents (\$3,291.60) per weighted average daily membership as calculated pursuant to Section 18-200.1 of this title and reported to school districts by the State Department of Education on the initial tentative State Aid allocation notice.

3. If the amount set and calculated as provided for in paragraph 2 of this subsection is reduced by one percent (1%) or more as reported to school districts by the Department on the initial tentative State Aid allocation notice for the following fiscal year, the provisions of paragraph 2 of this subsection shall cease to be effective and the provisions of paragraph 1 of this subsection shall continue to be effective.

I. 1. The State Board shall not assess a financial penalty against any school district which is given a deficiency in accreditation status during any fiscal year as provided for in this subsection.

2. The provisions of paragraph 1 of this subsection shall cease to be effective during a fiscal year immediately following a fiscal year that the state financial support of public schools provides an amount equal to or more than Three Thousand Two Hundred Ninety-one Dollars and sixty cents (\$3,291.60) per weighted average daily membership as calculated pursuant to Section 18-200.1 of this title and reported to school districts by the State Department of Education on the initial tentative State Aid allocation notice.

3. If the amount set and calculated as provided for in paragraph 2 of this subsection is reduced by one percent (1%) or more as reported to school districts by the Department on the initial tentative State Aid allocation notice for the following fiscal year, the provisions of paragraph 2 of this subsection shall cease to be effective and the provisions of paragraph 1 of this subsection shall continue to be effective.

J. Accreditation shall not be withdrawn from or denied, nor shall a penalty be assessed against, a school district for complying with this section.