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STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
STATE OF OKLAHOMA

To: The Honorable Members of the State Board of Education

From: Office of Legal Services

Date: June 26, 2014

Re: Proposed emergency rules necessary to comply with HB 3399 (2014)

In order to comply with the provisions of HB 3399, the State Department of Education recommends Board adoption of the following emergency rules:

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210:15-34-1. General Provisions [AMENDED]

Text of Proposed Rule

**TITLE 210. OKLAHOMA STATE DEPARTMENT OF EDUCATION
CHAPTER 15. CURRICULUM AND INSTRUCTION**

SUBCHAPTER 4. COMMON CORE STATE STANDARDS [REVOKED]

210:15-4-1. Purpose [REVOKED]

The rules of the Subchapter have been adopted for the purpose of adopting and implementing the Common Core State Standards as developed by the National Governors Association Center for Best Practices and the Council of Chief State School Officers as part of a multi-state initiative to increase the rigor and comparability of state standards to meet the desired levels of competencies for students in public schools according to 70 O.S. § 11-103.6 and to review and revise core curriculum requirements according to provisions of 70 O.S. § 11-103.6(a).

210:15-4-2. Definitions [REVOKED]

The following words and terms, when used in this Subchapter, shall have the following meaning:

—"**Common Core State Standards**" means the standards and expectations developed and/or revised by the National Governors Association Center for Best Practices and the Council of Chief State School Officers.

—"**English Language Arts**" means the set of Common Core State Standards developed and/or revised for grades K-12 including reading (foundational skills, reading literature, and reading informational text), writing, speaking and listening, and language.

—"**Literacy in History/Social Studies and Science**" means the set of Common Core State Standards developed and/or revised for grades 6-12 including reading standards for history/social studies, reading standards for science, and writing standards for history/social studies and science.

—"**Mathematics**" means the set of Common Core State Standards developed and/or revised for grades K-12 including number (counting and cardinality, operations and the problems they solve, base ten, and fractions), measurement and data, geometry, ratios and proportional relationships, the number system, expressions and equations, functions, statistics and probability, High School—number and quantity, High School—algebra, High School—functions, High School—modeling, High School—probability and statistics, and High School—geometry.

210:15-4-3. Adoption and implementation [REVOKED]

(a) The Common Core State Standards in English Language Arts, Literacy in History/Social Studies and Science, and Mathematics shall be adopted and implemented as follows:

(1) Effective immediately, the Common Core State Standards in English Language Arts, Literacy in History/Social Studies and Science, and Mathematics are adopted by the State of Oklahoma;

(2) Beginning with the 2010-2011 school year, the school districts of the state shall develop and begin implementing a plan for transitioning from the Priority Academic Student Skills to full implementation of the Common Core State Standards in English Language Arts, Literacy in History/Social Studies and Science, and Mathematics as described in (b) of this rule by the 2014-2015 school year or the school year in which common assessments aligned to the Common Core State Standards will be available, whichever is later;

- ~~(3) Beginning with FY 2011, the Oklahoma State Department of Education shall pursue participation in consortia of states, as appropriate, to develop common assessments aligned to the Common Core State Standards; and~~
- ~~(4) The Priority Academic Student Skills shall remain as the assessed standards until such time that full implementation of the Common Core State Standards are required and common assessments aligned to those standards are available.~~
- ~~(b) By the 2014-2015 school year or the school year in which common assessments aligned to the Common Core State Standards will be available, whichever is later, the Common Core State Standards in English Language Arts, Literacy in History/Social Studies and Science, and Mathematics shall be fully implemented by replacing or being added to the Priority Academic Student Skills as follows:~~
- ~~(1) English Language Arts for grades K-12 shall replace the Priority Academic Student Skills in Language Arts for grades K-12 with the provision that the State Board of Education reserves the right to add up to 15 percent additional standards to the Common Core State Standards as appropriate;~~
- ~~(2) Literacy in History/Social Studies and Science for grades 6-12 shall be added to the Priority Academic Student Skills in:~~
- ~~(A) World studies for grade 6, world geography for grade 7, and United States History 1760-1877 for grade 8;~~
- ~~(B) Economics for high school, Oklahoma history for high school, United States government for high school, United States History 1850 to the Present for high school, world geography for high school, and World History for high school;~~
- ~~(C) Inquiry, physical, life, and earth/space science for grades 6-8; and~~
- ~~(D) Biology I, Chemistry, and Physics; and~~
- ~~(3) Mathematics for grades K-12 shall replace the content and process standards of the Priority Academic Student Skills in:~~
- ~~(A) Mathematics for grades K-8 with the provision that the State Board of Education reserves the right to add up to 15 percent additional standards to the Common Core State Standards as appropriate; and~~
- ~~(B) Algebra I, Algebra II, and Geometry with the provision that the State Board of Education reserves the right to add up to 15 percent additional standards to the Common Core State Standards as appropriate, provided that a committee of Oklahoma stakeholders assembled by the State Department of Education has separated the Common Core State Standards for high school mathematics into appropriate courses.~~
- ~~(c) At any point in time that the National Governors Association Center for Best Practices and the Council of Chief State School Officers or any other consortia of which Oklahoma is a member and that represents the best interests of a majority of states reviews or revises the Common Core State Standards in English Language Arts, Literacy in History/Social Studies and Science, or Mathematics, these revisions shall be adopted, effective immediately upon approval of the State Board of Education, and implemented through a transition process similar to that described in (a)(2) with full implementation by the school year in which common assessments aligned to those revisions are available.~~
- ~~(d) At any point in time that the National Governors Association Center for Best Practices and the Council of Chief State School Officers or any other consortia of which Oklahoma is a member and that represents the best interests of a majority of states develops Common Core State Standards in any additional content areas, these standards shall be reviewed and adopted by the State Board of Education as appropriate, and implemented through a transition process~~

~~similar to that described in (a)(2) with full implementation by the school year in which common assessments aligned to those standards are available.~~

Rule Impact Statement

RULE IMPACT STATEMENT
TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 15. CURRICULUM AND INSTRUCTION

SUBCHAPTER 4. COMMON CORE STATE STANDARDS [REVOKED]

- a. **What is the purpose of the proposed rule change?**
The purpose of the proposed change is to revoke the 2011 rules at 210:15-4-1, 210:15-4-2, and 210:15-4-3 pertaining to adoption and implementation Common Core academic standards. Pursuant to 75 O.S. § 253(A)(c), the emergency rule is necessary to comply with HB 3399, which went into effect on June 5, 2014.
- 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 changes will affect public school students and teachers, as well as public school districts and public schools.
- c. **What classes of persons will benefit from the proposed rule change?**
The proposed changes will benefit public school students and teachers as well as public school districts and public schools.
- 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. Any economic impact relating to revocation of state Common Core academic standards results is attributable to the implementation of HB 3399, rather than the proposed rule.
- 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. Any costs of implementation and enforcement relating to revocation of state Common Core academic standards is attributable to the implementation of HB 3399, rather than the proposed rule. 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 implementation of the proposed rule at this time.

k. **Date Prepared:** June 24, 2014.

Text of Proposed Rule

**TITLE 210. OKLAHOMA STATE DEPARTMENT OF EDUCATION
CHAPTER 15. CURRICULUM AND INSTRUCTION**

SUBCHAPTER 34. SUPPLEMENTAL ONLINE COURSE PROCEDURES

210:15-34-1. General provisions

(a) **Purpose.** The purpose of this program is to make supplemental learning opportunities available to local school district students using online technology in a nontraditional classroom setting, (i.e., inside or outside of public school site locations). The supplemental online course enrollment options are for public school students enrolled in the district. This rule establishes policies and procedures as directed by 2011 Senate Bill 280, which amends Oklahoma Statute Title 70, Section 1-111.

(b) **General Information.** The Oklahoma Supplemental Online Course Program (hereafter referred to as OSOCP), establishes a framework for districts to offer supplementary online courses to any public student residing in Oklahoma. All OSOCP teachers shall be: 1) appropriately certified in accordance with Oklahoma Administrative Rule 210:35-21-2 to teach in the content area of the course offered, or 2) a faculty member at an accredited institution of higher education, possessing the specific content expertise necessary to teach the course. All courses offered through OSOCP shall be aligned with Oklahoma's Priority Academic Student Skills (PASS) ~~curriculum standards, and/or Common Core State Standards (CCSS)~~. Local districts have control regarding the method by which they deliver online courses to enrolled students.

(c) **Definitions.**

(1) **Supplemental online course.** An online program that allows students who are enrolled in a public school to supplement their education by enrolling part time in online courses that are educationally appropriate for the student, which are equal to the equivalent of classroom instruction time required for student attendance and participation by the district.

(2) **Educationally appropriate.** For the purposes of supplemental online courses, "educationally appropriate" means any instruction that is not substantially a repeat of a course or portion of a course that the student has successfully completed, regardless of the grade of the student, and regardless of whether a course is similar to or identical to the instruction that is currently offered in the school district. The determination of educationally appropriate will be made at local district level.

Rule Impact Statement

RULE IMPACT STATEMENT
TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 15. CURRICULUM AND INSTRUCTION

SUBCHAPTER 34. SUPPLEMENTAL ONLINE COURSE PROCEDURES

- a. **What is the purpose of the proposed rule change?**
The purpose of the proposed change is to amend the rule at 210:15-34-1 pertaining to supplemental online course procedures. The proposed change removes the reference to Common Core academic standards. Pursuant to 75 O.S. § 253(A)(c), the emergency rule is necessary to comply with HB 3399, which went into effect on June 5, 2014.
- 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 changes will affect public school students and teachers, as well as public school districts and public schools.
- c. **What classes of persons will benefit from the proposed rule change?**
The proposed changes will benefit public school students and teachers as well as public school districts and public schools.
- 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 implementation of the proposed rule at this time.

- k. **Date Prepared:** June 24, 2014.