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Mary Fallin, Governor
Dave Lopez,
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Peggy Coe, Editor-in-Chief

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- (b) Disinfectants shall only be used if registered with the Environmental Protection Agency for use as a disinfectant to achieve its intended purpose in accordance with the product label. Licensees shall be responsible for product knowledge.
- (c) Licensees shall wash their hands, forearms and above the elbows after each client session.
- (d) Clean towels, gowns, linens and sheets shall be used for each client.
- (e) Clean towels, gowns, linens and sheets shall be kept in a closed area that is free from contamination.
- (f) A suitable hamper-type container shall be provided for soiled towels, gowns, linens or sheets.
- (g) All liquids, creams and other products shall be kept in clean, closed containers.
- (h) All products used on a client must be dispensed by a spatula, scoop, spoon, squeeze bottle, pump, dropper or similar dispenser so that the remaining product is not contaminated.
- (i) Products applied to one client cannot be removed and reused on another client.
- (j) Licensees shall observe universal precautions as published by the Centers for Disease Control in the event of exposure to blood or bodily fluids.
- (k) No licensee shall massage any person when the surface to be massaged or has open cuts, lesions or infection.

175:20-9-4. Client draping and privacy

- (a) A licensee shall use appropriate draping to protect the client's physical and emotional privacy. When a client remains dressed for a seated massage or sports massage, draping is not required.
- (b) A licensee shall provide a private area for the client to change before and after service. The licensee shall respect the client's privacy while changing unless the client requires assistance due to age or disability and the client consents to assistance.

SUBCHAPTER 11. GROUNDS FOR DISCIPLINE

175:20-11-1. Grounds for discipline

- (a) The Board may take the following disciplinary action against a licensee:
 - (1) refuse to renew a license;
 - (2) suspend or revoke a license;
 - (3) issue an administrative reprimand; or
 - (4) impose probationary conditions.
- (b) The Board may take disciplinary action upon a finding that the licensee has violated any provision of the Massage Therapy Practice Act, any rule of the Board or has engaged in any unprofessional conduct that endangers or is likely to endanger the health, welfare or safety of the public. Evidence of conduct that endangers or is likely to endanger the health, welfare or safety of the public may include but shall not be limited to:
 - (1) pleading guilty, nolo contendere or being convicted of a felony;

- (2) pleading guilty, nolo contendere or being convicted of a misdemeanor involving moral turpitude; or
- (3) pleading guilty, nolo contendere or being convicted of a violation of federal or state controlled dangerous substance laws.

SUBCHAPTER 13. COMPLAINTS AND HEARINGS

175:20-13-1. Complaints and disciplinary proceedings

- (a) Disciplinary proceedings may be instituted by sworn complaint of any person, including members of the Board, and shall conform to the provisions of the Administrative Procedures Act.
- (b) Complaints shall be made, and investigations and disciplinary proceedings shall be conducted, as provided for in Subchapter 5 of Chapter 1 of this Title.
- (c) A license holder who has been found guilty and sanctioned by the Board shall be responsible for the payment of all costs of the disciplinary proceedings and any administrative fees imposed.

SUBCHAPTER 15. FEE SCHEDULE

175:20-15-1. Massage Therapy Practice Act license and penalty fees

- (a) The following license and penalty fees are hereby adopted:
 - (1) Massage Therapist License (prior to May 1, 2017) - \$25.00
 - (2) Massage Therapist License (after May 1, 2017) - \$50.00
 - (3) Massage Therapist License by Reciprocity - \$65.00
 - (4) License Renewal - \$50.00
 - (5) Duplicate license (in case of loss or destruction of original license and/or renewal application) - \$5.00
 - (6) Notary Fee - \$1.00
 - (7) Certification of Records - \$10.00
 - (8) Late fee (for licenses renewed during the one-month grace period) - \$10.00
- (b) All fees shall be submitted to the Board in the form of a cashiers check, money order or business check. Personal checks are not accepted by the Board.

[OAR Docket #17-468; filed 6-19-17]

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 1. STATE BOARD OF EDUCATION**

[OAR Docket #17-436]

RULEMAKING ACTION:
PERMANENT final adoption

Permanent Final Adoptions

RULES:

Subchapter 5. Due Process
210:1-5-6. Suspension and/or revocation of certificates [AMENDED]

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 22 O.S. § 18

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:

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n/a

INCORPORATIONS BY REFERENCE:

n/a

GIST/ANALYSIS:

Two provisions are added to the rule governing the suspension and revocation of certificates issued by the State Board of Education to teachers, administrators, and other school personnel. Language is added to subsection (k) providing that an individual who has had a certificate revoked may apply for reinstatement if the revocation was based on an offense which has been expunged by a court of competent jurisdiction. A new subsection (l) is also added, directing the State Board of Education to notify the superintendents of all Oklahoma school districts to the extent possible when an individual's certificate has been suspended or revoked by the Board.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S. SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2017:

SUBCHAPTER 5. DUE PROCESS

210:1-5-6. Suspension and/or revocation of certificates

(a) **Application.** The rules and regulations of the State Board of Education governing the suspension and revocation of certificates apply to the following: superintendents of schools, principals, supervisors, librarians, school nurses, school bus drivers, visiting teachers, classroom teachers and other personnel performing instructional, administrative and supervisory services in the public schools. Except as otherwise specifically provided by law, the issuance or denial of a new certificate shall not be considered an individual proceeding subject to the process and procedures set forth in this Section.

(b) **Grounds for revocation.** A certificate shall be revoked only for:

(1) A willful violation of a rule or regulation of the State Board of Education, or the United States Department of Education; or

(2) A willful violation of any federal or state law, or

(3) A conviction for any of the offenses or bases for revocation set forth in 70 O.S. §§ 3-104 or 3-104.1; or

(4) For other proper cause.

(c) **Duty to report and refrain from illegal activity.**

It shall be a violation of State Board of Education rules and regulations for any person holding a valid teaching certificate to be aware of and fail to report, or knowingly participate in any activity deemed illegal while participating in job-related activities of student organizations, athletic and scholastic competitions, fairs, stock shows, field trips, or any other activity related to the instructional program. Willful violation of (b)(1)-(b)(4) of this regulation or the failure to report or knowing participation in any activity deemed illegal may result in recommendation of revocation or suspension of the certificate, or such other penalty, as may be determined after due process by the State Board of Education.

(d) **Right to hearing on revocation of an existing certificate.** No certificate shall be revoked until the holder of the certificate has been provided with a copy of the application to revoke the certificate and opportunity for a hearing provided by the State Board of Education in accordance with the following procedures:

(1) **Filing of application to revoke a certificate.** An individual proceeding to revoke a certificate shall be initiated by filing an application to revoke a certificate. An application to revoke a certificate shall be filed with the Secretary of the State Board of Education by the State Department of Education. The application shall name the holder of the certificate to be revoked as the respondent in the action, and shall contain:

(A) A statement of the legal authority and jurisdiction under which the applicant seeks to initiate the proceeding and the hearing is to be held;

(B) A reference to each particular statute and/or rule involved;

(C) A short and plain statement of the allegations asserted; and

(D) A statement of the facts alleged to give rise to the revocation. The application shall also state a proposed effective date for the relief requested (e.g., revocation), which shall be set no earlier than forty-five (45) calendar days from the date the complaint is filed.

(2) **Informal disposition.** Informal disposition of the application to revoke a certificate may be made by stipulation, agreed settlement, consent order, or default, unless otherwise precluded by law. Written notice signed by each party or counsel representatives shall be delivered to the Secretary of the State Board of Education prior to the time of the scheduled hearing.

(3) **Notice to parties.** Within three (3) business days of the date the application to revoke a certificate is filed with the Secretary of the State Board of Education, the Secretary shall send a copy of the application along with a notice

of intent to revoke the certificate by certified or registered mail, restricted delivery with return receipt requested, to the holder of the certificate. It is the responsibility of every certificate holder to notify the State Department of Education upon a change of address, and the mailing address on file for each certificate holder shall be presumed to be a proper address for service of notice. Service of notice of intent to revoke a certificate shall be deemed complete upon certified or registered mailing of the notice to the certificate holder's last known address. In addition to the requirements of notice set forth at 75 O.S. § 309, the notice of intent to revoke the certificate shall include:

(A) A statement setting forth the proposed effective date of revocation of the certificate; and

(B) A statement advising the holder that if the holder fails to appear for a hearing and contest the revocation, the allegations in the application for revocation will be deemed confessed and the Board may issue a final order to effect revocation of the certificate as of the effective date proposed in the notice.

(e) **Emergency Action.** Pursuant to 75 O.S. § 314, in the event the State Board of Education finds that public health, safety, or welfare imperatively requires emergency action, the State Board of Education may issue an emergency order summarily suspending a certificate pending an individual proceeding for revocation or other action. Such proceedings shall be promptly instituted and determined. Such an order shall include specific findings of fact specifying the grounds for the emergency action. Within three (3) business days of the issuance of the order by the Board, a copy of the order shall be sent to the holder of the certificate via certified or registered mail, delivery restricted to the certificate holder, with return receipt requested.

(f) **Hearing procedures.**

(1) **Hearing and appointment of a hearing officer.** Upon filing the application with the Secretary of the Board, the Secretary shall set the matter for a hearing. The Board, at its discretion, may utilize a hearing officer to conduct the hearing. If utilized, the hearing officer shall be appointed by the Chairperson of the Board.

(2) **Attendance of witnesses.** If the complainant, or the holder of the certificate wants any person to attend the hearing and testify as a witness, he/she shall notify the Chairperson of the State Board of Education at least fifteen (15) calendar days prior to the hearing, in writing, giving the name and address of the desired witness, and the Chairperson shall thereupon subpoena, by mail, the desired witness to attend in accordance with the provisions of this subsection. Every person testifying at a revocation hearing shall be sworn to tell the truth. The parties to the hearing shall exchange witness and exhibit lists and any exhibits no later than fifteen (15) calendar days prior to the hearing.

(3) **Subpoenas.** Subpoenas and/or subpoenas duces tecum may be issued in accordance with the following procedures:

(A) **Issuance of subpoenas.** Subpoenas for the attendance of witnesses, or for the production of books,

records, papers, objects, or other evidence of any kind as may be necessary and proper for the purposes of a proceeding shall be issued by the Secretary of the Board at the direction of the Chairperson; upon order of the Board; or at the request of any party to a proceeding before the Board. The signature of the Secretary shall be sufficient authentication for any subpoena.

(B) **Service of subpoenas.** Subpoenas shall be served in any manner prescribed for service of a subpoena in a civil action in the district courts of the State of Oklahoma.

(C) **Objections to and compliance with subpoenas.** Any party to the proceeding may move to quash a subpoena or subpoenas duces tecum issued in accordance with the provisions of this Section, provided that, prior to quashing a subpoena or subpoenas duces tecum the agency shall give notice to all parties. A subpoena or subpoenas duces tecum may not be quashed if any party objects.

(D) **Enforcement of subpoenas.** Upon the failure of any person to obey a subpoena, or upon the refusal of any witness to be sworn or make an affirmation or to answer a question put to her or him in the course of any individual proceeding or other authorized action of the Board, the Board as soon as convenient shall consider the issue of enforcement of the subpoena. By resolution, it may direct application to the district or superior court of the county of such person's residence or to any judge thereof for an order to compel compliance with the subpoena or the furnishing of information or the giving of testimony. Meanwhile, the hearing or other matters shall proceed, so far as is possible, but the Board at its discretion at any time may order a stay or continuance of the proceedings for such time as may be necessary to secure a final ruling in the compliance proceedings.

(E) **Costs of issuance and service of subpoenas.** The costs covering the issuance and service of subpoenas and all witness fees incurred on behalf of a party to the proceedings, other than the Board, shall be borne by the party on whose behalf they are incurred.

(4) **Right to representation.** Any party to the individual proceeding shall at all times have the right to representation by counsel, provided that such counsel must be duly licensed to practice law by the Supreme Court of Oklahoma, and provided further that counsel shall have the right to appear and act for and on behalf of the party represented.

(5) **Legal counsel to State Board of Education.** The attorney for the State Board of Education shall present evidence to the Board, in furtherance of the application. If deemed necessary by the Chairperson of the Board, a request may be made of the Attorney General to provide counsel to the Board to rule on questions of admissibility of evidence, competency of witnesses, and any other questions of law. In the event that counsel is not requested

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from the Attorney General the Chairperson of the Board will rule on the evidence, competency of the witness and other questions of law.

(6) **Disqualification of a Board member or hearing officer.** A Board member or hearing officer shall withdraw from any individual proceeding in which he or she cannot accord a fair and impartial hearing or consideration. Any party may request the disqualification on the ground of his or her inability to give a fair and impartial hearing by filing an affidavit promptly upon discovery of the alleged disqualification, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded. The issue shall be determined promptly by the Board, or if it affects a member of the Board, by the remaining members thereof, if a quorum. Upon the entry of an order of disqualification affecting a hearing officer, the Board shall either assign a replacement hearing officer, or conduct the hearing itself. Upon the entry of an order of disqualification affecting a Board member, the Governor immediately shall appoint a member pro tempore to sit in place of the disqualified member in that proceeding.

(7) **Notice of facts.** The Board shall give notice to all parties, prior to, or at the hearing, of any facts of which it proposes to take official notice. Any party or her/his attorney may request that official notice be taken of any fact qualified for such notice by the statutes of this state. If such official notice is taken, it shall be stated in the record, and all parties shall have opportunity to contest and give evidence in rebuttal or derogation of the official notice.

(8) **Presentation and consideration of evidence.** The State Board of Education shall consider only evidence upon the specific cause contained in the notice, and evidence will be heard for such cause. Questions of the admissibility of evidence shall be governed by the provisions of 75 O.S. § 310.

(9) **Order of procedure.** The order of procedure at the hearing shall be as follows:

- (A) Opening statements by legal counsel of both parties;
- (B) Presentation of evidence by both parties followed by cross-examination of witnesses, and questions by State Board members or the hearing officer;
- (C) Closing arguments by legal counsel of both parties; and
- (D) Submission of case to the Board or the hearing officer for decision.

(10) **Continuance of a hearing.** The Board or hearing officer may continue or adjourn the hearing at any time for a specified time by notice or motion. The Board or hearing officer may grant a continuance upon motion of a party for good cause shown if written request is filed and served on all parties of record and filed with the Secretary of the Board at least five (5) days prior to the date set for hearing. A respondent may be granted only one (1) continuance.

(g) **Deliberations and decisions.** Deliberations by the Board or the hearing officer in an individual proceeding may be held in executive session pursuant to the provisions of the Open Meeting Act set forth at 25 O.S. § 307.

(1) **Decision.** Decisions shall be issued in accordance with the following procedures:

(A) After hearing all evidence, and all witnesses, the State Board of Education or, if applicable, the hearing officer, shall render its decision on whether the certificate shall be revoked.

(B) The decision of the State Board of Education or a hearing officer presiding at the hearing shall be announced at the conclusion of the hearing and notification of that decision shall be by certified or registered mail, restricted delivery with return receipt requested to the holder of the certificate.

(C) If the holder of the certificate fails to appear at the scheduled hearing without prior notification within the time frame to request a stay or continuance set forth in (f)(10) of this Section, demonstration of good cause, the Board or hearing officer shall hold the party in default and issue an order sustaining the allegations set forth in the application.

(D) If the applicant fails to appear at the scheduled hearing without prior notification within the time frame to request a stay or continuance set forth in subsection (f)(10) of this Section, demonstration of good cause, or fails to prove the allegations by clear and convincing evidence, the application shall be dismissed.

(2) **Findings of fact and conclusions of law.** After the decision is announced, but before issuance of the final order, if the Board has not heard the case or read the record of the individual proceeding, the hearing officer shall provide the parties with an opportunity to prepare and submit proposed findings of fact and conclusions of law in accordance with the provisions of 75 O.S. § 311. After the parties have been given notice and an opportunity to file exceptions, present briefs and oral arguments to the proposed findings of fact and conclusions of law, the Board may take action to accept, reject, or modify the proposed Findings and Conclusions of the hearing officer. The Board shall render findings of fact and conclusions of law. All findings of fact made by the Board shall be based exclusively on the evidence presented during the course of the hearing or previously filed briefs, (made a part of the record), of the testimony of witnesses taken under oath.

(3) **Final order.** As the final determination of the matter, the final order shall constitute the final agency order and shall comply with the requirements set forth at 75 O.S. § 312. If no motion for rehearing, reopening or reconsideration of the order is filed in accordance with (h) of this Section, the final agency order shall represent exhaustion of all administrative remedies by the State Board of Education. All final orders in an individual proceeding shall be in writing and made a part of the record. Final orders are to be issued by the Chairperson of the Board or the presiding officer for transmission to the parties by the Secretary of the Board. Within five (5) business days of the date of issuance of the final order, parties shall be notified of a final order either personally or by certified mail, return receipt requested. Upon request, a copy of

the order shall be delivered or mailed to each party and the party's attorney of record, if any.

(4) **Communication with parties.** Unless required for the disposition of ex parte matters authorized by law, the Chairperson and the members of the Board, the hearing officer, or the employees or the agents of the Board shall not communicate, directly or indirectly, in connection with any issue of fact, with any person or party, nor, in connection with any issue of law, with any party or his or her representative except upon notice and opportunity for all parties to participate. The Chairperson and members of the Board or their employees may communicate with one another and have the aid and advice of one or more personal assistants. Advice may also be secured from the Attorney General's office.

(h) **Record of hearing.**

(1) The record of a hearing shall be set forth in such form and detail as the Chairperson or the Board may direct. The hearing may also be fully transcribed, and shall be placed on file in the Secretary's office. Parties to the proceeding may have the proceedings transcribed by a court reporter at their own expense. In accordance with the requirements of 75 O.S. § 309, the record shall include:

- (A) All pleadings, motions, and intermediate rulings;
- (B) Evidence received or considered during the individual proceeding;
- (C) A statement of matters officially noticed;
- (D) Questions and offers of proof, objections, and rulings thereon;
- (E) Proposed findings and exceptions;
- (F) Any decision, opinion, or report by the Board or a hearing officer presiding at the hearing; and
- (G) All other evidence or data submitted to the Board or hearing officer in connection with their consideration of the case.

(2) The State Board Secretary shall electronically record the proceedings, with the exception of the executive sessions. The recording shall be made and maintained in accordance with the requirements of 75 O.S. § 309, and a copy shall be provided to any party to the proceeding upon request. If the requesting party should desire the tape(s) to be transcribed by a court reporter, the requesting party shall bear the expense.

(i) **Rights to a rehearing, reopening or reconsideration.**

(1) A petition for rehearing, reopening or reconsideration of a final order must be filed with the Secretary of the State Board within ten (10) days from the entry of the order. It must be signed by the party or his or her attorney, and must set forth with particularity the statutory grounds upon which it is based. However, a petition based upon fraud practiced by the prevailing party or upon procurement of the orders by perjured testimony or fictitious evidence may be filed at any time. All petitions for rehearing, reopening, or reconsideration will be considered

and ruled upon as soon as the convenient conduct of the Board's business will permit.

(2) A petition for a rehearing, reopening, or reconsideration shall set forth the grounds for the request. The grounds for such a petition shall be either:

- (A) Newly discovered or newly available evidence, relevant to the issues;
- (B) Need for additional evidence adequately to develop the facts essential to proper decision;
- (C) Probable error committed by the Agency in the proceeding or in its decision such as would be grounds for reversal on judicial review of the order;
- (D) Need for further consideration of the issues and the evidence in the public interest; or
- (E) A showing that issues not previously considered ought to be examined in order to properly dispose of the matter. The grounds which justify the rehearing shall be set forth by the State Board of Education which grants the order, or in the petition of the individual making the request for the hearing.

(3) It is the burden of the party requesting a rehearing to notify the opposing party of the appeal.

(4) Rehearing, reopening, or reconsideration of the matter may be heard by the State Board of Education or may be referred to a hearing officer. The hearing must be confined to those grounds on which the recourse was granted.

(j) **Judicial review.** Any person or party aggrieved or adversely affected by a final order in an individual proceeding is entitled to certain judicial review in accordance with the provisions of the Oklahoma Administrative Procedures Act, and the procedures set forth therein shall govern appeals.

(k) **Applications for reinstatement of a licensure certificate.** After five (5) years of the effective date of revocation of a license certificate, or after expungement of the offense(s) that formed the basis for the revocation by a court of competent jurisdiction, an individual may apply for reinstatement of the license certificate in accordance with the application procedures set forth by the State Department of Education.

(l) **Notifications of suspension or revocation.** Upon the suspension or revocation of an individual's certificate, the State Board of Education shall notify the superintendent of the district that most recently employed the certified individual based upon the individual's certification number and the personnel reports currently on file with the State Department of Education. In addition, the State Board shall to the extent possible notify the superintendents of all Oklahoma school districts. Notification shall also be provided to the extent possible to certification officers in each state or territory of the United States.

[OAR Docket #17-436; filed 6-16-17]

Permanent Final Adoptions

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES

[OAR Docket #17-437]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 1. General Provisions
210:10-1-4. Length of term [AMENDED]

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 109

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FINAL ADOPTION:

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n/a

INCORPORATIONS BY REFERENCE:

n/a

GIST/ANALYSIS:

The rule outlining the minimum length of a school year must be updated to incorporate both scheduling options now available to school districts. Historically, the minimum length of the school year was one hundred eighty (180) days. House Bill 1864 (2009) added an option for school districts to adopt a total-hours rather than total-days school calendar, with a minimum of one thousand eighty (1,080) hours per school year that school must be in session. The rule is amended to include the 1,080 total-hours approach, and the October 15 deadline by which school districts must inform the State Board of Education they have adopted this option.

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**PURSUANT TO THE ACTIONS DESCRIBED HEREIN,
THE FOLLOWING RULES ARE CONSIDERED
FINALLY ADOPTED AS SET FORTH IN 75 O.S.
SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE
DATE OF SEPTEMBER 11, 2017:**

SUBCHAPTER 1. GENERAL PROVISIONS

210:10-1-4. Length of term

(a) The minimum length of term ~~the school year~~ will be one hundred eighty (180) days or one thousand eighty (1,080) hours ~~ten (10) months, (180 days actually taught).~~ ~~Provided provided not to exceed up to five (5) days or thirty (30) hours per school year of 180 days required~~ may be used for attendance of professional meetings. A school district

that adopts a 1,080 hours policy rather than a 180 day policy shall notify the State Board of Education prior to October 15 of the applicable school year. Where professional days are taken, they shall be so recorded in the register of attendance in a like manner as holidays are recorded. The legal aggregate days attendance will be divided by days actually taught to obtain the legal average daily attendance. Any school district holding less than a full term will have its state aid reduced proportionately. No district may have less than a full term of school unless conditions over which it has no control exist that would prevent the district's holding a full term. In cases where sites within a district have different length terms the average daily membership (ADM) and average daily attendance (ADA) should be calculated for each site separately.

(b) School activities must be under the direction or supervision of the teacher or supervisor whether such activities take place within or without the school building or school grounds in order to be considered a school day or part of a school day. Pupils dismissed and not under the direction or supervision of the teacher cannot be considered as participating in scheduled school activities. A student serving as a Page to the Legislature may be counted in attendance.

(c) All pupils attending any school within a school district including underage, overage, non-resident, and non-transferred pupils shall have their names entered in the attendance register and have their attendance recorded in the same manner as any other pupil.

[OAR Docket #17-437; filed 6-16-17]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES

[OAR Docket #17-673]

RULEMAKING ACTION:

PERMANENT final adoption of assessment system recommendations pursuant to House Bill 3218 (2016)

RULES:

Subchapter 13. Student Assessment
210:10-13-1.1. Assessment system [NEW]

AUTHORITY:

House Bill 3218 (2016), Section 5(C)(7) (not codified); State Board of Education

ADOPTION:

December 15, 2016

SUBMISSION OF ADOPTED STANDARDS TO LEGISLATURE:

February 6, 2017

LEGISLATIVE APPROVAL:

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EFFECTIVE:

September 11, 2017

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

GIST/ANALYSIS:

The rule sets forth Oklahoma's new student assessment system developed pursuant to House Bill 3218 (2016). House Bill 3218 directed the State Board of Education to study and develop a statewide system of assessments in consultation with the State Regents for Higher Education, Commission for

Educational Quality and Accountability, State Board of Career and Technology Education, and Secretary of Education and Workforce Development. On March 7, 2017, the Legislature adopted House Joint Resolution 1028 approving the assessment system recommended by the State Board of Education. House Bill 3218 (2016), Section 5(C)(7) directs the State Board of Education to submit final approved assessment requirements for publication in the Oklahoma Administrative Code in the same manner as agency rules.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULE IS EFFECTIVE AS OF SEPTEMBER 11, 2017:

SUBCHAPTER 13. STUDENT ASSESSMENT

210:10-13-1.1. Assessment system

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

- (1) **"College and career readiness (CCR)"** means that students graduate from high school prepared to enter and succeed in postsecondary opportunities, whether college or career.
- (2) **"Criterion-referenced"** means an assessment that compares a student's performance to a predetermined standard.
- (3) **"Cut score"** means, for each assessment, the score which the Commission for Educational Quality and Accountability has established as the minimum score required to meet the state's performance target for students taking the assessment.
- (4) **"Lexile"** means a score used within the Lexile framework for reading, which represents either the difficulty of a text or a student's reading ability level.
- (5) **"Norm-referenced"** means an assessment that compares a student's performance to the performance of others who take the assessment.
- (6) **"Quantile"** means a score used within the Quantile framework for mathematics that represents a forecast of, or a measure of, a student's ability to successfully work with certain math skills and concepts.
- (7) **"Scale score"** means a raw score that has been adapted through a customized set of mathematical procedures (e.g., scaling and equating) to account for differences in difficulty across multiple forms, and to enable the score to represent the same level of difficulty from one year to the next.
- (8) **"Summative assessment"** means an assessment conducted at the end of a defined period, such as an academic term or school year, which evaluates student performance against a set of learning targets for the instructional period.

(b) **Requirements for a system of assessments.** House Bill 3218 (2016) directed the State Board of Education to study and develop recommendations for a statewide system of student assessments, which were then submitted to the Oklahoma

Legislature for review. The full report of recommendations is available on the State Department of Education website. The assessment system recommended by the State Board of Education and subsequently approved by the Legislature was developed subject to the following requirements under 70 O.S. § 1210.508:

- (1) **Alignment with the Oklahoma Academic Standards;**
- (2) **Comparability of Oklahoma student performance with the performance of students in other states;**
- (3) **Capability of yielding both norm-referenced and criterion-referenced scores;**
- (4) **A track record of statistical reliability and accuracy; and**
- (5) **For assessments administered in high school, a measure of future academic performance.**

(c) **Goals.** Pursuant to the requirements to study and develop recommendations for a system of assessments, the State Department of Education convened an Assessment and Accountability Task Force that included educators, parents, tribal leaders, lawmakers, and business and community leaders from across the state. In consultation with experts in the fields of educational assessment and accountability, the Task Force identified the following as primary goals for Oklahoma's student assessment system:

- (1) **Provide instructionally useful information to teachers and students, with appropriate detail and timely reporting;**
- (2) **Provide clear and accurate information to parents and students regarding achievement and progress toward college and career readiness (CCR);**
- (3) **Provide meaningful information to support evaluation and enhancement of curriculum and programs; and**
- (4) **Provide information to appropriately support federal and state accountability decisions.**

(d) **Summative assessments for grades three (3) through eight (8).** The assessment system adopted by the State Board of Education and approved by the Legislature includes the following components for student assessment in grades three (3) through eight (8):

- (1) **Content alignment and timing.**
 - (A) **The Oklahoma Academic Standards will be maintained as the focus of state assessments, and assessments will continue to be administered at the ends of grades three (3) through grade eight (8).**
 - (B) **An adequate assessment of writing will be included to support coverage of the Oklahoma English Language Arts (ELA) standards.**
- (2) **Intended purpose and use.**
 - (A) **Assessments will support the calculation of growth for students in at least grades four (4) through eight (8).**
 - (B) **Assessments will demonstrate sufficient technical quality to support the intended purposes and current uses of student accountability, for example grade three (3) promotion based on reading assessment and driver license eligibility based on grade eight (8) English Language Arts (ELA) assessment.**

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(3) **Score interpretation.**

(A) Assessments will provide a measure of performance indicative of whether students appear to be on track to college and career readiness (CCR).

(B) Assessments will support criterion-referenced interpretations which measure student performance against the Oklahoma Academic Standards, and report individual claims including but not limited to scale score, Lexile, Quantile, content cluster, and growth performance.

(C) Assessments will support norm-referenced information to help contextualize the performance of students statewide using a feature such as intra-state percentiles.

(4) **Reporting and state comparability.**

(A) Assessments will support aggregate (group) reporting on claims including but not limited to scale score, Lexile, Quantile, content cluster, and growth performance.

(B) The assessment system will utilize the existing National Assessment of Educational Progress (NAEP) data to establish statewide comparisons at grades four (4) and eight (8). NAEP data will also be used during standard-setting activities to ensure the College and Career Readiness (CCR) cut score is set using national and other state data.

(e) **Summative assessments for high school.** The assessment system adopted by the State Board of Education and approved by the Legislature includes the following components for student assessment in high school:

(1) **Content alignment and timing.** A commercial college-readiness assessment (e.g., SAT, ACT) will be used in lieu of state-developed high school assessments in grades nine (9) or ten (10), with alignment to standards and other peer review requirements being a consideration.

(2) **Intended purpose and use.**

(A) The assessment will demonstrate sufficient technical quality to support the need for multiple and differing uses of assessment results.

(B) The possibility of linking college-readiness scores to information of value for students and educators will be explored (e.g., readiness for post-secondary opportunities, remediation risk).

(C) A focus on rigorous expectations of college and career readiness will be maintained.

(D) The assessment will ensure that all students in Oklahoma can be provided with a reliable, valid, and fair score regardless of the accommodations provided or the amount of time needed for a student to take the test, and will further ensure that scores reflecting college and career readiness can be provided to the accepting institution or employer of each student.

(3) **Score interpretation.**

(A) The assessment will support criterion-referenced interpretations of student performance against the Oklahoma Academic Standards, and report individual claims appropriate for high school students.

(B) The assessment will provide evidence to support claims of college and career readiness (CCR). These claims should be supported using theoretically related data in standard-setting activities (e.g., measures of college readiness and other nationally available data), and validated empirically using available postsecondary data linking to performance on the college-readiness assessment.

(C) The assessment will provide norm-referenced information to help contextualize the performance of students statewide using a feature such as intra-state percentiles.

(4) **Reporting and state comparability.**

(A) The assessment system will support aggregate (group) reporting on claims at appropriate levels of categorization for high school assessments (e.g., grade, subgroup, teacher, building/district administrator, state).

(B) The assessment system will support the ability to provide norm-referenced information based on other states that administer the same college-ready assessments, as long as unreasonable administration constraints do not inhibit those comparisons.

[OAR Docket #17-673; filed 8-7-17]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES

[OAR Docket #17-438]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 13. Student Assessment
210:10-13-16. Student exceptions and exemptions related to graduation requirements for end-of-instruction exams [REVOKED]

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 1210.523 (repealed)

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:

August 25, 2016

COMMENT PERIOD:

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October 27, 2016

APPROVED BY GOVERNOR'S DECLARATION:

Approved by Governor's Declaration on June 13, 2017.

FINAL ADOPTION:

June 13, 2017

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September 11, 2017

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

GIST/ANALYSIS:

210:10-13-16 laid out the state graduation requirements that were in place under the Achieving Classroom Excellence Act (ACE), and an appeal process for students who were denied a diploma under the requirement to pass four of the seven end-of-instruction exams required by 70 O.S. § 1210.523. This rule must be revoked because 70 O.S. § 1210.523 was repealed by House Bill 3218 (2016), and the ACE end-of-instruction exam graduation requirements are no longer in place.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S. SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2017:

SUBCHAPTER 13. STUDENT ASSESSMENT

210:10-13-16. Student exceptions and exemptions related to graduation requirements for end-of-instruction exams [REVOKED]

(a) **Definitions.** Words and terms in this section shall have the following meaning:

(1) **"Alternate method"** means demonstrating mastery of state academic content standards through an End of Course Project designed and approved by the State Board of Education. An End of Course Project is a project integrating and applying the knowledge and skills gained throughout a course to address a practical, real world challenge.

(2) **"Alternate test"** means a state or national test approved by the Oklahoma State Board of Education for one or more of the subject areas assessed by an end-of-instruction (EOI) exam, which equals or exceeds the rigor of the EOI exam.

(3) **"Extenuating Circumstances"** means circumstances which are unexpected, significantly disruptive, beyond a student's control, and which may have materially affected his/her academic performance.

(4) **"Proficient/Satisfactory"** means achieving at least the minimum score for demonstrating mastery as defined by the State Board of Education on an academic achievement test of the Oklahoma School Testing Program (OSTP).

(b) **ACE graduation requirements.** In accordance with 70 O.S. § 1210.523(A)-(E), students may graduate from a public high school with a standard diploma by demonstrating mastery in the state academic content standards for Algebra I; English II; and two of the following five: Algebra II, Biology I, English III, Geometry, and United States History. Students may demonstrate mastery by attaining at least a satisfactory or proficient score on the EOI exams or the following ways:

(1) Students who do not attain at least a satisfactory or proficient score on any of the four required EOI exams may be eligible to graduate with a standard diploma by

completing at least one of the steps below until a satisfactory or proficient score is attained and all other graduation requirements are met:

(A) Students shall be provided one or more remediation opportunities and will either:

(i) Retake the EOI exam(s) needed to fulfill graduation requirements;

(ii) Score satisfactory or proficient on a State Board of Education approved alternate test in the subject area. The approved alternate test may be taken prior to or subsequent to the EOI exam; or

(iii) Demonstrate mastery of the subject matter through an End of Course Project which includes meeting the level of mastery defined by the rubrics explained in paragraph (b)(2) of this section.

(B) School districts will only provide remediation for students while they are enrolled in public school.

(C) An alternate test may be used to meet the graduation requirements for more than one EOI exam. A student may take more than one alternate test to meet the graduation requirements.

(D) Remediation opportunities will be outlined in the local school district remediation plan (70 O.S. § 1210.523). School districts shall document a student's failure to participate in remediation including written acknowledgement of the graduation requirements by the student's parent or guardian.

(E) School districts shall document a student's failure to complete test retake opportunities. Documentation shall include written acknowledgement by the student's parent or guardian of the graduation requirements related to EOI tests.

(2) Students who have not attained a satisfactory or proficient score on one or more EOI exams needed to graduate may demonstrate mastery through an End of Course Project (Alternate Method):

(A) In order to demonstrate mastery and graduate through an alternate method on EOI exams, students must complete an End of Course Project for Algebra I, Algebra II, Biology I, English II, English III, Geometry, or United States History. End of Course Projects will be designed by the State Department of Education and approved by the State Board of Education.

(i) End of Course Projects for English II and English III must include a response to literature and a writing sample of comparable rigor to the EOI exams.

(ii) End of Course Projects for Biology I must include the process standards as assessed through laboratory experiments.

(B) End of Course Projects shall be classified by the State Department of Education and submitted to the State Board of Education for approval in three different categories: Category A, Category B, or Category C. Category A projects shall be offered to all students who choose the Alternate Method. Category B projects shall be offered as an Alternate Method to students as directed by an IEP and/or LIEP, and shall

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incorporate additional, varied approaches for students to demonstrate mastery of the state academic content standards. Category C projects shall be offered as an Alternate Method to students with the most significant cognitive disabilities and shall be designed for students who are participating in an OAAP assessment for that subject area in accordance with the student's IEP.

(C) School districts shall submit completed student End of Course Project(s) to the State Department of Education by April 1, August 1, or November 1 of each year. Projects will be evaluated and returned within 45 business days. Subject to the availability of funds, the State Department of Education may contract with individuals, educational institutions, or companies to evaluate these End of Course Projects. Evaluators shall use rubrics approved by the State Board of Education for determining student mastery of state academic content standards through End of Course Projects. If funds are not available, End of Course Projects will be evaluated at the local school district level according to requirements of the State Board of Education, and school districts shall submit reports of all student End of Course Project(s) either in progress or completed by April 1, August 1, and November 1 of each year.

(D) End of Course Projects must be retained for a minimum of 5 years from completion.

(3) Students who do not receive instruction in Oklahoma public schools may demonstrate mastery in required subjects by submitting documentation of proficiency on an equivalent state EOI exam(s) in the state in which instruction was received; attaining at least a satisfactory or proficient score (as defined by the Oklahoma State Board of Education) on the Oklahoma EOI exam(s); meeting the approved level of proficiency on an alternate test(s); demonstrating mastery through an End of Course Project(s) as described in (b)(1) and (b)(2) of this section.

(4) Students who do not have an opportunity to take required EOI exams without extending the date of graduation may demonstrate mastery in required subject areas by meeting the approved level of proficiency on an alternate test(s) or an End of Course Project(s).

(5) Students who have an Individualized Education Program (IEP) in accordance with the Individuals with Disabilities Education Act (IDEA) may demonstrate mastery of state academic content standards through a modified proficiency score on the state assessment(s) as established by the IEP Team. Any deviation from the standard conditions, accommodations, or proficiency score on the state assessment(s) must be established on the student's IEP, and shall be recorded on the student's cumulative record.

(6) Students who have an Individualized Education Program (IEP) in accordance with the Individuals with Disabilities Education Act (IDEA) that directs that the student is to be assessed with alternate achievement standards through the Oklahoma Alternate Assessment

Program (OAAP) may demonstrate mastery of state academic content standards upon a determination by the school district that the student has met all of the following criteria:

(A) The student's special education teacher of record, after consultation with the student's teacher in each subject in which the student failed to meet the requirements of (b) of this Section, provides the student with a written recommendation that the student should graduate with a standard diploma. The written recommendation shall be signed by the special education teacher of record, and shall include:

(i) A signed written statement by the principal of the student's school indicating support of the recommendation for graduation; and

(ii) Documentation demonstrating the acquired knowledge of the student by alternate measures as required by the IEP;

(B) The student completes remediation opportunities to the extent required by the IEP;

(C) The student retakes the exam in each subject in which the student failed to meet the requirements of (b) of this Section if the IEP requires retake opportunities;

(D) The student maintains at least a "C" average or the equivalent in each subject in which the student failed to meet the requirements of (b) of this Section; and

(E) The student meets all other graduation requirements of the school district in which the student is enrolled.

(7) Students who have scored ten percent (10%) above the cut scores annually approved by the State Board of Education on a designated alternate test shall have been deemed to have satisfactorily demonstrated mastery of state academic content standards in the subject area for which the alternative test has been approved by the State Board of Education and shall be exempt from taking the EOI exams in the corresponding subject area for which the alternate test has been approved. For purposes of this paragraph, the designated alternate tests shall be limited to the following exams:

(A) The American College Testing Program (ACT);

(B) The Scholastic Aptitude Test (SAT); or

(C) The ACT Plan or Preliminary Scholastic Aptitude Test/National Merit Scholarship Qualifying Tests (PSAT/NMSQT).

(8) Students who have attained a score that is equal to or above the cut scores annually approved by the State Board of Education on a designated alternate test shall have been deemed to have satisfactorily demonstrated mastery of state academic content standards in the corresponding subject area for which the alternate tests has been approved by the State Board of Education and shall be exempt from taking the EOI exams in the corresponding subject area for which the alternate test

has been approved. For purposes of this paragraph, the alternate tests shall be limited to the following exams:

- (A) Advanced Placement (AP) course exams;
- (B) The ACT WorkKeys job skills assessment;
- (C) College Level Examination Program (CLEP) exams; or
- (D) International Baccalaureate (IB) exams.

(9) The exemptions and exceptions set forth in this Section pertain only to ACE end-of-instruction graduation requirements. Nothing in this subsection shall be interpreted as exempting students from the course graduation requirements for completion of curriculum units or sets of competencies at the secondary level as set forth in 70 O.S. §11-103.6.

(10) Each year school districts shall report to the State Department of Education through the School District Reporting Site, by school site, the number of students issued standard diplomas based on the exceptions and exemptions outlined in these rules, including the categories of exceptions and exemptions granted.

(c) ~~ACE cumulative record.~~ In order to facilitate the monitoring of student progress toward meeting the graduation requirements of 70 O.S. § 1210.523, districts will maintain an Achieving Classroom Excellence (ACE) Demonstration of Mastery cumulative record for those students who do not attain at least a satisfactory or proficient score on any of the required EOI exams. All school districts in the state shall use this cumulative record uniform document, or all information required on the uniform document must be contained within the district's student information system. The State Department of Education will provide an electronic version of this cumulative record to the districts. This cumulative record shall accompany the student when transferring to a new district. For each student who meets the graduation requirements, the student's transcript shall read, "The student has met the graduation requirement of demonstrating mastery in the state academic content standards."

(d) **Appeal of denial of a standard diploma.** Any student who has been denied a standard diploma by the school district in which the student is or was enrolled for failing to meet the educational requirements of 70 O.S. § 1210.523 may appeal the denial to the State Board of Education in accordance with the following procedures:

(1) **Who may petition for appeal.** Petitions for appeal of a denial of a student diploma may be filed by the following:

- (A) A parent or legal guardian of a student or 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 70 O.S. §1-113(A)(1) may file an appeal with the State Board of Education as a petitioner on behalf of the student if the student is either considered a minor child as of the date of denial of the student's diploma; if the student is considered legally incompetent as of the date of denial of the student's diploma; or both.

(B) A student who is not otherwise considered legally incompetent may file a petition for appeal directly with the State Board of Education as a petitioner if the student has either:

- (i) Obtained the legal age of majority set forth under Oklahoma law; or
- (ii) Rights of majority have been conferred upon the student by a judicial order recognized by the courts of the State of Oklahoma.

(C) A school, school district, or local school board in which a student is or was enrolled may not name itself as a Petitioner for a student or file a petition on behalf of a student. Any petition for appeal submitted by a school district as a petitioner on behalf of a student shall be grounds for automatic dismissal of the petition for appeal.

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

(A) **Time of filing.** A notice of appeal must be submitted in writing for filing to the Secretary of the State Board of Education within thirty (30) days after the date the student, parent(s) of the student, or legal guardian of the student receives a written notice of denial of a standard diploma issued by the school district or local board of education. In absence of receipt of a written notice of denial of a standard diploma, a diploma shall be deemed denied if not granted within ninety (90) days of the last day of the last semester of the last school year in which the student attended school.

(B) **Method of filing.** Petitions for appeal may be submitted for filing to the Secretary of the State Board of Education in person or by mail. A petition submitted for filing by mail may be accepted for filing 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 petitioner(s) and the school district's Superintendent or the Superintendent's legal 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 shall acknowledge receipt of the request in writing and notify the student and/or parent or legal guardian when the appeal shall be submitted to the State Board of Education for action. All timely filed petitions for appeal shall be brought to the State Board of Education for action. The Board shall take action on the petition no later than forty-five (45) days after the date of receipt of a timely filed petition.

(3) **Review of petitions.** The State Board of Education shall appoint a committee consisting of employees of the State Department of Education to assign a case number for reference, review the petitions for appeal, and identify the basis for which the standard diploma was denied.

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(A) **Factors considered in recommending acceptance or denial of an appeal.** The committee shall make a recommendation of action on the appeal to the State Board of Education based on the following criteria:

- (i) Completion and scores of EOI exams;
- (ii) Remediation and retests of EOI exams;
- (iii) Completion and scores of Alternate tests approved by the State Board of Education;
- (iv) Completion of End of Course Projects approved by the State Board of Education;
- (v) Completion or scores of alternative methods approved by the State Board of Education;
- (vi) The existence of an extenuating circumstance, as defined in section (a) of this rule;
- (vii) The availability of testing opportunities;
- (viii) Other methods identified by the student, which demonstrate mastery of state academic content standards, referenced in section (b) of this rule, not to include completion of the course;
- (ix) The exhaustion of reasonable alternative methods and exemptions and exceptions approved by the State Board of Education, including the existence of extenuating circumstances; and
- (x) Whether action is appropriate based on the statutory language of 70 O. S. § 1210.523. Petitions for appeal which are untimely filed shall be submitted to the Board with a recommendation for denial based upon untimeliness;

(B) **Deficiencies in petitions for appeal.** The State Board of Education may provide petitioners with an opportunity to remedy deficiencies in an appeal filed in an inaccurate or incomplete manner in accordance with the following procedures:

- (i) Prior to submission to the State Board of Education with a recommendation for denial based upon a deficiency in the petition, the petitioner shall be notified in writing of the deficiency in the appeal and provided five (5) business days from the receipt of written notification to resolve any deficiencies identified in the petition for appeal.
- (ii) Within five (5) business days from receipt of the written notification of deficiency, Petitioner shall either:
 - (I) Provide the Board with all information and/or documentation necessary to remedy the deficiency; or
 - (II) In the event a petitioner requires additional time to remedy the deficiency, Petitioner may request a stay/continuance of thirty (30) calendar days and provide the Board a signed waiver of the forty five (45) day deadline in accordance with subparagraph (4)(A) of this section. Failure by a petitioner to complete the steps necessary to timely remedy a deficiency in a petition in accordance with the procedures

set forth in (d)(3)(B)(ii) shall result in a recommendation submitted to the State Board of Education for denial based on deficiency.

(C) Upon completion of review of the petition, the committee shall submit to the Board:

- (i) A copy of each petition for appeal;
- (ii) A written explanation of the petition;
- (iii) Copies of all evidence and/or documentation submitted to the Board by a petitioner in support of the appeal;
- (iv) Any additional information that may be necessary for the Board to take action;
- (v) A recommendation of either acceptance or denial of the petition.

(4) **Dismissals of petitions for appeal.** At any time after filing, a petition for appeal may be dismissed by the Board prior to final action in accordance with the following procedures:

(A) Grounds for dismissal of a petition may be based upon a demonstration of evidence of one or more of the following circumstances:

- (i) The appeal has been rendered moot (e.g., petitioner subsequently meets all ACE requirements during the pendency of the appeal);
- (ii) Appeal is filed by a party who is not a proper petitioner as set forth by (d)(1) of this section;
- (iii) The appeal is premature (e.g., petitioner's diploma has not yet been denied);
- (iv) Denial of diploma was based on factors unrelated to failure to demonstrate mastery of state academic content standards set forth in 70 O.S. § 1210.523 (e.g., denial based upon lack of credit hours necessary to meet graduation requirements set forth in 70 O.S. § 11-103.6);
- (v) Inaction by Petitioner (e.g., failure to timely respond to requests for additional evidence or information from the State Board) or
- (vi) Dismissal is requested by the Petitioner.

(B) Prior to dismissal, petitioner shall be provided with reasonable notice of intent to dismiss the appeal and opportunity to respond in accordance with the following procedures:

- (i) The notice of intent to dismiss the appeal shall conform to the requirements of notice set forth in 75 O.S. § 309, and shall include:
 - (I) A statement notifying the Petitioner of the forty five (45) day time requirement set forth in 70 O. S. § 1210.523;
 - (II) A statement providing the Petitioner with five (5) business days from Petitioner's receipt of notice of intent to dismiss, to respond to the notice of intent to dismiss by either submitting a written opposition to dismissal, or requesting a stay/continuance of the action in accordance with the procedures set forth in (d)(5)(A) of this section; and

(III) A statement that Petitioner's failure to respond to the notice of intent to dismiss within five (5) business days from Petitioner's receipt of notice of intent to dismiss the appeal may result in dismissal of the petition by the Board without further action on the appeal.

(5) **Notice of action on petition recommended to the Board.** Following review of the petition for appeal, the Petitioner shall receive written notification as to the recommended action (i.e., acceptance or denial of the petition) that will be presented to the State Board. Written notification of the recommended action must be received by the Petitioner at least five (5) business days prior to the meeting of the State Board of Education in which the recommendation will be presented.

(A) At any time prior to final action on the appeal, the State Board may grant a stay or continuance of an action on an appeal upon receipt of a motion for continuance by Petitioner and a written waiver by Petitioner of the forty five (45) day deadline for action upon an appeal set forth at 70 O.S. § 1210.523 and accompanying rules.

(B) Recommendations for denial of a petition for appeal shall be based upon the grounds set forth in paragraph (d)(3) of this section.

(6) **Action on a petition for appeal.** After review of the petition for appeal in accordance with the procedures set forth in (d)(3) of this section, the State Board of Education shall take action on a petition for appeal based on the merits of the written information provided in the appeal.

(A) The Board shall consider a petition for appeal in the form of a "Consent Docket," which shall be considered as one item.

(B) Any member of the Board may request that a petition for appeal be removed from the "Consent Docket" for discussion or to be separately considered. If such a request is made, the matter shall be removed from the docket and presented for individual action by the State Board of Education.

(C) In the event the Board determines that there is insufficient evidence in order to make an effective or proper ruling on the appeal, the State Board of Education may, by a vote of the majority of members, remove a petition for appeal from the "Consent Docket" and set a hearing for further review and consideration in accordance with the procedures set forth at (d)(7) of this section.

(7) **Procedures for hearings on appeal of a petition.** If the Board determines a hearing is necessary, the Secretary of the Board shall conduct a hearing in accordance with the Oklahoma Administrative Procedures Act, 75 O.S. § 309 et seq. and with the following procedures:

(A) The Board shall provide the Petitioner(s) and all interested parties, if any, with reasonable notice of the hearing and opportunity to appear at the hearing to present explanation of the petition, evidence submitted to the Board, and/or any additional information that Petitioner believes may be necessary for the

Board to take action. Any proper party to the appeal shall have the right to designate legal counsel to appear and act for and on behalf of the party represented, provided that such counsel must be duly licensed to practice law by the Supreme Court of Oklahoma.

(B) In addition to the contents of the notice required by 75 O.S. § 309, the notice shall also advise Petitioner of:

(i) The forty five (45) day time requirement set forth in 70 O.S. § 1210.523;

(ii) Petitioner's opportunity to submit a motion and waiver of Petitioner's right to final action of the board along with a waiver of the forty five (45) day time requirement in accordance with the procedures set forth in (d)(5)(A) of this section; and

(iii) A statement that Petitioner's failure to respond to the notice of petition and/or appear at the hearing, may result in dismissal of the petition for appeal.

(C) The school district in which the student is or was enrolled shall be named as an "Interested Party" and shall be provided with notice and opportunity to appear and present evidence at the appeal hearing before the State Board of Education.

(D) The determination of the State Board of Education shall be considered a final agency order, shall be issued in writing, and shall conform to the requirements of final agency orders set forth in 75 O.S. § 312.

(e) **Exceptions and Exemptions to Student Requirements to Demonstrate Mastery of State Academic Content Standards.** The State Board of Education may approve the petition for appeal of students and grant a waiver of one or more EOI assessments for students who have provided evidence of the existence of at least one of the following:

(1) Facts documenting events, conditions, or situations which fall within the definition of "extenuating circumstances" set forth in paragraph (a)(3) of this section; or

(2) Demonstration of mastery of the state academic content standards referenced in subsection (b) of this rule, by successful completion of a higher level course in the same subject matter and attaining a satisfactory or proficient score in an EOI exam in that same course.

(f) **Reporting appeal data.** By September 1 of each year, each school district shall report to the State Department of Education all data necessary for the Board to complete the annual report required pursuant to 70 O.S. § 1210.523 by the October 1 deadline. The report provided to the State Department of Education shall include, at a minimum, the total number of students in the school district who filed petitions for appeal of denials of diplomas which occurred in the previous school year, and the total number of those petitions filed which were granted. Data shall include subtotals of number of appeals filed and granted for each school site. Information collected pursuant to state statute shall be made available to the district's Regional Accreditation Officer (RAO) during the accreditation process.

(g) **Re-enrollment for remediation.** Students who have successfully completed all courses necessary to graduate from

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high school with a standard diploma but were denied a standard diploma for failing to meet the graduation requirements 70 O.S. § 1210.523 shall be eligible for re enrollment in the school district that denied the student a standard diploma until the student has reached the age of twenty one (21) years old. Enrollment shall be solely for the purpose of obtaining all remediation and/or intervention and opportunities necessary for the student to demonstrate mastery of state academic content standards in the subject area or areas in which the student failed to demonstrate mastery in accordance with the requirements of this Section. Students who re enroll in the school district pursuant to this subsection shall be exempt from the hourly instructional requirements of 70 O.S. § 1-111 and the six period enrollment requirements of 70 O.S. § 11-103.6. State aid funding for students enrolling part time in accordance with the provisions of this subsection shall be calculated in accordance with the provisions of 70 O.S. § 1210.526(D).

(h) ~~Oklahoma School for the Blind and the Oklahoma School for the Deaf.~~ The Oklahoma School for the Blind and the Oklahoma school for the Deaf shall be deemed local education agencies ("LEAs") solely for the purposes of purchasing, administering and obtaining results for the EOI exams necessary to comply with the requirements of 70 O.S. § 1210.523 for the students attending their schools.

[OAR Docket #17-438; filed 6-16-17]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES

[OAR Docket #17-439]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 13. Student Assessment

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

[AMENDED]

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 1210.505 et seq.; 70 O.S. § 3-130 et seq.; 20 U.S.C. § 7844

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:

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SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

GIST/ANALYSIS:

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

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S. SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2017:

SUBCHAPTER 13. STUDENT ASSESSMENT

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

(a) **Purpose.** The Oklahoma State Department of Education (OSDE) shall establish and implement the Academic Assessment Monitoring Program (AAMP) to evaluate school district implementation and compliance with both Federal and State law and regulations related to academic assessments. The rules will bring the state into compliance with the following state and federal statutes and regulations:

(1) Student Achievement and School Accountability Programs (SASA) for Formula Grant Programs,

(2) The Elementary and Secondary Education Act (ESEA), as reauthorized by the Every Student Succeeds Act (ESSA), requires under Section 930420 U.S.C. § 7844 (a)(1) ~~requires~~ that a State Education Agency (SEA) ensure that programs authorized under the ESEA are administered in accordance with all applicable statutes, regulations, program plans, and applications,

(3) ~~ESEA Section 930420 U.S.C. § 7844(a)-(B)(3)~~ requires that an SEA adopt and use proper methods of administering each ESEA program, including the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation,

(4) ~~Section 80.4034 C.F.R. § 200.328 of the Education Department General Administrative Regulations (EDGAR) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards~~ requires an SEA to monitor grant and sub-grant activities to ensure compliance with applicable Federal requirements, and the Oklahoma School Testing Program (OSTP) Act at Title 70 O.S. § 1210.505 Student Assessment et seq., Oklahoma School Testing Program (OSTP), and Oklahoma Administrative Codes Code (OAC) sections 210:10-13-2, 4, 6, 7, 9, 10, 11, 18, and 20.

(5) This monitoring program is intended to:

- (A) Ensure the testing of all eligible students, proper training of school district staff is conducted, test security is maintained, assessments are administered consistently and in a uniform manner as mandated in the Oklahoma Administrative ~~Codes~~Code (OAC) ~~sections~~ 210:10-13-2, 4, 6, 7, 9, 10, and 11;
 - (B) Ensure that the OSDE receives from districts data of the highest quality, as mandated in the Oklahoma Administrative Code (OAC) 210:10-13-4, 18, and 20, and;
 - (C) Assist the staff of the OSDE to better advise and partner with districts regarding accountability and assessments.
- (b) **Applicable entities.** These rules are applicable to all public schools, school districts, charter schools, and other educational entities within the state that participate in the OSTP.
- (c) **Schedule of district monitoring.** All public school districts will be monitored at least once during the five (5) year cycle.
- (1) School districts shall be scheduled for monitoring using a random selection process. Of the districts to be monitored within a particular year, five (5) percent will be randomly selected for site monitoring. The remaining ninety-five (95) percent will be monitored using a desk monitoring procedure.
 - (2) Additional school districts may receive a special desk or on-site monitoring and compliance review based on any of the following criteria:
 - (A) Observed statistical irregularities or discrepancies with student assessment data Oklahoma Administrative Code (OAC) 210:10-13-18, and 20 (e.g., statistical improbable growth in the percentage of student scoring proficient, questionable erasure analysis, and/or unusual change in student demographics);
 - (B) An established pattern of testing violations identified in the Oklahoma Administrative Code (OAC) at 210:10-13-2, 4, 6, 7, 9, 10, 11, 18, and 20 or irregularities as reported to the OSDE (e.g., vendor reports, invalidations, improper test administration, failure to attend or conduct yearly training);
 - (C) Documented concerns (e.g., parent and community, noncompliance issues from prior years, other technical assistance requests), and/or;
 - (D) Testing irregularities discovered through previous annual random monitoring.
- (d) **Notification of monitoring schedule.** The monitoring schedule will be updated on an annual basis and posted to the OSDE Web site. Any new school site and/or district will be added to the cycle when the yearly update occurs. School sites and or districts that cease operation within the state shall be removed from the list. The Office of Accountability and Assessments will notify the superintendent of the school district in writing at least ten (10) working days prior to the opening of the testing window that the school district will be monitored during the upcoming testing window and will identify whether the monitoring will be on-site or desk monitoring. Additional schools monitored under (c) (2) of these rules, will be notified

in writing at least twenty (20) working days before the opening of the testing window.

- (e) **Monitoring procedures.**
 - (1) **On-site monitoring.**
 - (A) OSDE will send the district an On-site Monitoring Checklist ten (10) working days before the opening of ~~at~~the testing window to the District Superintendent and District Test Coordinator of the school district to be monitored.
 - (B) The superintendents of districts receiving an on-site monitoring notification letter will submit the district and site testing schedules to the OSDE, Office of Accountability and Assessments five (5) working days prior to the opening of the testing window. If a change in the testing schedule occurs by the district, prior to on-site monitoring, the district must notify the OSDE, Office of Accountability and Assessments immediately.
 - (C) The OSDE, Office of Accountability and Assessments notification letter of monitoring will indicate which site(s) within the district have been selected for monitoring.
 - (D) At a minimum, one elementary school, one middle school, and one high school site within the district will be monitored as applicable.
 - (E) ~~If charter schools have been established within the school district, these sites~~Charter schools may also be monitored.
 - (2) **Desk monitoring.**
 - (A) The staff of the Office of Accountability and Assessments will analyze across a ~~4~~five (5) year period all pertinent testing and educational data for the school district being monitored (e.g., percent of students tested across cohort).
 - (B) The Desk Monitoring notification letter will indicate which site(s) within the district have been selected for monitoring.
 - (C) At a minimum, one elementary school, one middle school and one high school site within the same district will be monitored as applicable.
 - ~~(D) If charter schools have been established within the school district, these sites may also be monitored.~~
 - ~~(E) District Superintendents and District Test Coordinators of the school district to be monitored will receive a Desk Monitoring Checklist, ten (10) working days before the opening of at~~the testing window. The section of the checklist titled, "District Provided Documentation" must be completed and documents returned to the Office of Accountability and Assessments of the Oklahoma State Department of Education within twenty (20) working days from the last testing day of the ~~End of Instruction (EOI)~~online assessment window.
 - (E) Charter schools may also be monitored.
- (f) **Failure to comply with state and federal regulations related to Academic Assessment.**
 - (1) The Office of Accountability and Assessments will provide monitoring results to the district superintendent

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forty five (45) working days from the end of the 20 day submission date of the On Site or Desk Monitoring documents from the school district being monitored. The monitoring results will inform a district that they have met or not met requirements of Subsection (a) of these rules related to student academic testing. Districts will be designated as in compliance if all requirements have been met, or if any monitored area is found deficient then the district and the school will be designated as noncompliant. If a district is designated as noncompliant, the Office of Accountability and Assessment staff will annually conduct monitoring activities until the district is in compliant status.

(2) Districts that remain in noncompliance for two consecutive years will receive a deficiency on their accreditation report.

[OAR Docket #17-439; filed 6-16-17]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES

[OAR Docket #17-440]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 13. Student Assessment

210:10-13-22. Implementation of a system of school improvement and accountability [AMENDED]

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 1210.508; 70 O.S. § 1210.545; 70 O.S. § 1210.521 et seq. (repealed)

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SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

GIST/ANALYSIS:

House Bill 3218 (2016) amended the statutes that govern Oklahoma's student assessment system, and the rule that addresses the school accountability system must be updated to incorporate the changes. Further revision of 210:10-13-22 will likely be necessary next year to reflect additional changes, but the rule must be amended at this time to reflect the repeal of the Achieving Classroom Excellence (ACE) Act and the elimination of End-of-Instruction (EOI) exams. In order to streamline the process of calculating school ("A-F") report cards, the "Initial Data Verification" period

for schools to confirm the accuracy of their submitted data is proposed to be amended to fifteen (15) calendar days, from the current thirty (30) days. The 10-day "Calculation Verification" window that follows the Initial Data Verification period will remain the same.

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S. SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2017:

SUBCHAPTER 13. STUDENT ASSESSMENT

210:10-13-22. Implementation of a system of school improvement and accountability

(a) **Purpose.** Accountability for student learning is the key focus of school improvement. Results from the statewide assessment program shall form the basis of the system of school improvement and accountability. Student achievement data from the ~~State's annual standardized assessments in grades three (3) through eight (8) and end of instruction tests administered under Section 1210.508 of Title 70 statewide student assessment system adopted pursuant to 70 O.S. § 1210.508~~ shall be used to establish both proficiency levels and annual progress for individual students, school sites, school districts, and the State. Results shall further be used as the primary criteria in calculating school performance grades as specified in subsection (f) of this rule and shall be annually reported. Results may further be used by the Legislature in calculating any performance-based funding policy that is provided to public school districts. The statewide assessment program shall be used to measure the annual learning gains of each student toward achievement of the State standards appropriate for the student's grade level and to inform parents of the educational progress of their public school children.

(b) **Overview and implementation.** The A-F school accountability system will be implemented in the year 2012, based on data from the 2011-2012 school year, and shall be reported annually thereafter. The school accountability system will be considered to be fully implemented with the following accountability elements:

(1) Designation of overall school performance grades shall be based on a combination of the following:

(A) Fifty percent (50%) on whole school performance, as measured by allocating one (1) point for each student who scores proficient or advanced on the ~~critierion-referenced tests and end of instruction tests~~ assessments and alternative assessments administered to students pursuant to the provisions of the Oklahoma School Testing Program at 70 O.S. §§1210.508 ~~and 1210.523~~, summing the points, and dividing the points by the total number of students taking the tests;

(B) Twenty-five percent (25%) on whole school growth, measured by allocating one (1) point for each student tested who maintains a score of "Proficient" or above, improves proficiency levels, or improves substantially within a proficiency level on the ~~State's annual standardized assessments in reading and mathematics in grades three (3) through eight (8) and Algebra I and English II end of instruction tests administered to students pursuant to the provisions of the Oklahoma School Testing Program at 70 O.S. § 1210.508, tests/assessments adopted pursuant to 70 O.S. § 1210.508,~~ summing the points, and dividing the points by the total number of students taking the tests;

(C) Twenty-five percent (25%) on growth of the lowest twenty-five percent (25%) of students in the school, measured by allocating one (1) point for each student tested in the bottom twenty-five percent (25%) who maintains a score of "Proficient" or above, improves proficiency levels, or improves substantially within a proficiency level on the ~~State's annual standardized assessments in reading and mathematics in grades three (3) through eight (8) and Algebra I and English II end of instruction tests administered pursuant to the provisions of the Oklahoma School Testing Program at adopted pursuant to~~ 70 O.S. § 1210.508, summing the points, and dividing the points by the total number of students taking the tests.

(2) In addition to the three criteria listed in (b)(1) of this Section, bonus points shall be calculated in accordance with the criteria set forth in (g) of this Section and added to the subtotal of component points to create a final report card index of points used to calculate the overall school performance grade of each school site.

(3) Schools shall earn a separate performance grade for each of the three criteria listed in (b)(1) and (f) of this Section. Additionally, schools shall earn an overall performance grade based on a combination of the criteria listed in (b)(1) and (f) and the bonus points earned in accordance with (g) of this Section.

(4) To ensure that student data accurately represent school performance, schools shall be required to assess at least ninety-five percent (95%) of eligible students to earn a school performance grade. Failure to assess at least ninety-five percent (95%) of eligible students will result in a letter grade reduction in the school's overall school performance grade. Schools assessing less than ninety percent (90%) of eligible students will result in the school earning an overall performance grade of F.

(c) **School Accountability for Student Performance.** All schools shall be accountable for performance. Each school is accountable for the performance of its entire student population. Student achievement data from the State's ~~annual standardized assessment system and end of instruction tests administered in this State~~ shall be used to measure a school's student performance for the subject areas of reading, mathematics, social studies, science and writing.

(d) **Reporting Student Achievement Data for School Accountability.** Student achievement data shall be reported for all students in a school. Each year, reports of achievement data for all students shall be prepared for each school, each district, and the State. District reports shall be calculated in the same manner as a school site, aggregated at the student level and calculated in accordance with the requirements of 70 O.S. §§ 1210.545(B), (D) and (J).

(1) The scores will be computed from the number of eligible students enrolled in the school. Eligible students shall include all students enrolled for the full academic year ("FAY") in the school and taking the State's ~~annual standardized assessments adopted pursuant to 70 O.S. § 1210.508 or end of instruction tests. For end of instruction exams, only first opportunity students are included in the calculation of eligible students.~~ A student shall be considered a FAY student if the student is enrolled within the first twenty (20) instructional days of the school's instructional year through and including the date of administration of the exam, and has not experienced an enrollment lapse of ten (10) or more consecutive instructional days. The FAY determination shall be based on continuous enrollment and shall not be based on attendance determinations.

(2) All eligible students, regardless of disability or limited English proficiency classification, with valid state standardized assessment scores in reading and math in both the current school year and the previous school year are included in (f)(2) and (f)(3) of this Section regarding the determination of student learning gains. In addition, the inclusion of these students shall be applied to (b)(3) of this Section, regarding the percentage of students assessed. Current and previous school years' reading and math scores for students with disabilities assessed on the State's annual standardized alternate assessment shall be included in the determination of test scores, including achievement addressed in (f)(1) of this Section.

(3) The Superintendent of Public Instruction is authorized to designate a single school performance grade for schools that serve multiple levels: elementary and/or middle and/or high school grade levels. Designations shall be made based on the highest grade level offered by the school.

(A) If the highest grade offered by a school site is the sixth (6th) grade or below, the school shall be graded according to elementary school criteria.

(B) If the highest grade offered by a school site is the (7th) through tenth (10th) grade, the school shall be graded according to the middle school criteria. Schools in this category shall not earn advance coursework credit for ninth and tenth grade students completing high school coursework unless the course qualifies as advanced coursework pursuant to (g)(1)(B) or (g)(2)(A) of this Section.

(C) If the highest grade offered by a school site is the eleventh (11th) or twelfth (12th) grade, the school shall be graded according to high school criteria.

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(4) The State Department of Education will verify that each school is appropriately classified by type before the issuance of school grades. School type is defined as the school level designation of a school based on the grade levels served: elementary, middle, high, or a combination across levels.

~~(5) For purposes of (f) of this Section, the determination of the proficiency level of eligible students exempted from one or more end-of-instruction exams in accordance with the requirements of 70 O.S. 1210.523 and the accompanying rule at 210:10-13-16(b)(7)-(8) shall be based upon the cut scores approved by the State Board of Education. Points shall be awarded and calculated for each "Proficient" or "Advanced" score in accordance with (f) of this Section.~~

(e) **School Performance Grades.** The measure of school accountability shall be the school performance grade. The Oklahoma State Board of Education is authorized to designate a school performance grade for each school that:

(1) For purposes of calculating student achievement pursuant to (f)(1), has at least ten (10) eligible students with valid student state standardized assessment scores.

(2) For purposes of calculating student growth pursuant to (f)(2), has at least ten (10) eligible students with valid student state standardized assessment scores ~~or end-of-instruction test scores~~ in reading or math in both the current and the previous school years.

(3) For purposes of calculating growth of the lowest twenty-five percent (25%) of students pursuant to (f)(3), has at least ten (10) eligible students with valid student state standardized assessment scores ~~or end-of-instruction test scores~~ in reading or math in the current and previous school years.

(4) A school shall not earn a grade for any component or criteria unless minimum N-size requirements established pursuant to this rule are met. Performance designations shall be made using School Performance Grades A+, A, A-, B+, B, B-, C+, C, C-, D+, D, D- and F. School performance grades shall be based on the assessments and criteria as specified in (f) of this Section and bonus points as specified in (g) of this Section. The Superintendent of Public Instruction is authorized to establish and adjust appropriate achievement level criteria to the extent allowed by law for submission to the State Board of Education for final approval.

(f) **Criteria for Designating School Performance Grades.** Overall school performance grades shall be based on a combination of the bonus points calculated in accordance with (g) and the points calculated in accordance with the three criteria outlined in (b)(1) of this Section: (1) whole school performance; (2) whole school growth; and (3) growth of the lowest twenty-five percent (25%).

(1) **Whole school performance index.** Student achievement scores are represented through a performance index, aggregated for each school, calculated based on all state standardized assessments ~~and/or end-of-instruction tests~~ collectively, and by each subject area. A

point value shall be given to each exam based on proficiency score. Points shall be summed and divided by the number of exams administered to eligible students.

(A) Points shall be assigned based on the following criteria:

- (i) Unsatisfactory = 0
- (ii) Limited Knowledge = 0
- (iii) Proficient = 1.0
- (iv) Advanced = 1.0

(B) A letter grade shall be earned based on the following criteria:

- (i) 90 points or Above = A
- (ii) 80 - 89 points = B
- (iii) 70 - 79 points = C
- (iv) 60 - 69 points = D
- (v) 59 points or Below = F

(2) **Whole school growth index.** Annual learning gains in reading and math are represented through a growth index, aggregated for each school. The score shall be calculated in whole and by subject-matter by assigning one point for each student who improves proficiency levels or improves substantially within a proficiency level from the previous school year to the current school year, divided by the number of students taking the tests.

(A) This calculation represents the number of eligible students who have:

- (i) Improved their state standardized assessment achievement level or state standardized alternative assessment achievement level, as applicable, from the previous school year to the current school year; or
- (ii) Improved their state standardized assessment achievement level or state standardized alternative assessment achievement level and such change in OPI from the previous school year to the current school year met or exceeded the State average of students with positive OPI change; or
- (iii) Maintained their proficient or satisfactory achievement level on the state standardized assessment or state standardized alternate assessment, as applicable, from the previous school year to the current school year.

(B) The growth index shall be calculated based on improved state standardized assessment ~~and end-of-instruction test~~ performance from the previous school year to the current school year. The growth index shall be calculated by subject-matter and by assigning a point value to the change in proficiency score from the previous year to the next. Points based on student gains shall be summed and divided by the number of exams administered, and shall include only eligible students for whom comparative test scores exist. Points shall be assigned based on the following criteria:

- (i) Change from Unsatisfactory to Limited Knowledge = 1.0
- (ii) Change from Unsatisfactory to Proficient or Satisfactory = 1.0

- (iii) Change from Unsatisfactory to Advanced = 1.0
- (iv) Change from Limited Knowledge to Proficient or Satisfactory = 1.0
- (v) Change from Limited Knowledge to Advanced = 1.0
- (vi) Change from Proficient or Satisfactory to Advanced = 1.0
- (vii) Remain Proficient or Advanced from Year 1 to Year 2 = 1.0
- (viii) Remained at Unsatisfactory from Year 1 to Year 2 and Meets or Exceeds State Average Positive Change or remained at Limited Knowledge from Year 1 to Year 2 and Meets or Exceeds State Average Positive Change = 1.0
- (ix) Remained at Unsatisfactory from Year 1 to Year 2 and Fails to Meet or Exceed State Average Positive Change or remained at Limited Knowledge from Year 1 to Year 2 and Fails to Meet or Exceed State Average Positive Change = 0
- (x) Remained at Unsatisfactory from the previous school year to the current school year, or remained at Limited Knowledge from the previous school year to the current school year, but demonstrates substantial improvement within a proficiency level = 1.0

(C) For purposes of this subparagraph, a student's improvement within a proficiency level will be considered "substantial improvement" if the student demonstrates an increase in Oklahoma Performance Index ("OPI") score from the previous school year to the current school year that meets or exceeds the average positive increase amongst all students in the State who increased their OPI score from the previous school year to the current school year.

(D) A letter grade shall be earned based on the following criteria:

- (i) 90 points or Above = A
- (ii) 80 - 89 points = B
- (iii) 70 - 79 points = C
- (iv) 60 - 69 points = D
- (v) 59 points or Below = F

(3) **Growth of the lowest twenty-five percent of students.** Improvement of the lowest twenty-five percent (25%) of students in reading and math shall be aggregated, as required by 70 O.S. § 1210.545. The score shall be calculated in whole and by subject-matter by assigning one point for each student in the bottom quartile who improves proficiency levels or improves substantially within a proficiency level from the previous school year to the current school year, divided by the number of students taking the test.

(A) The calculation of a positive change in OPI score that meets or exceeds the State's average growth represents the number of eligible students who have:

- (i) Improved their state standardized assessment achievement level or state standardized

alternative assessment achievement level, as applicable, from the previous school year to the current school year; or

(ii) Retained their state standardized assessment achievement level or state standardized alternative assessment achievement level and such change in OPI from the previous school year to the current school year met or exceeded the State average of students with positive OPI change.

(B) The score shall be based on improved state standardized assessment ~~and end-of-instruction-test~~ performance from the previous school year to the current school year. Points based on student gains shall be summed and divided by the number of exams administered, and shall include only eligible students for whom comparative test scores exist. The growth of the lowest twenty-five percent (25%) shall be calculated based on the following criteria:

- (i) Change from Unsatisfactory to Limited Knowledge = 1.0
- (ii) Change from Unsatisfactory to Proficient or Satisfactory = 1.0
- (iii) Change from Unsatisfactory to Advanced = 1.0
- (iv) Change from Limited Knowledge to Proficient or Satisfactory = 1.0
- (v) Change from Limited Knowledge to Advanced = 1.0
- (vi) Change from Proficient or Satisfactory to Advanced = 1.0
- (vii) Remain Proficient or Advanced from Year 1 to Year 2 = 1.0
- (viii) Remained at Unsatisfactory from Year 1 to Year 2 and Meets or Exceeds State Average Positive Change or remained at Limited Knowledge from Year 1 to Year 2 and Meets or Exceeds State Average Positive Change = 1.0
- (ix) Remained at Unsatisfactory from Year 1 to Year 2 and Fails to Meet or Exceed State Average Positive Change or remained at Limited Knowledge from Year 1 to Year 2 and Fails to Meet or Exceed State Average Positive Change = 0
- (x) Demonstrates substantial improvement within a proficiency level = 1.0

(C) For purposes of this subparagraph, a student's improvement within a proficiency level will be considered "substantial improvement" if the student demonstrates an increase in Oklahoma Performance Index ("OPI") score from the previous school year to the current school year that meets or exceeds the average positive increase amongst all students in the State who increased their OPI score from the previous school year to the current school year.

(D) A letter grade shall be earned based on the following criteria:

- (i) 90 points or Above = A
- (ii) 80 - 89 points = B
- (iii) 70 - 79 points = C

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(iv) 60 - 69 points = D

(v) 59 points or Below = F

(g) **Bonus points.** Each school can earn up to a maximum of ten (10) bonus points to be added to the subtotal of component points and applied toward their final grade. The criteria listed in (1), (2) and (3) of this subsection shall be used to calculate bonus points for high schools, middle schools, and elementary grade schools. Annually, the Oklahoma State Department of Education shall publish technical assistance specifically detailing the weighted formula and the projected availability of valid data used for computing bonus points. Technical assistance shall be published in time for school districts to make meaningful use of the information and data. A school district, charter school, or virtual charter school shall not be eligible to be awarded bonus points on its site report cards for attendance pursuant to (g)(3)(A) and (g)(2)(B) of this Section unless it has established a method for maintaining accurate records of student daily attendance and accurate reporting of student daily attendance that ensures compliance with the provisions of 70 O.S. §§ 5-117.3, 10-103.1, 10-106, 18-111, 18-116.

(1) **High schools.** Schools comprised of high school grades may earn up to a maximum of ten (10) bonus points as follows:

(A) **Four-year adjusted cohort graduation rate.** A high school shall earn five (5) bonus points if its four-year adjusted cohort graduation rate meets or exceeds the criteria for earning an "A" for the high school graduation rate of the school. The criteria for earning an "A" for this component shall be met if a school's four-year adjusted cohort graduation rate meets or exceeds ninety percent (90%). The calculation of the four-year adjusted cohort graduation rate shall only include students counted as on-time graduates as defined by federal regulations.

(B) **Participation or performance in accelerated coursework.** One (1) bonus point shall be awarded to each high school that meets or exceeds the criteria for earning an "A" in either student participation or student performance in accelerated coursework. The criteria for earning an "A" for this component shall be met if the school achieves either a student participation rate of seventy percent (70%) or higher in accelerated coursework or a student performance rate of ninety percent (90%) or higher in accelerated coursework. Student participation and performance rates shall be calculated as follows:

(i) **Participation in accelerated coursework.** Participation in accelerated coursework, is defined as participation in Advanced Placement (AP) courses, International Baccalaureate (IB) programs, concurrent enrollment, Advanced International Certificate of Education (AICE) courses, and industry certification courses. For this component, participation shall be calculated for the school year by dividing a count of accelerated coursework participants in grades nine (9) through twelve (12) (numerator) by the count of all students enrolled in grades eleven (11) and

twelve (12) (denominator). For this component, a student must earn a passing grade in the course in order to be counted as a participant. Schools shall earn credit for every accelerated course in which a student is enrolled. Students enrolled in multiple accelerated courses shall be counted once for each course in which they are enrolled. In calculating a percentage for this component, participation rate shall include all enrollment data regardless of whether the course was taught at the high school, at a career technology center, an accredited college or university, or at a regional site of the Oklahoma School of Science and Mathematics.

(ii) **Performance in accelerated coursework.** Performance in concurrent enrollment, Advanced International Certificate of Education (AICE) courses, Advanced Placement (AP), International Baccalaureate (IB), and industry certification courses. For this component, the numerator of the performance calculation shall include all students in grades nine (9) through twelve (12) who took an accelerated course or subject area examination during the academic year. AICE successful completion is defined as earning a "C" or higher and being awarded credit for specific postsecondary course(s). For concurrent enrollment, successful completion is defined as a passing grade of "C" or higher in a concurrent enrollment course for college credit. For industry certification, successful completion is defined as earning a "C" or better in the course leading to industry certification. Schools can earn additional successful completions for students who achieve industry certifications that result in credit for more than one (1) college course through statewide articulation agreements. For AP and IB performance, credit shall be earned based for each student scoring a three (3) or better on the AP exams, or a four (4) or better on IB exams. For purposes of this component, a school shall earn credit for every course in which a student demonstrates the required level of performance. In calculating a percentage for this component, performance shall include all coursework regardless of whether the course was taught at the high school, at a career technology center, an accredited college or university, or at a regional site of the Oklahoma School of Science and Mathematics.

(C) **ACT and SAT participation or performance.** One (1) bonus point shall be awarded to each high school that meets or exceeds the criteria for earning an "A" in either student participation or performance on ACT or SAT college entrance exams. The criteria for earning an "A" for this component shall be met if a school achieves a rate of seventy-five percent (75%) or higher percentage of either student participation or performance on college entrance

exams. Student participation and performance rates shall be calculated as follows:

(i) **ACT and SAT participation.** High schools may earn one (1) bonus point based on the calculated percent of students taking the ACT and/or SAT. The percent is calculated by dividing the number of twelfth (12th) grade students who have taken the ACT and/or SAT tests, divided by the number of students enrolled in grade twelve (12). Students will be counted once for the ACT and/or once for the SAT, regardless of the number of times or at which grade levels the test(s) are taken. The high school will earn credit for the most recent test score reported at the time the test is administered.

(ii) **ACT and SAT performance.** High schools may earn one (1) bonus point based on the percentage of students scoring an ACT composite score of 20 or greater based on 36-point scale, and/or an SAT score of 1410 or greater based on a 2400-point scale. Students will be counted once for the ACT and/or once for the SAT, regardless of the number of times or at which grade levels the test(s) are taken. The high school will earn credit for the most recent test score reported at the time the test is administered.

(D) **High school graduation rate of eighth (8th) graders.** One (1) bonus point shall be awarded to each high school that meets or exceeds the criteria for earning an "A" for the a high school graduation rate of students who scored at limited knowledge or unsatisfactory on the eighth (8th) grade reading and mathematics criterion-referenced test administered pursuant to the Oklahoma State Testing Program (OSTP). The criteria for earning an "A" for this component shall be met if a school achieves a graduation rate of eighty-five percent (85%) or higher for its students who scored at limited knowledge or unsatisfactory on the eighth grade reading and mathematics tests. For this component, schools shall be eligible to earn the bonus point based on the calculation of the graduation rate of this population of eighth (8th) graders, regardless of where the student attended the eighth (8th) grade).

~~(E) **Overall EOI performance.** Upon the availability of valid student assessment data, one (1) bonus point shall be awarded to a high school if eighty percent (80%) or more of its graduates from the previous school year have scored either a "Satisfactory/Proficient" or "Advanced" on six (6) out of the seven (7) secondary level EOI assessments required by the Oklahoma School Testing Program Act at 70 O.S. § 1210.508(A)(6).~~

~~(F) **Year-to-year growth.** Upon the availability of valid student data, one (1) bonus point shall be awarded to each high school which demonstrates improvement from the previous school year in at least three (3) of the five (5) components used to calculate~~

bonus points set forth in (1)(A) through (1)(~~E~~) of this subsection. For purposes of this subparagraph, a high school will be deemed to have demonstrated improvement in a category if the school has received bonus points in that category for two consecutive years (i.e., the current report card and the previous year's report card). In the alternative, a high school can demonstrate improvement in a category by meeting the following criteria specified in the category:

(i) **Four-year adjusted cohort graduation rate.** A high school demonstrates improvement by increasing its four-year adjusted cohort graduation rate in (1)(A) of this subsection by at least ten percent (10%) of the difference between the previous year's graduation rate and one hundred percent (100%).

(ii) **Participation or performance in accelerated coursework.** A high school demonstrates improvement by increasing its rate of participation or performance in accelerated coursework in (1)(B) of this subsection by five percent (5%) or more.

(iii) **ACT and SAT participation or performance.** A high school demonstrates improvement by increasing its rate of participation or performance in ACT or SAT in (1)(C) of this subsection by at least ten percent (10%) of the difference between the previous year's rate and one hundred percent (100%).

(iv) **High school graduation rate of eighth (8th) graders.** A high school demonstrates improvement by increasing its high school graduation rate of eighth graders in (1)(D) of this subsection by at least ten percent (10%) of the difference between the previous year's graduation rate and one hundred percent (100%).

~~(v) **Overall EOI performance.** A high school demonstrates improvement by increasing its overall rate of EOI performance in (1)(E) of this subsection by at least ten percent (10%) of the difference between the previous year's rate and one hundred percent (100%).~~

(2) **Middle schools.** Schools comprised of middle school grades may earn up to a maximum of ten (10) bonus points as follows:

(A) **The percentage of students who are taking higher level coursework at a satisfactory or higher level in middle school.** Middle schools shall earn two (2) bonus points for meeting or exceeding the criteria for earning an "A" on the rate of the school's middle school students who take accelerated coursework at a satisfactory or higher level. The criteria for earning an "A" for this component shall be met if the school achieves a participation rate of thirty percent (30%) or higher percentage of middle school students taking traditional high school courses, pre-Advanced Placement courses, or honors courses in a traditional classroom or in a virtual environment who score at

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a satisfactory level or higher on the corresponding state standardized assessment. Schools shall earn credit for every accelerated course in which a student is enrolled. Students enrolled in multiple accelerated courses shall be counted once for each course in which they are enrolled.

(B) **Attendance.** Middle schools will earn six (6) bonus points for ~~for~~ meeting or exceeding the criteria for earning an "A" for middle school student attendance. The criteria for earning an "A" for this component shall be met if the school achieves a student attendance rate of ninety-four percent (94%) or higher. This rate is the Average Daily Attendance (ADA) divided by the Average Daily Membership (ADM). ADA is calculated by dividing the total number of days students were present by the number of days in the school calendar or by dividing the number of hours students were present by the number of hours in the school calendar, whichever applicable. ADM is calculated by dividing the total number of days students were enrolled in school by the number of days in the school calendar or by dividing the number of hours students were enrolled by the number of hours in the school calendar, whichever applicable.

(C) **Dropout rate.** Middle schools shall earn two (2) bonus points for meeting or exceeding the criteria for earning an "A" for the drop-out rate of the school. The criteria for earning an "A" for this component shall be met if the school achieves a rate of zero point nine percent (0.9%) or lower of the annual number of students reported as dropouts to the Oklahoma State Department of Education on the Annual Dropout Report.

(3) **Elementary schools.** Schools comprised of elementary school grades shall earn ten (10) bonus points for meeting or exceeding the criteria for earning an "A" on student attendance. The criteria for earning an "A" shall be met if the school achieves a student attendance rate of ninety-four percent (94%) or greater. This rate is the Average Daily Attendance (ADA) divided by the Average Daily Membership (ADM). ADA is calculated by dividing the total number of days students were present by the number of days in the school calendar or by dividing the number of hours students were present by the number of hours in the school calendar, whichever applicable. ADM is calculated by dividing the total number of days students were enrolled in school by the number of days in the school calendar or by dividing the number of hours students were enrolled by the number of hours in the school calendar, whichever applicable.

(h) **Technical assistance.** Annually, the Oklahoma State Department of Education shall publish technical assistance specifically detailing the weighted formula used for computing bonus points. Technical assistance shall be published in time for school districts to make meaningful use of the information and data.

(i) **School Performance Grading Scale.** The School Performance Grade shall be based on a combination of the

factors outlined in sub-section (b)(1) and detailed in (f) and (g) of this Section. Fifty percent (50%) shall be based on student test scores; twenty-five percent (25%) on student learning gains; and twenty-five (25%) on improvement of the lowest twenty-five percent (25%) of students in the school in reading and mathematics. Letter grades will be calculated according to the assigned weight of each criteria and by combining points earned for each component within each criteria. The school performance grade will be assigned according to the following scale:

- (1) Ninety-seven percent (97%) to one-hundred and ten percent (110%) = A+
- (2) Ninety-three percent (93%) to ninety-six percent (96%) = A
- (3) Ninety percent (90%) to ninety-two percent (92%) = A-
- (4) Eighty-seven percent (87%) to eighty-nine percent (89%) = B+
- (5) Eighty-three percent (83%) to eighty-six percent (86%) = B
- (6) Eighty percent (80%) to eighty-two percent (82%) = B-
- (7) Seventy-seven percent (77%) to seventy-nine percent (79%) = C+
- (8) Seventy-three percent (73%) to seventy-six percent (76%) = C
- (9) Seventy percent (70%) to seventy-two percent (72%) = C-
- (10) Sixty-seven percent (67%) to sixty-nine percent (69%) = D+
- (11) Sixty-three percent (63%) to sixty-six percent (66%) = D
- (12) Sixty percent (60%) to sixty-two percent (62%) = D-
- (13) Fifty-nine percent (59%) and below = F

(j) **Accuracy and Representativeness of Performance Data.** The Oklahoma State Department of Education shall review all information submitted by school districts to represent the performance of schools receiving a school performance grade.

- (1) Each school district superintendent shall designate a school accountability contact person to be responsible for verifying accuracy of data.
- (2) The Superintendent of Public Instruction shall withhold the designation of a school's performance grade if he or she determines that the performance data does not accurately represent the progress of the school. Circumstances under which a school's performance data may be considered to not accurately represent the progress of the school include:

(A) Less than ninety-five percent (95%) of the school's student population eligible for inclusion in the designation of the school's performance grade was assessed.

(B) Circumstances identified before, during, or following the administration of any state assessment where the validity or integrity of the test results are

called into question and are subject to review as determined by the State Department of Education.

(k) **Data verification by school sites/districts.** School sites shall be provided an opportunity to review all data used to calculate the school performance grade and the calculation of the school performance grade.

(1) **Initial Data Verification.** Initial data verification of the data used to calculate school performance grades shall occur throughout the school year as data becomes available to the State Department of Education. School district accountability staff shall have the opportunity to perform data verification and confirm that data being used to calculate school performance grades are accurate prior to the review period required by (k)(2) of this rule. The school district shall have at least ~~thirtyfive~~ (3015) calendar days to review and request corrections to each new data component, as it becomes available. No requests for changes to data shall be made after the expiration of the respective ~~thirtyfive~~ (3015) calendar day review period. For purposes of this paragraph only, a "new data component" means a data component that has not been previously submitted to the State Department of Education in accordance with other state or federal reporting requirements.

(2) **Calculation Verification.** Prior to the final release of school performance grades, a school district shall have at least ten (10) calendar days to certify the calculation of the performance grade. If the school district determines that a different performance grade should be assigned because of the omission of certified student data, a data miscalculation, or special circumstances that might have affected the grade assigned, school districts may submit a request for a review of the data calculation to the State Department of Education. All evidence supporting the district's claim of a calculation error and documentation of all elements to be reviewed by the Department must be submitted within the time limits specified in this subsection. No request for review of the calculation shall be accepted after the expiration of the ten (10) calendar day review period. Changes to the criteria, data, or process shall not be considered as part of this review.

(3) **Data deemed certified.** To ensure timely issuance of the school report cards in accordance with the requirements of 70 O.S. § 1210.545, any data component verification or calculation verification for which a district fails to timely review and certify as accurate in accordance with the provisions of (1) or (2) of this subsection shall be deemed certified as accurate by the district and districts shall not be permitted to request further corrections to the data.

(l) **Final determination.** The Oklahoma State Board of Education's determination of a school's performance grade shall be final.

(m) **Planned System Enhancements.** As indicated in this subsection, planned enhancements will occur in the System of School Improvement and Accountability. The Superintendent of Public Instruction will periodically recommend additional changes to the system to the State Board of Education for

approval as necessary to ensure that continuous improvements are made in the educational programs of the State. Performance data shall be reviewed annually to determine whether to adjust the school grading scale for the following year's school grades. Adjustments may include, but shall not be limited to grading criteria, classification of school type, point calculations, point requirements, and minimum points necessary to obtain a certain grade. Adjustments may reset the minimum required number of points for each grade.

~~(n) **Virtual education providers and virtual charter schools.** Any virtual provider that offers full-time online programs for students enrolled in charter schools sponsored by a school district, technology center school district, higher education institution, a federally recognized Indian tribe, or the State Board of Education, in accordance with the provisions of the Oklahoma Charter Schools Act shall be considered a "virtual charter school."~~

~~(1) Each virtual charter school and each school district which contracts with a virtual charter school or virtual education provider shall identify its full-time virtual students who do not live in the physical boundaries of the school district with which the sponsor is associated.~~

~~(A) Each virtual charter school and each school district shall report the achievement data of its full-time virtual students who are not residents of the district in which the sponsor is located separate from the achievement data of its full-time virtual students who are residents of the district of sponsorship.~~

~~(B) The performance of non-resident full-time virtual students identified in (1) of this subsection shall be excluded from the determination of the overall school performance letter grade of the sponsoring school district, but shall be included in the overall school performance letter grade of the virtual charter school as resident students.~~

~~(2) Any virtual provider that contracts with a school district to provide full-time virtual education for resident students of the school district shall be considered a separate site within the school district for accountability purposes and shall be issued a separate report card that includes performance of full-time virtual students identified in (1) of this subsection as residents of the school district with which the provider contracts.~~

(n) **Students who attend traditional public school districts online.** A student who attends a traditional (non-charter) public school district through a full-time online program offered by the district shall have their achievement data included for accountability purposes in the school site that claims membership for the student.

(o) **Statewide virtual charter schools.** Any virtual provider sponsored as a charter school by the Statewide Virtual Charter School Board shall be considered a "statewide virtual charter school."

(1) Each statewide virtual charter school will be considered a separate school site and "district" of the Statewide Virtual Charter School Board for accountability purposes and will be subject to the system of school improvement and accountability established by 70 O.S.

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§ 1210.545 and the accompanying provisions set forth in this Section.

(2) The performance of all eligible students enrolled in a statewide virtual charter school shall be included in the calculation of the overall school performance letter grade of the virtual charter school. For purposes of this Section, any student enrolled full-time in a statewide virtual charter school who resides within the borders of the state shall be considered a resident student of the statewide virtual charter school.

[OAR Docket #17-440; filed 6-16-17]

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

[OAR Docket #17-441]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 11. Early Childhood Education Programs
210:15-11-2. Rules and regulations for early childhood education programs [AMENDED]

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 1-114

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:

September 12, 2016

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n/a

INCORPORATIONS BY REFERENCE:

n/a

GIST/ANALYSIS:

House Bill 2404 (2016) added a new provision to the statute on free attendance at public schools. 70 O.S. § 1-114(B)(3) directs the State Board of Education to promulgate a rule creating exemptions to the maximum age at which a child may attend an early childhood (pre-kindergarten or "pre-k") program. The rule provides that school districts are authorized to adopt policies for exemptions to the maximum age limit for enrollment in the district's early childhood programs. Under the rule, school districts are encouraged to consider exemption guidelines which take into consideration that young children may differ in developmental age due to factors including, but not limited to, premature birth and illness or injury during childhood.

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S. SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2017:

SUBCHAPTER 11. EARLY CHILDHOOD EDUCATION PROGRAMS

210:15-11-2. Rules and regulations for early childhood education programs

(a) The number of children in a group shall not exceed twenty (20). The adult child ratio shall not exceed 1:10. Any enrollment that exceeds ten (10) shall require the employment of a teacher assistant.

(b) The school district shall ensure the teacher assistant is provided professional development in early childhood education.

(c) A child may attend less than the two and one-half (2 1/2) hours a day the first five (5) days of the semester.

(d) The program shall encourage family involvement to support the child's education experience.

(e) The learning environment shall:

(1) be arranged to provide for individual and group learning experiences

(2) be equipped with movable furniture of the correct size

(3) have adequate materials and supplies available in sufficient quantities to meet the needs of the children in the class

(4) have restroom facilities that will accommodate four-year-olds

(5) provide for a playground area that is accessible and safe

(f) It is recommended that space requirements be based on thirty-five (35) square feet per child, and that the classroom have a sink with running water.

(g) The curriculum shall be appropriate for the age and developmental level of the students. A process to provide continuity between the early childhood program and the kindergarten program shall be established.

(h) The school district shall provide for individual student screening and referral for vision and hearing.

(i) A school district is authorized to adopt a policy providing for exemptions to the maximum age limit for half-day or full-day early childhood programs. Such a policy may allow for enrollment in the district's early childhood programs by students who are older than five (5) if they meet the district's criteria for early childhood program age exemptions. A school district that adopts an early childhood program age exemption policy is encouraged to consider guidelines which take into account that young children may differ in developmental age due to factors including, but not limited to, premature birth and significant illness or injury during early childhood. Adoption of a maximum age exemption policy for early childhood programs does not relieve a school district of its obligations to identify

and serve students with disabilities under the Individuals with Disabilities Education Act (IDEA). A student who is granted an exemption and enrolled in a school district's early childhood program under an age exemption policy shall be included as a half-day or full-day early childhood program student for State Aid purposes in the district's weighted pupil grade level calculations.

[OAR Docket #17-441; filed 6-16-17]

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

[OAR Docket #17-442]

RULEMAKING ACTION:

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RULES:

Subchapter 39. Student Apprenticeship, Internship, and Mentorship Programs [NEW]

210:15-39-1. Student apprenticeship, internship, and mentorship programs [NEW]

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 1210.528 et seq.

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n/a

GIST/ANALYSIS:

The Apprenticeships, Internships and Mentorships (AIM) Act of 2016 (House Bill 2535) authorizes the governing board of any public, charter, or private school in Oklahoma to enter into agreements with public or private organizations, beginning in school year 2017-2018, for the purpose of creating internship or apprenticeship programs for high school juniors and seniors. Under the Act, each school's governing board is authorized to adopt relevant policies. The Act directs the State Department of Education to promulgate any necessary rules, and the rule requires schools to have a policy in place before entering an internship, mentorship, or apprenticeship program agreement with a public or private organization.

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S.

SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2017:

SUBCHAPTER 39. STUDENT APPRENTICESHIP, INTERNSHIP, AND MENTORSHIP PROGRAMS

210:15-39-1. Student apprenticeship, internship, and mentorship programs

(a) Policies authorized. The governing body of any public school, charter school, or private school in Oklahoma is authorized to adopt policies regarding student internship, mentorship, and apprenticeship programs. Such policies may provide for participation in the programs by high school juniors and seniors. Policies may allow participation in internship, mentorship, or apprenticeship programs to satisfy elective course requirements as a student's schedule permits, but a student may not use program participation to replace any other state education requirement. Any policy adopted by a school's governing body under this authorization shall include qualifying criteria that public or private organizations must meet to be eligible for an internship, mentorship, and/or apprenticeship program agreement.

(b) Agreements authorized. Beginning with the 2017-2018 school year, the governing body of each public school district, charter school, or private school may enter into an agreement with one or more public or private organizations for the purpose of creating internship, mentorship, and/or apprenticeship programs as addressed in the policies of the governing body. The provisions of 70 O.S. § 1210.528-1 notwithstanding, a school district that has an existing agreement with an outside entity to offer internships or similar arrangements as part of an alternative education program prior to November 1, 2016 may continue to participate in such existing agreements as a component of the district's alternative education program.

[OAR Docket #17-442; filed 6-16-17]

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 20. STAFF**

[OAR Docket #17-443]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 9. Professional Standards: Teacher Education and Certification

Part 9. Teacher Certification

210:20-9-91. Student internship, mentorship, and apprenticeship programs [AMENDED]

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 6-190; 70 O.S. § 18-114.14

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n/a

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n/a

GIST/ANALYSIS:

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

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S. SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2017:

SUBCHAPTER 9. PROFESSIONAL STANDARDS: TEACHER EDUCATION AND CERTIFICATION

PART 9. TEACHER CERTIFICATION

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

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

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

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

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

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

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

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

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

- (i) the completed application form
(ii) official up-to-date transcripts of all college course work
(iii) documentation the applicant has completed an accredited teacher preparation program
(iv) the appropriate processing fee for each class of certificate sought. See 210:20-9-9 (d)

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

(3) **Applicants who are certified out-of-state.** ~~The following provisions apply to applicants for Oklahoma teaching certificates who already hold certificates issued by another state:~~

~~(A) The State Board of Education shall issue a teaching certificate to an applicant who submits a valid out-of-state teaching certificate issued by a state or territory of the United States, a completed application for certification, and the applicable certification fee, and has on file with the State Department of Education a current Oklahoma criminal history record check from the Oklahoma State Bureau of Investigation and a national criminal history record check as defined in 74 O.S. § 150.9. The applicant shall be responsible for the costs of the criminal history record checks. The Oklahoma certificate shall be valid only for the subject areas and grade levels most closely aligned to those recognized on the applicant's out-of-state certificate. An applicant who holds valid teaching certificates issued by more than one state is eligible for Oklahoma certification in the subject~~

area(s) most closely aligned to any subject area(s) listed on any of the valid out-of-state certificates submitted to the State Department of Education. An applicant who is issued an Oklahoma teaching certificate under this subsection may be eligible for up to five (5) years of credit for documented and verified out-of-state teaching experience.

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

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

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

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

an individual's eligibility for employment under federal law, and make no representation regarding the employment authorization status of an individual who is issued an Oklahoma teaching certificate under this subsection. A school district is responsible for verifying the work authorization status of every individual employed by the district.

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

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

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

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

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

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

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

(G) **Criminal history record check and statement of eligibility for certification.** An applicant shall have on file with the State Department of Education a current Oklahoma criminal history record check from the Oklahoma State Bureau of Investigation and a national criminal history record check as defined in 74 O.S. § 150.9. In addition to the criminal history record checks required by state law, an applicant for Oklahoma certification under this subsection must affirm that they have not been convicted in any jurisdiction, and have not received a suspended or deferred sentence in any jurisdiction, for a crime or attempted crime which would make an

individual ineligible for teacher certification under 70 O.S. § 3-104(6)(a) if committed or attempted in Oklahoma.

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

[OAR Docket #17-443; filed 6-16-17]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 20. STAFF

[OAR Docket #17-444]

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PERMANENT final adoption

RULES:

Subchapter 9. Professional Standards: Teacher Education and Certification
Part 9. Teacher Certification
210:20-9-98. Administrative requirements of teacher certification
[AMENDED]

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 22 CFR § 62.24(k)

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GIST/ANALYSIS:

The rule addressing Noncitizen Visiting Teacher Certification has been amended to reflect a change to the controlling federal regulations. The state rule previously only allowed for the one-year teaching credential issued to visiting teachers to be renewed on a year-to-year basis for a maximum of three (3) years. The federal regulation governing visas for visiting teachers

has been amended to allow for an extension of up to two (2) years beyond the initial 3-year period, for a total of up to five (5) years authorized for noncitizen visiting teachers. Oklahoma's state rule on visiting teachers is now updated to allow for the maximum 5-year visa period.

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S. SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2017:

SUBCHAPTER 9. PROFESSIONAL STANDARDS: TEACHER EDUCATION AND CERTIFICATION

PART 9. TEACHER CERTIFICATION

210:20-9-98. Administrative requirements of teacher certification

(a) **Evaluation of foreign credentials.** Foreign credentials must be either analyzed by a recognized translation service or an Oklahoma college before the State Department of Education will accept them.

(b) **Noncitizens of the United States.** Requirements for noncitizens seeking an Oklahoma teaching credential are as follows:

(1) Noncitizens of the United States will be required to submit documentation proving lawful presence with the application before an Oklahoma teaching credential may be issued or reissued.

(2) The Oklahoma teaching credential may be issued/reissued for no longer than the validity of the documentation proving lawful presence. If the documentation proving lawful presence does not have an expiration date that affects the duration of a noncitizen's lawful presence, then the teaching credential shall have the same validity period as the teaching credential of a U.S. citizen.

(c) **Noncitizen Visiting Teacher Certification.** The State Board of Education may, upon request of a local school district, issue an international visiting teacher certification pursuant to 70 O.S. § 3-104(6).

(1) An international visiting teacher certification may be issued to applicants who meet the following criteria:

(A) Applicant presents a document from an accredited public school district in this state offering employment following certification;

(B) Applicant must be a citizen of a country other than the United States and hold a J-1 visa issued by the United States Department of State;

(C) Applicant holds the equivalent of a bachelor's degree or higher from an accredited college or university in the subject area the applicant intends to teach and in the case of world languages, if the applicant is not a proficient native speaker of the target language

to be taught, applicant has completed a major in the target language to be taught;

(D) Applicants who seek to teach world languages must have a minimum of three years of teaching experience in the target language requested to be taught unless the applicant is a proficient native speaker of the target language to be taught;

(E) Applicant is a participant in a visiting teacher program approved by the Oklahoma State Department of Education;

(F) Applicant must demonstrate proficiency at the advanced-low level of the American Council on the Teaching of Foreign Languages' (ACTFL) proficiency scale in both spoken and written English; and

(G) Applicant must complete an orientation program prior to employment and must be assigned a mentor teacher by the district.

(2) Applicants meeting all qualifications shall be granted a one-year teaching credential which may be renewed on a year-to-year basis for a maximum of ~~three~~five (5) years upon request of the employing district.

(d) **Native American Language Teacher Certification.** The State Board of Education may, upon application, issue a teacher certification in Native American Languages. For purposes of this subchapter, a "Native American Language" means the historical, traditional languages spoken by Native Americans. For purposes of this subchapter, "Native American" shall have the meaning set forth in 25 U.S.C § 2902(1)-(2).

(1) A Native American language certification may be issued to applicants who meet the qualifications set forth in 210:20-9-104(b) and provide documentation that the applicant has met the following criteria:

(A) Applicant has obtained a certification of proficiency in the language sought to be certified in accordance with the provisions of 210:20-9-104(b);

(B) Applicant has completed a background check conducted by the State Department of Education in accordance with the provisions of 70 O.S. § 5-142; and

(C) Applicant has submitted a portfolio documenting applicant's experience in teaching the Native American language in which the applicant has been certified by a tribe and any other experience related to education.

(D) Any applicant who does not hold an Oklahoma traditional or alternative teaching credential must complete a school orientation program prior to employment and must be assigned a mentor teacher by the district.

(2) Applicants meeting all of the criteria set forth in this subsection shall be granted a provisional Native Language teacher certification for a period of one year. After the expiration of the one year provisional term, the Native Language teacher certification may be renewed in accordance with the following provisions:

(A) For an applicant who does not hold an Oklahoma traditional or alternative teaching credential,

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the Native Language certification may be renewed on a year-to-year basis if:

- (i) Renewal is requested by the employing district; and
 - (ii) As a condition of the first two renewals of the teaching certificate, applicant provides evidence of completion of 60 clock hours/points of a professional teaching development program each year. For purposes of (ii) of this subparagraph, a professional teaching development program may include:
 - (I) Programs, seminars, or conferences recognized for professional development credit by an Oklahoma public school district at the time the teacher attends; or
 - (II) Higher education coursework in teacher education from an accredited college or university.
- (B) For an applicant who holds an Oklahoma traditional or alternative teaching certificate, the Native Language teacher certification may be renewed for a five (5) year period.
- (e) **Privacy and access.** Any person, with proper identification, that makes a written or oral request, will be informed of the certification status of any individual subject to certification. No other information will be given to a third party without the written consent of the person about whom the information is sought.
- (1) College transcripts and other supporting documents will neither be duplicated by nor released by the State Department of Education.
 - (2) An original out-of-state teaching certificate may be returned, upon written request, to the applicant.
- (f) **Multiple applications.** When application is made at the same time for two (2) or more certificates of the same class, only a single processing fee will be charged.
- (1) Applications may be made for multiple classes of certificates on one (1) form. There is a fee for each class.
 - (2) When application is made at different times for two (2) or more certificates, a fee will be charged for each certificate requested.
- (g) **Duplicate/update certificates.** A certificate may be duplicated or updated by submitting a written request and paying the fee.
- (h) **Change of name.** A legal change of last name on a certificate may be accomplished at any time upon written request and paying the fee.
- (i) **Refusal of certification.** No certificate will be issued unless all requirements for the certificate in question are fully met. In addition, no certificate will be issued if the attempt to become certified is based on misrepresentation, forgery, or fraud.
- (j) **Grounds for cancellation of certificates.** Any certificate, credential, or endorsement obtained by misrepresentation, forgery, fraud, or issued by error will be cancelled. Upon written request the holder must surrender the certificate in question to the State Department of Education.

(k) **Felony as grounds for noncertification.** No person shall receive an Oklahoma certificate who has been convicted of a felony, any crime involving moral turpitude, or a felony violation of the narcotics laws of the United States or the State of Oklahoma, provided the conviction was entered within the ten (10) year period immediately preceding application for teacher certification.

(l) **Revocation of teaching certificate.** Teaching certificates issued by authority of the Oklahoma State Board of Education may be revoked by the board for willful violation of any rule or regulation of the board or any federal or state law or other proper cause. A certificate will be revoked only after a sufficient hearing has been given to the teacher before the State Board of Education in accordance with the hearing procedures set forth at 210:1-5-6.

(1) No person whose certificate has been revoked in Oklahoma or any other state shall be issued an Oklahoma certificate unless the revoked certificate has been fully reinstated by the revoking state and grounds for the revocation do not conflict with Oklahoma law.

(2) A person who has either voluntarily surrendered a teaching certificate in another state, been denied certification in another state or has had a certificate suspended in another state is not eligible for Oklahoma certification until an investigation has resolved the issues surrounding the surrender, denial, or suspension of certification.

(m) **Extending provisional certificates.** A request for extension of validity of any expired provisional certificate will be presented to the State Board of Education only when extenuating circumstances seem to justify its consideration. These requests shall be submitted in writing by the employing superintendent. A superintendent who holds an expired provisional certificate needs to have the president of the local board of education make the written request.

(n) **Degree/college credit accepted for certification regulations.** Only degrees conferred by state or regionally accredited colleges and universities recognized by the Oklahoma State Board of Education will be accepted by the Professional Standards Section as part of the requirements for teacher certification. Only work completed in state and regionally accredited colleges and universities, or transfer credit validated by them, will be accepted as a basis for teacher certification. For purposes of Oklahoma certification, state-accredited colleges and universities are considered to be colleges and universities accredited by the Oklahoma State Regents for Higher Education or their counterpart in other states (a statewide higher education coordinating board/agency of control). Regionally accredited colleges and universities are considered to be colleges and universities accredited by regional institutional accrediting bodies recognized by the United States Department of Education.

(o) **Fee for duplicate certificates.** The State Board of Education shall charge and collect reasonable fees for the issuance and duplication of certificates.

[OAR Docket #17-444; filed 6-16-17]

**TITLE 210. STATE DEPARTMENT OF
EDUCATION
CHAPTER 20. STAFF**

[OAR Docket #17-445]

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RULES:

Subchapter 9. Professional Standards: Teacher Education and Certification

Part 9. Teacher Certification

210:20-9-110. Alternative placement teaching certificates [AMENDED]

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 6-122.3

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GIST/ANALYSIS:

House Bill 3025 (2016) amended the qualifications and requirements for Alternative Placement Certification, and the rule addressing Alternative Placement teaching certificates is updated accordingly. Applicants were historically required to have completed a college major corresponding to an area of certification, but that is no longer a requirement. Applicants must now (1) hold a college degree and (2) demonstrate competency in an area of certification, and the rule provides several different means of demonstrating subject competency. Options for documenting subject area competency include completion of an academic major, relevant work and/or volunteer experience, publication in an academic or trade journal, or other means for demonstrating competency subject to the approval of the State Department of Education.

CONTACT PERSON:

Lori Murphy, Assistant General Counsel, Oklahoma State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Telephone number: (405) 522-5260

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S. SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2017:

**SUBCHAPTER 9. PROFESSIONAL STANDARDS:
TEACHER EDUCATION AND CERTIFICATION**

PART 9. TEACHER CERTIFICATION

210:20-9-110. Alternative placement teaching certificates

(a) **Issuance of provisional alternative teaching certificates.** The State Department of Education shall issue a three (3) year, nonrenewable provisional alternative placement teaching certificate to an individual who completes the application for an alternative placement teaching certificate and submits all documentation necessary to verify that the applicant meets all of the following criteria:

(1) ~~The applicant holds at least a baccalaureate degree from an institution whose accreditation is recognized by the Oklahoma State Regents for Higher Education and has attained a retention/graduation grade point average of not less than 2.50 on a 4.0 scale;~~ **Post-secondary education.** The applicant for alternative placement certification holds:

(A) At least a baccalaureate degree from an institution whose accreditation is recognized by the Oklahoma State Regents for Higher Education and has attained a retention grade point average of not less than 2.50 on a 4.0 scale; or

(B) A terminal degree in any field from an institution accredited by a national or regional accrediting agency recognized by the United States Department of Education, verified as a terminal degree by the Oklahoma State Regents for Higher Education; or

(C) At least a baccalaureate degree from an institution whose accreditation is recognized by the Oklahoma State Regents for Higher Education, and has completed at least two (2) years of qualified work experience. For purposes of this section, qualified work experience must be documentable through standard employment verification procedures, and relevant to a certification area or area of specialization as determined by the State Board of Education, the Office of Educational Quality and Accountability, the Department of Career and Technology Education, and/or the State Regents for Higher Education.

(2) ~~The applicant has either:~~

~~(A) Earned a major in a field of study that corresponds to an area of specialization for an Elementary Secondary Certificate, a Secondary Certificate or a career technical certificate; or~~

~~(B) Provided a letter from the registrar or academic dean of the college or school from which the applicant graduated verifying that the applicant has completed a major in a field that corresponds to an area of specialization for an Elementary Secondary Certificate, a Secondary Certificate or a career technology certificate;~~

(3) ~~The applicant can document either:~~

~~(A) Two (2) years of work experience in the applicant's degree field area, unless the applicant is participating in the federal Troops to Teachers Program; or~~
~~(B) Completion of post baccalaureate coursework in the applicant's degree field area;~~

(2) **Competency in a certification area.** In addition to having completed qualifying post-secondary education, the applicant demonstrates competency in an area of

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specialization for an elementary-secondary certificate, a secondary certificate, or a vocational-technical certificate. Competency in a certification area may be demonstrated through the following:

(A) Completion of an academic major, or at least thirty (30) credit hours of post-secondary coursework, in a field that corresponds to a certification area.

(B) Completion of an academic minor, or at least fifteen (15) credit hours of post-secondary coursework, in a field that corresponds to a certification area, plus at least one (1) year of qualified work experience or relevant volunteer experience in the same field. Volunteer experience must be verified through documentation and/or references.

(C) At least three (3) years of qualified work experience or relevant volunteer experience in a field that corresponds to an area of certification, or a combination of relevant work and volunteer experience totaling at least three (3) years, plus a written recommendation from an employer or volunteer coordinator.

(D) Successful completion of a relevant professional exam (e.g. accountancy, nursing).

(E) Publication of a relevant article in a peer-reviewed academic journal or trade journal.

(F) Other documentable means of demonstrating competency, subject to the approval of the State Department of Education.

(43) Intent to earn standard certification. The applicant declares the intention to earn standard certification by means of an alternative placement program that meets the requirements of 70 O.S. § 6-122.3 in not more than three (3) years; An applicant shall be deemed to have declared their intent to earn standard certification through submitting a completed application for alternative certification.

(54) Teacher competency examinations. The applicant has passed all of the following teacher competency examinations:

(A) The Oklahoma General Education Test (OGET); and

(B) The Oklahoma Subject Area Test (OSAT) in ~~the each~~ area of specialization for which certification is sought;.

(65) Intent to serve as a public school teacher. The applicant declares their intention to serve as a teacher at an Oklahoma public school. An applicant shall be deemed to have declared their intent to seek employment at an accredited Oklahoma public school district through submitting a completed application for alternative certification, provides one of the following types of documentation:

(A) A letter from an accredited Oklahoma public school district offering employment to the applicant in the area of specialization for which the applicant seeks certification that is conditioned upon the applicant's enrollment in an alternative certification program approved by the State Board of Education; or

(B) A letter from the applicant declaring the applicant's intention to seek employment as a teacher in

an Oklahoma public school district accredited by the Oklahoma State Department of Education; and

(7) The applicant has received a favorable recommendation for certification from the Teacher Competency Review Panel (TCRP) for evaluation of the applicant's qualifications and career accomplishments.

(b) Requirements for enrollment in an alternative certification program. As a prerequisite to enrollment in an alternative placement program set forth in 70 O.S. § 6-122.3, applicants shall meet all of the following requirements;:

(1) The applicant has never been denied admittance to a teacher education program approved by the Oklahoma State Regents for Higher Education, the North Central Association of Colleges and Schools and by the Oklahoma Commission for ~~Teacher Preparation~~ Educational Quality and Accountability to offer teacher education programs; and has never been enrolled in and subsequently failed courses necessary to successfully meet the minimum requirements of the program;

(2) The applicant has on file with the director of teacher education at an Oklahoma institution of higher education a plan for meeting standard certification requirements within three (3) years; and

(3) The applicant is participating in the teacher residency program set forth in 70 O.S. § 6-195, ~~unless the residency program has been suspended for lack of funding.~~

(c) Requirements for professional education instruction. Participants in alternative placement programs as addressed in subsection (b) must complete between six (6) and eighteen (18) credit hours of professional education instruction, or between ninety (90) and two hundred seventy (270) clock hours of school district-approved professional development, with the minimum hours of instruction required dependent on the applicant's prior level of education and/or experience. Professional education requirements must be completed within three (3) years after entering the Alternative Placement program. For all participants, professional education instruction must include at least one college credit course addressing pedagogical principles and at least one college credit course addressing classroom management. For each year of documented experience in the relevant certification area, a participant's total required professional education may be reduced by three (3) credit hours or forty-five (45) clock hours, provided all participants must complete at least six (6) credit hours or ninety (90) clock hours of professional education instruction. Minimum required instructional hours shall be determined as follows:

(1) For alternative placement program participants who hold a terminal degree, six (6) credit hours or ninety (90) clock hours of professional education instruction are required.

(2) For alternative placement program participants who hold a non-terminal degree beyond a baccalaureate degree, twelve (12) credit hours or one hundred eighty (180) clock hours of professional education instruction are required.

(3) For alternative placement program participants who hold a baccalaureate degree, eighteen (18) credit hours

or two hundred seventy (270) clock hours of professional education instruction are required.

~~(ed)~~ **Issuance of standard alternative—teaching certificates.** The State Department of Education shall issue a standard teaching certificate to an individual who successfully completes all of the requirements set forth in (a), ~~and (b), and (c)~~ of this Section within three (3) years of the date of issuance of the applicant's provisional alternative teaching certificate and meets all of the following requirements:

- (1) The applicant has passed the Oklahoma Professional Teaching Exam (OPTE) for either elementary/middle level or secondary level; and
- (2) The applicant has completed all professional education requirements of the alternative placement program set forth in 70 O.S. § 6-122.3 and the administrative rules and/or adopted policies of the State Board of Education.

~~(de)~~ **No student teaching experience required.** Student teaching and/or pre-student teaching field experience shall not be required of alternative program applicants as a condition of receiving a provisional or standard certificate pursuant to the provisions of this Section.

~~(f)~~ **Criminal history record check.** Prior to employing an alternatively certified teacher, the district board of education shall request a criminal history record check of the individual under the provisions of 70 O.S. § 5-142.

~~(eg)~~ **State Board of Education exceptions.** In accordance with the requirements of 70 O.S. § 6-122.3, the State Board of Education may grant a waiver or exception to any of the requirements of this Section and may grant a certificate upon demonstration of specific competency in the subject area of specialization by the applicant. An applicant for alternative certification who does not have at least two (2) years of relevant work experience, but demonstrates competency in the subject area in which certification is sought, may request an exception to the work experience requirement of 70 O.S. § 6-122.3.

[OAR Docket #17-445; filed 6-16-17]

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 20. STAFF**

[OAR Docket #17-446]

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Subchapter 23. School Board Members
210:20-23-3. Requirements for new and incumbent school board member training [AMENDED]

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GIST/ANALYSIS:

The rule addressing instructional requirements for local school board members is amended to clarify that board members who are appointed to fill a seat for fifteen (15) months or less may carry forward credit for training completed during the short-term appointment, if they are elected to the board for the subsequent term. The previous rule language did not allow for this carryover, and the rule has been amended to better reflect the school board member training statute at 70 O.S. § 5-110, which allows for training completed "within fifteen (15) months following or preceding election."

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S. SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2017:

SUBCHAPTER 23. SCHOOL BOARD MEMBERS

210:20-23-3. Requirements for new and incumbent school board member training

(a) **Definitions.** The following words and terms, when used in this subchapter, shall have the following meaning:

(1) **"Approved instruction"** means instruction provided through workshops for the purpose of meeting the school board member instruction and continuing education requirements set forth in 70 O.S. §§5-110 and 5-110.1. Workshops providing instruction to qualify for credit pursuant to this Section and 210:20-23-4 shall include all in-state workshops, seminars, conferences, and/or conventions that are conducted by the State Department of Education, the Oklahoma Department of Career and Technology Education, the Oklahoma State School Boards Association, and all approved local professional development programs of the board member's district. Other programs must have ~~joint~~ prior approval in writing by the State Department of Education ~~and the Oklahoma Department of Career and Technology Education.~~ Requests for such approval must be in writing.

(2) **"Incumbent school board member"** means an individual who currently serves as a member of a district school board by either election or appointment and who also served as a school board member through either election or appointment to the term immediately prior to the

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current term of office, but does not include individuals who served a short-term appointment of fifteen (15) months or less during the previous term.

(3) **"New school board member"** means an individual who has been elected or appointed to serve as a member of a district school board and who has not been previously appointed or elected to serve as a school board member to the term immediately prior to the current term for which the member has been elected or appointed. For purposes of training requirements, an individual who has served a short-term appointment of fifteen (15) months or less during the previous term is considered a new school board member.

(b) **Training for new school board members.** Within fifteen (15) months ~~after~~of the date of election or appointment, each new school board member shall complete at least twelve (12) hours of approved instruction on education issues that meet all of the following requirements:

- (1) At least one (1) hour on public school finance and/or, if appropriate, Career Technology finance;
- (2) At least one (1) hour on the Oklahoma Open Records Act and Oklahoma Open Meeting Act;
- (3) At least one (1) hour on ethics; and
- (4) At least nine (9) hours of approved instruction in other educational issues ~~authorized~~ by 70 O.S. § 5-110, including the following areas:

- (A) Legal issues impacting local school districts;
- (B) School employment and due process law;
- (C) New laws;
- (D) Special education law; or
- (E) Additional hours of instruction in ~~legal~~ issues related to topics set forth in (1) through (3) of this subsection, provided that no hour of instruction shall be counted more than once to meet the required twelve (12) hours of new board member instruction.

(c) **Training for incumbent school board members.** Within fifteen (15) months ~~after~~of the date of election or appointment, each incumbent school board member shall complete at least six (6) hours of approved instruction that meets all of the following requirements:

- (1) At least one (1) hour of instruction in public school finance and/or, if appropriate, Career Technology finance;
- (2) At least one (1) hour of instruction on the Oklahoma Open Records Act and the Oklahoma Open Meeting Act;
- (3) At least one (1) hour of instruction on ethics; and
- (4) At least three (3) hours of approved instruction in other educational issues in the topics referenced in this subsection and/or in (b)(1) through (b)(4) of this Section, provided that no hour of instruction shall be counted more than once to meet the required six (6) hours of training required by this subsection.

(d) **Short-term appointments.** School board members who hold their seats by appointment for less than fifteen (15) months prior to the date of the next election shall be excused from the training requirements in (b) and (c) of this Section. While training is not required for short-term appointees, in the event a short-term appointee is elected to serve on the board for the subsequent term, any hours of approved

instruction earned during the short-term appointment may carry forward to apply toward the training requirements of 70 O.S. § 5-110 or 70 O.S. § 5-110.1. However, the provisions of this subsection do not excuse an appointed board member from any training requirements of 70 O.S. § 5-110 incurred during the incumbent's previous term or any future training requirements incurred upon future election or appointment.

(e) ~~Carry over of excess~~**Excess approved instruction credits.** Any hours of approved instruction in excess of the requirements of this Section that have been earned during a school board member's current term of office may be applied toward the continuing education requirements of 70 O.S. §5-110.1, provided that:

- (1) With the exception of approved training hours earned during short-term appointments, No excess hours of approved instruction shall be permitted to carry over into a subsequent term of office; and
- (2) No hour of instruction shall be counted more than once to meet any of the training requirements set forth in this Section or in 210:20-23-4.

[OAR Docket #17-446; filed 6-16-17]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 20. STAFF

[OAR Docket #17-447]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 29. Standards of Performance and Conduct for Teachers
210:20-29-5. Principle III [AMENDED]

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 6-101.21; 70 O.S. § 6-101.22

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:

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n/a

INCORPORATIONS BY REFERENCE:

n/a

GIST/ANALYSIS:

Pursuant to House Bill 1017 (1990), the State Board of Education promulgated Standards of Performance and Conduct for Teachers as administrative rules. 70 O.S. § 6-101.21 requires the Standards of Performance and Conduct to include the statutory grounds for dismissal of career teachers, which are codified in the rules as "Principle III". House Bill 2957 (2016)

and previous bills amended 70 O.S. § 6-101.22, "Reasons for Dismissal of Career Teachers", and the rule addressing grounds for dismissal must be aligned with the new statutory language. One change to the statute that must be incorporated into the rule is the requirement to dismiss a teacher who has been convicted of an offense requiring sex offender registration. The amendment also adds the new statutory language allowing for dismissal of a teacher who has been found to have engaged in acts that could form the basis of criminal charges sufficient to result in the revocation of a certificate under 70 O.S. § 3-104(6)(a), which primarily lists crimes involving the sexual exploitation of children.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S. SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2017:

SUBCHAPTER 29. STANDARDS OF PERFORMANCE AND CONDUCT FOR TEACHERS

210:20-29-5. Principle III

(a) ~~A career teacher may be dismissed or not reemployed for.~~ A career teacher may be dismissed or not reemployed for:

- (1) ~~Willful neglect of duty.~~ Willful neglect of duty;
- (2) ~~Repeated negligence in performance of duty.~~ Repeated negligence in performance of duty;
- (3) ~~Mental or physical abuse to a child.~~ Mental or physical abuse to a child;
- (4) ~~Incompetency.~~ Incompetency;
- (5) ~~Instructional ineffectiveness.~~ Instructional ineffectiveness;
- (6) ~~Unsatisfactory teaching performance.~~ Unsatisfactory teaching performance;
- (7) ~~Any reason involving moral turpitude.~~ Any reason involving moral turpitude; or
- (8) Abandonment of contract.

(b) ~~Subject to the provisions of the Teacher Due Process Act, a probationary teacher may be dismissed or not reemployed for cause.~~ Subject to the provisions of the Teacher Due Process Act, a probationary teacher may be dismissed or not reemployed for cause.

(c) ~~A teacher convicted of a felony shall be dismissed or not reemployed unless a presidential or gubernatorial pardon has been issued.~~ A teacher shall be dismissed or not reemployed, unless a presidential or gubernatorial pardon has been issued, if during the term of employment the teacher is convicted in any state or federal court of any felony offense, or any sex offense subject to the Oklahoma Sex Offenders Registration Act or any other state or federal sex offender registration provisions.

(d) ~~A teacher may be dismissed, refused employment or not reemployed after a finding that such person has engaged in criminal sexual activity or sexual misconduct that has impeded~~

~~the effectiveness of the individual's performance of school duties. As used in this subsection:~~

- (1) ~~"Criminal sexual activity" means the commission of an act as defined in Section 886 of Title 21 of the Oklahoma Statutes, which is the act of sodomy; and~~
- (2) ~~"Sexual misconduct" means the soliciting or imposing of criminal sexual activity.~~ [70:6-101.22] A teacher may be dismissed, refused employment, or not reemployed after a finding that such person has engaged in acts that could form the basis of criminal charges sufficient to result in the denial or revocation of a certificate for a reason set forth in subparagraph a of paragraph 6 of 70 O.S. § 3-104.

[OAR Docket #17-447; filed 6-16-17]

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 20. STAFF**

[OAR Docket #17-448]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

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

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 6-122.3

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n/a

GIST/ANALYSIS:

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

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S. SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2017:

SUBCHAPTER 37. ADJUNCT TEACHERS

210:20-37-2. Adjunct teachers

Rules which pertain to adjunct teachers are:

- (1) The local school district shall determine the specific qualifications, duties, and responsibilities of adjunct teachers.
- (2) The employment of persons to serve as adjunct teachers shall be approved by the local board of education.
- (3) The local district shall request a felony record search of any person approved for adjunct employment.
- (4) Formal notification of the employment of adjunct teachers shall be provided to the State Department of Education within thirty (30) days of the date of employment.
- (5) Adjunct teachers shall be limited to two hundred seventy (270) clock hours of classroom teaching per semester.
- (~~5~~) For individuals who do not hold a valid Oklahoma teaching certificate, Hours hours taught while serving as an adjunct teacher shall not count towards teaching experience or recency for purposes of meeting certification or recertification requirements, tenure, or retirement benefits, or for placement on the state minimum salary schedule. For individuals who hold a valid Oklahoma teaching certificate, hours taught while serving as an adjunct teacher may apply toward teaching experience and recency under the experience accrual guidelines of 210:25-3-4(b).
- (7) Salary for an uncertified individual employed as an adjunct teacher shall be established by the school district. Salary for a certified individual who serves as an adjunct teacher shall be the amount the individual would be entitled to on the state minimum salary schedule if they were serving as a full-time teacher, pro-rated to the number of hours taught.
- (~~6~~) Adjunct teachers employed to coach school athletic teams shall have successfully completed a course in the care and prevention of athletic injuries.

[OAR Docket #17-448; filed 6-16-17]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 20. STAFF

[OAR Docket #17-449]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 41. Teacher and Leader Effectiveness

- 210:20-41-1. Teacher and Leader Effectiveness Evaluation System overview [AMENDED]
- 210:20-41-2. Quantitative components of the Teacher and Leader Effectiveness Evaluation System [NEW]
- 210:20-41-3. Qualitative components of the Teacher and Leader Effectiveness Evaluation System [AMENDED]

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 6-101.10 et seq.

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n/a

INCORPORATIONS BY REFERENCE:

n/a

GIST/ANALYSIS:

The rules addressing the Teacher and Leader Effectiveness Evaluation System (TLE) are amended to incorporate changes made to the TLE system by House Bill 2957 (2016). Changes include: the definition of "teacher" is updated pursuant to 70 O.S. § 1-116; references to Student Academic Growth (SAG) data and other repealed quantitative components are eliminated; "district evaluation rating" is established as the new term for a teacher or leader's holistic rating; requirements for individualized programs of professional development are outlined; and evaluator training is addressed.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S. SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2017:

SUBCHAPTER 41. TEACHER AND LEADER EFFECTIVENESS

210:20-41-1. Teacher and Leader Effectiveness Evaluation System overview

(a) **Purpose and application.** To ensure that each Oklahoma student is provided with effective instruction that contributes to student success, each school district board of education shall maintain and annually review a written policy of evaluation for all teachers and leaders, to be based upon the minimum criteria for the Teacher and Leader Effectiveness Evaluation System (TLE) outlined at 70 O.S. § 6-101.16. For purposes of the TLE, "leader" means a principal, assistant principal, or any other school administrator who is responsible for supervising classroom teachers. "Teacher" means a duly certified person who is employed to serve as a counselor, librarian,

or school nurse/classroom teacher, or in any other instructional capacity.

(b) **Five-tier rating system.** Each teacher and leader evaluated under the TLE shall be rated on a five-tier scale, and assigned one of the following ratings. Regardless of any additional rating terminology used in an evaluation framework implemented by a school district, a teacher's or leader's district evaluation rating shall be expressed as one of the following five ratings:

- (1) Superior;
- (2) Highly effective;
- (3) Effective;
- (4) Needs improvement; or
- (5) Ineffective.

(c) **Annual evaluations.** Every teacher and leader shall be evaluated annually, and provided with feedback for the purpose of improving student learning outcomes. Both the quantitative and qualitative components of the TLE shall be calculated each year for every teacher and leader, with the following limited exceptions: Each teacher or leader shall receive a district evaluation rating based on the components of the TLE as set forth in 70 O.S. § 6-101.16(b), and expressed as a rating on the five-tier scale shown in subsection (b). For all district evaluations, student performance, including performance on the statewide criterion-referenced tests if available, shall be discussed with the teacher and may be one of the considerations for the teacher's district evaluation rating. A career teacher as defined in 70 O.S. § 6-101.3 who has received a "Superior" or "Highly effective" rating under the TLE may be evaluated once every three (3) years, but shall participate annually in developing a professional growth goal. A probationary teacher as defined in 70 O.S. § 6-101.3 shall be provided formative feedback from the evaluation process at least two times per school year, once during the fall semester and once during the spring semester.

(1) A first year teacher's TLE evaluation shall be based solely on qualitative components, as set forth at 210:20-41-3(b). During the first year of teaching, no Student Academic Growth (SAG) data will be collected. During the second year of teaching, the TLE evaluation score will still be derived entirely from qualitative components, but SAG data will be collected to be applied to the following year's evaluation.

(2) A career teacher who has received a "Superior" or "Highly effective" rating under the TLE may be evaluated once every two years. SAG quantitative data for these teachers shall continue to be collected and reported annually, as this data will be a necessary component of the teacher's next scheduled evaluation.

(3) A teacher or leader who moves to an Oklahoma school district from out of state shall be evaluated during their first school year in Oklahoma based solely on qualitative components, as set forth at 210:20-41-3(b). During the first year of teaching in Oklahoma, SAG data will be collected to be applied to the following year's evaluation.

(4) A teacher or leader who retires or leaves teaching or administrative employment, but returns to a teaching or

administrative position, shall be evaluated solely on qualitative components during the year they return to service. SAG data will be collected during the year they return to service, to be applied to the following year's evaluation.

(d) **Remediation plans and instructional coaching.** For all teachers rated as "Needs improvement" or "Ineffective", comprehensive remediation plans and instructional coaching shall be provided. Each school district's written policy for evaluation shall include guidelines for comprehensive remediation plans and an instructional coaching program.

(e) **Teachers and leaders who change positions.** For an educator who serves as a teacher one year and an administrator the following year, the SAG data acquired during the year of employment as a teacher shall carry over as the SAG data applied to TLE evaluation during the educator's first subsequent year of employment as an administrator. For an educator who serves as an administrator one year and a teacher the following year, the SAG data acquired during the year of employment as an administrator shall carry over as the SAG data applied to TLE evaluation during the educator's first subsequent year of employment as a teacher.

(d) **Individualized programs of professional development.** Every school district board of education shall maintain and annually review a written policy of professional development in addition to, or as a component of, its written policy of evaluation. The policy of professional development adopted by a school district shall provide for the development of a focused and individualized program of professional development for the teacher or administrator that is consistent with the qualitative components of the TLE. Professional development completed pursuant to an individualized program of professional development shall count toward the total number of points a teacher or administrator is required to complete as established by the school district pursuant to 70 O.S. § 6-194, provided that the implementation of individualized programs of professional development does not increase the professional development points requirements. Every school district policy of professional development shall:

(1) Establish an annual professional growth goal for the teacher or administrator that is developed by the teacher or administrator in collaboration with the evaluator. Every teacher or administrator will participate in establishing an annual professional growth goal, including career teachers with a "Superior" rating during the years they are not required to be evaluated.

(2) Be tailored to address a specific area or criteria identified through the qualitative components of the TLE.

(3) Allow the teacher or administrator to actively engage with learning practices that are evidence-based, researched practices that are correlated with increased student achievement.

(4) Be supported by resources that are available and supplied by the school district and the State Department of Education.

(e) **Evaluator training.** Prior to conducting evaluations, every individual designated by a school district board of education to conduct personnel evaluations shall participate in training that addresses the requirements of Oklahoma's

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Teacher and Leader Effectiveness Evaluation System. Training provided to a school district's evaluators through a vendor which addresses the district's adopted framework, but does not specifically address Oklahoma's TLE components, will not satisfy the TLE training requirement.

(f) **Reporting.** Every school district must transmit data collected for TLE purposes to the State Department of Education through the current information upload system designated by the agency.

(g) **Confidentiality of records.** The State Department of Education shall keep records of annual evaluations received pursuant to TLE confidential. TLE records which in any way identify a current or former public employee shall not be subject to disclosure under the Oklahoma Open Records Act.

210:20-41-2. Quantitative components of the Teacher and Leader Effectiveness Evaluation System

For districts choosing, at their own expense, to use quantitative measures of teachers and leaders as part of the district evaluation rating, such measures shall include a minimum of one reliable, research-based measure approved by the State Board of Education.

210:20-41-3. Qualitative components of the Teacher and Leader Effectiveness Evaluation System

(a) **Proportion of overall rating.** Fifty percent (50%) of the ratings of teachers and leaders shall be based on qualitative assessment components which are rigorous and fair.

(ba) **Qualitative assessment of teachers.** An evidence-based qualitative assessment tool for the assessment of teachers must include observable and measurable characteristics of personnel and classroom practices that are correlated to student performance success. These characteristics shall include, but not be limited to:

- (1) Organizational and classroom management skills;
- (2) Ability to provide effective instruction;
- (3) Focus on continuous improvement and professional growth;
- (4) Interpersonal skills; and
- (5) Leadership skills.

(eb) **Qualitative assessment of leaders.** An evidence-based qualitative assessment tool for the assessment of administrators must include observable and measurable characteristics of personnel and site management practices that are correlated to student success. These characteristics shall include, but not be limited to:

- (1) Organizational and school management, including retention and development of effective teachers and dismissal of ineffective teachers;
- (2) Instructional leadership;
- (3) Professional growth and responsibility;
- (4) Interpersonal skills;
- (5) Leadership skills; and

(6) Stakeholder perceptions.

[OAR Docket #17-449; filed 6-16-17]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 25. FINANCE

[OAR Docket #17-450]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 5. Budgeting and Business Management
Part 2. Personnel and Procedures
210:25-5-10. The encumbrance clerk [AMENDED]
210:25-5-11. The school district treasurer [AMENDED]

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 5-190

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n/a

INCORPORATIONS BY REFERENCE:

n/a

GIST/ANALYSIS:

70 O.S. § 5-190, the statute directing what training is required for school district treasurers and encumbrance clerks, was amended by House Bill 2315 (2016) to allow for the training requirements to be satisfied by instruction completed within three (3) years prior to employment in the position. The rules governing school district encumbrance clerks and treasurers previously only provided for training within nine (9) months after employment, and are updated to reflect the new prior-instruction option.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S. SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2017:

SUBCHAPTER 5. BUDGETING AND BUSINESS MANAGEMENT

PART 2. PERSONNEL AND PROCEDURES

210:25-5-10. The encumbrance clerk

(a) **Duties and responsibilities.** The encumbrance clerk shall be employed by the district board of education and may also serve as the minute clerk. The encumbrance clerk is responsible for the following duties:

- (1) Maintain Appropriation and Encumbrance Ledger.
- (2) Determine that encumbrances do not exceed appropriations and are for purpose of appropriation charged.
- (3) May complete purchase orders.
- (4) Transmit warrants to vendor(s).
- (5) Perform such other duties as the board or its committees may require.

(b) **Required forms and documents.** In performing the required duties of the position the Encumbrance Clerk needs the following forms and documents:

- (1) A supply of approved purchase order blanks.
- (2) A supply of approved warrant blanks.
- (3) A copy of the following:
 - (A) S.A.&I Form 2661, Estimate of Needs.
 - (B) S.A.&I. Form 307, Request for approval of State Aid and/or Federal Funds.
 - (C) Form 308 - Cash Fund Estimate and Request for Appropriation.
 - (D) Form 150 - Supplemental Estimate
- (4) Other forms to meet board's requirements.

(c) **Additional duties - dual appointments as minute clerk.** If also serving as the minute clerk additional duties to perform:

- (1) Maintain an accurate journal of the proceedings of the board of education.
- (2) Perform such other duties as the board or its committees may require.

(d) **Encumbrance clerk training and continuing education requirements.** Every school district encumbrance clerk shall complete the following training requirements in accordance with the provisions of 70 O.S. § 5-190:

(1) **Encumbrance clerk training.** Within nine (9) months after the first day of employment as an encumbrance clerk by a local school district, or within three (3) years prior to employment in the position, every school district encumbrance clerk shall complete at least twelve (12) hours of approved instruction that meets all of the following requirements:

- (A) Any courses of instruction or workshop of courses offered for purposes of meeting the requirements of this subsection shall be approved for credit by the State Department of Education Office of Financial Services;
- (B) The instruction shall address all of the following topics:
 - (i) School finance laws of the State;
 - (ii) Accounting;
 - (iii) Ethics;
 - (iv) Duties and responsibilities of a school district encumbrance clerk.

(2) **Encumbrance clerk continuing education.** In addition to the requirements of (1) of this subsection, every school district encumbrance clerk shall be required

to complete an additional twelve hours (12) of approved continuing education instruction every three (3) years from the date of initial employment with a school district. The twelve (12) hours of required continuing education instruction shall meet all of the requirements for encumbrance clerk training set forth in (1) of this subsection.

(e) **Certificates of completion.** As a condition of course approval, every instructor of a school district encumbrance clerk course or coordinator of a workshop of school district encumbrance clerk courses shall provide a certificate of completion to encumbrance clerks upon successful completion of the course or workshop offered for the purpose of fulfilling the requirements of (d) of this Section. Upon completion of the course, copies of the certificate, signed by the course instructor or the workshop coordinator, shall be forwarded by the encumbrance clerk to the district board president or the board president's designee.

(f) **Compliance.** Failure to comply with the training requirements set forth in this Section shall result in a deficiency on the accreditation report of the school district that employs the encumbrance clerk.

210:25-5-11. The school district treasurer

(a) **Overview.** The law requires the county treasurer of each county to also be the school district treasurer for all school districts in the County, except that the board of education in each school district may appoint a local treasurer. All school districts are also allowed to employ an assistant local treasurer. An assistant local treasurer may perform any of the duties and exercise any of the powers of the local treasurer with the same force and effect. A school district treasurer or assistant treasurer may also serve as a minute clerk. The local treasurer and/or assistant treasurer shall be a resident of this state. A local treasurer or assistant local treasurer may be appointed for more than one school district. Since the State Auditor and Inspector is directly charged by law to prescribe the forms and procedures for the operation of the county treasurer's office, nothing herein is intended to disturb or supersede any directive or advice from the Auditor's Office. It is, however, agreed upon by the above mentioned office and the Department of Education that if the treasurer follows the principles and procedures as provided below for the operation of the local treasurer's office of the school district, a valuable service to boards of education, taxpayers and the general public will occur.

(b) **Duties and responsibilities.** The Treasurer is required by law to:

- (1) Ensure that warrants shall show warrant number, fiscal year, and fund against which the warrant is being drawn.
- (2) Code all receipts using the Oklahoma Cost Accounting System dimensions of Fiscal Year, Fund, Project Reporting, Source of Revenue, Program, and Operational Unit, to the bold dimension for State Department of Education requirements. If coded in detail have ability to roll dimensions to the bold for magnetic media transfer to State Department of Education.

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(3) The Treasurer of a School District shall keep the following computerized records based on the following format:

- (A) SA&I, Form 208 (1967) Treasurer's General Ledger.
- (B) SA&I, Form 2061 (1967) Treasurer's Cash Ledger.
- (C) SA&I, Form 2062 (1967) Treasurer's Investment Ledger.
- (D) SA&I, Form 207 (1967) Treasurer's Warrant Ledger.
- (E) SA&I, Form 411 (1967) Treasurer's Receipt.
- (F) SA&I, Form 410 (1967) Treasurer's Check.
- (G) SA&I, Form 1141 (1967) Bond Register.
- (H) Deposit Books.
- (I) Such other records as may be deemed advisable or useful.

(4) The Treasurer shall also maintain adequate files of:

- (A) Paid Warrants--Warrants purchased with a treasurer's check, shall be filed by group in the numerical order of the treasurer's checks which paid them. Each group of warrants paid by a treasurer's check shall also have a copy of the treasurer's check with which they were purchased attached to them.
- (B) Voided Warrants--Shall be filed in the numerical order of their issuance by fund and by fiscal year in a separate file and shall be sufficiently mutilated to prevent their being cashed but not mutilated as to not be identifiable.
- (C) Paid Bonds and Coupons.
- (D) Canceled Bonds and Coupons.
- (E) Bank and fiscal agency statements, including deposit tickets and paid warrants/checks.
- (F) County Clerk's remittance advises.
- (G) Copies of any directive from the County Clerk or County Excise Board supplementing, changing or transferring appropriation balances.
- (H) State Board of Education notices and allocation of State and Federal Aid.
- (I) School board resolutions pertinent to the conduct of the School Treasurer's office and duties.
- (J) Letters, memos, or other supporting data pertaining to transactions of the school district or to the operation of the Treasurer's office.
- (K) Any other files which may be considered advisable or useful.

(c) **Treasurer training and continuing education requirements.** Every school district treasurer who does not also act as the county treasurer shall complete the following training requirements in accordance with the provisions of 70 O.S. § 5-190:

(1) **Treasurer clerk training.** Within nine (9) months after the first day of assuming duties as a local school district treasurer, or within three (3) years prior to employment in the position, every school district treasurer shall complete at least twelve (12) hours of approved instruction that meets all of the following requirements:

(A) Any courses of instruction or workshop of courses offered for purposes of meeting the requirements of this subsection shall be approved for credit by the State Department of Education Office of Financial Services;

(B) The instruction shall address all of the following topics:

- (i) School finance laws of the State;
- (ii) Accounting;
- (iii) Ethics;
- (iv) Duties and responsibilities of a school district treasurer.

(2) **Treasurer continuing education.** In addition to the requirements of (1) of this subsection, every school district treasurer shall be required to complete an additional twelve hours (12) of approved continuing education instruction every three (3) years from the date of initial employment with a school district. The twelve (12) hours of required continuing education instruction shall meet all of the requirements for treasurer training set forth in (1) of this subsection.

(d) **Certificates of completion.** As a condition of course approval, every instructor of a school district treasurer course or coordinator of a workshop of school district treasurer courses shall provide a certificate of completion to treasurers upon successful completion of the course or workshop offered for the purpose of fulfilling the requirements of (c) of this Section. Upon completion of the course, copies of the certificate, signed by the course instructor or the workshop coordinator, shall be forwarded by the treasurer to the district board president or the board president's designee.

(e) **Compliance.** Failure to comply with the training requirements set forth in this Section shall result in a deficiency on the accreditation report of the school district that employs the treasurer.

[OAR Docket #17-450; filed 6-16-17]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 30. SCHOOL FACILITIES AND TRANSPORTATION

[OAR Docket #17-451]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 5. Transportation
210:30-5-8. School bus driver certification [AMENDED]

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 47 O.S. § 15-109

**SUBMISSION OF PROPOSED RULES TO GOVERNOR AND
CABINET SECRETARY:**

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n/a

INCORPORATIONS BY REFERENCE:

n/a

GIST/ANALYSIS:

The rule regarding school bus driver certification is amended to provide that the annual health certificate required for school bus drivers may be signed not only by a physician, but also by an Oklahoma-licensed nurse or physician assistant working under the supervision of a physician. The rule previously limited the health certificate signature to physicians only, but in practice, it is often nurses and physician assistants who perform routine physical exams such as the annual health certification. School districts requested expansion of the authorized signatures for bus drivers' annual health certificates to include a licensed nurse or physician assistant working under the supervision of a licensed physician.

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S. SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2017:

SUBCHAPTER 5. TRANSPORTATION

210:30-5-8. School bus driver certification

(a) General criteria.

(1) Pursuant to the authority granted to the State Board of Education in 70 O.S. § 3-104(6) to regulate school bus drivers and 47 O.S. § 15-109, no board of education shall have authority to enter into any written contract with a school bus driver who does not hold a valid Oklahoma School Bus Driver's Certificate issued by the State Board of Education authorizing said bus driver to operate a school bus within the State of Oklahoma.

(2) In order to obtain and maintain a standard Oklahoma School Bus Driver's Certificate, the State Board of Education requires all public school bus drivers to:

(A) Successfully complete a school bus driver training course approved by the State Department of Education;

(B) Possess and maintain a valid Commercial Driver's License (CDL) issued by the Oklahoma State Department of Public Safety, which includes the following endorsements required by 70 O.S. § 6-110.1 in accordance with the qualifications determined by the Department of Public Safety:

(i) A school bus "S" endorsement; and

(ii) For drivers of vehicles designed to transport sixteen (16) or more passengers (including the driver), a passenger "P" endorsement; and

(C) Comply with all other health and safety qualifications set forth in this Section.

(3) No school district board of education shall assign or allow to be assigned any school bus driving duty involving the transportation of students to any employee or volunteer, regardless of contract status (e.g. coach, teacher, mechanic), unless that person has all required supporting documentation required for school bus drivers on file with the school district and a valid Oklahoma State Department of Education School Bus Driving Certificate as provided for in this section.

(4) The State Board of Education recognizes the substantial public interest in safe school bus transportation of children. Therefore, in addition to meeting the vision standards required to obtain a CDL from the Department of Public Safety, in order to obtain a standard or emergency Oklahoma School Bus Driver's Certificate, all school bus drivers must have:

(A) A visual acuity of not less than twenty-fourty (20/40) (Snellen) in each eye with or without corrective lenses; and

(B) Not less than twenty-fourty (20/40) (Snellen) with both eyes with or without corrective lenses; and

(C) A minimum field of vision of 70 degrees horizontal median vision in each eye.

(5) The use of tobacco by a school bus driver is not permitted during the operation of the bus while hauling pupils. The use of any intoxicating or non-intoxicating alcoholic beverage by the driver eight (8) hours prior to or during the operation of a school bus is strictly prohibited. The use of any controlled dangerous substance seventy-two (72) hours prior to or during the operation of a school bus is strictly prohibited. The possession of any controlled dangerous substance on a school bus is strictly prohibited.

(6) All school bus drivers shall have an annual health certificate signed by a physician licensed by this state, or a nurse or physician assistant who is licensed to practice in this state and who is working under the supervision of a medical doctor (MD) or doctor of osteopathy (DO) licensed by this state. The certificate shall be filed in the office of the chief administrative officer of the local school district or designee of the chief administrative officer attesting that such physician, or other authorized health care professional working under the supervision of a physician, has examined the applicant and that the applicant has no sign or symptoms of ill health, and is otherwise, from the observation of such physician or other authorized health care professional, physically and mentally capable of safely operating a school bus. As an alternative to the annual physical examination requirements for school bus drivers, school districts may adopt a policy that utilizes a biannual physical examination, provided the examination

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is in compliance with the physical qualifications and examination requirements at Subpart E of the Federal Motor Carrier Safety Regulations, 49 CFR §§ 391.41 to 391.50.

(7) Substitute and activity school bus drivers shall meet all the requirements prescribed for regular bus drivers.

(8) At a minimum, the chief administrative officer of the local school district or designee of the chief administrative officer shall conduct an annual driving record check of all school bus drivers, including substitute and activity drivers. The Oklahoma State Department of Education shall be immediately notified of any violation(s) that make a school bus driver ineligible to hold an Oklahoma School Bus Driver's Certificate.

(9) The State Board of Education shall revoke the bus driver's certificate of any holder who fails to comply with the provisions of this Section.

(10) School districts who fail to comply with the provisions of this section shall be subject to penalty pursuant to 210:30-5-2.

(b) **School bus driver certificate requirements.**

(1) The chief administrative officer of the local school district or designee of the chief administrative officer shall certify to the State Department of Education that each applicant submitted for Standard Five-Year Certification:

- (A) Is at least 18 years of age;
- (B) Has successfully completed a special school bus drivers' course approved by the State Department of Education;
- (C) Holds a valid Commercial Drivers license (CDL) appropriate for the type of vehicle driven with the proper endorsements required by the Department of Public Safety;
- (D) Has not been convicted of a felony, or pled guilty or nolo contendere to a felony during the last ten years; and
- (E) Has passed a driving record check, and no certificate shall be issued to any person who, within the preceding three (3) years:
 - (i) Has had a license suspended or revoked, canceled or withdrawn pursuant to the Implied Consent Laws at 47 O.S. § 751 et seq.;
 - (ii) Has a conviction for a violation of 47 O.S. § 11-902 which includes driving, operating or being in actual physical control of a vehicle while under the influence of alcohol or any intoxicating drug;
 - (iii) Has been convicted or plead guilty to a violation of 47 O.S. § 761, operating a motor vehicle while impaired by consumption of alcohol;
 - (iv) Has been convicted of any municipal violation of driving under the influence of alcohol or drugs or operating a motor vehicle while impaired or being in actual physical control of a motor vehicle while impaired; or
 - (v) Has had four (4) or more traffic violations (excluding parking violations).

(2) The chief administrative officer of the local school district or designee of the chief administrative officer shall certify to the State Department of Education that the

applicant for an Emergency One-Year School Bus Driver Certificate (Not Renewable):

- (A) Is at least 18 years of age;
- (B) Holds a valid Commercial Driver's License with the proper endorsements required by the Department of Public Safety; and
- (C) Has passed a driving record check and meets the requirements set forth in (1)(D)-(E) of this subsection.

(3) Requirements for Renewal of the Standard Five-Year Certificate include:

- (A) Every five (5) years, each driver shall have successfully completed four (4) hours per year of inservice training approved by the State Department of Education;
- (B) The chief administrative officer of the local school district or designee of the chief administrative officer shall certify to the State Department of Education that the applicant meets all requirements for standard certification; [47 O.S. § 15-109]
- (C) Each applicant has a health certificate on file signed by a licensed physician, or a nurse or physician assistant who is licensed to practice in this state and who is working under the supervision of a medical doctor (MD) or doctor of osteopathy (DO), and meets all vision requirements;
- (D) Each applicant has not been convicted or pled guilty to a felony in the last ten (10) years;
- (E) The applicant's driving record has been checked and meets all other State Board of Education requirements for certification; and
- (F) Notwithstanding the provisions of this paragraph, in order to renew any school bus driver certificate which has been expired for more than one year, a driver must successfully complete a renewal course approved by the State Department of Education. Such a course must, at a minimum, include topics on:
 - (i) Railroad crossings;
 - (ii) Emergency evacuation procedures;
 - (iii) Mirror placement;
 - (iv) Pick-up and drop-off procedures;
 - (v) Sound driving practices; and
 - (vi) Accident procedures.

(4) During the period that the application for issuance of a new or renewed school bus driver certificate is pending, applicants must immediately notify the State Department of Education Transportation Section of any arrest, citation, or conviction of any disqualifying offense set forth in (1)(E) of this subsection; any moving violation; or any involvement in a traffic accident.

(c) **Certification of drivers with a monocular vision condition.**

(1) Individuals who wish to obtain an Oklahoma School Bus Driver's Certificate and meet all other requirements of this Section, but cannot meet the vision requirements in (a)(3) of this Section in both eyes due to the presence of a monocular vision condition, may obtain an exemption from the vision requirements of (a)(3) of

this Section by providing evidence showing that Applicant is exempt from the requirements of 49 C.F.R. § 391.41, has fully adapted to the monocular vision condition, and is capable of safely operating a school bus for the purpose of transporting school children. Such evidence must consist of documentation for each one of the following:

(A) Documentation establishing that Applicant's vision condition has been present and unchanged for three years or more prior to the application for an exemption from the vision requirements of (a)(3) of this Section;

(B) Documentation establishing that Applicant has experience in safely operating a Commercial Motor Vehicle with the monocular vision condition within the three (3) year period immediately preceding the date of the application for an exemption from the vision requirements of (a)(3) of this Section; and

(C) One of the following:

(i) An authority letter issued by the Oklahoma State Department of Public Safety (DPS) qualifying the individual as exempt from the vision requirements of 49 C.F.R. § 391.41; or

(ii) A letter or waiver issued by the Federal Motor Carrier Safety Administration (FMCSA) documenting that the applicant has received a waiver from the vision requirements of 49 C.F.R. § 391.41.

(2) Documentation of the evidence required by (1)(A) of this subsection shall consist of documentation for each one of the following:

(A) Applicant must have been examined by a licensed ophthalmologist or optometrist within sixty (60) days prior to obtaining the Commercial Driver License and within one year of applying for the State Department of Education monocular vision exemption. Applicant must provide the State Department of Education a copy of the official Oklahoma State Department of Public Safety vision form documenting the examination.

(B) In addition, if not included on the official Oklahoma State Department of Public Safety vision form, Applicant must submit additional documentation, in which a licensed ophthalmologist or optometrist identifies and describes:

(i) The nature of the vision deficiency, including how long the individual has had the deficiency;

(ii) The date of the examination;

(iii) Whether the applicant's vision is stable;

(iv) The visual acuity of each eye, corrected and uncorrected;

(v) The field of vision of each eye, including central and peripheral fields, testing to at least 120 in the horizontal. (Formal perimetry is required. The doctor must submit the formal perimetry test for each eye and interpret the results in degrees of field of vision.);

(vi) Whether the applicant has the ability to recognize the colors of traffic control signals and devices showing red, green, and amber; and

(vii) The ophthalmologist/optometrist's medical opinion as to whether the individual has sufficient vision to perform the driving tasks required to operate a school bus.

(3) Documentation of the evidence required by (1)(B) of this subsection shall consist of each of the following:

(A) Applicant must provide documentation of experience in operating a commercial motor vehicle (as defined by 47 O.S. §§ 1-107.1, 1-107.2, or 1-107.3) while the Applicant has a monocular vision condition for the three (3) year period immediately preceding the date of this application which includes the following information:

(i) For any applicant employed as a driver of a commercial motor vehicle, the DOT # or ICC# of Applicant's employer(s); for any applicant with driving experience as an independent motor carrier, a list of names, addresses, and phone numbers of customers for whom Applicant performed transportation services through the operation of a commercial motor vehicle on public highways;

(ii) A list of all dates (month/date/year) during the three (3) year period for which Applicant performed services driving and/or operating a commercial motor vehicle, and the number of hours driven per week; and

(iii) A list of all types of commercial motor vehicles operated by Applicant and gross vehicle weight rating ("GVWR") of each vehicle operated by Applicant;

(B) Acceptable forms of required documentation of the Applicant's driving experience described in (3) of this paragraph may include either:

(i) A signed, notarized statement from the individual's present or past employer(s) on company letterhead; or

(ii) An affidavit by the Applicant.

(C) Applicant shall provide the State Department of Education with a Motor Vehicle Report demonstrating that applicant's driving record during the three (3) year period prior to the date the application is filed:

(i) Contains no suspensions or revocations of Applicant's driver's license for the operation of any motor vehicle (including Applicant's personal vehicle);

(ii) Contains no record of involvement in an accident involving negligence attributable to the monocular vision condition;

(iii) Contains no record of a serious traffic offense attributable to the monocular vision condition (e.g., erratic unsafe lane changes, following too closely, etc.)

(4) Individuals who receive the vision exemption to drive a bus for an accredited school in Oklahoma must

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submit to their employer a copy of the documentation required by (1)(C) of this subsection.

(d) Certification of drivers with insulin-dependent diabetes mellitus.

(1) Any person with diabetes mellitus requiring insulin by injection shall not be eligible for a school bus certificate unless the individual meets all other requirements of (a) and (b) of this Section, and the individual possesses and maintains either:

(A) An authority letter issued by the Oklahoma State Department of Public Safety (DPS) qualifying the individual as exempt from the physical requirements of 49 C.F.R. § 391.41; or

(B) A letter or waiver issued by the Federal Motor Carrier Safety Administration (FMCSA) documenting that the applicant has received a waiver from the physical requirements of 49 C.F.R. § 391.41.

(2) Upon hire, exempted individuals will be required to agree to and comply with the following conditions:

(A) Blood glucose levels shall be self-monitored one (1) hour prior to driving and at least once every four (4) hours while driving a school bus or on duty by using a portable glucose monitoring device with a computerized memory, and take corrective action if necessary;

(B) The individual shall maintain blood glucose logs, three months from the current date (or the date that insulin use began, whichever is shorter).

(i) If the employing district has cause to require a medical evaluation as authorized by (5) of this subsection, logs maintained pursuant to this subsection must be provided to the Oklahoma board certified medical doctor (MD) or doctor of osteopathy (DO) treating the individual.

(ii) Blood glucose logs must be created by an electronic blood glucose meter that stores every reading, records date and time of reading, and from which data can be downloaded and printed.

(C) The individual shall carry a source of rapidly absorbable glucose at all times while operating a school bus; and

(D) The individual shall meet the annual physical examination requirements for drivers with metabolic diseases set forth by the Department of Public Safety in OAC 595:10-5.

(E) The individual shall notify the Department of Public Safety and the State Department of Education of any changes in physical or mental ailments or conditions which may cause loss of control or partial control or may otherwise render the individual incapable of properly controlling a school bus.

(3) Superintendents or their designees who hire individuals who hold a diabetes exemption certification must keep on file in a separate medical record:

(A) A current copy of the diabetes exemption certificate of the individual;

(B) The contact information of the board certified medical doctor (MD) or doctor of osteopathy (DO) who is treating the individual;

(C) Record of the annual medical certification issued by the board certified medical doctor (MD) or doctor of osteopathy (DO) pursuant to (1)(B) of this subsection; and

(D) Copies of any medical certifications obtained pursuant to (5) of this subsection.

(4) An individual holding a diabetes exemption certificate shall immediately notify the superintendent (or the superintendent's designee) of the school district in which the individual is employed if the individual's blood glucose level is outside of a range of 100 mg/dl to 400 mg/dl one (1) hour prior to driving. Upon receipt of such notice, the superintendent or the superintendent's designee shall not allow the individual holding the diabetes exemption certificate to drive. If the individual's blood glucose level is below 100 mg/dl or above 400 mg/dl, then the driver cannot operate a school bus or transport school children as an employee of any school district until the blood glucose measure is within the target range.

(5) In the event an individual holding a diabetes exemption is involved in an incident directly caused by the individual's diabetic condition, the individual cannot operate a school bus or transport school children as an employee of any school district until the individual has been certified in writing as medically able to safely resume work related duties by the Oklahoma board certified medical doctor (MD) or doctor of osteopathy (DO) by whom they are being treated.

[OAR Docket #17-451; filed 6-16-17]

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

[OAR Docket #17-452]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 3. Standards for Elementary, Middle Level, Secondary, and Career and Technology Schools
210:35-3-47. School reports and records [AMENDED]

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 24-114

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n/a

INCORPORATIONS BY REFERENCE:

n/a

GIST/ANALYSIS:

House Bill 2784 (2016) amended the statute governing the storage of student records. The rule addressing student records is updated to reflect the statutory changes, which include an authorization for school districts to store records electronically, and a requirement to maintain student transcripts for eighty (80) years. The amendments to the law require districts to develop policies for the destruction of non-transcript student records five to seven (5-7) years after the student graduates or withdraws from the district, and the rule update also addresses HB 2784's requirement for districts to notify former students (or the parents/guardians of minors) when non-transcript records are scheduled for destruction.

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S. SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2017:

SUBCHAPTER 3. STANDARDS FOR ELEMENTARY, MIDDLE LEVEL, SECONDARY, AND CAREER AND TECHNOLOGY SCHOOLS

PART 5. STANDARD III: ADMINISTRATION AND ORGANIZATION

210:35-3-47. School reports and records

Well-delineated policies and procedures for records and reports shall be developed and kept current. School districts may store all documents and information in student records either electronically or in paper format.

- (1) Records and reports needed for effective planning, operation, evaluation, and reporting shall be kept relative to the following components of the educational program:
 - (A) Administrative operations
 - (B) Curriculum
 - (C) Guidance
 - (D) Health services
 - (E) Instructional supplies
 - (F) Media services
 - (G) School Plant
 - (H) Staff
 - (I) Student activities
 - (J) Student personnel

(2) The permanent record of the student, including social security number as permitted by law, shall be current and filed in the superintendent's or principal's office. Standardized test results, student's school activities, attendance and citizenship dates shall be included as a part of the permanent records. Proper safeguards shall be taken with these records to protect the confidentiality of individuals and the human rights of all students. Health and immunization records should be kept separately.

(3) One person in each school shall be responsible for all personally identifiable information to assure that no unauthorized person will be able to obtain the information without written parental permission.

(4) Students shall be officially enrolled upon receipt of their immunization records as required by law and transcripts or grade cards. Information pertaining to grades, graduation tests, college admission test, rank in class of graduating seniors, and other pertinent information required under 70 O.S. § 24-114 shall be recorded on the transcript. A student's transcript shall be maintained by the school district for not less than eighty (80) years following the graduation, transfer, or withdrawal of the student from the district. Because of the likelihood of changes to electronic data storage systems and practices during the timeframe that transcripts must be maintained, districts that store student records electronically are encouraged to make any necessary format conversions of student transcript records each time the district makes a significant change to its electronic data storage system, so that transcripts will be retrievable if the original storage format becomes obsolete.

(5) Principals shall furnish transcripts and immunization records of students within three business days when requested to do so by school officials.

(6) School administrators shall be familiar with and assure compliance with state attendance laws.

(7) Attendance records shall be completed and made available for auditing at the close of the school year. The principal or a competent person under his or her supervision shall record the attendance daily.

(A) Pupils absent from school in which they are regularly enrolled may be considered as being in attendance if the reason for such absence is to participate in scheduled school activities under the direction and supervision of a regular member of the faculty.

(B) Closing classroom work early for seniors for commencement or other activities is prohibited by the State Board of Education. Any school district which does not require students to attend school for the full term shall be in violation of the State Board of Education policy and shall be cited for the violation on the final accreditation report as presented for approval by the State Board of Education for the upcoming school year.

(C) Classroom activities and instruction shall continue until the end of the school term. Students given excused absences during examination periods, for

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sickness or any other reason, shall not be counted as being in attendance.

(8) Attendance records and teachers' grade books shall be filed with the district superintendent or his/her designee at the close of the school year.

(9) Permanent records of staff and students shall be retained in the school.

(10) Except for transcript records as defined in 70 O.S. § 24-114, school districts shall dispose of information in a student record at a time established by district policy that is between five (5) and seven (7) years after the student has graduated, transferred, or withdrawn from the district. Prior to the destruction of student records under this provision, school districts shall provide notification to the student or, if the student is under eighteen (18), to the student's parent or guardian, that the student's non-transcript records are scheduled to be destroyed. Notifications may be sent to the student or parent/guardian's last known mailing address and/or email address. Such notification must include an option for the student/parent to request the physical records, if in hard copy format, or a copy of the records if they are stored electronically. Students/parents shall be allowed at least thirty (30) days following notification to request the records before the records may be destroyed by the school district. If a district's policy includes the option for students/parents to request the student records scheduled for destruction by postal mail, the district may require the student/parent to pay the necessary postage, provided that no fee shall be charged if the student/parent retrieves the records in person. A school district shall be deemed to have fulfilled the requirement to notify a student/parent prior to the destruction of student records if notification is directed to the last known contact information available to the district.

(11) Any person who has completed at least thirty (30) hours of college credit at an accredited college or university in Oklahoma may be awarded a high school diploma by the State Department of Education, upon written request and verification of supporting documentation.

(A) A person wishing to apply for a diploma under these provisions must submit a written request to the State Department of Education. This request must be submitted with an official copy of the diploma applicant's transcript from an Oklahoma college or university showing at least thirty (30) credit hours earned.

(B) An official copy of the applicant's transcript may be submitted in either hard copy or electronic form. Acceptance of an official transcript in electronic form may require direct submission to the State Department of Education by the diploma applicant's college or university.

(C) Any person who has previously been an Oklahoma student and has earned at least thirty (30) hours of college credit at an accredited college or university may apply for a diploma under this section, regardless of whether the credits were earned at an institution located in Oklahoma. A former Oklahoma student

applying for a diploma after earning credits from an accredited college or university outside Oklahoma must submit an official transcript showing credits earned, as well as documentation showing that the applicant was previously an Oklahoma student.

[OAR Docket #17-452; filed 6-16-17]

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

[OAR Docket #17-453]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 3. Standards for Elementary, Middle Level, Secondary, and Career and Technology Schools

Part 19. Standard X: School Facilities

210:35-3-186. Site and buildings: size and space; accessibility; maintenance; health and safety [AMENDED]

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 5-148; 70 O.S. § 5-149

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:

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Approved by Governor's Declaration on June 13, 2017

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SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

GIST/ANALYSIS:

House Bill 2931 (2016) amended 70 O.S. §§ 5-148 and 5-149 to change the requirements for certain types of school safety drills. Prior to HB 2931, public schools were required to conduct two (2) "lockdown drills" and two (2) "intruder drills" per school year. The amended statutory provisions now require four (4) "security drills" in place of the former lockdown and intruder drills, and the rule addressing school building health and safety is updated to reflect the new drill requirements.

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S. SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2017:

**SUBCHAPTER 3. STANDARDS FOR
ELEMENTARY, MIDDLE LEVEL, SECONDARY,
AND CAREER AND TECHNOLOGY SCHOOLS**

PART 19. STANDARD X: SCHOOL FACILITIES

210:35-3-186. Site and buildings: size and space; accessibility; maintenance; health and safety

(a) **General requirements for school facilities.** All school facilities shall meet the following requirements:

(1) The site and building(s) shall be properly sized and equipped for the number of occupants and grades served in accordance with the requirements of 70 O.S. § 5-131.

(2) Adequate space shall be provided for classrooms, specialized instructional areas, support facilities and other areas as needed, these areas being grouped and arranged in such manner to provide optimum instructional function and class control.

(b) **Accessibility requirements for school facilities.** The site and building(s) shall be readily accessible, and shall meet all requirements of state and federal law in providing access for students with disabilities.

(c) **Capital improvement plans.** Each school district shall develop and adopt a four-year capital improvement plan for all public schools in the district that meets the requirements of 70 O.S. 18-153 and 210:30-1. School facilities shall be able to accommodate changes in curriculum and/or equipment within a program.

(d) **Maintenance of school facilities and equipment.** Programs for preventive and corrective maintenance shall be developed and implemented to ensure that the site and building(s) will be clean, in good repair, and maintained with consideration for function and aesthetic values. Equipment, furnishings, and supplies in proper quantity and quality shall be maintained; and a system shall be developed and implemented for inventory, issue, usage, storage, repair, and replacement.

(e) **Health and safety.** The site and building(s) shall ensure that the health and safety of all school students, school personnel, and school visitors are properly safeguarded.

(1) **Building code compliance.** Where required, the facility shall have utility systems, plumbing systems, electrical systems, mechanical systems, emergency systems, building interiors and building envelope designed, built, and maintained to all federal, state, and local standards, codes and/or other legal requirements.

(2) **Loading and unloading zones.** The site shall be as free as possible from hazards, provide a safe area for (un)loading of vehicles, with adequate lighting, signage and drainage.

(3) **Hazardous materials.** Appropriate programs pertaining to hazardous materials, hazardous waste, asbestos, underground storage tanks, lead contamination, and other applicable life, health, and/or safety matters shall be developed and implemented in accordance with federal, state, and local statutes, regulations, and codes.

(4) **Emergency warning and prevention systems.** Proper precautions shall be taken to prevent injuries. All equipment and facility safety features shall be in place and properly maintained, including, but not limited to safety goggles in accordance with the requirements of 70 O.S. §24-117 and respirators in accordance with the requirements of 70 O.S. §24-118.

(f) **School safety inspections.** The school's administration shall ensure that qualified personnel conduct a safety/emergency/disaster procedure review at least annually and safety inspections of site, building(s), and equipment regularly.

(g) **School safety drills.** Each public school district shall adopt policies and procedures for each type of safety drill required by this subsection. All safety drills shall conform to the written plans and procedures adopted by the district for protecting against natural and man-made disasters and emergencies as required by Title 63 O.S. § 681 and 70 O.S. §§ 5-148 and 5-149.

(1) **Compliance documentation.** Each public school district shall document compliance with the requirements of this subsection by each school site in writing as follows:

(A) The records for each fire drill shall be preserved for at least three (3) years and shall be made available to the State Fire Marshal or the designated agent of the State Fire Marshal upon request. In addition, one copy of the fire drill compliance report shall remain at each school site and one copy shall be filed with the school district's administrative office;

(B) In addition to the fire drill documentation required by (1)(A) of this subsection, each public school district shall document all other required safety drills in writing by school site. One copy of the safety drill compliance report shall remain at each school site and one copy shall be filed with the school district's administrative office. Each school district shall also submit documentation in writing for each school site to the Oklahoma Office of Homeland Security Oklahoma School Security Institute in accordance with the Institute's established forms, policies and/or procedures; and

(C) Each school district shall make all of its safety compliance reports required by this subsection available to the Regional Accreditation Officer during the accreditation process.

(2) **Safety drill types and requirements.** Each school district shall ensure that every public school within the district shall conduct no fewer than ten (10) safety drills per school year at each school site. All students and teachers at the public schools shall participate. Safety drills conducted in accordance with this subsection shall meet all of the following requirements:

(A) **Fire drills.** Each public school district shall conduct a minimum of two (2) fire drills per school year. Each fire drill shall be conducted within the first fifteen (15) days of the beginning of each semester. The fire drills shall include the sounding of a distinctive audible signal designated as the fire alarm signal.

(B) **Tornado drills.** Each public school district shall conduct a minimum of two (2) tornado drills per school year, in which all students and school employees participate. At least one (1) tornado drill shall be conducted in the month of September and at least one (1) tornado drill shall be conducted during the month of March.

~~(C) **Lockdown drills.** All public schools shall have a minimum of two (2) lockdown drills each school year. No lockdown drill shall be conducted at the same time of day as a previous lockdown drill conducted in the same school year.~~

~~(D) **Intruder drills.** In addition to the two lockdown drills required in this subsection, all public schools shall conduct two (2) intruder drills per school year. Intruder drills shall be conducted for the purpose of mitigating injuries or deaths by execution of a plan as an alternative to the lockdown drills required by (2)(C) of this subsection. The two required intruder drills shall be conducted within the first fifteen (15) days of each semester.~~

(C) **Security drills.** Each public school shall conduct a minimum of four (4) security drills per school year, with two (2) security drills conducted per semester. One security drill shall be conducted within the first fifteen (15) days of each semester. No security drill shall be conducted at the same time of day as a previous security drill conducted in the same school year. Security drills shall be conducted for the purpose of securing school buildings to prevent or mitigate injuries or deaths that may result from a threat around or in the school.

~~(E) **Additional safety drills.** The principal of each public school shall, at the direction of the district superintendent, utilize the remaining two (2) required safety drills for one or more of the following purposes:~~

- (i) To conduct additional drills of any of the types provided in this subsection;
- (ii) To conduct one or more drill(s) developed by the district that is consistent with the risks assessed for the school facility; or
- (iii) To conduct one or more drills in accordance with recommendations submitted by the Safe School Committee as authorized by the provisions of 70 O.S. § 24-100.5 or any assisting fire or law enforcement department.

[OAR Docket #17-453; filed 6-16-17]

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

[OAR Docket #17-454]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 3. Standards for Elementary, Middle Level, Secondary, and Career and Technology Schools
Part 19. Standard X: School Facilities
210:35-3-188. Child Abuse and Neglect Hotline signs in schools [NEW]

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 1210.162

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:

September 12, 2016

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EFFECTIVE:

September 11, 2017

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

GIST/ANALYSIS:

House Bill 2432 (2016) requires each public school to post a clearly visible sign in English and Spanish that contains the telephone number of the Child Abuse and Neglect Hotline operated by the Department of Human Services. 70 O.S. § 1210.162 directs the State Board of Education to promulgate a rule relating to the size and location of the required signs, and the rule gives guidelines for size and placement.

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S. SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2017:

SUBCHAPTER 3. STANDARDS FOR ELEMENTARY, MIDDLE LEVEL, SECONDARY, AND CAREER AND TECHNOLOGY SCHOOLS

PART 19. STANDARD X: SCHOOL FACILITIES

210:35-3-188. Child Abuse and Neglect Hotline signs in schools

(a) **Requirement to post a visible sign.** Each public school in Oklahoma shall post a sign or signs, in English and Spanish, showing the toll-free telephone number of the Child Abuse and Neglect Hotline operated by the Department of Human Services (DHS). Sample signs in English and Spanish are available on the State Department of Education website.

(b) **Content.** For school districts that choose to design their own hotline awareness signs, the following guidelines apply to content:

- (1) The English and Spanish text must communicate the same information;
- (2) The words "child abuse or neglect" and the telephone number of the DHS hotline must be prominent in the design; and
- (3) The content should convey that anyone who suspects child abuse or neglect should contact the hotline (for example, "You can stop child abuse. If you think that a child is the victim of abuse, neglect, or exploitation, tell someone.").

(c) **Location.** The sign(s) shall be posted in a clearly visible location in a public area of the school that is readily accessible to students. If separate signs are used for the Spanish and English versions, both must be displayed in the same location. The bottom edge of the sign(s) should be a minimum of forty inches (40") and a maximum of seventy inches (70") from the floor, unless the architecture of the public location chosen for display requires a higher placement height. Examples of appropriate public areas to post the sign(s) include, but are not limited to: near the school's main entry doors, outside the school's main office, or inside the cafeteria or another room frequented by all students. A school may post additional copies of the sign(s) in less public areas, such as inside restrooms or classrooms, provided at least one English and Spanish version are posted in a clearly visible public area.

(d) **Size and font.** If separate signs are used for English and Spanish text versions, the minimum size of each sign shall be eight and one-half by eleven inches (8 1/2" x 11"). If both English and Spanish text appear on the same sign, the minimum size shall be eight and one-half by fourteen inches (8 1/2" x 14"). Based on the visibility guidelines of the Americans with Disabilities Act, the font used shall not be italic, script, or highly decorative, and the words "child abuse" and the telephone number of the DHS hotline should appear in a font size at least one inch (1") high on the printed sign(s). For signs placed higher than seventy inches (70") above the floor, all text must be at least one inch (1") high. The colors of the sign background and the text should contrast for easy visibility, for example dark colors should be used for text if the background is a light color, and white or a very light color should be used for text if the background is a dark color. School districts that design their own signs are encouraged to consider color blindness and other potential visibility issues when choosing a design.

[OAR Docket #17-454; filed 6-16-17]

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

[OAR Docket #17-455]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 3. Standards for Elementary, Middle Level, Secondary, and Career and Technology Schools
Part 21. Standard XI: Accreditation Status
210:35-3-201. Statement of the standard [AMENDED]

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 3-104.3; 70 O.S. § 3-104.4; Public Law No. 114-95, the *Every Student Succeeds Act* (ESSA)

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January 3, 2017

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SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

GIST/ANALYSIS:

The administrative rule that outlines how accreditation status is determined for Oklahoma schools is updated to remove terminology that is no longer in use following adoption of the federal *Every Student Succeeds Act* (ESSA). The designation "school in need of improvement" was incorporated into the accreditation status rule from the *No Child Left Behind Act* (NCLB), the previous version of the *Elementary and Secondary Education Act* which was superseded by ESSA in December 2015, so those designations are no longer appropriate as a factor in accreditation.

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S. SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2017:

SUBCHAPTER 3. STANDARDS FOR ELEMENTARY, MIDDLE LEVEL, SECONDARY, AND CAREER AND TECHNOLOGY SCHOOLS

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PART 21. STANDARD XI: ACCREDITATION STATUS

210:35-3-201. Statement of the standard

(a) Each public school site, including charter school sites, must submit an Application for Accreditation to the Accreditation Standards Section of the State Department of Education by the due date specified on the Application. School sites are accredited for one year. An accredited school site shall meet all applicable regulations and statutory requirements at the beginning of and throughout the school year.

(b) Accreditation status of school sites shall be classified according to the following categories:

- (1) Accredited With No Deficiencies--All standards are being met.
 - (2) Accredited With Deficiencies--A school site fails to meet one or more of the standards but the deficiency does not seriously detract from the quality of the school's educational program.
 - (3) Accredited With Warning--A school site:
 - (A) fails to meet one or more of the standards and the deficiency seriously detracts from the quality of the school's educational program; ~~and/or,~~
 - (B) ~~is designated as a school in need of improvement in school years 2011-2012 or later;~~
 - (4) Accredited With Probation--A school site:
 - (A) consistently fails to remove or make substantial progress towards removing all deficiencies noted the previous year; and/or,
 - (B) consistently violates regulations; and/or,
 - (C) deliberately and unnecessarily violates one or more of the regulations; ~~and/or,~~
 - (D) ~~is declared as a School Improvement School in school years 2009-2010 and 2010-2011 and designated as a school in need of improvement in school year 2011-2012; and/or;~~
 - (E) ~~is designated as a school in need of improvement for three or more consecutive years beginning in school year 2011-2012.~~
 - (5) Nonaccredited--The school site is no longer recognized by the State Board of Education.
- (c) If a school site is placed on warning or probation, the school board and administration will meet with ~~a committee~~ one or more representatives from the Accreditation Section to review their accreditation status. After the review from the ~~committee~~ representative(s), a determination will be made concerning warning, probation or nonaccredited status. The Accreditation Section will then present a recommendation to the State Board of Education.

[OAR Docket #17-455; filed 6-16-17]

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

[OAR Docket #17-456]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

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]

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 11-103.6; 70 O.S. § 1210.523 (repealed)

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:

October 12, 2016

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SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

GIST/ANALYSIS:

The rule that outlines the graduation requirements for Oklahoma high school students must be updated to remove requirements related to End-of-Instruction (EOI) exams and the Achieving Classroom Excellence (ACE) Act, which were repealed by House Bill 3218 (2016).

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S. SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2017:

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

(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 ~~Priority Academic Student Skills~~Oklahoma Academic Standards.

(b) **Definitions.** The following definitions shall apply to this subsection:

(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;

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- (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:

(~~A~~1) Language Arts: Four (4) units or sets of competencies, to consist of:

- (~~i~~A) One (1) unit or set of competencies of grammar and composition; and
- (~~ii~~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;

(~~B~~2) Mathematics: Three (3) units or sets of competencies, to consist of:

- (~~i~~A) One (1) unit or set of competencies of Algebra I or Algebra I taught in a contextual methodology; and
- (~~ii~~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~~x) Any other mathematics courses with content and/or rigor equal to or above Algebra I.

(~~C~~3) Science: Three (3) units or sets of competencies, to consist of:

- (~~i~~A) One (1) unit or set of competencies of Biology I or Biology I taught in a contextual methodology; and
- (~~ii~~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.

(~~D~~4) Social Studies: Three (3) units or sets of competencies, to consist of:

- (~~i~~A) One (1) unit or set of competencies of United States History;
- (~~ii~~B) One-half (1/2) to one (1) unit or set of competencies of United States Government;
- (~~iii~~C) One-half (1/2) unit or set of competencies of Oklahoma History; and
- (~~iv~~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

~~(E)~~ 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

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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.

~~(D) Successful completion of an alternative assessment set forth in 210:10-13-16(b)(7)-(8) shall not constitute a basis for awarding a student credit for any course in which a student has failed the end of instruction exam and failed to attend in accordance with local district attendance policies.~~

~~(4) **Achieving Classroom Excellence Act.** The curriculum requirements for graduation set forth in (e) through (f) of this Section and 70 O.S. § 11-103.6 are in addition to and separate from the requirements of the Achieving Classroom Excellence Act set forth at 70 O.S. § 1210.523 and the accompanying regulation at 210:10-13-16. Students must fulfill the applicable requirements (or, in some cases, qualify for applicable exceptions or exemptions) of both statutes to be eligible to be awarded a standard diploma.~~

(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 ~~receiving ACE remediation in accordance with the provisions of 210:10-13-16(g) completing curricular requirements as authorized by 70 O.S. § 11-103.6(O)~~ 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 ~~Priority Academic Student Skills~~ 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.

(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.

[OAR Docket #17-456; filed 6-16-17]

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

[OAR Docket #17-457]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 25. Student Entrance and Progression Through the System
210:35-25-3. Annual student dropout reports to local school boards
[AMENDED]

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 35e

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:

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FINAL ADOPTION:

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September 11, 2017

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

GIST/ANALYSIS:

Senate Bill 1004 (2016) amended 70 O.S. § 35e to eliminate the requirement for school districts to submit quarterly dropout reports to the State Board of Education, requiring instead one annual submission of a district's pupil dropout information. The rule addressing dropout reports is updated to remove language that had required quarterly submissions.

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S. SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2017:

SUBCHAPTER 25. STUDENT ENTRANCE AND PROGRESSION THROUGH THE SYSTEM

210:35-25-3. Annual student dropout reports to local school boards

(a) The principal or a representative of each site serving students in Grades 7-12 shall review and discuss in a local school board meeting, the certified annual site dropout report submitted by the school district to the State Department of Education. The local review and discussion shall occur at the next open school board meeting after the district certifies the ~~four quarterly reports as well as the reentry checklist if applicable~~ annual report. The discussion shall be reflected in the board minutes.

(b) Each school site that serves students in Grades 7-12 is required to submit online its accounting of dropouts to the State Department of Education ~~quarterly and~~ annually. Each report is certified locally as an accurate accounting of the dropouts for each site. The annual ~~reentry checklist~~ report is due to the State Department of Education ~~no later than October 19 of each year on the date designated by the agency~~, for inclusion in the annual state dropout report to the State Board of Education, the Governor, and the State Legislature. ~~This reentry checklist report should be used to generate the annual report to the local school board.~~

[OAR Docket #17-457; filed 6-16-17]

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 40. GRANTS AND PROGRAMS-IN-AID**

[OAR Docket #17-458]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

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

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 1-123

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:

February 1, 2017

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Approved by Governor's Declaration on June 13, 2017

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n/a

INCORPORATIONS BY REFERENCE:

n/a

GIST/ANALYSIS:

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

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S. SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2017:

SUBCHAPTER 31. PUBLIC SCHOOL CLASSROOM SUPPORT GRANTS

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

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

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

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

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

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

- (1) An early childhood or elementary school.
- (2) A middle or junior high school.
- (3) A high school.
- (4) An alternative school, alternative academy, or alternative education program as defined by 70 O.S. § 1210.568.
- (5) A school in a "small school district" as defined by 70 O.S. § 18-201.1(B)(3).
- (6) A school in a district with an average daily membership of thirty thousand (30,000) or more.
- (7) A school in a district that is not a "small school district" and has an average daily membership lower than thirty thousand (30,000).

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

- (1) The amount of the requested grant, with a minimum amount of \$1,000 and a maximum amount of \$5,000.
- (2) The purpose of the requested grant, which must be intended to promote student learning in one or more content areas or skills, and the supplies, materials, and/or equipment to be funded.

**TITLE 218. OFFICE OF EDUCATIONAL QUALITY AND ACCOUNTABILITY
CHAPTER 10. EDUCATIONAL QUALITY**

[OAR Docket #17-435]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

- Subchapter 5. Educator Preparation Program Accreditation
218:10-5-3 [AMENDED]
- 218:10-5-4 [AMENDED]
- Subchapter 7. Educator Assessment
218:10-7-1 [AMENDED]
- Subchapter 8. Teaching Certification Scholarship Program [NEW]
218:10-8-1 [NEW]

AUTHORITY:

Office of Educational Quality and Accountability; 70 O.S. Supp. 1998, §6-180 et seq.

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SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

GIST/ANALYSIS:

Adopted rules align the educator preparation program accreditation processes with those of the Council for Accreditation of Educator Preparation as well as changes in assessment requirements for out-of-state certified educators. Rules also reflect implementation of the provisions of the Teaching Certification Scholarship Program Act.

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2017:

SUBCHAPTER 5. EDUCATOR PREPARATION PROGRAM ACCREDITATION

218:10-5-3. Specific state standards for program accreditation

(a) The following standards apply to both undergraduate and graduate programs. The governance and administration of the total educator preparation program standard is based on

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

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

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

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

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

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

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

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

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

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

[OAR Docket #17-458; filed 6-16-17]