JANET BARRESI
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
STATE OF OKLAHOMA

To: The Honorable Members of the State Board of Education

From: Legal Services

Date: February 28, 2013

Re: Rulemaking Update

The attached information is provided to update the State Board of Education on rules currently in the promulgation process pursuant to the Oklahoma Administrative Procedures Act at 70 O.S. § 250 et seq. This report is informational; no action on the following rules is requested or required at this time.

Notices of Rulemaking Intent for the following rules were published in the *Oklahoma Register* on February 15, 2013, and will be open for public comment until 4:30 p.m. on March 25, 2013. A public hearing on this set of rules will be held at 10:00 a.m. on March 25, 2013.

The final drafts of these rules will be docketed for board approval on the March 28, 2013 meeting agenda.

1. CHAPTER 1. STATE BOARD OF EDUCATION
   SUBCHAPTER 5. DUE PROCESS
   210:1-5-6. Revocation of certificates [AMENDED]

2. CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES
   SUBCHAPTER 13. STUDENT ASSESSMENT
   210:10-13-16. Student exceptions and exemptions related to graduation requirements for end-of-instruction exams [AMENDED] ("ACE")

3. CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES
   SUBCHAPTER 13. STUDENT ASSESSMENT
   210:10-13-22. Implementation of a system of school improvement and accountability [AMENDED] ("A-F")

4. CHAPTER 15. CURRICULUM AND INSTRUCTION
   SUBCHAPTER 1. GENERAL PROVISIONS
   210:15-1-3. <u>Procedures for review and Implementation of Curriculum Standards</u> [NEW]
   SUBCHAPTER 3. PRIORITY ACADEMIC STUDENT SKILLS [REVOKED]
   [NOTE: Please see NRI and Proposed Text for a list of each of the rules proposed for revocation]

OKLAHOMA STATE DEPARTMENT OF EDUCATION
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5. CHAPTER 20. STAFF
   SUBCHAPTER 9. PROFESSIONAL STANDARDS: TEACHER EDUCATION AND CERTIFICATION
   PART 9. TEACHER CERTIFICATION
   210:20-9-98. Administrative requirements of teacher certification [AMENDED]
   210:20-9-104. Certification for languages with no subject area examination [AMENDED]

6. CHAPTER 40. GRANTS AND PROGRAMS-IN-AID
   SUBCHAPTER 87. RULES FOR PAYMENT TO CHARTER SCHOOLS
   210:40-87-6. Charter school surety bonds [NEW]
   210:40-87-7. Statewide Virtual Charter School Board [NEW]

Notice of Rulemaking Intent

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

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Due Process

210:1-5-6. Revocation of certificates [AMENDED]

SUMMARY:

The purpose of the proposed changes is to clarify the rules and procedures for hearings on revocation of licenses and/or certificates issued to persons for instructional, supervisory, and administrative positions in state public schools by the State Board of Education. The proposed changes would clarify the circumstances upon which licensure proceedings may be triggered, and the grounds under which licenses may be suspended or revoked. The changes will also update the text of the rule to meet the drafting requirements of 655:10-3-25, and will ensure compliance with the provisions of the Oklahoma Administrative Procedures Act.

AUTHORITY:

State Board of Education, pursuant to 70 O.S. § 3-104; 70 O.S. § 6-189; 75 O.S. § 308a.

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., Monday March 25, 2013, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Submit comments by email to: rules@sde.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Monday, March 25, 2013, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies are on file for public viewing in the office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Proposed rules are also available on the State Department of Education Web site at www.sde.ok.gov on and after February 22, 2013.

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on and after February 22, 2013.

CONTACT PERSON:

Connie Holland, 405-521-3308

ACCEPTED 1/29/13
Office of Administrative Rules
Oklahoma Secretary of State
Docket # 13 - 152 OAR/cert CN

NAME OF AGENCY:

State Department of Education

TYPE OF DOCUMENT

Notice of rulemaking intent

LIAISON VERIFICATION:

I verify that I have reviewed the attached document and that it substantially conforms to filing and format requirements of the APA and the rules of the Secretary of State. Additional information may be obtained by contacting me at 405-521-3308.

Connie Holland

Connie Holland
Chief Executive Secretary, State Board of Education
State Department of Education
January 25, 2013

Rule Impact Statement

RULE IMPACT STATEMENT

TITLE 210. STATE DEPARTMENT OF EDUCATION

CHAPTER 1. STATE BOARD OF EDUCATION
SUBCHAPTER 5. DUE PROCESS

a. **What is the purpose of the proposed rule change?**
The purpose of the proposed to change to 210:1-5-6 is to clarify the rules and procedures for suspension and/or revocation of certificates issued by the State Board of Education to persons for instructional, supervisory, and administrative positions in state public schools. The proposed changes to the rule would clarify the process under which a certificate may be suspended or revoked, and will update the outdated portions of the rule to ensure compliance with the provisions of the Oklahoma Administrative Procedures Act. In addition, the proposed amendment of the rule incorporates a procedure for emergency suspension of a certificate in the event of a determination that emergency action is warranted to protect public health, safety, or welfare.

b. **What classes of persons will be affected by the proposed rule change and what classes of persons will bear the costs of the proposed rule change?**
The proposed changes will affect public school students and their parents/legal guardians; individuals certified as public school instructional, administrative and supervisory positions, and public school districts and public schools.

c. **What classes of persons will benefit from the proposed rule change?**
The proposed changes will benefit holders of certificates, as the updated provisions of the rule provide additional procedures to ensure additional due process protections in accordance with the provisions of Article II of the Oklahoma Administrative Procedures Act. The proposed changes will also benefit public school students and their parents/legal guardians by adding a provision for emergency suspension of a certificate to protect the health, safety, or welfare of public school students and employees.

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

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

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

g. **Will implementing the rule change have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act?**
The agency does not anticipate any adverse economic impact on small business as a result of the proposed rule change at this time.

h. **Are there any other methods which are less costly, nonregulatory, or less intrusive to achieve the purpose of the proposed rule change?**
No.

i. **Will the rule change impact the public health, safety, and environment, and is the change designed to reduce significant risks to the public health, safety, and environment? If so, explain nature of risk and to what extent the proposed rule change will reduce the risk.**
The agency anticipates a benefit to public safety as a result of implementation of the proposed rule by the addition of a procedure providing for emergency suspension of a certificate in the event the agency finds that emergency action is warranted to protect the public health, safety, or welfare pursuant to 75 O.S. § 314.1.

j. **What detrimental effect will there be on the public health, safety, and environment if the rule change is not implemented?**
The agency does not anticipate any detrimental effect on public health, safety, or environment as a result of implementation of the proposed rule at this time.

k. **Date Prepared**: February 22, 2013.

Statutory Authorities

Oklahoma Statutes Citationized

Title 70. Schools

Chapter 1 - School Code of 1971

Article Article III - State Department of Education

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

Cite as: 70 O.S. § 3-104 (OSCN 2013)

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

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

2. Appoint, prescribe the duties and fix the compensation of a secretary, an attorney and all other personnel necessary for the proper performance of the functions of the State Board of Education. The secretary shall not be a member of the Board;

3. Submit to the Governor a departmental budget based upon major functions of the Department as prepared by the State Superintendent of Public Instruction and supported by detailed data on needs and proposed operations as partially determined by the budgetary needs of local school districts filed with the State Board of Education for the ensuing fiscal year. Appropriations therefor shall be made in lump-sum form for each major item in the budget as follows:

a. State Aid to schools,

b. the supervision of all other functions of general and special education including general control, free textbooks, school lunch, Indian education and all other functions of the Board and an amount sufficient to adequately staff and administer these services, and

c. the Board shall determine the details by which the budget and the appropriations are administered. Annually, the Board shall make preparations to consolidate all of the functions of the Department in such a way that the budget can be based on two items, administration and aid to schools. A maximum amount for administration shall be designated as a part of the total appropriation;

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

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

b. reports from each and every division within the State Department of Education as submitted by the State Superintendent of Public Instruction and any other division, department, institution or other agency under the supervision of the Board,

c. recommendations for the improvement of the public school system of the state,

d. a statement of the receipts and expenditures of the State Board of Education for the past year, and

e. a statement of plans and recommendations for the management and improvement of public schools and such other information relating to the educational interests of the state as may be deemed necessary and desirable;

5. Provide for the formulation and adoption of curricula, courses of study and other instructional aids necessary for the adequate instruction of pupils in the public schools;

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

issuance of such certificates:

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

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

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

Any school district which maintains an elementary school and faces the necessity of relocating its school facilities because of construction of a lake, either by state or federal authority, which will inundate the school facilities, shall be entitled to receive probationary accreditation from the State Board of Education for a period of five (5) years after the effective date of this act and any school district, otherwise qualified, shall be entitled to receive probationary accreditation from the State Board of Education for a period of two (2) consecutive years to attain the minimum average daily attendance. The Head Start and public nurseries or kindergartens operated from Community Action Program funds shall not be subjected to the accrediting rules of the State Board of Education. Neither will the State Board of Education make rules affecting the operation of the public nurseries and kindergartens operated from federal funds secured through Community Action Programs even though they may be operating in the public schools of the state. However, any of the Head Start or public nurseries or kindergartens operated under federal regulations may make application for accrediting from the State Board of Education but will be accredited only if application for the approval of the programs is made. The status of no school district shall be changed which will reduce it to a lower classification until due notice has been given to the proper authorities thereof and an opportunity given to correct the conditions which otherwise would be the cause of such reduction.

Private and parochial schools may be accredited and classified in like manner as public schools or, if an accrediting association is approved by the State Board of Education, by procedures established by the State Board of Education to accept accreditation by such accrediting association, if application is made to the State Board of Education for such accrediting;

8. Be the legal agent of the State of Oklahoma to accept, in its discretion, the provisions of any Act of Congress appropriating or apportioning funds which are now, or may hereafter be, provided for use in connection with any phase of the system of public education in Oklahoma. It shall prescribe such rules as it finds necessary to provide for the proper distribution of such funds in accordance with the state and federal laws;

9. Be and is specifically hereby designated as the agency of this state to cooperate and deal with any officer, board or authority of the United States Government under any law of the United States which may require or recommend cooperation with any state board having charge of the administration of public schools unless otherwise provided by law;

10. Be and is hereby designated as the "State Educational Agency" referred to in Public Law 396 of the 79th Congress of the United States, which law states that said act may be cited as the "National School Lunch Act", and said State Board of Education is hereby authorized and directed to accept the terms and provisions of said act and to enter into such

agreements, not in conflict with the Constitution of Oklahoma or the Constitution and Statutes of the United States, as may be necessary or appropriate to secure for the State of Oklahoma the benefits of the school lunch program established and referred to in said act;

11. Have authority to secure and administer the benefits of the National School Lunch Act, Public Law 396 of the 79th Congress of the United States, in the State of Oklahoma and is hereby authorized to employ or appoint and fix the compensation of such additional officers or employees and to incur such expenses as may be necessary for the accomplishment of the above purpose, administer the distribution of any state funds appropriated by the Legislature required as federal matching to reimburse on children's meals;

12. Accept and provide for the administration of any land, money, buildings, gifts, donation or other things of value which may be offered or bequeathed to the schools under the supervision or control of said Board;

13. Have authority to require persons having administrative control of all school districts in Oklahoma to make such regular and special reports regarding the activities of the schools in said districts as the Board may deem needful for the proper exercise of its duties and functions. Such authority shall include the right of the State Board of Education to withhold all state funds under its control, to withhold official recognition, including accrediting, until such required reports have been filed and accepted in the office of said Board and to revoke the certificates of persons failing or refusing to make such reports;

14. Have general supervision of the school lunch program. The State Board of Education may sponsor workshops for personnel and participants in the school lunch program and may develop, print and distribute free of charge or sell any materials, books and bulletins to be used in such school lunch programs. There is hereby created in the State Treasury a revolving fund for the Board, to be designated the School Lunch Workshop Revolving Fund. The fund shall consist of all fees derived from or on behalf of any participant in any such workshop sponsored by the State Board of Education, or from the sale of any materials, books and bulletins, and such funds shall be disbursed for expenses of such workshops and for developing, printing and distributing of such materials, books and bulletins relating to the school lunch program. The fund shall be administered in accordance with Section 155 of Title 62 of the Oklahoma Statutes;

15. Prescribe all forms for school district and county officers to report to the State Board of Education where required. The State Board of Education shall also prescribe a list of appropriation accounts by which the funds of school districts shall be budgeted, accounted for and expended; and it shall be the duty of the State Auditor and Inspector in prescribing all budgeting, accounting and reporting forms for school funds to conform to such lists;

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

17. Have authority to provide for the health and safety of school children and school personnel while under the jurisdiction of school authorities;

18. Provide for the supervision of the transportation of pupils;

19. Have authority, upon request of the local school board, to act in behalf of the public schools of the state in the purchase of transportation equipment;

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

21. Administer the State Public Common School Building Equalization Fund established by Section 32 of Article X of the Oklahoma Constitution. Any royalties, bonuses, rentals or other monies derived from oil and gas and all other mineral leases on lands that have been or may be granted by the United States to the state for the use and benefit of the common schools, or lands that are or may be held by the Commissioners of the Land Office for the use and benefit of the common schools, the proceeds of the sale of easements, improvements and sand and gravel on any such lands, any monies as may be appropriated or designated by the Legislature, other than ad valorem taxes, any other funds identified by the State Department of Education, which may include, but not be limited to, grants-in-aid from the federal government for building purposes, the proceeds of all property that shall fall to the state by escheat, penalties for unlawful holding of real estate by corporations, and capital gains on assets of the permanent school funds, shall be deposited in the State Public Common School Building Equalization Fund. The fund shall be used to aid school districts in acquiring buildings, subject to the limitations fixed by Section 32 of Article X of the Oklahoma Constitution. It is hereby declared that the term "acquiring buildings" as used in Section 32 of Article X of the Oklahoma Constitution shall mean acquiring or improving school sites, constructing, repairing, remodeling or equipping buildings, or acquiring school furniture, fixtures, or equipment. If sufficient monies are available in the fund, the Board shall solicit proposals for grants from school districts and shall determine the process for consideration of proposals. Grants shall be awarded only to school districts which have a total assessed

property valuation per average daily membership that is less than the state average total assessed property valuation per average daily membership and, at the time of application, the district has voted the five-mill building fund levy authorized in Section 10 of Article X of the Oklahoma Constitution, and has voted indebtedness through the issuance of new bonds for at least eighty-five percent (85%) within the last three (3) years of the maximum allowable pursuant to the provisions of Section 26 of Article X of the Oklahoma Constitution as shown on the school district budget filed with the State Board of Equalization for the current school year and certifications by the Attorney General prior to April 1 of the school year. The amount of each grant awarded by the Board each year shall not exceed One Million Dollars ($1,000,000.00). The Board shall give priority consideration to school districts which have a total assessed property valuation per average daily membership that is equal to or less than twenty-five percent (25%) of the state average total assessed property valuation per average daily membership. The Board is authorized to prorate grants awarded if monies are not sufficient in the fund to award grants to qualified districts. The State Board of Education shall prescribe rules for making grants of aid from, and for otherwise administering, the fund pursuant to the provisions of this paragraph, and may employ and fix the duties and compensation of technicians, aides, clerks, stenographers, attorneys and other personnel deemed necessary to carry out the provisions of this paragraph. The cost of administering the fund shall be paid from monies appropriated to the State Board of Education for the operation of the State Department of Education;

22. Recognize that the Director of the Oklahoma Department of Corrections shall be the administrative authority for the schools which are maintained in the state reformatories and shall appoint the principals and teachers in such schools. Provided, that rules of the State Board of Education for the classification, inspection and accreditation of public schools shall be applicable to such schools; and such schools shall comply with standards set by the State Board of Education; and

23. Have authority to administer a revolving fund which is hereby created in the State Treasury, to be designated the Statistical Services Revolving Fund. The fund shall consist of all monies received from the various school districts of the state, the United States Government, and other sources for the purpose of furnishing or financing statistical services and for any other purpose as designated by the Legislature. The State Board of Education is hereby authorized to enter into agreements with school districts, municipalities, the United States Government, foundations and other agencies or individuals for services, programs or research projects. The Statistical Services Revolving Fund shall be administered in accordance with Section 155 of Title 62 of the Oklahoma Statutes.

Historical Data

Laws 1971, HB 1155, c. 281, § 3-104, emerg. eff. July 2, 1971; Amended by Laws 1972, SB 385, c. 241, § 1, emerg. eff. April 7, 1972; Amended by Laws 1973, HB 1219, c. 17, § 1, emerg. eff. March 27, 1973; Amended by Laws 1973, SB 115, c. 46, § 6, emerg. eff. July 1, 1973; Amended by Laws 1974, HB 1649, c. 146, § 1; Amended by Laws 1975, HB 1227, c. 344, § 1; Amended by Laws 1978, SB 498, c. 85, § 1, eff. January 8, 1979; Amended by Laws 1982, c. 369, § 1, eff. October 1, 1982; Amended by Laws 1984, SB 368, c. 296, § 42, emerg. eff. July 1, 1984; Amended by Laws 1985, HB 1276, c. 13, § 1, eff. November 1, 1985; Amended by Laws 1986, HB 2032, c. 105, § 2, emerg. eff. April 5, 1986; Amended by Laws 1991, HB 1683, c. 240, § 1, eff. September 1, 1991; Amended by Laws 1993, c. 239, § 21 (repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994); Amended by Laws 1993, HB 1383, c. 361, § 1, emerg. eff. June 11, 1993; Amended by Laws 1994, HB 2299, c. 2, § 26, emerg. eff. March 2, 1994; Amended by Laws 1994, SB 1188, c. 378, § 1, emerg. eff. July 1, 1994; Amended by Laws 1994, SB 1155, c. 344, § 1 (repealed by Laws 1995, HB 1012, c. 1, § 40, emerg. eff. March 2, 1995); Amended by Laws 1995, HB 1012, c. 1, § 25, emerg. eff. March 2, 1995; Amended by Laws 1995, SB 479, c. 226, § 1, emerg. eff. July 1, 1995; Amended by Laws 1995, HB 1549, c. 322, § 23, emerg. eff. July 1, 1995; Amended by Laws 1998, HB 3213, c. 246, § 32, eff. November 1, 1998 (superseded document available); Amended by Laws 1999, HB 1390, c. 336, § 5, eff. November 1, 1999 (superseded document available); Amended by Laws 2009, HB 2029, c. 234, § 155, emerg. eff. May 21, 2009 (repealed by Laws 2010, SB 2113, c. 2, § 74, emerg. eff. March 3, 2010) (superseded document available); Amended by Laws 2009, SB 1169, c. 448, § 1, eff. November 1, 2009 (superseded document available); Amended by Laws 2010, SB 2113, c. 2, § 73, emerg. eff. March 3, 2010 (superseded document available); Amended by Laws 2011, HB 2139, c. 31, § 4 (superseded document available); Amended by Laws 2012, HB 2306, c. 354, § 1 (superseded document available).

Oklahoma Statutes Citationized

Title 70. Schools

Chapter 1 - School Code of 1971

Article Article VI-A - Teacher Licensure and Certification

Section 6-189 - Licensure and Certification System - Requirements for Certificate for Superintendent of Schools and Principal

Cite as: 70 O.S. § 6-189 (OSCN 2013)

A. The licensure and certification system required by the Oklahoma Teacher Preparation Act as part of the new teacher preparation system shall be competency-based. The competencies for licensure and certification shall be integrated with competencies specified in Section 6-185 of this title. By July 1, 1996, the State Board of Education shall adopt general competencies for licensure and certification, and by January 1, 1997, the Board shall have adopted full competencies and implemented the licensure and certification systems as required in this act. No higher education courses or credit hours may be specified by the State Board of Education in rules for licensure or certification. Nothing in the licensure and certification rules adopted by the Board shall prohibit the Oklahoma State Regents for Higher Education from adopting policies and procedures it deems appropriate for coursework, grade point average, or credit hours for teacher preparation at institutions in The Oklahoma State System of Higher Education.

B. The certification requirements for a school principal not alternatively certified under subsection D of this section shall include not less than:

1. Completion of a standard master's degree;

2. Completion of a program in education administration approved by the Oklahoma Commission for Teacher Preparation with an emphasis on curriculum, instruction and building-level leadership skills;

3. Any other professional education and requirements as may be fixed by the State Board of Education;

4. A passing score on the subject area competency examination required in Section 6-187 of this title; and

5. A minimum of two (2) years of successful teaching experience in public or private schools accredited by the State Board of Education or by the proper accrediting authority of another state of the United States.

C. The certification requirements for a superintendent of schools not alternatively certified under subsection D of this section shall include not less than:

1. Certification as a school principal or completion of the certification requirements for a school principal as set forth in subsection B of this section;

2. Completion of a program in education administration approved by the Oklahoma Commission for Teacher Preparation with an emphasis on district-level leadership skills, and which shall include the following competencies:

a. instructional leadership,

b. organizational leadership, including education finance, education law, and risk management,

c. collaborative and community leadership, and

d. ethical leadership, or

The requirement in this paragraph shall not apply to any person who has completed an Oklahoma Commission for Teacher Preparation approved Master’s Degree in Education Administration or has completed a program in education administration that included competencies that are substantially equal to those listed in this paragraph, and if the degree or program was completed between the effective date of this act and July 1, 2005;

3. Any other professional education and requirements as may be fixed by the State Board of Education;

4. A passing score on the subject area competency examination required in Section 6-187 of this title; and

5. A minimum of two (2) years of administrative experience in public or private schools accredited by the State Board of Education or by the proper accrediting authority of another state of the United States.

D. 1. The standards for alternative certification for superintendents of schools and principals shall include:

a. the completion of a standard master's degree,

b. two (2) years of relevant work experience in a supervisory or administrative capacity,

c. a passing score on the subject area competency examination required in Section 6-187 of this title, and

d. filing with the director of teacher education at an Oklahoma accredited institution of higher education a plan for completing an alternative administrative preparation program within three (3) years. Relevant work experience and coursework may be considered and applied to complete the plan.

2. An alternative certificate for superintendent of schools and principals shall not exceed three (3) years and shall not be renewable.

3. Upon successful completion of an alternative administrative preparation program by a participant, the State Board of Education shall issue a standard certificate for superintendent or principal, as applicable, to the applicant.

4. Any person participating in an alternative certification program for superintendent of schools and principals on the effective date of this act shall be subject to the program requirements in effect prior to the effective date of this act.

E. The certification requirements for a superintendent of a technology center school district shall include not less than a standard master's degree, any other professional education requirements as may be fixed by the State Board of Education, and a minimum of four (4) years teaching, supervisory or administrative experience, which may include teaching of full-time adult students, in a technology center school district. A person meeting the requirements set forth in subsection C of this section shall be eligible for a certificate for superintendent of a technology center school district.

F. Certificates may be revoked by the State Board of Education for willful violation of any rule of the Board or of any federal or state law or other proper cause but only after sufficient hearing has been given before the Board.

G. Teaching in a Head Start program or programs shall be used for renewal of a standard teaching certificate.

Historical Data

Laws 1995, HB 1549, c. 322, § 10, emerg. eff. July 1, 1995; Amended by Laws 2003, SB 628, c. 228, § 1, emerg. eff. July 1, 2003 (repealed by Laws 2004, HB 2725, c. 5, § 84, emerg. eff. March 1, 2004); Amended by Laws 2003, HB 1438, c. 360, § 1, emerg. eff. July 1, 2003 (superseded document available); Amended by Laws 2004, HB 2725, c. 5, § 83, emerg. eff. March 1, 2004 (superseded document available); Amended by Laws 2005, HB 1390, c. 212, § 1, emerg. eff. July 1, 2005 (superseded document available); Amended by Laws 2007, HB 1477, c. 110, § 1, emerg. eff. July 1, 2007 (superseded document available); Amended by Laws 2010, HB 2296, c. 213, § 1, emerg. eff. May 6, 2010 (superseded document available); Amended by Laws 2012, HB 2790, c. 360, § 1 (superseded document available).

Oklahoma Statutes Citationized

Title 75. Statutes and Reports

Chapter 8 - Administrative Procedures Act

Section 308a - Governing Provisions

Cite as: O.S. §, __ __

The provisions of Article II of the Administrative Procedures Act govern the hearing procedures of agencies, and does not grant jurisdiction, not otherwise provided by law. The Legislature recognizes that agencies take actions and make decisions, other than by individual proceedings for which the right to judicial review is intended to be exercised pursuant to other laws.

Historical Data

Added by Laws 1992, HB 2369, c. 310, § 7, emerg. eff. July 1, 1992.

Draft of Proposed Rule Submitted for Public Comment

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

SUBCHAPTER 5. DUE PROCESS

210:1-5-6. Suspension and/or revocation ~~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: ~~superintendent~~ 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 rule.

~~(1)~~(b) **Grounds for revocation**. A certificate shall be revoked only for:

(1) A ~~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 ~~for other proper cause,~~

(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 ~~for~~ other proper cause. ~~[70-3-104]~~

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 ~~knowlingly~~ knowingly participate 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.

~~(2)~~(c) **Right to hearing on ~~certificate~~ suspension or revocation of an existing certificate.** No certificate shall be revoked or suspended until the holder of the certificate has been provided with a copy of the application to suspend or revoke the certificate and opportunity to request a hearing ~~has been~~ held by the State Board of Education in accordance with the following procedures:

~~The Board may utilize a hearing officer to conduct the hearing. If utilized, the hearing officer shall be appointed by the Chairperson of the Board. At least twenty (20) days before the hearing, the complaint giving rise to the hearing shall be filed with the Chairperson of the Board, showing grounds or reasons for revocation of the certificate. The complaint shall be in writing, and shall be signed by the complaining party, and the chairperson or chairperson's designee.~~

~~(3)~~(1) **Filing of ~~complaint~~ application to suspend or revoke a certificate**. ~~In an~~ An individual proceeding to suspend or revoke a certificate shall be initiated by filing~~, there shall be filed a complaint~~ an application to suspend or revoke a certificate. An application to suspend or revoke a certificate may 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 suspended or revoked as the respondent in the action, and shall contain: ~~containing~~

(A) A statement of the legal authority and jurisdiction under which the application 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 ~~a~~ statement of the ~~matters~~ allegations asserted; and

(D) A statement of the facts alleged to give rise to the suspension or revocation.~~, the right to the relief~~, ~~and naming the persons against whom relief is sought.~~

The application shall also state a proposed effective date for the relief requested (e.g., suspension or revocation), which shall be set no earlier than thirty (30) days from the date the complaint is filed.

~~(4)~~(2) **Informal disposition**. Informal disposition of ~~any complaint~~ the application to suspend or 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.

~~(5)~~(3) **Notice to parties**. ~~Whenever such a charge or complaint~~ Within three (3) business days of the date the application to suspend or revoke a certificate is filed with the ~~Chairperson~~ Secretary of the State Board of Education, ~~he or she shall send a copy thereof to the holder of the certificate by certified or registered mail, restricted delivery with return receipt requested.~~ the Secretary shall send a copy of the application along with a notice of intent to suspend or revoke the certificate ~~Notice of the time and place of the hearing and the name of the hearing officer (if applicable) shall be given by the Chairperson~~ by certified or registered mail, restricted delivery with return receipt requested, to the holder of the certificate.

In addition to the requirements of notice set forth at 75 O.S. § 309, the notice of intent to suspend or revoke the certificate shall include:

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

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

(d) **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.

(e) **Hearing procedures.**

(1) **Hearing and appointment of a hearing officer.** Upon filing a request for a hearing on 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.

~~(6)~~(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, State Board of Education within ten (10) 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 no later than five (5) days prior to the hearing. ~~The hearing shall be electronically recorded by the State Department of Education. A party to the hearing, upon request, shall be supplied a copy of the tape recording of the~~

~~hearing. Any transcription cost shall be borne by the party requesting transcription. If a hearing officer is utilized, written recommended findings of fact and conclusions of law shall be prepared by the hearing officer after conclusion of the hearing and submitted to the parties and the State Board of Education. The parties shall have the opportunities set out in 75 O. S. Supp. 1997, § 311 before action is taken by the Board on the proposed findings of fact and conclusions of law. After the parties have been given notice and an opportunity to file exceptions, present briefs and oral arguments in accordance with 75 O.S. Supp. 1997, § 311, action shall be taken by the State Board of Education to accept, reject, or modify the proposed Findings and Conclusions of the hearing officer.~~

~~(7)~~(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 furnishing of information required by the Board, or~~ for the production of books, records, papers, objects, or other evidence ~~or records~~ 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; ~~or~~ upon order of the Board~~.~~; or ~~In like manner, and for like purpose, subpoenas shall be issued by the Secretary~~ at the request of any party to a proceeding before the Board ~~for the attendance of witnesses or for the production of evidential materials at a hearing in such proceeding~~. 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. ~~[75-315]~~

~~(8)~~(C) **Objections to and compliance with subpoenas.** Any party to the proceeding may move to quash ~~Quash~~ a subpoena or subpoenas duces tecum issued in accordance with the provisions of this rule, 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 ~~a hearing in~~ any ~~rule-making proceeding, proceeding for a declaratory ruling, or in an~~ any individual proceeding~~, or in any~~ other authorized action of the Board, the Board as soon as convenient shall consider ~~the matter~~ 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. ~~the institution of appropriate judicial proceedings under the law of the state for an order to compel compliance with the subpoena or the giving of testimony, as the case may be.~~ 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 ~~continue~~ the proceedings for such time as may be necessary to secure a final ruling in the compliance proceedings.

~~(9)~~(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.

~~(10)~~(4) **Right to representation**. ~~The person or persons signing the charge or complaint, the holder of the certificate, and any other interested person may appear at the hearing personally and/or by legal counsel.~~ 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.

~~(11)~~(5) **Legal counsel to State Board of Education**. The attorney for the State Board of Education ~~or, upon request, the Attorney General's representative~~ shall present evidence to the Board, in furtherance of the ~~Complaint~~ application. If deemed necessary by the Chairperson of the Board, a request ~~will~~ may be made of the Attorney General to provide counsel to the Board to rule on questions of admissibility of evidence, competence of witnesses, and any other questions of law. In the event that counsel is not requested from the Attorney General the Chairperson of the Board will rule on the evidence, competency of the witness and other questions of law.

~~(12) **Requests for disqualifications**. Requests for the disqualification of a member or members of the Board shall be embodied in an affidavit, stating with particularity the grounds alleged therefor. Such requests must be filed prior to the commencement of the hearing unless it appears in the affidavit that the grounds for disqualification were not previously known and that upon such grounds the application to disqualify was promptly filed. Upon the filing of such affidavit, the Chairperson of the Board or the Secretary, if the affidavit is filed against the Chairperson, shall set the matters for hearing at the earliest date at which the Board can be convened, giving notice thereof personally or by telephone to the party or his or her counsel. The Board, or those members thereof qualified to sit at the hearing, shall take evidence and make prompt decisions. In the event the disqualification is sustained or in the event of a mandamus requiring disqualification, the hearing shall be continued to such time as is necessary for the appointment of members pro tem to proceed with the matters, and due notice of the continuance shall be given to all parties.~~

~~(13)~~(6) **Disqualification of a Board ~~or Agency~~ member or hearing officer**. A Board ~~or Agency~~ 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 ~~or Agency~~ member, the Governor immediately shall appoint a member pro tempore ~~tem~~ to sit in place of the disqualified member in that proceeding.

~~(14)~~ (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.

~~(15)~~ (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 ~~75 310~~ 75 O.S. § 310.

~~(16)~~ (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 show 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.

~~(17)~~(f) ~~**Decision**~~ **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 ~~issue~~ render its decision on whether the certificate shall be revoked.

(B) The decision of the State Board of Education 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 subsection (e)(10) of this rule, 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 (e)(10) of this rule, demonstration of good cause, or fails to prove the allegations by clear and convincing evidence, the application shall be dismissed.

~~(18)~~(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.

~~(19)~~(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 subsection (h) of this rule, 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.

~~(20)~~(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.

~~(21)~~(g) **Record of hearing**.

~~(A)~~(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 ~~The~~ record shall include:

(A) All ~~all~~ pleadings, motions, and intermediate rulings;

(B) Evidence ~~evidence~~ received or considered during the individual proceeding;

(C) A ~~a~~ statement of matters officially noticed;

(D) Questions ~~questions~~ and offers of proof, objections, and rulings thereon;

(E) Any ~~any~~ decision, opinion, or report by ~~the~~ a hearing officer presiding at the hearing;

(F) All other evidence ~~all staff~~ ~~memoranda~~ or data submitted to the Board or hearing officer ~~members of the Agency~~ in connection with their consideration of the case.

~~(B)~~(2) The State Board Secretary shall ~~tape~~ 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. A party to the hearing, upon request, shall be supplied a copy of the tape recording of the hearing. If the requesting party should desire the tape(s) to be transcribed by a court reporter, the requesting party shall bear the expense.

~~(22)~~(h) **Rights to a rehearing, reopening or reconsideration**.

~~(A)~~(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 such of 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.

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

(i) ~~newly~~ Newly discovered or newly available evidence, relevant to the issues;

(ii) ~~need~~ Need for additional evidence adequately to develop the facts essential to proper decision;

(iii) 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;

(iv) ~~need~~ Need for further consideration of the issues and the evidence in the public interest; or

(v) ~~a~~ 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.

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

~~(D)~~(4) ~~On reconsidering~~ Rehearing, reopening, or reconsideration of the matter~~, it~~ may be heard by the State Board of Education or ~~it~~ may be referred to a hearing officer. ~~Board or Agency Member and the~~ The hearing must be confined to those grounds on which the recourse was granted. ~~[75-317]~~

~~(23)~~(i) **Judicial review**. Any person or party aggrieved or adversely affected by a final order in an individual proceeding is entitled to certain judicial review ~~pursuant to 75-318-323~~ in accordance with the provisions of the Oklahoma Administrative Procedures Act, and the procedures set forth therein shall govern appeals.

(j) **Applications for reinstatement of a license.** After five (5) years of the effective date of suspension or revocation of a license, an individual may apply for reinstatement of the license in accordance with the application procedures set forth by the State Department of Education.

Notice of Rulemaking Intent

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

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 13. Student Assessment

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

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

SUMMARY:

The proposed amendments revise the procedures for high school students to meet graduation requirements and appeal denials of student diplomas under the Achieving Classroom Excellence Act. The proposed changes also revise the procedures required by the system of school improvement and accountability commonly known as the "A-F School Report Card" system.

The purpose of the proposed change to 210:10-13-16 is to clarify the graduation requirements of the Achieving Classroom Excellence Act ("ACE") at 70 O.S. § 1210.523, which includes an appeals process for denials of student diplomas under the Act. The permanent rule will supercede the emergency rule due to expire at the end of the current regular legislative session.

The purpose of the proposed change to 210:10-13-22 is to implement changes to the criteria used to calculate the formula used in the A-F School Report Card grading system.

AUTHORITY:

State Board of Education, pursuant to 70 O.S. § 3-104; 70 O.S. § 1210.523; 70 O.S. § 1210.545.

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., Monday March 25, 2013, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Submit comments by email to: rules@sde.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Monday, March 25, 2013, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies are on file for public viewing in the office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma.

ACCEPTED 1/29/13
Office of Administrative Rules
Oklahoma Secretary of State
Docket # 13-153 OAR/cert CN

Proposed rules are also available on the State Department of Education Web site at www.sde.ok.gov on and after February 22, 2013.

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on and after February 22, 2013.

CONTACT PERSON:

Connie Holland, 405-521-3308

NAME OF AGENCY:

State Department of Education

TYPE OF DOCUMENT

Notice of rulemaking intent

LIAISON VERIFICATION:

I verify that I have reviewed the attached document and that it substantially conforms to filing and format requirements of the APA and the rules of the Secretary of State. Additional information may be obtained by contacting me at 405-521-3308.

Connie Holland

Connie Holland
Chief Executive Secretary, State Board of Education
State Department of Education
January 25, 2013

Rule Impact Statement

RULE IMPACT STATEMENT

TITLE 210. STATE DEPARTMENT OF EDUCATION

CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES
SUBCHAPTER 13. STUDENT ASSESSMENT

a. **What is the purpose of the proposed rule change?**
The purpose of the proposed amendment to 210:10-13-16 is to revise the procedures for high school students to meet graduation requirements for demonstration of mastery of state curriculum standards by demonstrating proficiency through end-of-instruction ("EOI") exams and appeal denials of student diplomas under the Achieving Classroom Excellence Act. The current appeal procedures were promulgated by emergency rule which is due to at the end of the current legislative session. The proposed changes to the rule also provide a streamlined method for students to pursue an alternate method of demonstrating proficiency in a required subject area through an alternate method. The proposed changes to the rule also provide for categories of projects to provide students with disabilities and English Language Learners with additional opportunities demonstrate mastery under the alternate method.

b. **What classes of persons will be affected by the proposed rule change and what classes of persons will bear the costs of the proposed rule change?**
The proposed changes will affect public school students and their parents/legal guardians, as well as public schools and public school districts.

c. **What classes of persons will benefit from the proposed rule change?**
The proposed changes will benefit public school students who have been denied diplomas by providing an appeal process to challenge the denial. Students who are unable to demonstrate proficiency in a subject area through an EOI exam will also benefit from the streamlined procedure for demonstration of proficiency through an alternate method. Students with disabilities and English Language Learners will also benefit from the proposed changes requiring separate categories of projects to be provided in accordance with the provisions of an IEP and/or LEIP.

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

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

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

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

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

h. **Are there any other methods which are less costly, nonregulatory, or less intrusive to achieve the purpose of the proposed rule change?**
No.

i. **Will the rule change impact the public health, safety, and environment, and is the change designed to reduce significant risks to the public health, safety, and environment? If so, explain nature of risk and to what extent the proposed rule change will reduce the risk.**
The agency does not anticipate any impact on public health, safety, or environment as a result of implementation of the proposed rule at this time.

j. **What detrimental effect will there be on the public health, safety, and environment if the rule change is not implemented?**
The agency does not anticipate any detrimental effect on public health, safety, or environment as a result of implementation of the proposed rule at this time.

k. **Date Prepared**: February 22, 2013

Statutory Authorities

Oklahoma Statutes Citationized

Title 70. Schools

Chapter 22 - Testing and Assessment

Achieving Classroom Excellence Act of 2005

Section 1210.523 - End-of-Instruction Criterion-Referenced Tests - Alternative Methods of Demonstrating Mastery of State Academic Content Standards

Cite as: O.S. §, __ __

A. Except as provided in subsections D and E of this section, beginning with students entering the ninth grade in the 2008-2009 school year, every student shall demonstrate mastery of the state academic content standards in the following subject areas in order to graduate from a public high school with a standard diploma:

1. Algebra I;

2. English II; and

3. Two of the following five:

a. Algebra II,

b. Biology I,

c. English III,

d. Geometry, and

e. United States History.

B. To demonstrate mastery, the student shall attain at least a proficient score on the end-of-instruction criterion-referenced tests administered pursuant to Section 1210.508 of this title.

C. Notwithstanding any other provision of law, students who do not attain at least a proficient score on any end-of-instruction test shall be provided remediation or intervention and the opportunity to retake the test until at least a proficient score is attained on the tests of Algebra I, English II and two of the tests required in paragraph 3 of subsection A of this section or an approved alternative test. Technology center schools shall be authorized to provide intervention and remediation in Algebra I, Algebra II, Geometry, English II, English III, United States History, and Biology I to students enrolled in technology center schools, with the approval of the independent school district board.

D. 1. Students who do not meet the requirements of subsection A of this section may graduate from a public high school with a standard diploma by demonstrating mastery of state academic content standards by alternative methods as approved by the State Board of Education.

2. The State Board of Education shall adopt rules providing for necessary student exceptions and exemptions to the requirements of this section. The Board shall collect data by school site and district on the number of students provided and categories of exceptions and exemptions granted. Beginning October 1, 2012, the Board shall provide an annual report of this data to the Governor, President Pro Tempore of the State Senate and Speaker of the House of Representatives.

E. 1. The State Board of Education shall adopt rules establishing an appeal process for students who have been denied a standard diploma by the school district in which the student is or was enrolled for failing to meet the requirements of this section. A student who has been denied a standard diploma by the school district in which the student is enrolled shall have thirty (30) days after denial of the standard diploma in which to file a petition for an appeal to the Board. The Board shall take action on a petition for an appeal no later than forty-five (45) days after receiving the petition.

2. The Board shall collect data by school site and school district on the number of students petitioning for an appeal and the number of appeals approved by the Board pursuant to this subsection. Beginning October 1, 2012, the Board shall provide an annual report of this data to the Governor, President Pro Tempore of the State Senate and Speaker of the House of Representatives.

F. 1. Students who have individualized education programs pursuant to the Individuals with Disabilities Education Act (IDEA) shall have an appropriate statement on the student's individualized education program requiring administration of the assessment with or without accommodations or an alternate assessment. Any accommodations normally employed for the assessment shall be approved by the State Board of Education and be provided for in the individualized education program. All documentation for each student shall be on file in the school prior to administration of the assessment.

2. Students identified as English language learners shall be assessed in a valid and reliable manner with the state academic assessments with acceptable accommodations as necessary or, to the extent practicable, with alternate assessments aligned to the state assessment provided by the school district in the language and form most likely to yield accurate data of the student's knowledge of the content areas.

G. The State Board of Education shall be authorized to contract with an entity to develop and advise on the implementation of a communications campaign to build public understanding of and support for the testing requirements of this section.

Historical Data

Laws 2005, SB 982, c. 432, § 6, emerg. eff. July 1, 2005; Amended by Laws 2006, SB 1792, c. 289, § 6, emerg. eff. July 1, 2006 (superseded document available); Amended by Laws 2009, SB 867, c. 171, § 1, emerg. eff. May 11, 2009 (superseded document available); Amended by Laws 2009, SB 222, c. 456, § 11, emerg. eff. July 1, 2009 (superseded document available); Amended by Laws 2011, HB 1917, c. 284, § 3 (superseded document available); Amended by Laws 2012, HB 2970, c. 96, § 1, emerg. eff. April 18, 2012 (superseded document available).

Draft of Proposed Rule Submitted for Public Comment

CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES

SUBCHAPTER 13. STUDENT ASSESSMENT

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

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

(1) **"Alternate method"** means demonstrating mastery of state ~~curriculum~~ 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 exam, which equals or exceeds the rigor of the end-of-instruction exam.

(3) **"Extenuating Circumstances"** means circumstances which are unexpected, significantly disruptive, beyond a student's control, and which may have ~~reasonably~~ 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) In accordance with 70 O.S. § 1210.523(A)-(E), ~~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 by attaining at least a satisfactory or proficient score on the end-of-instruction exams or in the following way:

(1) Students who do not attain at least a satisfactory or proficient score on any of the required end-of-instruction exams in Algebra I, English II, and two of the following five: Algebra II, Biology I, English III, Geometry, and United States History 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 ~~meeting~~ all other graduation requirements are met:

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

(i) Retake the end-of-instruction exam(s); or

(ii) Score satisfactory or proficient on a State Board of Education approved alternate test in the subject area which may be taken prior to or subsequent to the end-of-instruction 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) Step Two: Students who do not achieve a satisfactory or proficient score through step one shall continue to receive remediation opportunities and will either:~~

~~(i) Retake the end-of-instruction exam(s); or~~

~~(ii) Score satisfactory or proficient on a State Board of Education approved alternate test in the subject area which may be taken prior to or subsequent to the end-of-instruction 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 (b)(2) of this section.~~

~~(C)~~(B) ~~Students who do not meet the graduation requirements through Step Two may repeat Step Two as necessary.~~ School districts will only provide remediation for students while they are enrolled in public school.

~~(D)~~(C) An alternate test may be used to meet the graduation requirements for more than one end-of-instruction exam. A student may take more than one alternate test to meet the graduation requirements.

~~(E)~~(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.

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

(2) Demonstration of mastery through an End of Course Project (Alternate Method).

(A) In order to demonstrate mastery and graduate through an alternate method on end of instruction 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 end-of-instruction 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. The Category A Project 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 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.

~~(B)~~(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.

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

~~(3) The Oklahoma State Board of Education has the authority to waive one or more of the requirements in (b)(1)(A) of this section for an individual student if the Board determines that extenuating circumstances justify the waiver for an end of instruction exam.~~

~~(4)~~(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 end-of-instruction 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 end-of-instruction 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.

~~(5)~~(4) Students who do not have an opportunity to take required end-of-instruction 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).

~~(6)~~(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.

(7) Each year beginning with the 2011-2012 school 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) Beginning with students entering the ninth grade in 2008-2009, 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 end-of-instruction 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 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 petition.** The State Board of Education shall appoint a committee consisting of employees of the State Department of Education to review the appeal and identify the basis for which the standard diploma was denied.

(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 end-of-instruction (EOI) exams;

(ii) Remediation and retests of end-of-instruction (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;

(2) Acceptance of the student into a four-year program at a college or university recognized by the United States Department of Education as accredited in the most recent version of the Database of Accredited Postsecondary Institutions and Programs published by the United States Department of Education as of the date of the filing of the student's petition;

(3) 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 end-of-instruction exam in that same course.

(g) **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.

Notice of Rulemaking Intent

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

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 13. Student Assessment

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

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

SUMMARY:

The proposed amendments revise the procedures for high school students to meet graduation requirements and appeal denials of student diplomas under the Achieving Classroom Excellence Act. The proposed changes also revise the procedures required by the system of school improvement and accountability commonly known as the "A-F School Report Card" system.

The purpose of the proposed change to 210:10-13-16 is to clarify the graduation requirements of the Achieving Classroom Excellence Act ("ACE") at 70 O.S. § 1210.523, which includes an appeals process for denials of student diplomas under the Act. The permanent rule will supercede the emergency rule due to expire at the end of the current regular legislative session.

The purpose of the proposed change to 210:10-13-22 is to implement changes to the criteria used to calculate the formula used in the A-F School Report Card grading system.

AUTHORITY:

State Board of Education, pursuant to 70 O.S. § 3-104; 70 O.S. § 1210.523; 70 O.S. § 1210.545.

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., Monday March 25, 2013, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Submit comments by email to: rules@sde.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Monday, March 25, 2013, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies are on file for public viewing in the office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma.

ACCEPTED 1/29/13
Office of Administrative Rules
Oklahoma Secretary of State
Docket # 13-153 OAR/cert CN

Proposed rules are also available on the State Department of Education Web site at www.sde.ok.gov on and after February 22, 2013.

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on and after February 22, 2013.

CONTACT PERSON:

Connie Holland, 405-521-3308

NAME OF AGENCY:

State Department of Education

TYPE OF DOCUMENT

Notice of rulemaking intent

LIAISON VERIFICATION:

I verify that I have reviewed the attached document and that it substantially conforms to filing and format requirements of the APA and the rules of the Secretary of State. Additional information may be obtained by contacting me at 405-521-3308.

Connie Holland

Connie Holland
Chief Executive Secretary, State Board of Education
State Department of Education
January 25, 2013

Rule Impact Statement

RULE IMPACT STATEMENT

TITLE 210. STATE DEPARTMENT OF EDUCATION

CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES
SUBCHAPTER 13. STUDENT ASSESSMENT

a. **What is the purpose of the proposed rule change?**
The purpose of the proposed amendment to 210:10-13-22 is to implement changes to the criteria used to calculate the formula used generate annual reports of the results of the Oklahoma School Testing Program required by 70 O.S. § 1210.545. The proposed changes to the rule also revise the data verification requirements by providing schools and school districts opportunities to review and verify each data component on a rolling basis as they become available, instead of all at once.

b. **What classes of persons will be affected by the proposed rule change and what classes of persons will bear the costs of the proposed rule change?**
The proposed changes will affect public school students, public schools, and public school districts.

c. **What classes of persons will benefit from the proposed rule change?**
The proposed changes will benefit public school students and their parents/legal guardians, by clarifying the bases upon which their schools and school districts are held accountable for public school student achievement. The proposed changes will also benefit public school district and schools, by clarifying existing criteria, such as calculation of the student growth index score, and adding additional opportunities for schools to obtain credit for school improvement, such as participation credit for every advanced/accelerated course in which a student is enrolled in addition to student performance on advanced/accelerated coursework.

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

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

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

g. **Will implementing the rule change have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act?**
The agency does not anticipate any adverse economic impact on small business as a result of the proposed rule change at this time.

h. **Are there any other methods which are less costly, nonregulatory, or less intrusive to achieve the purpose of the proposed rule change?**
No.

i. **Will the rule change impact the public health, safety, and environment, and is the change designed to reduce significant risks to the public health, safety, and environment? If so, explain nature of risk and to what extent the proposed rule change will reduce the risk.**
The agency does not anticipate any impact on public health, safety, or environment as a result of implementation of the proposed rule at this time.

j. **What detrimental effect will there be on the public health, safety, and environment if the rule change is not implemented?**
The agency does not anticipate any detrimental effect on public health, safety, or environment as a result of implementation of the proposed rule at this time.

k. **Date Prepared**: February 22, 2013

Statutory Authorities

Oklahoma Statutes Citationized

Title 70. Schools

Chapter 22 - Testing and Assessment

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

Cite as: 70 O.S. § 1210.545 (OSCN 2013)

A. As part of the accountability system developed as provided for in Section 1210.541 of this title, the State Board of Education shall prepare annual reports of the results of the Oklahoma School Testing Program which describe student achievement in the state, each school district, and each school site. The Board shall prescribe the design and content of the reports, which shall include, without limitation, descriptions of the performance of all schools participating in the Oklahoma School Testing Program and all of the major student populations as determined by the Board, and shall also include the median scores of all eligible students who scored at or in the lowest twenty-fifth percentile of the state in the previous school year. The confidentiality of individual student records shall be preserved as required by law.

B. The annual report as required pursuant to subsection A of this section shall identify school districts and school sites as having one of the following grades, defined according to rules of the State Board of Education:

1. "A" means schools making excellent progress;

2. "B" means schools making above average progress;

3. "C" means schools making satisfactory progress;

4. "D" means schools making less than satisfactory progress; and

5. "F" means schools failing to make adequate progress.

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

1. A school shall not receive a school grade if the number of students tested and included in the school grading system is less than the minimum sample size necessary, based on accepted professional practice, for statistical reliability and prevention of the unlawful release of personally identifiable student data; and

2. A school that serves any combination of students in kindergarten through grade three which does not receive a school grade because the students are not tested and included in the school grading system shall receive the school grade designation of a feeder pattern school identified by the State Department of Education and verified by the school district. A school feeder pattern exists if at least sixty percent (60%) of the students in the school serving a combination of students in kindergarten through grade three are scheduled to be assigned to the graded school.

D. The grade of a school shall be based on a combination of:

1. Thirty-three percent (33%) on student test scores, including achievement on all criterion-referenced tests and end-of-instruction tests administered under Section 1210.508 of this title and alternative test scores administered to students pursuant to Section 1210.523 of this title;

2. Seventeen percent (17%) on student learning gains in reading and mathematics as measured by criterion-referenced tests and end-of-instruction tests administered under Section 1210.508 of this title;

3. Seventeen percent (17%) on improvement of the lowest twenty-fifth percentile of students in the school in reading and mathematics on the criterion-referenced tests and end-of-instruction tests administered under Section 1210.508 of this title, unless these students are exhibiting satisfactory performance; and

4. Thirty-three percent (33%) on whole school improvement, which shall include:

a. for schools comprised of high school grades:

(1) the high school graduation rate of the school,

(2) the performance and participation of students in College Board Advanced Placement courses, International Baccalaureate courses, concurrent enrollment courses, Advanced International Certificate of Education courses, and the achievement of students on national industry certification identified pursuant to rules adopted by the Board,

(3) postsecondary readiness of students as measured by the SAT tests administered by the College Board or the American College Test (ACT),

(4) the high school graduation rate of students who scored at limited knowledge or unsatisfactory on the eighth-grade criterion-referenced tests in reading and mathematics,

(5) as valid data becomes available, the performance of students on the end-of-instruction tests administered under Section 1210.508 of this title, and

(6) the growth or decline in the components listed in divisions (1) through (5) of this subparagraph from year to year, and

b. for schools comprised of middle school grades and elementary school grades:

(1) the drop-out rate of the school,

(2) the percentage of students who are taking higher level coursework at a satisfactory or higher level, and

(3) any other factors selected by the State Superintendent of Public Instruction.

E. Student test data used in determining school grades shall include:

1. The aggregate scores of all eligible students enrolled in the school who have been administered the criterion-referenced tests and end-of-instruction tests administered under Section 1210.508 of this title;

2. The aggregate scores of all eligible students enrolled in the school who have been administered the criterion-referenced tests and end-of-instruction tests administered under Section 1210.508 of this title, and who have scored at or in the lowest twenty-fifth percentile of students in the school in reading and mathematics, unless these students are exhibiting satisfactory performance; and

3. For schools comprised of high school grades, the data listed in paragraphs 1 and 2 of this subsection, and the following data as the State Department of Education determines the data are valid and available:

a. the high school graduation rate of the school as calculated by the Department,

b. the participation rate of all eligible students enrolled in the school in College Board Advanced Placement courses whether taught at a high school, a technology center school, or a regional site of the Oklahoma School of Science and Mathematics, International Baccalaureate courses, concurrent enrollment courses, Advanced International Certificate of Education courses, courses or sequence of courses leading to national industry certification identified pursuant to rules adopted by the Board, courses or sequence of courses granted cooperative college alliance credit taken at a technology center school, and science, technology, engineering and mathematics courses taken at a regional site of the Oklahoma School of Science and Mathematics,

c. the aggregate scores of all eligible students enrolled in the school in College Board Advanced Placement courses whether taught at a high school, a technology center school, or a regional site of the Oklahoma School of Science and Mathematics, International Baccalaureate courses, and Advanced International Certificate of Education courses,

d. earning of college credit by all eligible students enrolled in the school in concurrent enrollment programs as provided for in Section 628.13 of this title and in cooperative college alliance courses taken at a technology center school,

e. earning of a national industry certification identified pursuant to rules adopted by the Board,

f. the aggregate scores of all eligible students enrolled in the school in reading, mathematics, and other subjects as measured by the SAT test administered by the College Board and the ACT,

g. the high school graduation rate of all eligible students enrolled in the school who scored at limited knowledge or unsatisfactory on the eighth-grade criterion-referenced tests in reading and mathematics,

h. the performance of students on statewide end-of-instruction tests administered under Section 1210.508 of this title, and

i. the growth or decline in the data components listed in subparagraphs a through h of this paragraph from year to year.

F. The annual report shall identify the performance of each school as having improved, remained the same, or declined. This school improvement rating shall be based on a comparison of the student and school performance data of the current year to the previous year data. Schools that improve at least one grade level are eligible for school recognition as established by the Board through the accountability system developed pursuant to Section 1210.541 of this title.

G. The State Department of Education shall annually develop, in collaboration with school districts and the Office of Accountability prior to July 1, 2013, and the Office of Educational Quality and Accountability after July 1, 2013, a school site report card to be delivered to parents throughout each school district. The report card shall include the grade for the school, information regarding school improvement, an explanation of school performance as evaluated in accordance with the Elementary and Secondary Education Act of 2001 (ESEA), P.L. No. 107-110, also known as the No Child Left Behind Act of 2001, and indicators of return on investment. The report card for each school site shall be published annually by the Department on its website, and every school district shall provide the school site report card to the parent or guardian of each student enrolled in the school site.

H. The annual school site report card required by subsection G of this section shall include school district grades, which shall consist of weighted district average grades, by level, for all school sites in the district. A weighted average grade for a school district shall be calculated by weighting individual school grades determined pursuant to this section by school enrollment.

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

J. The State Board of Education shall promulgate rules to implement the provisions of this section.

Added by Laws 2011, HB 1456, c. 170, § 1; Amended by Laws 2012, HB 2494, c. 314, § 1 (superseded document available).

Historical Data

Draft of Proposed Rule Submitted for Public Comment

CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES
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 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) **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) Thirty-three percent (33%) on student test scores, based on the Oklahoma School Testing Program assessments in grades three (3) through twelve (12);

(B) Seventeen percent (17%) on annual student learning gains as measured by 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;

(C) Seventeen percent (17%) on annual student learning gains for the lowest twenty-five (25%) of students in the school, as measured by 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 ~~for the lowest twenty-five percent (25%) of students in the school, unless the students so designated are exhibiting satisfactory performance~~ as required by 70 O.S. § 1210.545;

(D) Thirty-three percent (33%) on whole school improvement, based on the factors listed in sub-section (f)(4) of this rule.

(2) Schools shall earn ~~individual~~ a separate performance ~~grades~~ grade ~~measuring the individual~~ for each of the four criteria listed in sub-sections (b)(1) and (f) of this rule. Additionally, schools shall earn an overall performance grade based on a combination of the criteria listed in sub-sections (b)(1) and (f) of this rule.

(3) 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 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 grades shall be assigned based on an average of the overall school performance grades of all school sites within the district.

(1) The scores will be computed from the number of eligible students ~~of~~ enrolled in the school. Eligible students shall include all students enrolled for the full academic year in the school and taking the State's annual standardized assessments or end-of-instruction tests. ~~(A)~~ Only first opportunity students are included in the calculation of eligible students.

(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 paragraphs (f)(2) and (f)(3) of this rule regarding the determination of student learning gains. In addition, the inclusion of these students shall be applied to sub-section (b)(3) of this rule, 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 and improvement addressed in sub-sections (f)(1) and (f)(4) of this rule.

(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 served 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 served 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 cateogry 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 subsection (f)(4)(a)(ii).

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

(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.

(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 subsection (f)(1), has at least thirty (30) valid student state standardized assessment scores.

~~(1)~~ (2) For purposes of calculating student growth pursuant to subsection (f)(2), ~~Has~~ has at least thirty (30) ~~eligible~~ ~~students with~~ valid student state standardized assessment scores or end-of-instruction ~~tests~~ test scores in reading and math in both the current and the previous school years~~, and~~.

~~(2)~~ (3) For purposes of calculating student growth pursuant to subsection (f)(3), ~~Has~~ has at least thirty (30) ~~eligible~~ ~~students scores with from~~ valid student state standardized assessment scores or end-of-instruction test scores in reading and math in the current and previous school years. ~~or end-of-instruction tests~~. ~~Performance designations shall be made using School Performance Grades A, B, C, D, and F. School performance grades shall be based on the assessments and criteria as specified in subsection (f) of this rule. 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.~~

Performance designations shall be made using School Performance Grades A, B, C, D, and F. School performance grades shall be based on the assessments and criteria as specified in subsection (f) of this rule. 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**. ~~School~~ Overall school performance grades shall be based on a combination of the four components outlined in sub-section (b)(1) of this rule: (1) student achievement scores; (2) annual learning gains; (3) improvement of the lowest twenty-five percent (25%); and (4) whole school improvement.

(1) **Student achievement/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 = 0.2
(iii) Proficient = 1.0
(iv) Advanced = 1.2

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

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

(2) **Student growth index**. Annual learning gains are represented through a growth index, aggregated for each school. The score shall be calculated in whole and by subject-matter by assigning points for a positive change in proficiency level for eligible students from the previous school year to the current school year or by a positive change in Oklahoma Performance Index (OPI) score that meets or exceeds the State average of students with a positive OPI change.

(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 a positive OPI change; or

~~(ii)~~ (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 = 2.0
(iii) Change from Unsatisfactory to Advanced = 3.0
(iv) Change from Limited Knowledge to Proficient or Satisfactory = 1.0
(v) Change from Limited Knowledge to Advanced = 2.0
(vi) Remain Proficient from Previous to Current Year 2 = 1.0
(vii) Change from Proficient or Satisfactory to Advanced = 1.0
(viii) Remain Advanced from Year 1 to Year 2 = 1.0
(ix) Meets or Exceeds State Average Positive ~~Growth~~ Change = 1.0

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

(i) 90 or Above = A
(ii) 80 – 89 = B
(iii) 70 – 79 = C
(iv) 60 – 69 = D
(v) 59 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, ~~unless the students in this category are exhibiting satisfactory performance, as defined by scoring Satisfactory, Proficient or Advanced~~ as required by 70 O.S. § 1210.545. The score shall be calculated in whole and by subject-matter by assigning points for a positive change in proficiency score for eligible students from the previous school year to the current school year or by a positive change in Oklahoma Performance Index (OPI) score that meets or exceeds the State's positive average ~~growth~~ change.

(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) 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 a positive OPI change; or

~~(ii) Remained within a not proficient achievement level, but who demonstrated state average growth.~~

(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 = 2.0
(iii) Change from Unsatisfactory to Advanced = 3.0
(iv) Change from Limited Knowledge to Proficient or Satisfactory = 1.0
(v) Change from Limited Knowledge to Advanced = 2.0
(vi) Meets or Exceeds State Average Positive ~~Growth~~ Change = 1.0

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

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

(4) **Whole school improvement**. The criteria listed in sub-sections (4)(A) and (4)(B) shall be used to calculate whole school improvement 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 whole school improvement. Technical assistance shall be published in time for school districts to make meaningful use of the information and data.

(A) **High schools**. For schools comprised of high school grades, the whole school improvement grade shall include:

(i) **Graduation rate**. Four-year high school graduation rate. For this component, a letter grade shall be earned based on the calculation of a graduation rate, only including students counted as on-time graduates as defined by federal regulations.

(a) 90% - 100% = A
(b) 80% – 89% = B
(c) 70% – 79% = C
(d) 60% – 69% = D
(e) 59% or Below = F

(ii) **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, or at a regional site of the Oklahoma School of Science and Mathematics. A letter grade for accelerated coursework shall be earned based on percentage of participation:

(a) 70% - 100% = A
(b) 60% – 69% = B
(c) 50% – 59% = C
(d) 30% – 49% = D
(e) 29% or Below = F

~~(iii) Performance in Advanced Placement (AP) and International Baccalaureate (IB). For this component, a letter grade shall be earned based on the percent of students scoring a three (3) or better on the AP exams, or a four (4) or better on IB exams:~~

~~(a) 75% – 100% = A~~
~~(b) 65% – 74% = B~~
~~(c) 50% – 64% = C~~
~~(d) 30% – 49% = D~~
~~(e) 29% or Below = F~~

~~(iv)~~ (iii) **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 denominator 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 ~~passing an industry certification examination~~ 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, or at a regional site of the Oklahoma School of Science and Mathematics. A letter grade shall be earned based on the percentage of students enrolled in these programs who meet the criteria listed above:

(a) 90% - 100% = A
(b) 80% – 89% = B
(c) 70% – 79% = C
(d) 60% – 69% = D
(e) 59% or Below = F

(~~v)~~ (iv) **ACT and SAT participation**. For this component, schools will earn a grade 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. A letter grade for ACT and SAT participation shall be earned based on the following criteria:

(a) 75% - 100% = A
(b) 65% – 74% = B
(c) 50% – 64% = C
(d) 30% – 49% = D
(e) 29% or Below = F

~~(vi)~~ (v) **ACT and SAT performance**. For this component, schools will earn a grade 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. A letter grade for ACT and SAT performance shall be earned based on the following criteria:

(a) 75% - 100% = A
(b) 65% – 74% = B
(c) 50% – 64% = C
(d) 30% – 49% = D
(e) 29% or Below = F

~~(vii)~~ (vi) **High school graduation rate of eighth (8th) graders**. For this component, schools shall earn a grade based on the 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). For this component, schools shall earn a grade 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.) ~~This component shall only include students counted as on-time graduates~~.

(a) 85% - 100% = A
(b) 75% – 84% = B
(c) 65% – 74% = C
(d) 55% – 64% = D
(e) 54% or Below = F

~~(viii)~~ (vii) **Graduation rate, including students taking ~~four (4)~~ five (5) or more years to graduate**. For this component, schools shall earn a grade based on the calculation of a graduation rate to include all graduates regardless of the amount of time required to meet graduation requirements.

(a) 90% - 100% = A
(b) 80% – 89% = B
(c) 70% – 79% = C
(d) 60% – 69% = D
(e) 59% or Below = F

(B) **Middle schools**. For schools comprised of middle school grades, the whole school improvement grade shall include:

(i) **The percentage of students who are taking higher level coursework at a satisfactory or higher level in middle school**. For this component, schools shall earn a grade based on the percentage of students taking traditional high school courses in the middle school grades, pre-Advanced Placement courses, ~~or other advanced coursework~~ or honors courses in a traditional classroom or in a virtual environment who score at 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. A letter grade will be earned based on the following criteria:

(a) 30% or Higher = A
(b) 25% – 29% = B
(c) 20% – 24% = C
(d) 15% – 19% = D
(e) 14% or Below = F

(ii) **Attendance**. For this component, schools will earn a grade for the level of student attendance based on the calculation of a student attendance rate. 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. A letter grade for attendance will be earned based on the following criteria.

(a) 94% - 100% = A
(b) 92% – 93% = B
(c) 90% – 91% = C
(d) 88% – 89% = D
(e) 87% or Below = F

(iii) **Dropout rate**. For this component, schools shall earn a grade based on the annual number of students reported as dropouts to the Oklahoma State Department of Education on the Annual Dropout Report. A letter grade for dropout rate will be earned based on the following scale:

(a) 0% - 0.9% = A
(b) 1% – 1.9% = B
(c) 2% – 2.9% = C
(d) 3% – 3.9% = D
(e) 4% or More = F

(C) **Elementary schools**. For schools comprised of elementary school grades, the whole school improvement grade shall include:

(i) **Attendance**. For this component, schools will earn a grade for the level of student attendance based on the calculation of a student attendance rate. 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. A letter grade for attendance will be earned based on the following criteria.

(a) 94% - 100% = A
(b) 92% – 93% = B
(c) 90% – 91% = C
(d) 88% – 89% = D
(e) 87% or Below = F

(ii) **Dropout rate**. For this component, schools shall earn a grade based on the annual number of students reported as dropouts to the Oklahoma State Department of Education on the Annual Dropout Report. A letter grade for dropout rate will be earned based on the following scale:

(a) 0% - 0.9% = A
(b) 1% – 1.9% = B

(c) 2% – 2.9% = C
(d) 3% – 3.9% = D
(e) 4% or More = F

(g) **Additional points**. In addition to the criteria listed in sub-section (f)(4) of this rule, schools may earn additional points that will be factored into the school's whole school improvement grade. Annually, the Oklahoma State Department of Education shall publish technical assistance specifically detailing the weighted formula used for computing additional points into the whole school improvement grade. Technical assistance shall be published in time for school districts to make meaningful use of the information and data.

(1) For all schools comprised of high school, middle school, and elementary school grades, additional points may be earned and factored into the whole school improvement grade based on the following school improvement factors:

~~(A) School climate indicators. For this component, schools shall earn additional points based on the results of the Oklahoma School Climate Survey, which should be made available to all faculty, parents, and students. The Oklahoma School Climate Survey must be completed by at least ninety percent (90%) of faculty, twenty percent (20%) of students, and ten percent (10%) of parents in the school. The survey shall be administered online and results submitted directly to the Oklahoma State Department of Education.~~

~~(B)~~ (A) **Parent and community engagement factors**. For this component, schools shall earn additional points based on the number of volunteer hours performed during the school year by parents and/or community members.

~~(2) In addition to the factors outlined in sub-section (g)(1), for schools comprised of elementary school grades, additional points may be earned and factored into the whole school improvement grade based on the following school improvement factors:~~

~~(A) Higher Level Coursework. The percentage of students who are taking higher level coursework at a satisfactory or higher level in elementary school. For this component, schools shall earn points based on the percentage of students taking traditional middle school courses in the elementary school grades or other advanced coursework in a traditional classroom or in a virtual environment who score at a satisfactory level or higher on the corresponding state standardized assessment.~~

~~(3)~~ (2) In addition to the factors outlined in sub-section (g)(1), for schools comprised of high school grades, additional points may be earned and factored into the whole school improvement grade based on the following school improvement factors:

(A) **College preparatory coursework**. For this component, high schools serving students in grades nine (9) through twelve (12) shall earn points based on the percentage of students completing the State's college and career preparatory curriculum. This shall be calculated based on a sum of all students, in grades nine (9) through twelve (12), enrolled in college preparatory coursework divided by the total number of students enrolled in the school in grades nine (9) through twelve (12).

(B) **College remediation**. For this component, a college remediation rate shall be calculated by dividing the unduplicated count of students needing remediation in reading, English, math, or science by the total number of the students attending an Oklahoma college or university.

(h) **School Performance Grading Scale**. The School Performance Grade shall be based on a combination of the factors outlined in sub-section (b)(1) of this rule and detailed in sub-section (f) of this rule. Thirty-three percent (33%) shall be based on student test scores; seventeen percent (17%) on student learning gains; seventeen percent (17%) on improvement of the lowest twenty-five percent (25%) of students in the school in reading and mathematics; and thirty-three percent (33%) on whole school improvement. Letter grades will be converted based on the following point distribution: A's will be converted to 4 points; B's will be converted to 3 points; C's will be converted to 2 points; D's will be converted to 1 point; and F's will be converted to 0 points. The grades for each factor described in sub-section (b)(1) will be averaged to compute an overall grade.

(1) A grade point average of 3.75- 4.0 shall be required for a School Performance Grade of A.

(2) A grade point average of 2.75- 3.74 shall be required for a School Performance Grade of B.

(3) A grade point average of 1.75- 2.74 shall be required for a School Performance Grade of C.

(4) A grade point average of 0.75- 1.74 shall be required for a School Performance Grade of D.

(5) If a school's grade point average is lower than 0.74, it shall be assigned a School Performance Grade of F.

(i) **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.

(A) Circumstances under which a school's performance data may be considered to not accurately represent the progress of the school include:

(i) 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.

(ii) 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.

~~(B) After the initial issuance of school performance grades, the school district shall have at least thirty (30) calendar days to review the data on which the performance grade was based. If the school district determines that a different performance grade should be assigned because of the omission of student data, a data miscalculation, or special circumstances that might have affected the grade assigned, a request for a review of the data can be submitted to the State Department of Education. Changes to the criteria or process shall not be considered as part of this review. Documentation of all elements and data to be reviewed by the Department must be submitted within the time limits specified in~~

~~this sub-section. No changes to data shall be made after the expiration of the thirty (30) calendar day review period.~~

(j) **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 (j)(2) of this rule. The school district shall have at least thirty (30) calendar days to review each data component, as it becomes available. No changes to data shall be made after the expiration of the respective thirty (30) calendar day review period.

(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 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. 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.

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

(1) **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.

(A) 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.

Notice of Rulemaking Intent

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

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
210:15-1-3. Procedures for Review and Implementation of Curriculum Standards [NEW]
Subchapter 3. Priority Academic Student Skills [REVOKED]
Part 1. General [REVOKED]
210:15-3-1. Purpose [REVOKED]
Part 3. Pre-Kindergarten and Kindergarten [REVOKED]
210:15-3-5. Overview [REVOKED]
210:15-3-5.1. Definitions [REVOKED]
210:15-3-5.2. Creative skills [REVOKED]
210:15-3-5.3. Language arts for pre-kindergarten and kindergarten [REVOKED]
210:15-3-5.4. Mathematics for Pre-Kindergarten and Kindergarten [REVOKED]
210:15-3-5.5. Motor skill and lifetime activity development [REVOKED]
210:15-3-5.6. Science [REVOKED]
210:15-3-5.7. Social and personal skills [REVOKED]
210:15-3-5.9. The arts [REVOKED]
Part 5. Language Arts [REVOKED]
210:15-3-11. Overview [REVOKED]
210:15-3-11.1. Reading/literature [REVOKED]
210:15-3-11.2. Definitions [REVOKED]
210:15-3-12. Language arts for grade 1 [REVOKED]
210:15-3-13. Language arts for grade 2 [REVOKED]
210:15-3-14. Language arts for grade 3 [REVOKED]
210:15-3-15. Language arts for grade 4 [REVOKED]
210:15-3-16. Language arts for grade 5 [REVOKED]
210:15-3-17. Language arts for grade 6 [REVOKED]
210:15-3-18. Language arts for grade 7 [REVOKED]
210:15-3-19. Language arts for grade 8 [REVOKED]
210:15-3-20. Language arts for grade 9 [REVOKED]
210:15-3-21. Language arts for grade 10 [REVOKED]
210:15-3-22. Language arts for grade 11 [REVOKED]
210:15-3-23. Language arts for grade 12 [REVOKED]
Part 7. Mathematics [REVOKED]
210:15-3-40. Overview grades 1 through 5 [REVOKED]
210:15-3-40.1. Definitions [REVOKED]
210:15-3-40.2. Mathematics process standards grades 1-5 [REVOKED]
210:15-3-41. Mathematics content standards grade 1 [REVOKED]
210:15-3-42. Mathematics content standards grade 2 [REVOKED]

ACCEPTED 1/29/13
Office of Administrative Rules
Oklahoma Secretary of State
Docket # 13-156 OAR/cert CN

210:15-3-43. Mathematics content standards grade 3 [REVOKED]
210:15-3-44. Mathematics content standards grade 4 [REVOKED]
210:15-3-45. Mathematics content standards grade 5 [REVOKED]
210:15-3-46. Overview grades 6-8 [REVOKED]
210:15-3-46.1. Mathematics process standards grades 6-8 [REVOKED]
210:15-3-47. Mathematics content standards grade 6 [REVOKED]
210:15-3-48. Mathematics content standards grade 7 [REVOKED]
210:15-3-49. Mathematics content standards grade 8 [REVOKED]
210:15-3-50. Overview high school [REVOKED]
210:15-3-50.1. Process standards high school [REVOKED]
210:15-3-51. Mathematics content skills algebra I [REVOKED]
210:15-3-52. Mathematics content standards geometry [REVOKED]
210:15-3-53. Mathematics content standards algebra II [REVOKED]
Part 9. Science
210:15-3-70. Overview organization [REVOKED]
210:15-3-70.1. Science standards for grades 1 through 12 [REVOKED]
210:15-3-70.2. Definitions [REVOKED]
210:15-3-71. Standards for inquiry, physical, life, and earth/space science for grade 1 [REVOKED]
210:15-3-72. Standards for inquiry, physical, life, and earth/space science for grade 2 [REVOKED]
210:15-3-73. Standards for inquiry, physical, life, and earth/space science for grade 3 [REVOKED]
210:15-3-74. Standards for inquiry, physical, life, and earth/space science for grade 4 [REVOKED]
210:15-3-75. Standards for inquiry, physical, life, and earth/space science for grade 5 [REVOKED]
210:15-3-76. Standards for inquiry, physical, life, and earth/space science for grade 6 [REVOKED]
210:15-3-77. Standards for inquiry, physical, life, and earth/space science for grade 7 [REVOKED]
210:15-3-78. Standards for inquiry, physical, life, and earth/space science for grade 8 [REVOKED]
210:15-3-79. Physical science – standards for inquiry and the physical sciences for high school [REVOKED]
210:15-3-80. Biology I – standards for inquiry and the biological sciences for high school [REVOKED]
210:15-3-81. Chemistry – standards for inquiry and chemistry for high school [REVOKED]
210:15-3-82. Physics – standards for inquiry and physics for high school [REVOKED]
210:15-3-83. Environmental Science – standards for inquiry and environmental science for high school [REVOKED]
Part 11. Social Studies [REVOKED]
210:15-3-90.2. Pre-Kindergarten: Our America [REVOKED]

210:15-3-90.3. Kindergarten: Symbols of America [REVOKED]
210:15-3-91.1. Grade 1: American Heroes [REVOKED]
210:15-3-92.2. Grade 2: Our Democratic Heritage [REVOKED]
210:15-3-93.3. Grade 3: Oklahoma Studies [REVOKED]
210:15-3-94.4. Grade 4: United States Studies: Regional Geography and History - the Why of Where: Places, Patterns of Settlement, and Global Interactions [REVOKED]
210:15-3-95.5. Grade 5: United States Studies: Creating the United States: The Foundation, Formation, and Transformation of the American Nation, 1607-1806 [REVOKED]
210:15-3-96.6. Grade 6: World Geography: The Western Hemisphere - The Why of Where: Places, Patterns of Settlement, and Global Interactions [REVOKED]
210:15-3-97.7. Grade 7: World Geography: The Eastern Hemisphere - The Why of Where: Places, Patterns of Settlement, and Global Interactions [REVOKED]
210:15-3-98.8. Grade 8: Creating the United States. The Foundation, Formation, and Transformation of the American Nation, 1754-1877 [REVOKED]
210:15-3-99.9. High School Economics: Incentives and Disincentives: Land, Labor, Capital, and Entrepreneurship [REVOKED]
210:15-3-100.1. Oklahoma History and Government - The Foundation, Formation, and Transformation of the State of Oklahoma [REVOKED]
210:15-3-100.2. High School Psychology: Foundations and Formation of Human Development [REVOKED]
210:15-3-100.3 High School Sociology: Formations and Patterns of Group Behavior [REVOKED]
210:15-3-101.1. United States government - freedom for all: securing rights and defining responsibilities [REVOKED]
210:15-3-102.2. United States History - Creating the United States: The American Nation in Transformation, 1878 to the Present [REVOKED]
210:15-3-103.3. High school world history - cultural connections, turning points, and transformation of the world into the modern era [REVOKED]
210:15-3-104.4. World Human Geography - The Why of Where: Places, Patterns of Settlement, and Global Interactions [REVOKED]
Part 13. The Arts [REVOKED]
210:15-3-114. Overview [REVOKED]
210:15-3-114.1. Definitions for visual art [REVOKED]
210:15-3-114.2. Definitions for music [REVOKED]
210:15-3-115. The arts for grade 1 [REVOKED]
210:15-3-116. The arts for grade 2 [REVOKED]
210:15-3-117. The arts for grade 3 [REVOKED]
210:15-3-118. The arts for grade 4 [REVOKED]
210:15-3-119. The arts for grade 5 [REVOKED]
210:15-3-120. The arts for grade 6 [REVOKED]
210:15-3-121. The arts for grade 7 [REVOKED]
210:15-3-122. The arts for grade 8 [REVOKED]
210:15-3-123. The arts for high school [REVOKED]
Part 15. Oklahoma Standards for World Languages [REVOKED]

210:15-3-133. Overview [REVOKED]
210:15-3-133.1. Definitions [REVOKED]
210:15-3-134. Language(s) awareness k - grade 3 [REVOKED]
210:15-3-135. Novice level range [REVOKED]
210:15-3-136. Intermediate level range [REVOKED]
210:15-3-137. Pre-advanced level range [REVOKED]
Part 17. Health/Safety Education [REVOKED]
210:15-3-147. Health and safety education [REVOKED]
210:15-3-147.1. Definitions for health and safety [REVOKED]
210:15-3-148. Health and safety education for grades 1 through 4 [REVOKED]
210:15-3-149. Health and safety education for grades 5 through 8 [REVOKED]
210:15-3-150. Health and safety education for grades 9 through 12 [REVOKED]
210:15-3-151. HIV/AIDS prevention education [REVOKED]
210:15-3-152. HIV/AIDS prevention education for grades 7 through 12 [REVOKED]
Part 19. Physical Education [REVOKED]
210:15-3-153. Overview for physical education [REVOKED]
210:15-3-153.1. Definitions [REVOKED]
210:15-3-154. Physical education for pre-kindergarten and kindergarten [REVOKED]
210:15-3-155. Physical education for grade 1 [REVOKED]
210:15-3-156. Physical education for grade 2 [REVOKED]
210:15-3-157. Physical education for grade 3 [REVOKED]
210:15-3-158. Physical education for grade 4 [REVOKED]
210:15-3-159. Physical education for grade 5 [REVOKED]
210:15-3-160. Physical education for grades 6 and 7 [REVOKED]
210:15-3-161. Physical education for grades 8 and 9 [REVOKED]
210:15-3-162. Physical education for grades 10 through 12 [REVOKED]
Part 21. Information Literacy [REVOKED]
210:15-3-172. Overview [REVOKED]
210:15-3-172.1. Definitions [REVOKED]
210:15-3-173. Information literacy [REVOKED]
Part 23. Instructional Technology [REVOKED]
210:15-3-183. Overview [REVOKED]
210:15-3-183.1. Definitions [REVOKED]
210:15-3-184. Standards [REVOKED]
210:15-3-185. Intermediate level prior to completion of grade 8 [REVOKED]
210:15-3-186. Advanced level prior to completion of grade 12 [REVOKED]
Part 25. Technology Engineering [REVOKED]
210:15-3-196. Overview of technology engineering for grades 6 - 10 [REVOKED]
210:15-3-197. Technology engineering for grades 6 – 10 [REVOKED]
Part 26. Personal Financial Literacy [REVOKED]
210:15-3-198. Overview of Personal Financial Literacy for Grades 7-12 [REVOKED]
210:15-3-199. Personal Financial Literacy for Grades 7-12 [REVOKED]

SUMMARY:

The purpose of the new proposed rule at 210:15-1-3 is to establish a procedure for

adoption and publication of subject matter curriculum standards by the State Department of Education and the State Board of Education in accordance with the provisions of 70 O.S. § 11-103.6a. The existing subject curriculum standards currently published as individual rules under the Priority Academic Student Skills at Subchapter 3 of Chapter 15, Title 210 are being revoked and will be republished in accordance with the provisions of the new rule at 210:15-1-3. Proposed amendments provide greater flexibility to the State Board of Education in complying with statutory provisions related to curriculum adoption.

AUTHORITY:

State Board of Education, pursuant to 70 O.S. § 3-104; 70 O.S. § 11-103.6; 70 O.S. § 11-103.6a.

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., Monday March 25, 2013, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Submit comments by email to: rules@sde.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Monday, March 25, 2013, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies are on file for public viewing in the office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Proposed rules are also available on the State Department of Education Web site at www.sde.ok.gov on and after February 22, 2013.

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on and after February 22, 2013.

CONTACT PERSON:

Connie Holland, 405-521-3308

NAME OF AGENCY:

State Department of Education

TYPE OF DOCUMENT

Notice of rulemaking intent

LIAISON VERIFICATION:

I verify that I have reviewed the attached document and that it substantially conforms to filing and format requirements of the APA and the rules of the Secretary of State. Additional information may be obtained by contacting me at 405-521-3308.

Connie Holland

Connie Holland
Chief Executive Secretary, State Board of Education
State Department of Education
January 25, 2013

Rule Impact Statement

RULE IMPACT STATEMENT

TITLE 210. STATE DEPARTMENT OF EDUCATION

CHAPTER 15. CURRICULUM AND INSTRUCTION
SUBCHAPTER 1. GENERAL PROVISIONS
SUBCHAPTER 3. PRIORITY ACADEMIC STUDENT SKILLS

a. **What is the purpose of the proposed rule change?**
The purpose of the proposed rule at 210:15-1-3 is to establish a procedure for adoption and publication of academic content and process standards by the State Department of Education and the State Board of Education in accordance with the provisions of 70 O.S. § 11-103.6a. Because the academic content and process standards have increased in volume, the Agency believes that discontinuing the use of the rulemaking process to promulgate academic content and process standards as rules in the Oklahoma Administrative Code and replacing the process with a new procedure for submission for Board approval will reduce administrative costs and will afford education stakeholders more opportunity to provide input prior to revisions of the academic content and process standards. The proposed rule provides for implementation of a volunteer advisory council to provide the State Department of Education with recommendations for revision of the academic content and process standards prior to drafting proposed standards. The proposed rule also provides for a process of review and public comment of draft proposed standards by the public prior to submission of the standards to the State Board of Education for approval.

The purpose of the proposed revocation of the standards promulgated at Subchapter 3 is to remove the approved academic content and process standards from the Oklahoma Administrative Code and republish all of the approved standards in accordance with the process established at 210:15-1-3.

b. **What classes of persons will be affected by the proposed rule change and what classes of persons will bear the costs of the proposed rule change?**
The proposed changes will affect public school students and their parents/legal guardians; public school teachers and administrators, and public schools and public school districts.

c. **What classes of persons will benefit from the proposed rule change?**
The proposed changes will benefit public school students and their parents/legal guardians; public school teachers and administrators; public schools and public school districts.

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

e. **What is the probable cost to the agency to implement and enforce the proposed rule change?**
The agency does not anticipate any cost to the agency to implement and enforce as a result of the proposed change in the rule at this time. The agency anticipates implementation of the proposed rule changes will reduce administrative costs to the agency.

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

g. **Will implementing the rule change have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act?**
The agency does not anticipate any adverse economic impact on small business as a result of the proposed rule change at this time.

h. **Are there any other methods which are less costly, nonregulatory, or less intrusive to achieve the purpose of the proposed rule change?**
No.

i. **Will the rule change impact the public health, safety, and environment, and is the change designed to reduce significant risks to the public health, safety, and environment? If so, explain nature of risk and to what extent the proposed rule change will reduce the risk.**
The agency does not anticipate any impact on public health, safety, or environment as a result of implementation of the proposed rule at this time.

j. **What detrimental effect will there be on the public health, safety, and environment if the rule change is not implemented?**
The agency does not anticipate any detrimental effect on public health, safety, or environment as a result of implementation of the proposed rule at this time.

k. **Date Prepared**: February 22, 2013.

Statutory Authorities

Oklahoma Statutes Citationized

Title 70. Schools

Chapter 1 - School Code of 1971

Article Article III - State Department of Education

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

Cite as: 70 O.S. § 3-104 (OSCN 2013)

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

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

2. Appoint, prescribe the duties and fix the compensation of a secretary, an attorney and all other personnel necessary for the proper performance of the functions of the State Board of Education. The secretary shall not be a member of the Board;

3. Submit to the Governor a departmental budget based upon major functions of the Department as prepared by the State Superintendent of Public Instruction and supported by detailed data on needs and proposed operations as partially determined by the budgetary needs of local school districts filed with the State Board of Education for the ensuing fiscal year. Appropriations therefor shall be made in lump-sum form for each major item in the budget as follows:

a. State Aid to schools,

b. the supervision of all other functions of general and special education including general control, free textbooks, school lunch, Indian education and all other functions of the Board and an amount sufficient to adequately staff and administer these services, and

c. the Board shall determine the details by which the budget and the appropriations are administered. Annually, the Board shall make preparations to consolidate all of the functions of the Department in such a way that the budget can be based on two items, administration and aid to schools. A maximum amount for administration shall be designated as a part of the total appropriation;

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

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

b. reports from each and every division within the State Department of Education as submitted by the State Superintendent of Public Instruction and any other division, department, institution or other agency under the supervision of the Board,

c. recommendations for the improvement of the public school system of the state,

d. a statement of the receipts and expenditures of the State Board of Education for the past year, and

e. a statement of plans and recommendations for the management and improvement of public schools and such other information relating to the educational interests of the state as may be deemed necessary and desirable;

5. Provide for the formulation and adoption of curricula, courses of study and other instructional aids necessary for the adequate instruction of pupils in the public schools;

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

issuance of such certificates:

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

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

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

Any school district which maintains an elementary school and faces the necessity of relocating its school facilities because of construction of a lake, either by state or federal authority, which will inundate the school facilities, shall be entitled to receive probationary accreditation from the State Board of Education for a period of five (5) years after the effective date of this act and any school district, otherwise qualified, shall be entitled to receive probationary accreditation from the State Board of Education for a period of two (2) consecutive years to attain the minimum average daily attendance. The Head Start and public nurseries or kindergartens operated from Community Action Program funds shall not be subjected to the accrediting rules of the State Board of Education. Neither will the State Board of Education make rules affecting the operation of the public nurseries and kindergartens operated from federal funds secured through Community Action Programs even though they may be operating in the public schools of the state. However, any of the Head Start or public nurseries or kindergartens operated under federal regulations may make application for accrediting from the State Board of Education but will be accredited only if application for the approval of the programs is made. The status of no school district shall be changed which will reduce it to a lower classification until due notice has been given to the proper authorities thereof and an opportunity given to correct the conditions which otherwise would be the cause of such reduction.

Private and parochial schools may be accredited and classified in like manner as public schools or, if an accrediting association is approved by the State Board of Education, by procedures established by the State Board of Education to accept accreditation by such accrediting association, if application is made to the State Board of Education for such accrediting;

8. Be the legal agent of the State of Oklahoma to accept, in its discretion, the provisions of any Act of Congress appropriating or apportioning funds which are now, or may hereafter be, provided for use in connection with any phase of the system of public education in Oklahoma. It shall prescribe such rules as it finds necessary to provide for the proper distribution of such funds in accordance with the state and federal laws;

9. Be and is specifically hereby designated as the agency of this state to cooperate and deal with any officer, board or authority of the United States Government under any law of the United States which may require or recommend cooperation with any state board having charge of the administration of public schools unless otherwise provided by law;

10. Be and is hereby designated as the "State Educational Agency" referred to in Public Law 396 of the 79th Congress of the United States, which law states that said act may be cited as the "National School Lunch Act", and said State Board of Education is hereby authorized and directed to accept the terms and provisions of said act and to enter into such

agreements, not in conflict with the Constitution of Oklahoma or the Constitution and Statutes of the United States, as may be necessary or appropriate to secure for the State of Oklahoma the benefits of the school lunch program established and referred to in said act;

11. Have authority to secure and administer the benefits of the National School Lunch Act, Public Law 396 of the 79th Congress of the United States, in the State of Oklahoma and is hereby authorized to employ or appoint and fix the compensation of such additional officers or employees and to incur such expenses as may be necessary for the accomplishment of the above purpose, administer the distribution of any state funds appropriated by the Legislature required as federal matching to reimburse on children's meals;

12. Accept and provide for the administration of any land, money, buildings, gifts, donation or other things of value which may be offered or bequeathed to the schools under the supervision or control of said Board;

13. Have authority to require persons having administrative control of all school districts in Oklahoma to make such regular and special reports regarding the activities of the schools in said districts as the Board may deem needful for the proper exercise of its duties and functions. Such authority shall include the right of the State Board of Education to withhold all state funds under its control, to withhold official recognition, including accrediting, until such required reports have been filed and accepted in the office of said Board and to revoke the certificates of persons failing or refusing to make such reports;

14. Have general supervision of the school lunch program. The State Board of Education may sponsor workshops for personnel and participants in the school lunch program and may develop, print and distribute free of charge or sell any materials, books and bulletins to be used in such school lunch programs. There is hereby created in the State Treasury a revolving fund for the Board, to be designated the School Lunch Workshop Revolving Fund. The fund shall consist of all fees derived from or on behalf of any participant in any such workshop sponsored by the State Board of Education, or from the sale of any materials, books and bulletins, and such funds shall be disbursed for expenses of such workshops and for developing, printing and distributing of such materials, books and bulletins relating to the school lunch program. The fund shall be administered in accordance with Section 155 of Title 62 of the Oklahoma Statutes;

15. Prescribe all forms for school district and county officers to report to the State Board of Education where required. The State Board of Education shall also prescribe a list of appropriation accounts by which the funds of school districts shall be budgeted, accounted for and expended; and it shall be the duty of the State Auditor and Inspector in prescribing all budgeting, accounting and reporting forms for school funds to conform to such lists;

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

17. Have authority to provide for the health and safety of school children and school personnel while under the jurisdiction of school authorities;

18. Provide for the supervision of the transportation of pupils;

19. Have authority, upon request of the local school board, to act in behalf of the public schools of the state in the purchase of transportation equipment;

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

21. Administer the State Public Common School Building Equalization Fund established by Section 32 of Article X of the Oklahoma Constitution. Any royalties, bonuses, rentals or other monies derived from oil and gas and all other mineral leases on lands that have been or may be granted by the United States to the state for the use and benefit of the common schools, or lands that are or may be held by the Commissioners of the Land Office for the use and benefit of the common schools, the proceeds of the sale of easements, improvements and sand and gravel on any such lands, any monies as may be appropriated or designated by the Legislature, other than ad valorem taxes, any other funds identified by the State Department of Education, which may include, but not be limited to, grants-in-aid from the federal government for building purposes, the proceeds of all property that shall fall to the state by escheat, penalties for unlawful holding of real estate by corporations, and capital gains on assets of the permanent school funds, shall be deposited in the State Public Common School Building Equalization Fund. The fund shall be used to aid school districts in acquiring buildings, subject to the limitations fixed by Section 32 of Article X of the Oklahoma Constitution. It is hereby declared that the term "acquiring buildings" as used in Section 32 of Article X of the Oklahoma Constitution shall mean acquiring or improving school sites, constructing, repairing, remodeling or equipping buildings, or acquiring school furniture, fixtures, or equipment. If sufficient monies are available in the fund, the Board shall solicit proposals for grants from school districts and shall determine the process for consideration of proposals. Grants shall be awarded only to school districts which have a total assessed

property valuation per average daily membership that is less than the state average total assessed property valuation per average daily membership and, at the time of application, the district has voted the five-mill building fund levy authorized in Section 10 of Article X of the Oklahoma Constitution, and has voted indebtedness through the issuance of new bonds for at least eighty-five percent (85%) within the last three (3) years of the maximum allowable pursuant to the provisions of Section 26 of Article X of the Oklahoma Constitution as shown on the school district budget filed with the State Board of Equalization for the current school year and certifications by the Attorney General prior to April 1 of the school year. The amount of each grant awarded by the Board each year shall not exceed One Million Dollars ($1,000,000.00). The Board shall give priority consideration to school districts which have a total assessed property valuation per average daily membership that is equal to or less than twenty-five percent (25%) of the state average total assessed property valuation per average daily membership. The Board is authorized to prorate grants awarded if monies are not sufficient in the fund to award grants to qualified districts. The State Board of Education shall prescribe rules for making grants of aid from, and for otherwise administering, the fund pursuant to the provisions of this paragraph, and may employ and fix the duties and compensation of technicians, aides, clerks, stenographers, attorneys and other personnel deemed necessary to carry out the provisions of this paragraph. The cost of administering the fund shall be paid from monies appropriated to the State Board of Education for the operation of the State Department of Education;

22. Recognize that the Director of the Oklahoma Department of Corrections shall be the administrative authority for the schools which are maintained in the state reformatories and shall appoint the principals and teachers in such schools. Provided, that rules of the State Board of Education for the classification, inspection and accreditation of public schools shall be applicable to such schools; and such schools shall comply with standards set by the State Board of Education; and

23. Have authority to administer a revolving fund which is hereby created in the State Treasury, to be designated the Statistical Services Revolving Fund. The fund shall consist of all monies received from the various school districts of the state, the United States Government, and other sources for the purpose of furnishing or financing statistical services and for any other purpose as designated by the Legislature. The State Board of Education is hereby authorized to enter into agreements with school districts, municipalities, the United States Government, foundations and other agencies or individuals for services, programs or research projects. The Statistical Services Revolving Fund shall be administered in accordance with Section 155 of Title 62 of the Oklahoma Statutes.

Historical Data

Laws 1971, HB 1155, c. 281, § 3-104, emerg. eff. July 2, 1971; Amended by Laws 1972, SB 385, c. 241, § 1, emerg. eff. April 7, 1972; Amended by Laws 1973, HB 1219, c. 17, § 1, emerg. eff. March 27, 1973; Amended by Laws 1973, SB 115, c. 46, § 6, emerg. eff. July 1, 1973; Amended by Laws 1974, HB 1649, c. 146, § 1; Amended by Laws 1975, HB 1227, c. 344, § 1; Amended by Laws 1978, SB 498, c. 85, § 1, eff. January 8, 1979; Amended by Laws 1982, c. 369, § 1, eff. October 1, 1982; Amended by Laws 1984, SB 368, c. 296, § 42, emerg. eff. July 1, 1984; Amended by Laws 1985, HB 1276, c. 13, § 1, eff. November 1, 1985; Amended by Laws 1986, HB 2032, c. 105, § 2, emerg. eff. April 5, 1986; Amended by Laws 1991, HB 1683, c. 240, § 1, eff. September 1, 1991; Amended by Laws 1993, c. 239, § 21 (repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994); Amended by Laws 1993, HB 1383, c. 361, § 1, emerg. eff. June 11, 1993; Amended by Laws 1994, HB 2299, c. 2, § 26, emerg. eff. March 2, 1994; Amended by Laws 1994, SB 1188, c. 378, § 1, emerg. eff. July 1, 1994; Amended by Laws 1994, SB 1155, c. 344, § 1 (repealed by Laws 1995, HB 1012, c. 1, § 40, emerg. eff. March 2, 1995); Amended by Laws 1995, HB 1012, c. 1, § 25, emerg. eff. March 2, 1995; Amended by Laws 1995, SB 479, c. 226, § 1, emerg. eff. July 1, 1995; Amended by Laws 1995, HB 1549, c. 322, § 23, emerg. eff. July 1, 1995; Amended by Laws 1998, HB 3213, c. 246, § 32, eff. November 1, 1998 (superseded document available); Amended by Laws 1999, HB 1390, c. 336, § 5, eff. November 1, 1999 (superseded document available); Amended by Laws 2009, HB 2029, c. 234, § 155, emerg. eff. May 21, 2009 (repealed by Laws 2010, SB 2113, c. 2, § 74, emerg. eff. March 3, 2010) (superseded document available); Amended by Laws 2009, SB 1169, c. 448, § 1, eff. November 1, 2009 (superseded document available); Amended by Laws 2010, SB 2113, c. 2, § 73, emerg. eff. March 3, 2010 (superseded document available); Amended by Laws 2011, HB 2139, c. 31, § 4 (superseded document available); Amended by Laws 2012, HB 2306, c. 354, § 1 (superseded document available).

Oklahoma Statutes Citationized

Title 70. Schools

Chapter 1 - School Code of 1971

Article Article XI - Curriculum

Section 11-103.6 - Curricular Standards for Instruction of Students in Public Schools

Cite as: O.S. §, __ __

A. The State Board of Education shall adopt curricular standards for instruction of students in the public schools of this state that are necessary to ensure there is attainment of desired levels of competencies in a variety of areas to include language, mathematics, science, social studies and communication. All students shall gain literacy at the elementary and secondary levels through a core curriculum. Students must develop skills in reading, writing, speaking, computing and critical thinking. They also must learn about cultures and environments - their own and those of others with whom they share the earth. Students, therefore, must study social studies, literature, languages, the arts, mathematics and science. Such curricula shall provide for the teaching of a hands-on career exploration program in cooperation with technology center schools. The core curriculum shall be designed to teach the competencies for which students shall be tested as provided in Section 1210.508 of this title, and shall be designed to prepare all students for employment and/or postsecondary education.

B. Beginning with students entering the ninth grade in the 2006-07 school year and subject to the provisions of subsection C of this section, in order to graduate from a public high school accredited by the State Board of Education with a standard diploma, students shall complete the following college preparatory/work ready curriculum units or sets of competencies at the secondary level:

1. Four units of English to include Grammar, Composition, Literature, or any English course approved for college admission requirements;

2. Three units of mathematics, limited to Algebra I, Algebra II, Geometry, Trigonometry, Math Analysis, Calculus, Advanced Placement Statistics, or any mathematics course with content and/or rigor above Algebra I and approved for college admission requirements;

3. Three units of laboratory science, limited to Biology, Chemistry, Physics, or any laboratory science course with content and/or rigor equal to or above Biology and approved for college admission requirements;

4. Three units of history and citizenship skills, including one unit of American History, 1/2 unit of Oklahoma History, 1/2 unit of United States Government and one unit from the subjects of History, Government, Geography, Economics, Civics, or Non-Western culture and approved for college admission requirements;

5. Two units of the same foreign or non-English language or two units of computer technology approved for college admission requirements, whether taught at a high school or a technology center school, including computer programming, hardware, and business computer applications, such as word processing, databases, spreadsheets, and graphics, excluding keyboarding or typing courses;

6. One additional unit selected from paragraphs 1 through 5 of this subsection or career and technology education courses approved for college admission requirements; and

7. One unit or set of competencies of fine arts, such as music, art, or drama, or one unit or set of competencies of speech.

C. Beginning with students entering the ninth grade in the 2006-07 school year, in lieu of the requirements of subsection B of this section which requires a college preparatory/work ready curriculum, a student may enroll in the core curriculum as provided in subsection D of this section upon written approval of the parent or legal guardian of the student. School districts may require a parent or legal guardian of the student to meet with a designee of the school prior to enrollment in the core curriculum. The State Department of Education shall develop and distribute to school districts a form suitable for this purpose, which shall include information on the benefits to students of completing the college preparatory/work ready curriculum as provided for in subsection B of this section.

D. For students who entered the ninth grade prior to the 2006-07 school year and for those students subject to the requirements of subsection C of this section, in order to graduate from a public high school accredited by the State Board of

Education with a standard diploma, students shall complete the following core curriculum units or sets of competencies at the secondary level:

1. Language Arts – 4 units or sets of competencies, to consist of 1 unit or set of competencies of grammar and composition, and 3 units or sets of competencies which may include, but are not limited to, the following courses:

a. American Literature,

b. English Literature,

c. World Literature,

d. Advanced English Courses, or

e. other English courses with content and/or rigor equal to or above grammar and composition;

2. Mathematics – 3 units or sets of competencies, to consist of 1 unit or set of competencies of Algebra I or Algebra I taught in a contextual methodology, and 2 units or sets of competencies which may include, but are not limited to, the following courses:

a. Algebra II,

b. Geometry or Geometry taught in a contextual methodology,

c. Trigonometry,

d. Math Analysis or Precalculus,

e. Calculus,

f. Statistics and/or Probability,

g. Computer Science,

h. contextual mathematics courses which enhance technology preparation whether taught at a:

(1) comprehensive high school, or

(2) technology center school when taken in the eleventh or twelfth grade, taught by a certified teacher, and approved by the State Board of Education and the independent district board of education,

i. mathematics courses taught at a technology center school by a teacher certified in the secondary subject area when taken in the eleventh or twelfth grade upon approval of the State Board of Education and the independent district board of education, or

j. equal to or above Algebra I;

3. Science – 3 units or sets of competencies, to consist of 1 unit or set of competencies of Biology I or Biology I taught in a contextual methodology, and 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:

a. Chemistry I,

b. Physics,

c. Biology II,

d. Chemistry II,

e. Physical Science,

f. Earth Science,

g. Botany,

h. Zoology,

i. Physiology,

j. Astronomy,

k. Applied Biology/Chemistry,

l. Applied Physics,

m. Principles of Technology,

n. qualified agricultural education courses,

o. contextual science courses which enhance technology preparation whether taught at a:

(1) comprehensive high school, or

(2) technology center school when taken in the eleventh or twelfth grade, taught by a certified teacher, and approved by the State Board of Education and the independent district board of education,

p. science courses taught at a technology center school by a teacher certified in the secondary subject area when taken in the eleventh or twelfth grade upon approval of the State Board of Education and the independent district board of education, or

q. other science courses with content and/or rigor equal to or above Biology I;

4. Social Studies – 3 units or sets of competencies, to consist of 1 unit or set of competencies of United States History, 1/2 to 1 unit or set of competencies of United States Government, 1/2 unit or set of competencies of Oklahoma History, and 1/2 to 1 unit or set of competencies which may include, but are not limited to, the following courses:

a. World History,

b. Geography,

c. Economics,

d. Anthropology, or

e. other social studies courses with content and/or rigor equal to or above United States History, United States Government, and Oklahoma History; and

5. Arts – 2 units or sets of competencies which may include, but are not limited to, courses in Visual Arts and General Music.

E. 1. In addition to the curriculum requirements of either subsection B or D of this section, in order to graduate from a public high school accredited by the State Board of Education students shall complete the requirements for a personal financial literacy passport as set forth in the Passport to Financial Literacy Act and any additional course requirements or recommended elective courses as may be established by the State Board of Education and the district school board. 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.

2. No student shall receive credit for high school graduation more than once for completion of the same unit or set of competencies to satisfy the curriculum requirements of this section.

3. A school district shall not be required to offer every course listed in subsections B and D of this section, but shall offer sufficient courses to allow a student to meet the graduation requirements during the secondary grade years of the student.

F. For purposes of this section:

1. "Contextual methodology" means academic content and skills taught by utilizing real-world problems and projects in a way that helps students understand the application of that knowledge;

2. "Qualified agricultural education courses" means courses that have been determined by the State Board of Education to

offer the sets of competencies in the Priority Academic Student Skills (PASS), as adopted by the Board, for one or more science content areas and which correspond to academic science courses. Qualified agricultural education courses shall include, but are not limited to, Horticulture, Plant and Soil Science, Natural Resources and Environmental Science, and Animal Science. The courses shall be taught by teachers certified in agricultural education and comply with all rules of the Oklahoma Department of Career and Technology Education;

3. "Rigor" means a level of difficulty that is appropriate for the grade level and that meets state and/or national standards;

4. "Sets of competencies" means those skills and competencies that are specified in the Priority Academic Student Skills (PASS), as adopted by the State Board of Education, subchapter 5, Chapter 15, Title 210 of the Oklahoma Administrative Code, and other skills and competencies adopted by the Board; and

5. "Unit" means a Carnegie Unit as defined by the North Central Association's Commission on Schools.

G. 1. The State Board of Education shall adopt a plan to ensure that rigor is maintained in the content, teaching methodology, level of expectations for student achievement, and application of learning in all the courses taught to meet the graduation requirements as specified in this section.

2. The State Board of Education shall allow as much flexibility at the district level as is possible without diminishing the rigor or undermining the intent of providing these courses. To accomplish this purpose, the State Department of Education shall work with school districts in reviewing and approving courses taught by districts that are not specifically listed in subsections B and D of this section. Options may include, but shall not be limited to, courses taken by concurrent enrollment, advanced placement, or correspondence, or courses bearing different titles.

3. Technology center school districts may offer programs designed in cooperation with institutions of higher education which have an emphasis on a focused field of career study upon approval of the State Board of Education and the independent district board of education. Students in the tenth grade may be allowed to attend these programs for up to one-half (1/2) of a school day and credit for the units or sets of competencies required in paragraphs 2 and 3 of subsection B or D of this section shall be given if the courses are taught by a teacher certified in the secondary subject area; provided, credit for units or sets of competencies pursuant to subsection B of this section shall be approved for college admission requirements.

4. If a student enrolls in a concurrent course, the school district shall not be responsible for any costs incurred for that course, unless the school district does not offer enough course selection during the student's secondary grade years to allow the student to receive the courses needed to meet the graduation requirements of this section. If the school district does not offer the necessary course selection during the student's secondary grade years, it shall be responsible for the cost of resident tuition at an institution in The Oklahoma State System of Higher Education, fees, and books for the concurrent enrollment course, and providing for transportation to and from the institution to the school site.

It is the intent of the Legislature that for students enrolled in a concurrent enrollment course which is paid for by the school district pursuant to this paragraph, the institution charge only the supplementary and special service fees that are directly related to the concurrent enrollment course and enrollment procedures for that student. It is further the intent of the Legislature that fees for student activities and student service facilities, including the student health care and cultural and recreational service fees, not be charged to such students.

5. Credit for the units or sets of competencies required in subsection B or D of this section shall be given when such units or sets of competencies are taken in the seventh or eighth grades if the teachers are certified or authorized to teach the subjects for high school credit and the required rigor is maintained.

6. Beginning with ninth-grade students enrolled in the 2008-2009 school year, the three units or sets of competencies in mathematics required in subsection B or D of this section shall be completed in the ninth through twelfth grades; provided, if a student completes any required courses in mathematics prior to ninth grade, the student may take any other mathematics courses to fulfill the requirement to complete three units in grades nine through twelve after the student has satisfied the requirements of subsection B or D of this section.

7. All units or sets of competencies required for graduation may be taken in any sequence recommended by the school district.

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

I. 1. Academic and vocational-technical courses designed to offer sets of competencies integrated or embedded within the course that provide for the teaching and learning of the appropriate skills and knowledge in the Priority Academic Student Skills (PASS), as adopted by the State Board of Education, may upon approval of the Board be counted for academic credit and toward meeting the graduation requirements of this section.

2. Internet-based courses offered by a technology center school that are taught by a certified teacher and provide for the teaching and learning of the appropriate skills and knowledge in the PASS may, upon approval of the State Board of Education and the independent district board of education, be counted for academic credit and toward meeting the graduation requirements of this section.

3. Internet-based courses or vocational-technical courses utilizing integrated or embedded skills for which no Priority Academic Student Skills have been adopted by the State Board of Education may be approved by the Board if such courses incorporate standards of nationally recognized professional organizations and are taught by certified teachers.

4. Courses offered by a supplemental education organization that is accredited by a national accrediting body and that are taught by a certified teacher and provide for the teaching and learning of the appropriate skills and knowledge in the PASS may, upon approval of the State Board of Education and the school district board of education, be counted for academic credit and toward meeting the graduation requirements of this section.

J. The State Board of Education shall provide an option for high school graduation based upon attainment of the desired levels of competencies as required in tests pursuant to the provisions of Section 1210.508 of this title. Such option shall be in lieu of the amount of course credits earned.

K. The State Board of Education shall prescribe, adopt and approve a promotion system based on the attainment by students of specified levels of competencies in each area of the core curriculum.

L. Children who have individualized education programs pursuant to the Individuals with Disabilities Education Act (IDEA), and who satisfy the graduation requirements through the individualized education program for that student shall be awarded a standard diploma.

M. For students who enter the ninth grade in or prior to the 2007-08 school year who are enrolled in an alternative education program and meet the requirements of their plans leading to high school graduation developed pursuant to Section 1210.568 of this title shall be awarded a standard diploma.

N. Any student who completes the curriculum requirements of the International Baccalaureate Diploma Program shall be awarded a standard diploma.

O. Any student who successfully completes an advanced mathematics or science course offered pursuant to Section 1210.404 of this title shall be granted academic credit toward meeting the graduation requirements pursuant to paragraph 2 or 3, as appropriate, of subsection B or D of this section.

P. For purposes of this section, the courses approved for college admission requirements shall be 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.

Q. The State Department of Education shall collect and report data by school site and district on the number of students who enroll in the core curriculum as provided in subsection D of this section.

Historical Data

Added by Laws 1989, 1st Extr. Sess., HB 1017, c. 2, § 6, emerg. eff. April 25, 1990; Amended by Laws 1990, SB 770, c. 263, § 67, emerg. eff. July 1, 1990; Amended by Laws 1991, HB 1105, c. 233, § 1, emerg. eff. July 1, 1991; Amended by Laws 1999, HB 1759, c. 320, § 1, eff. July 1, 1999 (superseded document available); Amended by Laws 2000, HB 2728, c. 232, § 1, emerg. eff. July 1, 2000 (superseded document available); Amended by Laws 2001, HB 1214, c. 33, § 87, emerg. eff. July 1, 2001 (superseded document available); Amended by Laws 2002, HB 2886, c. 143, § 1, eff. August 23, 2002; Amended by Laws 2002, SB 1408, c. 453, § 4, emerg. eff. July 1, 2002 (superseded document available); Amended by Laws 2004, SB 1271, c. 82, § 1, emerg. eff. July 1, 2004 (superseded document available); Amended by Laws 2005, HB 1600, c. 80, § 1, emerg. eff. July 1, 2005 (repealed by Laws 2005, SB 982, c. 432, § 15, emerg. eff. July 1, 2005); Amended by Laws 2005, SB 312, c. 29, § 2, eff. November 1, 2005; Amended by Laws 2005, SB 982, c. 432, § 7, emerg. eff. July 1, 2005 (superseded document available); Amended by Laws 2006, SB 1792, c. 289, § 2, emerg. eff. July 1, 2006 (superseded document available); Amended by Laws 2007, HB 1476, c. 173, § 3, emerg. eff. July 1, 2007 (superseded

Oklahoma Statutes Citationized

Title 70. Schools

Chapter 1 - School Code of 1971

Article Article XI - Curriculum

Section 11-103.6a - Review of Adopted Curriculum - Necessary Revisions

Cite as: 70 O.S. § 11-103.6a (OSCN 2013)

A. Each area of subject matter curriculum, except for technology curriculum, adopted by the State Board of Education for implementation by the beginning of the 2003-04 school year shall be thoroughly reviewed by the State Board every six (6) years according to and in coordination with the existing subject area textbook adoption cycle, and the State Board shall implement any revisions in such curriculum deemed necessary to achieve further improvements in the quality of education for the students of this state.

B. By August 1, 2010, the State Board of Education shall adopt revisions to the subject matter curriculum adopted by the State Board for English Language Arts and Mathematics as is necessary to align the curriculum with the K-12 Common Core State Standards developed by the Common Core State Standards Initiative, an effort coordinated by the National Governors Association Center for Best Practices and the Council of Chief State School Officers. The revised curriculum shall reflect the K-12 Common Core State Standards in their entirety and may include additional standards as long as the amount of additional standards is not more than fifteen percent (15%) of the K-12 Common Core State Standards.

Historical Data

Added by Laws 1989, 1st Extr. Sess., HB 1017, c. 2, § 7, eff. April 25, 1990; Amended by Laws 2002, HB 2341, c. 289, § 3, emerg. eff. July 1, 2002 (superseded document available); Amended by Laws 2010, SB 2033, c. 291, § 15, emerg. eff. July 1, 2010 (superseded document available).

Draft of Proposed Rule Submitted for Public Comment

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

SUBCHAPTER 1. GENERAL PROVISIONS

210:15-1-3. Procedures for Review, Revision and Implementation of Academic Content and Process Standards

(a) **Review of academic content and process standards.** In preparation for review and implementation of subject matter content and process standards required by 70 O.S. §§ 11-103.6 and 11-103.6a, the Superintendent of Public Instruction shall direct the Office of Instruction to recruit a volunteer citizen advisory committee for the purpose of providing the State Department of Education with recommendations pertaining to review and revision of academic content and process standards.

(1) Recruitment of the citizen advisory committee shall be conducted in accordance with the following procedures:

(A) The citizen advisory committee shall consist of at least ten (10) but no more than fifty (60) volunteers representing a diverse range of stakeholders in the State's educational system, including, but not limited to, parents or guardians of public school children; public school instructional and administrative employees; higher education specialists in subject matter content and teacher preparation; museum educators; healthcare professionals; local district, state and tribal government leaders; and community and business leaders.

(B) In the event that more than sixty (60) individuals volunteer for service on the citizen advisory committee, participants in the citizen advisory committee shall be selected from a pool of applicants.

(2) The citizen advisory committee shall be advisory only, and shall neither be supported by state public funds nor be construed as having the power to exercise any actual or de facto act or decision-making power on behalf of the State Department of Education or the State Board of Education.

(3) The State Department of Education shall consider the recommendation of the volunteer citizen advisory committee in preparation of its draft subject matter content and process standards.

(b) **Notice of intent to revise academic content and process standards, opportunity for public comment and public hearing on proposed academic content and process standards.**

(1) Prior to presenting recommended revisions to subject matter content and process standards to the State Board of Education, the State Department of Education shall provide the public with an opportunity to review and submit written and/or oral comments, data, or opinions relating to the proposed revisions to subject matter content and process standards , in accordance with all the following procedures:

(A) The State Department of Education shall publish and post written notice of its intent to revise academic content and process standards at the offices of the State Department of Education and on the website of the State Department of Education. Copies of the notices shall be mailed to all state public school district superintendents through either regular mail or electronic mail. The notice shall contain, at a minimum:

(i) A brief description of the academic content and process standards under review;

(ii) Identification of the period of public comment provided in (b)(1)(B) of this subsection and provide instructions for how the public may submit its comments, including identification of the name, address(es), and phone number of at least one point of contact to which public comments may be submitted for consideration; and

(iii) Identification of the date, time, and location of the public hearing provided in (b)(1)(C) of this subsection.

(B) The State Department of Education shall make a draft copy of the academic content and process standards available for public inspection, review and comment for a minimum of thirty (30) days prior to presentation to the State Board of Education for adoption

(C) The State Department of Education shall hold a public hearing on the proposed academic content and process standards on the date specified in the notice required by (b)(1)(A)(iii) of this subsection.

(c) **Adoption of academic content and process standards adopted by the State Board of Education.**

(1) After consideration of the recommendation(s) of the volunteer citizen advisory committee and public comments pursuant to subsections (a) and (b) of this rule, the State Department of Education Office of Instruction shall prepare its proposed revised subject matter academic content and process standards for presentation to the State Board of Education for adoption, along with a summary of the public comments received on the proposed academic content and process standards as well as an explanation for the basis to incorporate or not incorporate each comment.

(2) Academic content and process standards shall be considered enforceable upon the date of adoption by the State Board of Education and shall remain in full force and effect until superceded by adoption of subsequent academic content and process standards or revoked by the State Board of Education.

(d) **Publication of academic content and process standards adopted by the State Board of Education.**

(1) After adoption by the State Board of Education, all academic content and process standards shall be published by the State Board of Education in print and electronic format. A copy in print format shall made available for public inspection at the office of the State Department of Education. Electronic copies of the standards shall be made accessible to the public on the State Department of Education website.

(2) All publications of academic content and process standards adopted by the State Board of Education and published by the State Department of Education shall be clearly marked on the cover with the date of approval by the State Board of Education, and shall include a copy of a letter bearing the signature of the Superintendent of Public Instruction serving at the date of publication which contains, at a minimum, the following:

(A) An affirmation that the publication is the official version of the academic content and process standards adopted by the State Board of Education currently in effect as of the date of the letter;

(B) Identification of the date of the approval of the academic content and process standards adopted by the State Board of Education;

(C) Identification of the date of approval of the academic content and process standards being superceded by the revised academic content and process standards, if any; and

(D) Identification of the source of constitutional and/or statutory authority for the adoption of academic content and process standards.

SUBCHAPTER 3. PRIORITY ACADEMIC STUDENT SKILLS [REVOKED]

PART 1. GENERAL [REVOKED]

210:15-3-1. Purpose [REVOKED]

~~The rules of the Subchapter have been adopted for the purpose of establishing PRIORITY ACADEMIC STUDENT SKILLS (PASS) to meet desired levels of competencies for students in public schools according to 70 O.S. § 11-103.5 and 103.6 and review and revise core curriculum requirements according to provisions of 70 O.S. § 11-103.6(a).~~

PART 3. PRE-KINDERGARTEN AND KINDERGARTEN [REVOKED]

210:15-3-5. Overview [REVOKED]

~~(a) Kindergarten programs should be appropriate for the age and developmental level of each child. Teaching is based on the knowledge of how young children develop and learn. The learning environment fosters all areas of development: intellectual, language, physical and social; and provides the challenge for children to learn according to their individual growth patterns. Kindergarten programs should:~~

~~(1) Provide an environment designed for the age group served and implemented with attention to the needs and differences of the individual children.~~

~~(2) Provide units or themes of interest to children which integrate and teach all areas of the core curriculum (e.g., language arts, mathematics, science, social studies, the arts).~~

~~(3) Provide an environment arranged in learning centers or learning areas (e.g., art center, science center, reading center, dramatic play center, block center). Each center will have a variety of activities for the children. This arrangement allows for a wide range of developmental interests and abilities within the same classroom.~~

~~(4) Provide a balance of classroom activities that are teacher-directed and child-initiated. These activities may be active or quiet, performed individually or in large and small groups.~~

~~(5) Provide a learning process which is active; one in which children interact with each other and materials while engaging in cooperative hands-on learning with day-to-day life experiences.~~

~~(6) Provide curriculum which builds upon what children already know and are able to do to enable them to connect new concepts and skills.~~

~~(7) Provide opportunities for exposure to a wide variety of information and literacy experiences and the use of technology through daily activities in the classroom and/or media center.~~

~~(b) These PRIORITY ACADEMIC STUDENT SKILLS (PASS) are intended to be a minimum curriculum for children attending kindergarten in Oklahoma. Teachers trained in early childhood curriculum theories will provide an enriched curriculum including the following skills and many others.~~

210:15-3-5.1. Definitions [REVOKED]

~~The following words and terms, when used in this Part, shall have the following meaning unless the context clearly indicates otherwise:~~

~~**"Beat"** means the consistent pulse that occurs throughout a rhyme, song, or recorded musical selection;~~

~~**"Biographical data"** means information pertaining to an individual (e.g., name, age, birthdate, address, telephone number).~~

~~**"Body percussion"** means sounds produced by the use of the body (i.e., clap, snap, slap, tap, stamp, stomp, whistle).~~

~~**"Color"** means hue (name of the color), value (how light a color is), and intensity (amount of brightness) produced through the reflection of light to the eye. Primary colors are the three colors from which all other colors may be made: red, yellow, and blue. Secondary colors are the result of mixing any two primary colors: orange, green, and purple.~~

~~**"Consonants"** means the letters of the alphabet (excluding a, e, i, o, u, usually including y and w) and a single sound made by a parted or complete obstruction of air.~~

~~**"Dynamics"** means varying degrees of loud and soft.~~

~~**"Folk music"** means music of a particular people, nation, or region, originally transmitted orally, sometimes as a rhythmic accompaniment to manual work or to mark a specific ritual.~~

Notice of Rulemaking Intent

TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 20. STAFF

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Professional Standards: Teacher Education and Certification

Part 9. Teacher Certification

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

210:20-9-104. Certification for languages with no subject area examination [AMENDED]

SUMMARY:

The purpose of the proposed changes is to establish a process for certification of Native American languages and teachers of Native American languages; update the criteria for certification of noncitizen foreign language teachers; and to clarify the portion of the rule addressing revocation of teaching certificates.

The proposed changes to the rules at 210:20-9-98 and 210:20-9-104 will facilitate teaching of Native American languages in Oklahoma public schools by providing the State Department of Education with a procedure for certification of Native American languages which have no subject matter competency examination. The changes will also provide a procedure for the State Department of Education to recognize tribal certification of proficiency in Native American languages.

The proposed changes to the rule at 210:20-9-98 also clarify the criteria for certification of visiting international teachers who are teaching world languages.

The proposed changes to the rule at 210:20-9-98 would update the rule to reflect changes in procedure for suspensions and/or revocations of a teaching certificate proposed at 210:1-5-6.

AUTHORITY:

State Board of Education, pursuant to 70 O.S. § 3-104; 70 O.S. § 6-189; 70 O.S. § 11-103.6; 75 O.S. § 308a.

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., Monday March 25, 2013, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Submit comments by email to: rules@sde.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Monday, March 25, 2013, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

ACCEPTED 1/29/13
Office of Administrative Rules
Oklahoma Secretary of State
Docket # 13 - 154 OAR/cert CN

Copies are on file for public viewing in the office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Proposed rules are also available on the State Department of Education Web site at www.sde.ok.gov on and after February 22, 2013.

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on and after February 22, 2013.

CONTACT PERSON:

Connie Holland, 405-521-3308

NAME OF AGENCY:

State Department of Education

TYPE OF DOCUMENT

Notice of rulemaking intent

LIAISON VERIFICATION:

I verify that I have reviewed the attached document and that it substantially conforms to filing and format requirements of the APA and the rules of the Secretary of State. Additional information may be obtained by contacting me at 405-521-3308.

_____

Connie Holland
Chief Executive Secretary, State Board of Education
State Department of Education
January 25, 2013

Rule Impact Statement

RULE IMPACT STATEMENT

TITLE 210. STATE DEPARTMENT OF EDUCATION

CHAPTER 20. STAFF
SUBCHAPTER 9. PROFESSIONAL STANDARDS: TEACHER EDUCATION AND CERTIFICATION
PART 9. TEACHER CERTIFICATION

a. **What is the purpose of the proposed rule change?**
The purpose of the proposed amendments to 210:20-9-98 and 210:20-9-104 is to establish a process for certification of Native American languages and teachers of Native American languages. The proposed amendments will provide a procedure for the State Department of education to recognize tribal certification of Native American language proficiency. The proposed amendments will also provide a procedure for the State Department of Education to certify individuals who wish to be certified to teach Native American languages which have no current subject-matter competency exam. The proposed change to 210:20-9-98 also updates the criteria for certification of noncitizen visiting teachers and updates the rule to reference the due process provisions in 210:1-5-6, which sets forth the process for suspension and/or revocation of a teaching certificate.

b. **What classes of persons will be affected by the proposed rule change and what classes of persons will bear the costs of the proposed rule change?**
The proposed changes will affect prospective public school students and teachers of Native American languages, as well as public school districts and public schools. The proposed rule will also affect prospective international visiting teachers.

c. **What classes of persons will benefit from the proposed rule change?**
The proposed changes will benefit prospective students and teachers of Native American languages, as well as public school districts and public schools, who will now have a process to incorporate teachers of Native American languages into their schools. In addition, international visiting teachers will benefit from the proposed change to 210:29-9-98, which updates the administrative requirements of teacher certification.

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

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

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

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

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

h. **Are there any other methods which are less costly, nonregulatory, or less intrusive to achieve the purpose of the proposed rule change?**
No.

i. **Will the rule change impact the public health, safety, and environment, and is the change designed to reduce significant risks to the public health, safety, and environment? If so, explain nature of risk and to what extent the proposed rule change will reduce the risk.**
The agency does not anticipate any impact on public health, safety, or environment as a result of implementation of the proposed rule at this time.

j. **What detrimental effect will there be on the public health, safety, and environment if the rule change is not implemented?**
The agency does not anticipate any detrimental effect on public health, safety, or environment as a result of implementation of the proposed rule at this time.

k. **Date Prepared**: February 22, 2013.

Statutory Authorities

Oklahoma Statutes Citationized

Title 70. Schools

Chapter 1 - School Code of 1971

Article Article III - State Department of Education

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

Cite as: 70 O.S. § 3-104 (OSCN 2013)

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

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

2. Appoint, prescribe the duties and fix the compensation of a secretary, an attorney and all other personnel necessary for the proper performance of the functions of the State Board of Education. The secretary shall not be a member of the Board;

3. Submit to the Governor a departmental budget based upon major functions of the Department as prepared by the State Superintendent of Public Instruction and supported by detailed data on needs and proposed operations as partially determined by the budgetary needs of local school districts filed with the State Board of Education for the ensuing fiscal year. Appropriations therefor shall be made in lump-sum form for each major item in the budget as follows:

a. State Aid to schools,

b. the supervision of all other functions of general and special education including general control, free textbooks, school lunch, Indian education and all other functions of the Board and an amount sufficient to adequately staff and administer these services, and

c. the Board shall determine the details by which the budget and the appropriations are administered. Annually, the Board shall make preparations to consolidate all of the functions of the Department in such a way that the budget can be based on two items, administration and aid to schools. A maximum amount for administration shall be designated as a part of the total appropriation;

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

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

b. reports from each and every division within the State Department of Education as submitted by the State Superintendent of Public Instruction and any other division, department, institution or other agency under the supervision of the Board,

c. recommendations for the improvement of the public school system of the state,

d. a statement of the receipts and expenditures of the State Board of Education for the past year, and

e. a statement of plans and recommendations for the management and improvement of public schools and such other information relating to the educational interests of the state as may be deemed necessary and desirable;

5. Provide for the formulation and adoption of curricula, courses of study and other instructional aids necessary for the adequate instruction of pupils in the public schools;

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

issuance of such certificates:

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

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

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

Any school district which maintains an elementary school and faces the necessity of relocating its school facilities because of construction of a lake, either by state or federal authority, which will inundate the school facilities, shall be entitled to receive probationary accreditation from the State Board of Education for a period of five (5) years after the effective date of this act and any school district, otherwise qualified, shall be entitled to receive probationary accreditation from the State Board of Education for a period of two (2) consecutive years to attain the minimum average daily attendance. The Head Start and public nurseries or kindergartens operated from Community Action Program funds shall not be subjected to the accrediting rules of the State Board of Education. Neither will the State Board of Education make rules affecting the operation of the public nurseries and kindergartens operated from federal funds secured through Community Action Programs even though they may be operating in the public schools of the state. However, any of the Head Start or public nurseries or kindergartens operated under federal regulations may make application for accrediting from the State Board of Education but will be accredited only if application for the approval of the programs is made. The status of no school district shall be changed which will reduce it to a lower classification until due notice has been given to the proper authorities thereof and an opportunity given to correct the conditions which otherwise would be the cause of such reduction.

Private and parochial schools may be accredited and classified in like manner as public schools or, if an accrediting association is approved by the State Board of Education, by procedures established by the State Board of Education to accept accreditation by such accrediting association, if application is made to the State Board of Education for such accrediting;

8. Be the legal agent of the State of Oklahoma to accept, in its discretion, the provisions of any Act of Congress appropriating or apportioning funds which are now, or may hereafter be, provided for use in connection with any phase of the system of public education in Oklahoma. It shall prescribe such rules as it finds necessary to provide for the proper distribution of such funds in accordance with the state and federal laws;

9. Be and is specifically hereby designated as the agency of this state to cooperate and deal with any officer, board or authority of the United States Government under any law of the United States which may require or recommend cooperation with any state board having charge of the administration of public schools unless otherwise provided by law;

10. Be and is hereby designated as the "State Educational Agency" referred to in Public Law 396 of the 79th Congress of the United States, which law states that said act may be cited as the "National School Lunch Act", and said State Board of Education is hereby authorized and directed to accept the terms and provisions of said act and to enter into such

agreements, not in conflict with the Constitution of Oklahoma or the Constitution and Statutes of the United States, as may be necessary or appropriate to secure for the State of Oklahoma the benefits of the school lunch program established and referred to in said act;

11. Have authority to secure and administer the benefits of the National School Lunch Act, Public Law 396 of the 79th Congress of the United States, in the State of Oklahoma and is hereby authorized to employ or appoint and fix the compensation of such additional officers or employees and to incur such expenses as may be necessary for the accomplishment of the above purpose, administer the distribution of any state funds appropriated by the Legislature required as federal matching to reimburse on children's meals;

12. Accept and provide for the administration of any land, money, buildings, gifts, donation or other things of value which may be offered or bequeathed to the schools under the supervision or control of said Board;

13. Have authority to require persons having administrative control of all school districts in Oklahoma to make such regular and special reports regarding the activities of the schools in said districts as the Board may deem needful for the proper exercise of its duties and functions. Such authority shall include the right of the State Board of Education to withhold all state funds under its control, to withhold official recognition, including accrediting, until such required reports have been filed and accepted in the office of said Board and to revoke the certificates of persons failing or refusing to make such reports;

14. Have general supervision of the school lunch program. The State Board of Education may sponsor workshops for personnel and participants in the school lunch program and may develop, print and distribute free of charge or sell any materials, books and bulletins to be used in such school lunch programs. There is hereby created in the State Treasury a revolving fund for the Board, to be designated the School Lunch Workshop Revolving Fund. The fund shall consist of all fees derived from or on behalf of any participant in any such workshop sponsored by the State Board of Education, or from the sale of any materials, books and bulletins, and such funds shall be disbursed for expenses of such workshops and for developing, printing and distributing of such materials, books and bulletins relating to the school lunch program. The fund shall be administered in accordance with Section 155 of Title 62 of the Oklahoma Statutes;

15. Prescribe all forms for school district and county officers to report to the State Board of Education where required. The State Board of Education shall also prescribe a list of appropriation accounts by which the funds of school districts shall be budgeted, accounted for and expended; and it shall be the duty of the State Auditor and Inspector in prescribing all budgeting, accounting and reporting forms for school funds to conform to such lists;

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

17. Have authority to provide for the health and safety of school children and school personnel while under the jurisdiction of school authorities;

18. Provide for the supervision of the transportation of pupils;

19. Have authority, upon request of the local school board, to act in behalf of the public schools of the state in the purchase of transportation equipment;

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

21. Administer the State Public Common School Building Equalization Fund established by Section 32 of Article X of the Oklahoma Constitution. Any royalties, bonuses, rentals or other monies derived from oil and gas and all other mineral leases on lands that have been or may be granted by the United States to the state for the use and benefit of the common schools, or lands that are or may be held by the Commissioners of the Land Office for the use and benefit of the common schools, the proceeds of the sale of easements, improvements and sand and gravel on any such lands, any monies as may be appropriated or designated by the Legislature, other than ad valorem taxes, any other funds identified by the State Department of Education, which may include, but not be limited to, grants-in-aid from the federal government for building purposes, the proceeds of all property that shall fall to the state by escheat, penalties for unlawful holding of real estate by corporations, and capital gains on assets of the permanent school funds, shall be deposited in the State Public Common School Building Equalization Fund. The fund shall be used to aid school districts in acquiring buildings, subject to the limitations fixed by Section 32 of Article X of the Oklahoma Constitution. It is hereby declared that the term "acquiring buildings" as used in Section 32 of Article X of the Oklahoma Constitution shall mean acquiring or improving school sites, constructing, repairing, remodeling or equipping buildings, or acquiring school furniture, fixtures, or equipment. If sufficient monies are available in the fund, the Board shall solicit proposals for grants from school districts and shall determine the process for consideration of proposals. Grants shall be awarded only to school districts which have a total assessed

property valuation per average daily membership that is less than the state average total assessed property valuation per average daily membership and, at the time of application, the district has voted the five-mill building fund levy authorized in Section 10 of Article X of the Oklahoma Constitution, and has voted indebtedness through the issuance of new bonds for at least eighty-five percent (85%) within the last three (3) years of the maximum allowable pursuant to the provisions of Section 26 of Article X of the Oklahoma Constitution as shown on the school district budget filed with the State Board of Equalization for the current school year and certifications by the Attorney General prior to April 1 of the school year. The amount of each grant awarded by the Board each year shall not exceed One Million Dollars ($1,000,000.00). The Board shall give priority consideration to school districts which have a total assessed property valuation per average daily membership that is equal to or less than twenty-five percent (25%) of the state average total assessed property valuation per average daily membership. The Board is authorized to prorate grants awarded if monies are not sufficient in the fund to award grants to qualified districts. The State Board of Education shall prescribe rules for making grants of aid from, and for otherwise administering, the fund pursuant to the provisions of this paragraph, and may employ and fix the duties and compensation of technicians, aides, clerks, stenographers, attorneys and other personnel deemed necessary to carry out the provisions of this paragraph. The cost of administering the fund shall be paid from monies appropriated to the State Board of Education for the operation of the State Department of Education;

22. Recognize that the Director of the Oklahoma Department of Corrections shall be the administrative authority for the schools which are maintained in the state reformatories and shall appoint the principals and teachers in such schools. Provided, that rules of the State Board of Education for the classification, inspection and accreditation of public schools shall be applicable to such schools; and such schools shall comply with standards set by the State Board of Education; and

23. Have authority to administer a revolving fund which is hereby created in the State Treasury, to be designated the Statistical Services Revolving Fund. The fund shall consist of all monies received from the various school districts of the state, the United States Government, and other sources for the purpose of furnishing or financing statistical services and for any other purpose as designated by the Legislature. The State Board of Education is hereby authorized to enter into agreements with school districts, municipalities, the United States Government, foundations and other agencies or individuals for services, programs or research projects. The Statistical Services Revolving Fund shall be administered in accordance with Section 155 of Title 62 of the Oklahoma Statutes.

Historical Data

Laws 1971, HB 1155, c. 281, § 3-104, emerg. eff. July 2, 1971; Amended by Laws 1972, SB 385, c. 241, § 1, emerg. eff. April 7, 1972; Amended by Laws 1973, HB 1219, c. 17, § 1, emerg. eff. March 27, 1973; Amended by Laws 1973, SB 115, c. 46, § 6, emerg. eff. July 1, 1973; Amended by Laws 1974, HB 1649, c. 146, § 1; Amended by Laws 1975, HB 1227, c. 344, § 1; Amended by Laws 1978, SB 498, c. 85, § 1, eff. January 8, 1979; Amended by Laws 1982, c. 369, § 1, eff. October 1, 1982; Amended by Laws 1984, SB 368, c. 296, § 42, emerg. eff. July 1, 1984; Amended by Laws 1985, HB 1276, c. 13, § 1, eff. November 1, 1985; Amended by Laws 1986, HB 2032, c. 105, § 2, emerg. eff. April 5, 1986; Amended by Laws 1991, HB 1683, c. 240, § 1, eff. September 1, 1991; Amended by Laws 1993, c. 239, § 21 (repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994); Amended by Laws 1993, HB 1383, c. 361, § 1, emerg. eff. June 11, 1993; Amended by Laws 1994, HB 2299, c. 2, § 26, emerg. eff. March 2, 1994; Amended by Laws 1994, SB 1188, c. 378, § 1, emerg. eff. July 1, 1994; Amended by Laws 1994, SB 1155, c. 344, § 1 (repealed by Laws 1995, HB 1012, c. 1, § 40, emerg. eff. March 2, 1995); Amended by Laws 1995, HB 1012, c. 1, § 25, emerg. eff. March 2, 1995; Amended by Laws 1995, SB 479, c. 226, § 1, emerg. eff. July 1, 1995; Amended by Laws 1995, HB 1549, c. 322, § 23, emerg. eff. July 1, 1995; Amended by Laws 1998, HB 3213, c. 246, § 32, eff. November 1, 1998 (superseded document available); Amended by Laws 1999, HB 1390, c. 336, § 5, eff. November 1, 1999 (superseded document available); Amended by Laws 2009, HB 2029, c. 234, § 155, emerg. eff. May 21, 2009 (repealed by Laws 2010, SB 2113, c. 2, § 74, emerg. eff. March 3, 2010) (superseded document available); Amended by Laws 2009, SB 1169, c. 448, § 1, eff. November 1, 2009 (superseded document available); Amended by Laws 2010, SB 2113, c. 2, § 73, emerg. eff. March 3, 2010 (superseded document available); Amended by Laws 2011, HB 2139, c. 31, § 4 (superseded document available); Amended by Laws 2012, HB 2306, c. 354, § 1 (superseded document available).

Oklahoma Statutes Citationized

Title 70. Schools

Chapter 1 - School Code of 1971

Article Article VI-A - Teacher Licensure and Certification

Section 6-189 - Licensure and Certification System - Requirements for Certificate for Superintendent of Schools and Principal

Cite as: 70 O.S. § 6-189 (OSCN 2013)

A. The licensure and certification system required by the Oklahoma Teacher Preparation Act as part of the new teacher preparation system shall be competency-based. The competencies for licensure and certification shall be integrated with competencies specified in Section 6-185 of this title. By July 1, 1996, the State Board of Education shall adopt general competencies for licensure and certification, and by January 1, 1997, the Board shall have adopted full competencies and implemented the licensure and certification systems as required in this act. No higher education courses or credit hours may be specified by the State Board of Education in rules for licensure or certification. Nothing in the licensure and certification rules adopted by the Board shall prohibit the Oklahoma State Regents for Higher Education from adopting policies and procedures it deems appropriate for coursework, grade point average, or credit hours for teacher preparation at institutions in The Oklahoma State System of Higher Education.

B. The certification requirements for a school principal not alternatively certified under subsection D of this section shall include not less than:

1. Completion of a standard master's degree;

2. Completion of a program in education administration approved by the Oklahoma Commission for Teacher Preparation with an emphasis on curriculum, instruction and building-level leadership skills;

3. Any other professional education and requirements as may be fixed by the State Board of Education;

4. A passing score on the subject area competency examination required in Section 6-187 of this title; and

5. A minimum of two (2) years of successful teaching experience in public or private schools accredited by the State Board of Education or by the proper accrediting authority of another state of the United States.

C. The certification requirements for a superintendent of schools not alternatively certified under subsection D of this section shall include not less than:

1. Certification as a school principal or completion of the certification requirements for a school principal as set forth in subsection B of this section;

2. Completion of a program in education administration approved by the Oklahoma Commission for Teacher Preparation with an emphasis on district-level leadership skills, and which shall include the following competencies:

a. instructional leadership,

b. organizational leadership, including education finance, education law, and risk management,

c. collaborative and community leadership, and

d. ethical leadership, or

The requirement in this paragraph shall not apply to any person who has completed an Oklahoma Commission for

Teacher Preparation approved Master's Degree in Education Administration or has completed a program in education administration that included competencies that are substantially equal to those listed in this paragraph, and if the degree or program was completed between the effective date of this act and July 1, 2005;

3. Any other professional education and requirements as may be fixed by the State Board of Education;

4. A passing score on the subject area competency examination required in Section 6-187 of this title; and

5. A minimum of two (2) years of administrative experience in public or private schools accredited by the State Board of Education or by the proper accrediting authority of another state of the United States.

D. 1. The standards for alternative certification for superintendents of schools and principals shall include:

a. the completion of a standard master's degree,

b. two (2) years of relevant work experience in a supervisory or administrative capacity,

c. a passing score on the subject area competency examination required in Section 6-187 of this title, and

d. filing with the director of teacher education at an Oklahoma accredited institution of higher education a plan for completing an alternative administrative preparation program within three (3) years. Relevant work experience and coursework may be considered and applied to complete the plan.

2. An alternative certificate for superintendent of schools and principals shall not exceed three (3) years and shall not be renewable.

3. Upon successful completion of an alternative administrative preparation program by a participant, the State Board of Education shall issue a standard certificate for superintendent or principal, as applicable, to the applicant.

4. Any person participating in an alternative certification program for superintendent of schools and principals on the effective date of this act shall be subject to the program requirements in effect prior to the effective date of this act.

E. The certification requirements for a superintendent of a technology center school district shall include not less than a standard master's degree, any other professional education requirements as may be fixed by the State Board of Education, and a minimum of four (4) years teaching, supervisory or administrative experience, which may include teaching of full-time adult students, in a technology center school district. A person meeting the requirements set forth in subsection C of this section shall be eligible for a certificate for superintendent of a technology center school district.

F. Certificates may be revoked by the State Board of Education for willful violation of any rule of the Board or of any federal or state law or other proper cause but only after sufficient hearing has been given before the Board.

G. Teaching in a Head Start program or programs shall be used for renewal of a standard teaching certificate.

Historical Data

Laws 1995, HB 1549, c. 322, § 10, emerg. eff. July 1, 1995; Amended by Laws 2003, SB 628, c. 228, § 1, emerg. eff. July 1, 2003 (repealed by Laws 2004, HB 2725, c. 5, § 84, emerg. eff. March 1, 2004); Amended by Laws 2003, HB 1438, c. 360, § 1, emerg. eff. July 1, 2003 (superseded document available); Amended by Laws 2004, HB 2725, c. 5, § 83, emerg. eff. March 1, 2004 (superseded document available); Amended by Laws 2005, HB 1390, c. 212, § 1, emerg. eff. July 1, 2005 (superseded document available); Amended by Laws 2007, HB 1477, c. 110, § 1, emerg. eff. July 1, 2007 (superseded document available); Amended by Laws 2010, HB 2296, c. 213,

§ 1, emerg. eff. May 6, 2010 (superseded document available); Amended by Laws 2012, HB 2790, c. 360, § 1 (superseded document available).

Resolution

ENROLLED SENATE
CONCURRENT
RESOLUTION NO. 37

By: Fisher, Hobson, Cain, Campbell, Capps, Coffee, Crutchfield, Dickerson, Douglass, Dunlap, Easley, Fair, Ford, Haney, Harrison, Helton, Henry, Herbert, Horner, Johnson, Kerr, Laughlin, Leftwich, Littlefield, Maddox, Martin, Mickle, Milacek, Monson, Morgan, Muegge, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Stipe, Taylor, Wilcoxson, Wilkerson, Williams and Williamson of the Senate

and

Toure, Corn, Nations, Adair, Adkins, Askins, Balkman, Begley, Benge, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Glover, Graves, Gray, Greenwood, Hastings, Hefner, Hiett, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Reese, Rice, Roach, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites, Sullivan (John), Sullivan (Leonard), Sweeden, Taylor, Tibbs, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright and Young of the House

A Concurrent Resolution endorsing the Native American Language Act of 1990; encouraging the teaching and learning of Native American languages; opposing artificial barriers to teaching and learning Native American languages; urging measures to foster respect for Native American languages; and directing distribution.

WHEREAS, the Native American Language Act of 1990 (Public Law 101-477) enunciates the policy of the United States government to "preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages"; and

WHEREAS, the State of Oklahoma is home to 39 tribes, members of which still speak 25 Native American languages. Until recently, Oklahoma had more Native American citizens than any other state. Their histories, cultures, and languages comprise a unique heritage that helps make our state great; and

WHEREAS, Native American languages are crucial to the identity, self-esteem, and success of young Native Americans. Many Oklahoma heroes have spoken Native American languages, and many Oklahoma youth would like to have the connection of a shared language with these heroes; and

WHEREAS, Native American history, culture, and language are so interrelated that when a language dies, it takes with it literature, oral history, song, and other important aspects of Native American cultural heritage. The pressures of modern American culture as expressed in television, radio, education, and public life have steadily decreased the attention paid to Native American languages by some Oklahomans; and

WHEREAS, our state values its great diversity of native culture, as evidenced by our state slogan, "Oklahoma - Native America". Native American languages are just as sophisticated and just as enriching to the lives of their speakers as are other languages; and

WHEREAS, linguistic and pedagogical studies have demonstrated that the cherishing of a people's language of heritage in no way threatens the status of the common language of most Oklahomans and of public discourse in Oklahoma; and

WHEREAS, one-third of all Oklahoma Native American languages have already become extinct in our state, and the remaining ones are all endangered; and

WHEREAS, the State of Oklahoma takes pride in the history and culture of Native American people as expressed in their traditional languages and considers these languages a treasured part of the heritage of our state and of the individual tribes of our state; and

WHEREAS, the State of Oklahoma seeks to preserve, protect, and promote our Native American language heritage.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE 1ST SESSION OF THE 48TH OKLAHOMA LEGISLATURE, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

THAT the Oklahoma State Legislature endorses and supports the policy of the United States government enunciated in the Native American Language Act of 1990 to "preserve, protect, and promote the rights and freedom of Native Americans to use, practice and develop Native American languages".

THAT the Oklahoma State Legislature encourages the teaching and learning of Native American languages at all levels of instruction.

THAT the Oklahoma State Legislature opposes artificial barriers to the instruction or learning of Native American languages and encourages all education authorities to take all appropriate steps to promote and encourage the instruction and learning of Native American languages.

THAT the Oklahoma State Legislature urges the Superintendent of Public Instruction to take appropriate measures to foster respect for Native American languages and to vigilantly address any situations that may occur where proper respect for Native American languages is not provided.

THAT a copy of this resolution be distributed to the Superintendent of Public Instruction and the Executive Director of the Intertribal Wordpath Society.

Adopted by the Senate the 17th day of May, 2001.

Herb Rozell
Presiding Officer of the Senate

Adopted by the House of Representatives the 21st day of May, 2001.

Jack Bonny
Presiding Officer of the House of Representatives

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 22nd **day of** May, **20** 01, **at** 9:20 **o'clock** A. **M.**

By: Mike Hunter

Oklahoma Statutes Citationized

Title 70. Schools

Chapter 1 - School Code of 1971

Article Article XI - Curriculum

Section 11-103.6 - Curricular Standards for Instruction of Students in Public Schools

Cite as: O.S. §, __ __

A. The State Board of Education shall adopt curricular standards for instruction of students in the public schools of this state that are necessary to ensure there is attainment of desired levels of competencies in a variety of areas to include language, mathematics, science, social studies and communication. All students shall gain literacy at the elementary and secondary levels through a core curriculum. Students must develop skills in reading, writing, speaking, computing and critical thinking. They also must learn about cultures and environments - their own and those of others with whom they share the earth. Students, therefore, must study social studies, literature, languages, the arts, mathematics and science. Such curricula shall provide for the teaching of a hands-on career exploration program in cooperation with technology center schools. The core curriculum shall be designed to teach the competencies for which students shall be tested as provided in Section 1210.508 of this title, and shall be designed to prepare all students for employment and/or postsecondary education.

B. Beginning with students entering the ninth grade in the 2006-07 school year and subject to the provisions of subsection C of this section, in order to graduate from a public high school accredited by the State Board of Education with a standard diploma, students shall complete the following college preparatory/work ready curriculum units or sets of competencies at the secondary level:

1. Four units of English to include Grammar, Composition, Literature, or any English course approved for college admission requirements;

2. Three units of mathematics, limited to Algebra I, Algebra II, Geometry, Trigonometry, Math Analysis, Calculus, Advanced Placement Statistics, or any mathematics course with content and/or rigor above Algebra I and approved for college admission requirements;

3. Three units of laboratory science, limited to Biology, Chemistry, Physics, or any laboratory science course with content and/or rigor equal to or above Biology and approved for college admission requirements;

4. Three units of history and citizenship skills, including one unit of American History, 1/2 unit of Oklahoma History, 1/2 unit of United States Government and one unit from the subjects of History, Government, Geography, Economics, Civics, or Non-Western culture and approved for college admission requirements;

5. Two units of the same foreign or non-English language or two units of computer technology approved for college admission requirements, whether taught at a high school or a technology center school, including computer programming, hardware, and business computer applications, such as word processing, databases, spreadsheets, and graphics, excluding keyboarding or typing courses;

6. One additional unit selected from paragraphs 1 through 5 of this subsection or career and technology education courses approved for college admission requirements; and

7. One unit or set of competencies of fine arts, such as music, art, or drama, or one unit or set of competencies of speech.

C. Beginning with students entering the ninth grade in the 2006-07 school year, in lieu of the requirements of subsection B of this section which requires a college preparatory/work ready curriculum, a student may enroll in the core curriculum as provided in subsection D of this section upon written approval of the parent or legal guardian of the student. School districts may require a parent or legal guardian of the student to meet with a designee of the school prior to enrollment in the core curriculum. The State Department of Education shall develop and distribute to school districts a form suitable for this purpose, which shall include information on the benefits to students of completing the college preparatory/work ready curriculum as provided for in subsection B

of this section.

D. For students who entered the ninth grade prior to the 2006-07 school year and for those students subject to the requirements of subsection C of this section, in order to graduate from a public high school accredited by the State Board of Education with a standard diploma, students shall complete the following core curriculum units or sets of competencies at the secondary level:

1. Language Arts – 4 units or sets of competencies, to consist of 1 unit or set of competencies of grammar and composition, and 3 units or sets of competencies which may include, but are not limited to, the following courses:

a. American Literature,

b. English Literature,

c. World Literature,

d. Advanced English Courses, or

e. other English courses with content and/or rigor equal to or above grammar and composition;

2. Mathematics – 3 units or sets of competencies, to consist of 1 unit or set of competencies of Algebra I or Algebra I taught in a contextual methodology, and 2 units or sets of competencies which may include, but are not limited to, the following courses:

a. Algebra II,

b. Geometry or Geometry taught in a contextual methodology,

c. Trigonometry,

d. Math Analysis or Precalculus,

e. Calculus,

f. Statistics and/or Probability,

g. Computer Science,

h. contextual mathematics courses which enhance technology preparation whether taught at a:

(1) comprehensive high school, or

(2) technology center school when taken in the eleventh or twelfth grade, taught by a certified teacher, and approved by the State Board of Education and the independent district board of education,

i. mathematics courses taught at a technology center school by a teacher certified in the secondary subject area when taken in the eleventh or twelfth grade upon approval of the State Board of Education and the independent district board of education, or

j. equal to or above Algebra I;

3. Science – 3 units or sets of competencies, to consist of 1 unit or set of competencies of Biology I or Biology I taught in a contextual methodology, and 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:

a. Chemistry I,

b. Physics,

c. Biology II,

d. Chemistry II,

e. Physical Science,

f. Earth Science,

g. Botany,

h. Zoology,

i. Physiology,

j. Astronomy,

k. Applied Biology/Chemistry,

l. Applied Physics,

m. Principles of Technology,

n. qualified agricultural education courses,

o. contextual science courses which enhance technology preparation whether taught at a:

(1) comprehensive high school, or

(2) technology center school when taken in the eleventh or twelfth grade, taught by a certified teacher, and approved by the State Board of Education and the independent district board of education,

p. science courses taught at a technology center school by a teacher certified in the secondary subject area when taken in the eleventh or twelfth grade upon approval of the State Board of Education and the independent district board of education, or

q. other science courses with content and/or rigor equal to or above Biology I;

4. Social Studies – 3 units or sets of competencies, to consist of 1 unit or set of competencies of United States History, 1/2 to 1 unit or set of competencies of United States Government, 1/2 unit or set of competencies of Oklahoma History, and 1/2 to 1 unit or set of competencies which may include, but are not limited to, the following courses:

a. World History,

b. Geography,

c. Economics,

d. Anthropology, or

e. other social studies courses with content and/or rigor equal to or above United States History, United States

Government, and Oklahoma History; and

5. Arts – 2 units or sets of competencies which may include, but are not limited to, courses in Visual Arts and General Music.

E. 1. In addition to the curriculum requirements of either subsection B or D of this section, in order to graduate from a public high school accredited by the State Board of Education students shall complete the requirements for a personal financial literacy passport as set forth in the Passport to Financial Literacy Act and any additional course requirements or recommended elective courses as may be established by the State Board of Education and the district school board. 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.

2. No student shall receive credit for high school graduation more than once for completion of the same unit or set of competencies to satisfy the curriculum requirements of this section.

3. A school district shall not be required to offer every course listed in subsections B and D of this section, but shall offer sufficient courses to allow a student to meet the graduation requirements during the secondary grade years of the student.

F. For purposes of this section:

1. "Contextual methodology" means academic content and skills taught by utilizing real-world problems and projects in a way that helps students understand the application of that knowledge;

2. "Qualified agricultural education courses" means courses that have been determined by the State Board of Education to offer the sets of competencies in the Priority Academic Student Skills (PASS), as adopted by the Board, for one or more science content areas and which correspond to academic science courses. Qualified agricultural education courses shall include, but are not limited to, Horticulture, Plant and Soil Science, Natural Resources and Environmental Science, and Animal Science. The courses shall be taught by teachers certified in agricultural education and comply with all rules of the Oklahoma Department of Career and Technology Education;

3. "Rigor" means a level of difficulty that is appropriate for the grade level and that meets state and/or national standards;

4. "Sets of competencies" means those skills and competencies that are specified in the Priority Academic Student Skills (PASS), as adopted by the State Board of Education, subchapter 5, Chapter 15, Title 210 of the Oklahoma Administrative Code, and other skills and competencies adopted by the Board; and

5. "Unit" means a Carnegie Unit as defined by the North Central Association's Commission on Schools.

G. 1. The State Board of Education shall adopt a plan to ensure that rigor is maintained in the content, teaching methodology, level of expectations for student achievement, and application of learning in all the courses taught to meet the graduation requirements as specified in this section.

2. The State Board of Education shall allow as much flexibility at the district level as is possible without diminishing the rigor or undermining the intent of providing these courses. To accomplish this purpose, the State Department of Education shall work with school districts in reviewing and approving courses taught by districts that are not specifically listed in subsections B and D of this section. Options may include, but shall not be limited to, courses taken by concurrent enrollment, advanced placement, or correspondence, or courses bearing different titles.

3. Technology center school districts may offer programs designed in cooperation with institutions of higher education which have an emphasis on a focused field of career study upon approval of the State Board of Education and the independent district board of education. Students in the tenth grade may be allowed to attend these programs for up to one-half (1/2) of a school day and credit for the units or sets of competencies required in paragraphs 2 and 3 of subsection B or D of this section shall be given if the courses are taught by a teacher

certified in the secondary subject area; provided, credit for units or sets of competencies pursuant to subsection B of this section shall be approved for college admission requirements.

4. If a student enrolls in a concurrent course, the school district shall not be responsible for any costs incurred for that course, unless the school district does not offer enough course selection during the student's secondary grade years to allow the student to receive the courses needed to meet the graduation requirements of this section. If the school district does not offer the necessary course selection during the student's secondary grade years, it shall be responsible for the cost of resident tuition at an institution in The Oklahoma State System of Higher Education, fees, and books for the concurrent enrollment course, and providing for transportation to and from the institution to the school site.

It is the intent of the Legislature that for students enrolled in a concurrent enrollment course which is paid for by the school district pursuant to this paragraph, the institution charge only the supplementary and special service fees that are directly related to the concurrent enrollment course and enrollment procedures for that student. It is further the intent of the Legislature that fees for student activities and student service facilities, including the student health care and cultural and recreational service fees, not be charged to such students.

5. Credit for the units or sets of competencies required in subsection B or D of this section shall be given when such units or sets of competencies are taken in the seventh or eighth grades if the teachers are certified or authorized to teach the subjects for high school credit and the required rigor is maintained.

6. Beginning with ninth-grade students enrolled in the 2008-2009 school year, the three units or sets of competencies in mathematics required in subsection B or D of this section shall be completed in the ninth through twelfth grades; provided, if a student completes any required courses in mathematics prior to ninth grade, the student may take any other mathematics courses to fulfill the requirement to complete three units in grades nine through twelve after the student has satisfied the requirements of subsection B or D of this section.

7. All units or sets of competencies required for graduation may be taken in any sequence recommended by the school district.

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

I. 1. Academic and vocational-technical courses designed to offer sets of competencies integrated or embedded within the course that provide for the teaching and learning of the appropriate skills and knowledge in the Priority Academic Student Skills (PASS), as adopted by the State Board of Education, may upon approval of the Board be counted for academic credit and toward meeting the graduation requirements of this section.

2. Internet-based courses offered by a technology center school that are taught by a certified teacher and provide for the teaching and learning of the appropriate skills and knowledge in the PASS may, upon approval of the State Board of Education and the independent district board of education, be counted for academic credit and toward meeting the graduation requirements of this section.

3. Internet-based courses or vocational-technical courses utilizing integrated or embedded skills for which no Priority Academic Student Skills have been adopted by the State Board of Education may be approved by the Board if such courses incorporate standards of nationally recognized professional organizations and are taught by certified teachers.

4. Courses offered by a supplemental education organization that is accredited by a national accrediting body and that are taught by a certified teacher and provide for the teaching and learning of the appropriate skills and knowledge in the PASS may, upon approval of the State Board of Education and the school district board of education, be counted for academic credit and toward meeting the graduation requirements of this section.

J. The State Board of Education shall provide an option for high school graduation based upon attainment of the desired levels of competencies as required in tests pursuant to the provisions of Section 1210.508 of this title. Such option shall be in lieu of the amount of course credits earned.

K. The State Board of Education shall prescribe, adopt and approve a promotion system based on the attainment by students of specified levels of competencies in each area of the core curriculum.

L. Children who have individualized education programs pursuant to the Individuals with Disabilities Education Act (IDEA), and who satisfy the graduation requirements through the individualized education program for that student shall be awarded a standard diploma.

M. For students who enter the ninth grade in or prior to the 2007-08 school year who are enrolled in an alternative education program and meet the requirements of their plans leading to high school graduation developed pursuant to Section 1210.568 of this title shall be awarded a standard diploma.

N. Any student who completes the curriculum requirements of the International Baccalaureate Diploma Program shall be awarded a standard diploma.

O. Any student who successfully completes an advanced mathematics or science course offered pursuant to Section 1210.404 of this title shall be granted academic credit toward meeting the graduation requirements pursuant to paragraph 2 or 3, as appropriate, of subsection B or D of this section.

P. For purposes of this section, the courses approved for college admission requirements shall be 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.

Q. The State Department of Education shall collect and report data by school site and district on the number of students who enroll in the core curriculum as provided in subsection D of this section.

Historical Data

Added by Laws 1989, 1st Extr. Sess., HB 1017, c. 2, § 6, emerg. eff. April 25, 1990; Amended by Laws 1990, SB 770, c. 263, § 67, emerg. eff. July 1, 1990; Amended by Laws 1991, HB 1105, c. 233, § 1, emerg. eff. July 1, 1991; Amended by Laws 1999, HB 1759, c. 320, § 1, eff. July 1, 1999 (superseded document available); Amended by Laws 2000, HB 2728, c. 232, § 1, emerg. eff. July 1, 2000 (superseded document available); Amended by Laws 2001, HB 1214, c. 33, § 87, emerg. eff. July 1, 2001 (superseded document available); Amended by Laws 2002, HB 2886, c. 143, § 1, eff. August 23, 2002; Amended by Laws 2002, SB 1408, c. 453, § 4, emerg. eff. July 1, 2002 (superseded document available); Amended by Laws 2004, SB 1271, c. 82, § 1, emerg. eff. July 1, 2004 (superseded document available); Amended by Laws 2005, HB 1600, c. 80, § 1, emerg. eff. July 1, 2005 (repealed by Laws 2005, SB 982, c. 432, § 15, emerg. eff. July 1, 2005); Amended by Laws 2005, SB 312, c. 29, § 2, eff. November 1, 2005; Amended by Laws 2005, SB 982, c. 432, § 7, emerg. eff. July 1, 2005 (superseded document available); Amended by Laws 2006, SB 1792, c. 289, § 2, emerg. eff. July 1, 2006 (superseded document available); Amended by Laws 2007, HB 1476, c. 173, § 3, emerg. eff. July 1, 2007 (superseded document available).

Draft of Proposed Rule Submitted for Public Comment

TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 20. STAFF

SUBCHAPTER 9. PROFESSIONAL STANDARDS: TEACHER EDUCATION AND 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 an unexpired United States Citizenship and Immigration Services (USCIS) employment authorization document with the application before an Oklahoma teaching credential may be issued.

(2) The Oklahoma teaching credential may be issued/reissued for no longer than the validity of the employment authorization document.

(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 in the area for which 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; ~~in a world language other than English (WLOE) to be taught in Oklahoma;~~

(D) Applicants who seek to teach world languages must have a minimum of three years of teaching experience in the ~~world language other than English (WLOE)~~ 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 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;

(C) Applicant has submitted a portfolio documenting applicant's expertise in Native American languages.

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

(i) Renewal is requested by the employing district; and

(ii) Applicant provides evidence of completion of 60 clock hours of a professional teaching development program as a condition of the first two renewals of the teaching certificate.

(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.

~~(d)~~(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.

~~(e)~~(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.

~~(f)~~(g) **Duplicate/update certificates**. A certificate/license may be duplicated or updated by submitting a written request and paying the fee.

~~(g)~~(h) **Change of name**. A legal change of last name on a certificate/license may be accomplished at any time upon written request and paying the fee.

~~(h)~~(i) **Refusal of certification**. No certificate/license will be issued unless all requirements for the certificate/license in question are fully met. In addition, no certificate/license will be issued if the attempt to become certified is based on misrepresentation, forgery, or fraud.

~~(i)~~(j) **Grounds for cancellation of certificates**. Any certificate/license, credential, or endorsement obtained by misrepresentation, forgery, fraud, or issued by error will be cancelled. Upon written request the holder must surrender the certificate/license in question to the State Department of Education.

~~(j)~~(k) **Felony as grounds for noncertification**. No person shall receive an Oklahoma certificate/license 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.

~~(k)~~(l) **Revocation of teaching certificate**. Teaching certificates/licenses 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/license 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/license has been revoked in Oklahoma or any other state shall be issued an Oklahoma certificate/license unless the revoked certificate/license 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/licensure 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.

~~(l)~~(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.

~~(m)~~(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.

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

210:20-9-104. Certification for languages with no subject area examination

(a) The Oklahoma State Department of Education (OSDE) shall issue a certification in world languages that have no state competency examination to qualified applicants who meet the following eligibility requirements.

~~(b)~~(1) A qualified applicant seeking certification in a world language that has no state competency examination must obtain a score of at least "intermediate-high" on the following exams administered by the American Council on the Teaching of Foreign Languages (ACTFL) in the foreign language for which the applicant is seeking certification:

~~(1)~~(A) The Oral Proficiency Interview (OPI) or the Oral Proficiency Interview Computer (OPIc); and

~~(2)~~(B) The Writing Proficiency Test (WPT)

~~(c)~~(2) The testing assessments listed in section (b) of this rule are the only testing assessments which may be used as appropriate subject area assessments in a world language that has no state competency examination, unless the world language falls within the definition of a Native American Language set forth in 210:20-9-98(d) .

~~(d)~~(3) Applicants holding a valid Oklahoma traditional or alternative credential may add a world language that has no state competency examination by meeting the requirements listed in ~~sub-section (b)~~ paragraph (a)(1) of this rule.

~~(e)~~(4) Applicants seeking certification in a world language that has no state competency examination who do not hold an Oklahoma traditional or alternative credential must meet the requirements of ~~sub-section (b)~~ paragraph (a)(1) of this rule and must qualify for an Alternative Placement Teaching Certificate. Applicants seeking certification pursuant to this section must comply with all statutory requirements of the Alternative Placement Program listed in 70 O.S. § 6-122.3.

(b) The Oklahoma State Department of Education (OSDE) shall issue a certification in Native American Languages that have no state competency examination to qualified applicants who meet all of the criteria set forth in 210:20-9-98(d) and who demonstrate proficiency to in the Native American Language sought to be certified as determined by a federally-recognized tribe or tribal entity. For purposes of this subsection, proficiency in a Native American Language may be established as follows:

(1) Applicant holds a Native American Language certificate issued by:

(A) A federally-recognized tribe or tribal entity; or

(B) An organization which has been recognized by a federally-recognized tribe or tribal entity with authority to certify Applicant's proficiency in the Native American Language(s) of the Tribe; and

(2) Applicant has obtained a bachelor's degree or other academic degree designated by the federally recognized Tribe or Tribal Entity as a prerequisite to certification of proficiency in the Native American Language.

(c) As a prerequisite to recognition of certification of proficiency in a Native American Language, a tribe or tribal entity certifying proficiency in a Native American Language must provide the OSDE with an official statement issued by a tribe or tribal entity which identifies:

(1) The Native American Language(s) for which the Tribe or Tribal Entity intends to certify individuals as proficient, or, in the case of an organization identified pursuant to (b)(1)(B) of this subsection, the Native American Language for which the Tribe or Tribal Entity recognizes an organization with the authority to certify proficiency;

(2) A description of the systems and standards that will be used by a tribe, tribal entity, or other organization identified in (b)(1)(B) of this subsection in certifying Native American Language teachers;

(3) A description of the educational requirements, training, professional development, language ability, and other qualifications necessary for teacher certification by the Tribe/Tribal Entity; and

(4) A description of the levels of proficiency and/or particular Native American Language course(s) for which the Tribe/Tribal entity intends to certify or recognize certification of an individual to teach.

(d) A certificate in Native American Languages shall qualify the authorized individual to accept a teaching position or assignments in any school district of the State of Oklahoma that offers or permits courses in Native American Language at the proficiency level(s) for which they hold certification, *provided that*:

(1) A holder of Native American Languages teaching certificate who does not also have a current, valid Oklahoma traditional or alternative teaching credential may not teach any

subject other than the Native American language and level(s) for which the individual has been certified; and

(2) In order to teach any Native American Language course offered by a school district for core academic subject credit rather than elective credit, a holder of a Native American Language teaching certificate who does not hold an Oklahoma traditional or alternative teaching credential must either qualify for an Alternative Placement Teaching Certificate or teach the class in collaboration with a teacher of record who is highly qualified in any content area for the appropriate level of instruction.

(3) 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.

Notice of Rulemaking Intent

TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 40. GRANTS AND PROGRAMS-IN-AID

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 87. Rules for Payment to Charter Schools
210:40-87-6. Charter school surety bonds [NEW]
210:40-87-7. Statewide Virtual Charter School Board [NEW]

SUMMARY:

The purpose of the proposed rules is to clarify requirements for charter schools under 70 O.S. § 3-136, which requires charter schools to comply with federal, state, and local rules and statutes relating to health, safety, civil rights, and insurance and comply with reporting requirements and financial audits. The new proposed rule at 210:40-87-6 requires superintendents, financial officers, and/or custodians of charter schools school submit the surety bonds required under 70 O.S. § 5-129 and 70 O.S. §5-116A. The surety bonds serve as a form of insurance for school districts to protect state aid distributed to charter schools.

In addition, the proposed rule at 210:40-87-7 establishes rules and procedures for the operation and governance of the Statewide Virtual Charter School Board established by SB 1816 during the 2012 legislative session.

AUTHORITY:

State Board of Education, pursuant to 70 O.S. § 3-104; 70 O.S. 3-136; 70 O.S. 3-142; 70 O.S. § 3-145.1; 70 O.S. § 3-145.4

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., Monday March 25, 2013, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Submit comments by email to: rules@sde.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Monday, March 25, 2013, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies are on file for public viewing in the office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Proposed rules are also available on the State Department of Education Web site at www.sde.ok.gov on and after February 22, 2013.

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be

ACCEPTED 1/29/13
Office of Administrative Rules
Oklahoma Secretary of State
Docket # 13-155 OAR/cert CN

available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on and after February 22, 2013.

CONTACT PERSON:

Connie Holland, 405-521-3308

NAME OF AGENCY:

State Department of Education

TYPE OF DOCUMENT

Notice of rulemaking intent

LIAISON VERIFICATION:

I verify that I have reviewed the attached document and that it substantially conforms to filing and format requirements of the APA and the rules of the Secretary of State. Additional information may be obtained by contacting me at 405-521-3308.

_____

Connie Holland
Chief Executive Secretary, State Board of Education
State Department of Education
January 25, 2013

Rule Impact Statement

RULE IMPACT STATEMENT

TITLE 210. STATE DEPARTMENT OF EDUCATION

CHAPTER 40. GRANTS AND PROGRAMS-IN-AID.
SUBCHAPTER 87. RULES FOR PAYMENT TO CHARTER SCHOOLS

a. **What is the purpose of the proposed rule change?**
The purpose of the proposed rules is to clarify requirements for charter schools under 70 O.S. § 3-136, which requires charter schools to comply with federal, state, and local rules and statutes relating to health, safety, civil rights, and insurance and comply with reporting requirements and financial audits. The new proposed rule at 210:40-87-6 states the requirements for a charter school or a statewide virtual charter school established under the Oklahoma Charter School act to submit the surety bonds required under 70 O.S. § 5-129 and 70 O.S. §5-116A. The surety bonds serve as a form of insurance for school districts to protect state aid distributed to charter schools.

In addition, the new proposed rule at 210:40-87-7 establishes a framework for the operation, governance, and monitoring of the Statewide Virtual Charter School Board established by amendments to the Oklahoma Charter School Act during the 2012 legislative session. The proposed rule establishes basic requirements for submission of an application to the State Board of Education to sponsor a statewide virtual charter school and renewals of a contract for sponsorship, as well as reporting requirements to ensure oversight and accountability of statewide virtual charter school providers in accordance with the requirements of the Oklahoma Charter School Act.

b. **What classes of persons will be affected by the proposed rule change and what classes of persons will bear the costs of the proposed rule change?**
The proposed changes to the rule will affect prospective students of statewide virtual charter schools and their parents/legal guardians. The proposed changes to the rule will also affect the Statewide Virtual Charter School Board, as well as prospective administrative employees of the prospective statewide virtual charter school and any prospective virtual providers with whom the Statewide Virtual Charter School Board seeks to contract.

c. **What classes of persons will benefit from the proposed rule change?**
Students who reside in the State and their parents/legal guardians who are interested in enrolling in a virtual charter school program will benefit from the change. The Statewide Virtual Charter School Board will benefit from the addition of policies and procedures clarifying requirements for submission and consideration of an application for a statewide virtual charter school by the State Board of Education in accordance with the requirements of the Oklahoma Charter School Act.

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

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

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

f. **What is the economic impact on any political subdivision to implement the proposed rule change?**
State aid is specifically authorized to fund a statewide virtual charter school which may be sponsored by the State Board of Education under the Oklahoma Charter School Act. In addition, since the Oklahoma Charter School Act authorizes the State Board of Education to retain up to five percent (5%) of the state aid allocated for the funding of administrative expenses, the Agency expects the economic impact, if any, to be greatly minimized.

g. **Will implementing the rule change have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act?**
The agency does not anticipate any adverse economic impact on small business as a result of the proposed rule change at this time.

h. **Are there any other methods which are less costly, nonregulatory, or less intrusive to achieve the purpose of the proposed rule change?**
No.

i. **Will the rule change impact the public health, safety, and environment, and is the change designed to reduce significant risks to the public health, safety, and environment? If so, explain nature of risk and to what extent the proposed rule change will reduce the risk.**
The agency does not anticipate any impact on public health, safety, or environment as a result of implementation of the proposed rule at this time.

j. **What detrimental effect will there be on the public health, safety, and environment if the rule change is not implemented?**
The agency does not anticipate any detrimental effect on public health, safety, or environment as a result of implementation of the proposed rule at this time.

k. **Date Prepared**: February 22, 2013

Statutory Authorities

Oklahoma Statutes Citationized

Title 70. Schools

Chapter 1 - School Code of 1971

Oklahoma Charter Schools Act

Article Article III - State Department of Education

Section 3-136 - Charter School Compliance

Cite as: O.S. §, __ __

A. A charter school shall adopt a charter which will ensure compliance with the following:

1. A charter school shall comply with all federal regulations and state and local rules and statutes relating to health, safety, civil rights and insurance. By January 1, 2000, the State Department of Education shall prepare a list of relevant rules and statutes which a charter school must comply with as required by this paragraph and shall annually provide an update to the list;

2. A charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations. A sponsor may not authorize a charter school or program that is affiliated with a nonpublic sectarian school or religious institution;

3. The charter school may provide a comprehensive program of instruction for a prekindergarten program, a kindergarten program or any grade between grades one and twelve. Instruction may be provided to all persons between the ages of four (4) and twenty-one (21) years. A charter school may offer a curriculum which emphasizes a specific learning philosophy or style or certain subject areas such as mathematics, science, fine arts, performance arts, or foreign language. The charter of a charter school which offers grades nine through twelve shall specifically address whether the charter school will comply with the graduation requirements established in Section 11-103.6 of this title. No charter school shall be chartered for the purpose of offering a curriculum for deaf or blind students that is the same or similar to the curriculum being provided by or for educating deaf or blind students that are being served by the Oklahoma School for the Blind or the Oklahoma School for the Deaf;

4. A charter school shall participate in the testing as required by the Oklahoma School Testing Program Act and the reporting of test results as is required of a school district. A charter school shall also provide any necessary data to the Office of Accountability;

5. Except as provided for in the Oklahoma Charter Schools Act and its charter, a charter school shall be exempt from all statutes and rules relating to schools, boards of education, and school districts;

6. A charter school, to the extent possible, shall be subject to the same reporting requirements, financial audits, audit procedures, and audit requirements as a school district. The State Department of Education or State Auditor and Inspector may conduct financial, program, or compliance audits. A charter school shall use the Oklahoma Cost Accounting System to report financial transactions to the sponsoring school district;

7. A charter school shall comply with all federal and state laws relating to the education of children with disabilities in the same manner as a school district;

8. A charter school shall provide for a governing body for the school which shall be responsible for the policies and operational decisions of the charter school;

9. A charter school shall not be used as a method of generating revenue for students who are being home schooled and are not being educated at an organized charter school site;

10. A charter school may not charge tuition or fees;

11. A charter school shall provide instruction each year for at least the number of days required in Section 1-109 of this title;

12. A charter school shall comply with the student suspension requirements provided for in Section 24-101.3 of this title;

13. A charter school shall be considered a school district for purposes of tort liability under The Governmental Tort Claims Act;

14. Employees of a charter school may participate as members of the Teachers' Retirement System of Oklahoma in accordance with applicable statutes and rules if otherwise allowed pursuant to law;

15. A charter school may participate in all health and related insurance programs available to the employees of the sponsor of the charter school;

16. A charter school shall comply with the Oklahoma Open Meeting Act and the Oklahoma Open Records Act; and

17. The governing body of a charter school shall be subject to the same conflict of interest requirements as a member of a local school board.

B. The charter of a charter school shall include a description of the personnel policies, personnel qualifications, and method of school governance, and the specific role and duties of the sponsor of the charter school.

C. The charter of a charter school may be amended at the request of the governing body of the charter school and upon the approval of the sponsor.

D. A charter school may enter into contracts and sue and be sued.

E. The governing body of a charter school may not levy taxes or issue bonds.

F. The charter of a charter school shall include a provision specifying the method or methods to be employed for disposing of real and personal property acquired by the charter school upon expiration or termination of the charter or failure of the charter school to continue operations. Except as otherwise provided, any real or personal property purchased with state or local funds shall be retained by the sponsoring school district. If a charter school that was previously sponsored by the board of education of a school district continues operation within the school district under a new charter sponsored by an entity authorized pursuant to Section 3-132 of this title, the charter school may retain any personal property purchased with state or local funds for use in the operation of the charter school until termination of the new charter or failure of the charter school to continue operations.

Historical Data

Added by Laws 1999, HB 1759, c. 320, § 11, emerg. eff. July 1, 1999; Amended by Laws 2000, HB 2728, c. 232, § 7, emerg. eff. July 1, 2000 (superseded document available); Amended by Laws 2008, SB 2100, c. 439, § 1, emerg. eff. July 1, 2008 (superseded document available).

Oklahoma Statutes Citationized

Title 70. Schools

Chapter 1 - School Code of 1971

Oklahoma Charter Schools Act

Article Article III - State Department of Education

Section 3-142 - State-Appropriated Funding - Funding From Non-State Sources

Cite as: O.S. §, __ __

A. For purposes of funding, a charter school sponsored by a board of education of a school district shall be considered a site within the school district in which the charter school is located. The student membership of the charter school shall be considered separate from the student membership of the district in which the charter school is located for the purpose of calculating weighted average daily membership pursuant to Section 18-201.1 of this title and State Aid pursuant to Section 18-200.1 of this title. For charter schools sponsored by a board of education of a school district, the sum of the separate calculations for the charter school and the school district shall be used to determine the total State Aid allocation for the district in which the charter school is located. A charter school shall receive from the sponsoring school district, the State Aid allocation and any other state-appropriated revenue generated by its students for the applicable year, less up to five percent (5%) of the State Aid allocation, which may be retained by the school district as a fee for administrative services rendered. For charter schools sponsored by the board of education of a technology center school district, a higher education institution, the State Board of Education, or a federally recognized Indian tribe, the State Aid allocation for the charter school shall be distributed by the State Board of Education and not more than five percent (5%) of the State Aid allocation may be charged by the sponsor as a fee for administrative services rendered. The State Board of Education shall determine the policy and procedure for making payments to a charter school. The fee for administrative services as authorized in this subsection shall only be assessed on the State Aid allocation amount and shall not be assessed on any other appropriated amounts.

B. The weighted average daily membership for the first year of operation of a charter school shall be determined initially by multiplying the actual enrollment of students as of August 1 by 1.333. The charter school shall receive revenue equal to that which would be generated by the estimated weighted average daily membership calculated pursuant to this subsection. At midyear, the allocation for the charter school shall be adjusted using the first quarter weighted average daily membership for the charter school calculated pursuant to subsection A of this section.

C. A charter school shall be eligible to receive any other aid, grants or revenues allowed to other schools. A charter school sponsored by the board of education of a technology center school district, a higher education institution, the State Board of Education, or a federally recognized Indian tribe shall be considered a local education agency for purposes of funding. A charter school sponsored by a board of education of a school district shall be considered a local education agency for purposes of federal funding.

D. A charter school, in addition to the money received from the state, may receive money from any other source. Any unexpended nonstate funds, excluding local revenue, may be reserved and used for future purposes.

E. Any charter school which chooses to lease property shall be eligible to receive current government lease rates.

Historical Data

Added by Laws 1999, HB 1759, c. 320, § 17, emerg. eff. July 1, 1999; Amended by Laws 2004, SB 713, c. 472, § 2, emerg. eff. June 7, 2004 (superseded document available); Amended by Laws 2006, SB 1493, c. 278, § 1, emerg. eff. July 1, 2006 (superseded document available); Amended by Laws 2007, HB 1589, c. 257, § 1 (superseded document available); Amended by Laws 2010, SB 2212, c. 204, § 1 (superseded document available); Amended by Laws 2010, HB 2753, c. 288, § 4, eff. November 1, 2010; Amended by Laws 2010, SB 1862, c. 290, § 4, eff. November 1, 2010 (repealed by Laws 2011, SB 553, c. 1, § 40, emerg. eff. March 18, 2011) (superseded document available); Amended by Laws 2011, SB 553, c. 1, § 39, emerg. eff. March 18,

Oklahoma Statutes Citationized

Title 70. Schools

Chapter 1 - School Code of 1971

Oklahoma Charter Schools Act

Article Article III - State Department of Education

Section 3-145.1 - Statewide Virtual Charter School Board

Cite as: O.S. §, __ __

A. There is hereby created the Statewide Virtual Charter School Board. The Board shall have the authority to be an applicant for a full-time statewide virtual charter school sponsored by the State Board of Education pursuant to the Oklahoma Charter Schools Act. The Board shall be composed of five (5) voting members as follows:

1. One member appointed by the Governor, who shall be a resident and elector of the Fifth Congressional District;

2. Two members appointed by the President Pro Tempore of the Senate, one of whom shall be a resident and elector of the First Congressional District and one of whom shall be a resident and elector of the Third Congressional District;

3. Two members appointed by the Speaker of the House of Representatives, one of whom shall be a resident and elector of the Second Congressional District and one of whom shall be a resident and elector of the Fourth Congressional District;

4. The State Superintendent of Public Instruction and the Secretary of Education or their designees shall serve as ex officio nonvoting members, and shall not be counted toward a quorum.

B. Initial appointments shall be made by August 1, 2012. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each appoint one member for one (1) year and one member for three (3) years. The Governor shall appoint one member for two (2) years. Members shall serve until their successors are duly appointed for a term of three (3) years. Appointments shall be made by and take effect on November 1 of the year in which the appointment is made. Annually by December 30 the Board shall elect from its membership a chair and vice chair.

C. A member may be removed from the Board by the appointing authority for cause which shall include, but not be limited to:

1. Being found guilty by a court of competent jurisdiction of a felony or any offense involving moral turpitude;

2. Being found guilty of malfeasance, misfeasance or nonfeasance in relation to Board duties;

3. Being found mentally incompetent by a court of competent jurisdiction; or

4. Failing to attend three successive meetings of the Board without just cause, as determined by the Board.

D. Vacancies shall be filled by the appointing authority.

E. No member of the Senate or House of Representatives may be appointed to the Board while serving as a member of the Legislature, or for two (2) full years following the expiration of the term of office.

Historical Data

Added by Laws 2012, SB 1816, c. 367, § 3, emerg. eff. July 1, 2012.

Oklahoma Statutes Citationized

Title 70. Schools

Chapter 1 - School Code of 1971

Oklahoma Charter Schools Act

Article Article III - State Department of Education

Section 3-145.4 - Authority to Promulgate Rules

Cite as: O.S. §, __ __

Pursuant to and in compliance with Article I of the Administrative Procedures Act, the State Board of Education shall promulgate rules as may be necessary to implement the provisions of this act.

Added by Laws 2012, SB 1816, c. 367, § 6, emerg. eff. July 1, 2012.

Historical Data

2011 (superseded document available); Amended by Laws 2011, SB 256, c. 184, § 1 (superseded document available).

ENROLLED SENATE
BILL NO. 1816

By: Stanislawski of the Senate

and

Quinn, Kern and Murphey of the House

An Act relating to virtual education; amending 70 O.S. 2011, Sections 3-132 and 3-140, which relate to the charter schools; allowing State Board of Education to sponsor a full-time statewide charter school; providing that statewide virtual charter schools shall enroll students in accordance with certain criteria; creating the Statewide Virtual Charter School Board; allowing board to apply for sponsorship of certain charter school; providing for membership; providing for appointments by certain date; providing for staggering of terms; requiring board to annually elect a chair and vice-chair by certain date; allowing for removal of members for cause; providing for filling of vacancies; prohibiting Legislator from being a member of the board; providing for board to meet at the call of the chair; providing that first meeting shall be held by certain date; providing for a quorum; requiring an affirmative vote of three members in order to take any action; requiring board act in accordance with certain provisions; allowing members of the board to receive travel reimbursement; requiring the board to perform certain duties; granting board authority to issue diplomas; declaring board eligible to receive certain federal funds; providing that the board shall receive state aid allocation for enrolled full-time students; allowing the State Board of Education to retain a certain percentage of state aid for administrative expenses; allowing statewide virtual charter school to be eligible for certain funds;

providing for participation in certain extracurricular activities; allowing State Board of Education to promulgate rules in accordance with law; requiring school districts offering full-time virtual education to submit certain report; amending Section 20 of Enrolled Senate Bill No. 1975 of the 2nd Session of the 53rd Oklahoma Legislature, which relates to general appropriations; requiring certain funds to be used for textbooks; providing for codification; providing an effective date; and declaring an emergency.

SUBJECT: Virtual charter schools

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-132, is amended to read as follows:

Section 3-132. A. The Oklahoma Charter Schools Act shall apply only to charter schools formed and operated under the provisions of the act. Charter schools shall be sponsored only as follows:

1. By a school district with an average daily membership of five thousand (5,000) or more and which all or part of the school district is located in a county having more than five hundred thousand (500,000) population according to the latest Federal Decennial Census;

2. By a school district which has a school site listed on the school improvement list as determined by the State Board of Education pursuant to the Elementary and Secondary Education Act of 1965, as amended or reauthorized;

3. By a technology center school district if the charter school is located in a school district served by the technology center school district and the school district has an average daily membership of five thousand (5,000) or more and which all or part of

the school district is located in a county having more than five hundred thousand (500,000) population according to the latest Federal Decennial Census;

4. By a technology center school district if the charter school is located in a school district served by the technology center school district and the school district has a school site listed on the school improvement list as determined by the State Board of Education pursuant to the Elementary and Secondary Education Act of 1965, as amended or reauthorized;

5. By a comprehensive or regional institution that is a member of The Oklahoma State System of Higher Education if the charter school is located in a school district that has an average daily membership of five thousand (5,000) or more and which all or part of the school district is located in a county having more than five hundred thousand (500,000) population according to the latest Federal Decennial Census. In addition, the institution shall have a teacher education program accredited by the Oklahoma Commission for Teacher Preparation and have a branch campus or constituent agency physically located within the school district in which the charter school is located;

6. By a comprehensive or regional institution that is a member of the Oklahoma State System of Higher Education if the charter school is located in a school district that has a school site listed on the school improvement list as determined by the State Board of Education pursuant to the Elementary and Secondary Education Act of 1965, as amended or reauthorized. In addition, the institution shall have a teacher education program accredited by the Oklahoma Commission for Teacher Preparation and have a branch campus or constituent agency physically located within the school district in which the charter school is located;

7. By a federally recognized Indian tribe, operating a high school under the authority of the Bureau of Indian Affairs as of ~~the effective date of this act~~ November 1, 2010, if the charter school is for the purpose of demonstrating native language immersion instruction, and is located within its former reservation or treaty area boundaries. For purposes of this paragraph, native language immersion instruction shall require that educational instruction and

other activities conducted at the school site are primarily conducted in the native language; ~~or~~

8. By the State Board of Education ~~only~~ when the applicant of the charter school is the Office of Juvenile Affairs or the applicant has a contract with the Office of Juvenile Affairs to provide a fixed rate level E, D, or D+ group home service and the charter school is for the purpose of providing education services to youth in the custody or supervision of the state. Not more than two charter schools shall be sponsored by the Board as provided for in this paragraph during the period of time beginning July 1, 2010, through July 1, 2016; or

9. By the State Board of Education when the applicant of the charter school is the Statewide Virtual Charter School Board created in Section 3 of this act and the charter school is for the purpose of establishing a full-time statewide virtual charter school.

B. Any charter or enterprise school operating in the state pursuant to an agreement with the board of education of a school district on July 1, 1999, may continue to operate pursuant to that agreement or may contract with the board of education of the school district pursuant to the Oklahoma Charter Schools Act. Nothing in the Oklahoma Charter Schools Act shall prohibit a school district from applying for exemptions from certain education-related statutory requirements as provided for in the Educational Deregulation Act.

C. For purposes of the Oklahoma Charter Schools Act, "charter school" means a public school established by contract with a board of education of a school district, an area vocational-technical school district, a higher education institution, a federally recognized Indian tribe, or the State Board of Education pursuant to the Oklahoma Charter Schools Act to provide learning that will improve student achievement and as defined in the Elementary and Secondary Education Act of 1965, 20 U.S.C. 8065.

D. A charter school may consist of a new school site, new school sites or all or any portion of an existing school site. An entire school district may not become a charter school site.

SECTION 2. AMENDATORY 70 O.S. 2011, Section 3-140, is amended to read as follows:

Section 3-140. A. Except for a charter school sponsored by the State Board of Education, a charter school shall enroll those students whose legal residence is within the boundaries of the school district in which the charter school is located and who submit a timely application, or those students who transfer to the district in which the charter school is located in accordance with Section 8-103 or 8-104 of this title, unless the number of applications exceeds the capacity of a program, class, grade level, or building. Students who reside in a school district where a charter school is located shall not be required to obtain a transfer in order to attend a charter school in the school district of residence. If capacity is insufficient to enroll all eligible students, the charter school shall select students through a lottery selection process. Except for a charter school sponsored by the State Board of Education, a charter school shall give enrollment preference to eligible students who reside within the boundaries of the school district in which the charter school is located. Except for a charter school sponsored by the State Board of Education, a charter school created after the effective date of this act shall give enrollment preference to eligible students who reside within the boundaries of the school district in which the charter school is located and who attend a school site listed on the school improvement list as determined by the State Board of Education pursuant to the Elementary and Secondary Education Act of 1965, as amended or reauthorized. A charter school may limit admission to students within a given age group or grade level. A charter school sponsored by the State Board of Education when the applicant of the charter school is the Office of Juvenile Affairs shall limit admission to youth that are in the custody or supervision of the Office of Juvenile Affairs. A charter school sponsored by the State Board of Education when the applicant of the charter school is the Statewide Virtual Charter School Board shall enroll those students who are legal residents of this state and who have been approved for a transfer pursuant to Section 8-103 or 8-104 of this title.

B. Except for a charter school sponsored by the State Board of Education, a charter school shall admit students who reside in the attendance area of a school or in a school district that is under a court order of desegregation or that is a party to an agreement with

the United States Department of Education Office for Civil Rights directed towards mediating alleged or proven racial discrimination unless notice is received from the resident school district that admission of the student would violate the court order or agreement.

C. A charter school may designate a specific geographic area within the school district in which the charter school is located as an academic enterprise zone and may limit admissions to students who reside within that area. An academic enterprise zone shall be a geographic area in which sixty percent (60%) or more of the children who reside in the area qualify for the free or reduced school lunch program.

D. Except as provided in subsections B and C of this section, a charter school shall not limit admission based on ethnicity, national origin, gender, income level, disabling condition, proficiency in the English language, measures of achievement, aptitude, or athletic ability.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-145.1 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Statewide Virtual Charter School Board. The Board shall have the authority to be an applicant for a full-time statewide virtual charter school sponsored by the State Board of Education pursuant to the Oklahoma Charter Schools Act. The Board shall be composed of five (5) voting members as follows:

1. One member appointed by the Governor, who shall be a resident and elector of the Fifth Congressional District;

2. Two members appointed by the President Pro Tempore of the Senate, one of whom shall be a resident and elector of the First Congressional District and one of whom shall be a resident and elector of the Third Congressional District;

3. Two members appointed by the Speaker of the House of Representatives, one of whom shall be a resident and elector of the Second Congressional District and one of whom shall be a resident and elector of the Fourth Congressional District;

4. The State Superintendent of Public Instruction and the Secretary of Education or their designees shall serve as ex officio nonvoting members, and shall not be counted toward a quorum.

B. Initial appointments shall be made by August 1, 2012. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each appoint one member for one (1) year and one member for three (3) years. The Governor shall appoint one member for two (2) years. Members shall serve until their successors are duly appointed for a term of three (3) years. Appointments shall be made by and take effect on November 1 of the year in which the appointment is made. Annually by December 30 the Board shall elect from its membership a chair and vice chair.

C. A member may be removed from the Board by the appointing authority for cause which shall include, but not be limited to:

1. Being found guilty by a court of competent jurisdiction of a felony or any offense involving moral turpitude;

2. Being found guilty of malfeasance, misfeasance or nonfeasance in relation to Board duties;

3. Being found mentally incompetent by a court of competent jurisdiction; or

4. Failing to attend three successive meetings of the Board without just cause, as determined by the Board.

D. Vacancies shall be filled by the appointing authority.

E. No member of the Senate or House of Representatives may be appointed to the Board while serving as a member of the Legislature, or for two (2) full years following the expiration of the term of office.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-145.2 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The Statewide Virtual Charter School Board shall meet at the call of the chair. The first meeting of the Board shall be held no later than sixty (60) days after the effective date of this act.

B. Three members of the Board shall constitute a quorum and an affirmative vote of at least three members shall be required in order for the Board to take any final action.

C. Members of the Board shall receive necessary traveling expenses while in the performance of their duties in accordance with the State Travel Reimbursement Act. Members shall receive reimbursement from the State Department of Education.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-145.3 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Subject to limitations provided by the State Board of Education and subject to the requirements of the Oklahoma Charter Schools Act, the Statewide Virtual Charter School Board shall:

1. Be the governing body of the statewide virtual charter school;

2. Provide oversight of the operations of the statewide virtual charter school;

3. Negotiate and enter into contracts with providers of virtual education to provide academic content and with providers for the management and administration of the statewide virtual charter school;

4. Establish policies and procedures for student admissions eligibility, student transfers, approval of online courses, and student enrollment;

5. Submit annually, by November 1 of each year, to the Governor, President Pro Tempore of the Senate, and Speaker of the House of Representatives a report on each provider which has entered into a contract with the Board and each provider which has entered into a contract with a local school district to provide full-time virtual instruction to students who do not reside within the school

district boundaries, that has detailed data on the performance of students enrolled with the provider through the statewide virtual charter school or school district offering full-time virtual education to students who do not reside within the school district. The report shall be posted on the State Department of Education website.

B. The Statewide Virtual Charter School Board shall have authority to issue a diploma to students enrolled in the statewide virtual charter school full-time who have completed the curriculum requirements for graduation as provided in Section 1210.523 of Title 70 of the Oklahoma Statutes and as determined by the Board.

C. Each provider approved by the statewide virtual charter school governed by the Statewide Virtual Charter School Board shall be eligible to receive federal funds generated by students enrolled in the charter school for the applicable year. Each provider shall be considered a separate school site for purposes of reporting and accountability.

D. As calculated as provided for in Section 3-142 of Title 70 of the Oklahoma Statutes, the Statewide Virtual Charter School Board shall receive the state aid allocation and any other state-appropriated revenue generated by students enrolled in the full-time statewide virtual charter school for the applicable year, less up to five percent (5%) of the state aid allocation, which may be retained by the State Board of Education for administrative expenses, all other funds shall be passed along to the providers. The statewide virtual charter school shall be eligible for any other funding any other charter school is eligible for as provided for in Section 3-142 of Title 70 of the Oklahoma Statutes. Each provider shall be considered a separate school site for purposes of reporting and accountability.

E. Students enrolled full-time in the statewide virtual charter school governed by the Statewide Virtual Charter School Board shall not be authorized to participate in any activities administered by the Oklahoma Secondary Schools Activities Association. However, the students may participate in intramural activities sponsored by the Virtual Charter School, an online provider for the charter school or any other outside organization.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-145.4 of Title 70, unless there is created a duplication in numbering, reads as follows:

Pursuant to and in compliance with Article I of the Administrative Procedures Act, the State Board of Education shall promulgate rules as may be necessary to implement the provisions of this act.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-145.5 of Title 70, unless there is created a duplication in numbering, reads as follows:

Each school district which offers full-time virtual education to students who are not residents of the school district shall submit annually, by October 1 of each year, to the Statewide Virtual Charter School Board, a report on each provider which has entered into a contract with the school district. The report shall contain detailed data on the performance of students enrolled with the district who are receiving full-time instruction through a provider and do not reside within the school district.

SECTION 8. AMENDATORY Section 20 of Enrolled Senate Bill No. 1975 of the 2nd Session of the 53rd Oklahoma Legislature, is amended to read as follows:

Section 20. There is hereby appropriated to the State Board of Education from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2011, the sum of Thirty-three Million Dollars ($33,000,000.00) or so much thereof as may be necessary for the support of public schools activities. <u>Of the funds appropriated in this section, Thirty Million Dollars ($30,000,000.00) shall be used for the purchase of textbooks.</u>

SECTION 9. This act shall become effective July 1, 2012.

SECTION 10. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 24th day of May, 2012.

_____
Presiding Officer of the Senate

Passed the House of Representatives the 25th day of May, 2012.

_____
Presiding Officer of the House
of Representatives

Draft of Proposed Rule Submitted for Public Comment

TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 40. GRANTS AND PROGRAMS-IN-AID

SUBCHAPTER 87. RULES FOR PAYMENT TO CHARTER SCHOOLS

210:40-87-6. Charter school insurance and surety bonding.

(a) **Liability insurance.** Each charter school shall be required to furnish and maintain liability insurance coverage and fidelity bonding of the same terms, conditions, types and amounts required of public schools under Oklahoma law. The provisions of this subsection shall not be interpreted to preclude any charter school from obtaining liability insurance coverage or fidelity bonds in addition to or in excess of the requirements of this section.

(b) **Surety bonds.** Charter school officers and/or employees shall be required to furnish and maintain surety bonds of the same terms, conditions, penalty, types and amounts required of public school officers and/or employees under Oklahoma law.

(1) All surety bonds shall comply with the requirements set forth in 70 O.S. § 5-116a, *provided that:*

(A) In the case of a charter school sponsored by an entity other than a school district as permitted by the provisions of the Oklahoma Charter Schools Act at 70 O.S. § 3-132, the surety bond shall be made payable to the sponsoring entity instead of the school district; and

(B) The Statewide Virtual Charter School established in accordance with the provisions of the Oklahoma Charter School Act shall be considered a "school district" for purposes of 70 O.S. § 5-116a.

(2) The provisions of this subsection shall not be interpreted to preclude any charter school officer and/or employee from furnishing and maintaining a surety bond in excess of the requirements of this section.

(3) Further, the provisions of this subsection shall not be interpreted to preclude a school board, school district, or other charter school sponsor from requiring a charter school officer and/or employee charged with custody of public funds from furnishing a surety bond as a prerequisite of employment unless otherwise prohibited by law.

210:40-87-7. Statewide Virtual Charter School Board

(a) **Authority of Statewide Virtual Charter School Board.** As the governing body of a full-time statewide virtual charter school sponsored by the State Board of Education in accordance with the provisions of the Oklahoma Charter School Act, the Statewide Virtual Charter School Board shall be charged with establishing all operating policies and procedures necessary to ensure safe, consistent, effective, and appropriate services are provided to full-time virtual charter school students enrolled in the Statewide Virtual Charter School. Each statewide virtual charter school provider shall assume the role expected of a charter school site as set forth in the charter of the statewide virtual charter school and the provisions incorporated into provider contracts with the Statewide Virtual Charter School Board.

(b) **Applications to sponsor a statewide virtual charter school**. Applications to the State Board of Education to sponsor a statewide virtual charter school may only be submitted by the Statewide Virtual Charter School Board. In addition to the requirements of 70 O.S. § 3-134, the application must comply with the following requirements:

(1) An entity shall not be eligible to enter a contract as a statewide virtual charter school provider if it is currently operating a charter school under separate contract with a sponsor under the provisions of the Oklahoma Charter Schools Act.

(2) For initial consideration for sponsorship, the Statewide Virtual Charter School Board shall develop and submit to the State Board of Education for review and approval a set of policies and procedures governing administration and operation of the statewide virtual charter school and a set of policies and procedures governing operation of virtual charter school providers. The policies and procedures governing administration and operation of the statewide virtual charter school shall be incorporated into the terms of the application of the virtual charter school and into the terms of the contract between the State Board of Education and the Statewide Virtual Charter School Board along with the provisions required by 70 O.S. § 3-135.

(3) The policies and procedures governing operation of the statewide virtual charter school providers shall be incorporated into each contract the statewide virtual charter school board executes with a virtual charter school provider under (b)(4) of this rule, and shall ensure that the virtual charter school provider is able to meet each of the following requirements specific to the virtual delivery of education services:

(A) That each virtual charter school provider is adequately prepared to deliver services to all enrolled students on the school's first day of operation and all required instructional hours for every school year through a stable virtual platform:

(B) That each virtual charter school provider has consistent procedures in place governing admission, transfers, enrollment, and withdrawal of students by each virtual charter school provider;

(C) That each virtual charter school provider has consistent procedures in place governing identification of and provision of online services and technical support to students with disabilities and/or other special needs by each virtual charter school provider, including:

(i) Students who require individualized education programs pursuant to the Individuals with Disabilities Education Act (IDEA);

(ii) Students who require accommodations under a plan developed in accordance with the requirements of Section 504 of the Rehabilitation Act of 1973;

(iii) Students who are English Language Learners; and

(iv) Students who are gifted and talented;

(D) That each virtual charter school provider complies with state and federal law in protection and handling of student records and data;

(E) That each virtual charter school provider has consistent procedures and technology in place necessary to monitor and report student attendance and participation in online school activities in accordance with the requirements set forth under state law;

(F) That each virtual charter school provider has fair and consistent procedures in place to implement necessary and appropriate practices to promote student discipline and includes sufficient due process protections necessary for students facing accusations of conduct which may result in suspension and/or expulsion of a student;

(G) That the online courses offered by each virtual charter school provider are approved by the Statewide Virtual Charter School Board;

(H) That each virtual charter school provider has provided a full description and explanation of all equipment, services, training, technical support, software, and textbooks that will be provided to statewide virtual online education students meeting requirements established by the Statewide Virtual Charter School Board;

(I) That each virtual charter school provider has consistent procedures and technology in place to ensure delivery of services and that each virtual charter school provider has an adequate plan in place for communicating emergency procedures to students in the event

of technical failures of equipment and/or loss of connectivity as a result of weather conditions; and

(J) That each virtual charter school provider has consistent procedures and technology in place to ensure consistent and adequate communication with parents/guardians of students and provide student progress and academic reports to parents/guardians of students; and

(K) That each virtual charter school provider has provided a full description and explanation of the grade levels in which the provider intends to provide instruction agrees to use Oklahoma curriculum standards in each grade level served by the provider.

(4) **Authority to enter contracts.** Upon approval of a sponsorship application by the State Board of Education, the Statewide Virtual Charter School Board shall be authorized to contract with providers of services who meet the criteria established by the Statewide Virtual Charter School and the requirements set forth in (b)(3) of this rule.

Providers of services to statewide virtual charter school students shall be classified in two groups:

(A) "Statewide virtual charter school providers" shall be defined as any entity contracted by the Statewide Virtual Charter School Board to provide full-time, online only public school courses of instruction for Pre-K through twelfth (12th) grade students whose legal residence is located within the State of Oklahoma; and

(B) "Virtual educational student activity service providers" which shall be defined as any entity contracted by the Statewide Virtual Charter School Board to provide services, resources, or school activities to students of virtual online charter schools which are not otherwise included in an agreement with a virtual charter school provider. Examples of related service and/or resources include extra-curricular and enrichment activities such as field trips and hands-on laboratory activities, student physical activities, special education services, student counseling services, and transportation services.

(c) **List of approved statewide virtual charter school providers.** The Statewide Virtual Charter School Board shall post and maintain on the State Department of Education website a list of the names, contact information, and links to the websites of all virtual charter school providers which have entered into contracts under the Oklahoma Charter School Act.

(d) **Statewide virtual charter school contract renewal and reporting requirements**. Renewal of a contract for a statewide virtual charter school sponsored by the State Board of Education shall be conducted in accordance with the requirements of the Oklahoma Charter Schools Act. At least one (1) year prior to expiration of the initial contract term, the Statewide Virtual Charter School Board shall present the State Board of Education a proposal for renewal of the statewide virtual charter school. The recommendation by the State Board for or against renewal shall be based upon factors including, but not limited to:

(1) The statewide virtual charter school's record of compliance with state and federal statutes and regulations;

(2) The statewide virtual charter school providers' record of compliance with state and federal statutes and regulations, as well as compliance with policies and procedures established by the Statewide Virtual Charter School Board;

(3) Data collected from statewide virtual charter school providers in accordance with subsection (e) of this rule;

(4) Accountability data collected from statewide virtual charter school providers in accordance with the requirements of state and federal law; and

(4) Statewide virtual charter school student performance data derived from standardized assessments and completion of student coursework.

(e) **Virtual charter school provider reporting requirements.** Prior to October 1 of every year, the Statewide Virtual Charter School Board shall provide the State Board of Education with a report of all full-time online education providers which have entered contracts with either the Statewide Virtual Charter School Board or any other sponsors pursuant to the Oklahoma Charter School Act. In addition to all data required by 70 O.S. § 145.3, the report shall include all data from the previous school year necessary to assess and evaluate the effectiveness with which providers are meeting students' online education needs. Information from the previous school year provided in the report shall include, but not be limited to:

(1) Student demographic data, including age, gender, grade ethnicity, tribal affiliation, city, county and school district in which the student legally resides, languages spoken in the student's home; and household income;

(2) Data regarding the number of students served who have been placed on an individualized education program pursuant to the Individuals with Disabilities Education Act (IDEA);

(3) Data regarding the number of students with disabilities receiving accommodations under a plan developed in accordance with the requirements of Section 504 of the Rehabilitation Act of 1973;

(4) Data regarding the number of students served who have been identified as English Language Learners, the number of students who have been placed on a Language Instruction Educational Plan (LEIP) for English Language Learners, and the number of ELL students who have been exited from an ELL program;

(5) Data regarding student retention and matriculation, including rates of annual student enrollment, withdrawal, and graduation;

(6) Data collected in accordance with annual student and parent/guardian evaluations of the online provider which include responses to questions regarding satisfaction with services provided; the basis for the choice of the provider; how the student's workload aligned with the expectations of the students and their parents/guardians, and suggestions for improvement of services to students;

(7) Data identifying and summarizing all compliance actions taken by the Statewide Virtual Charter School Board; and

(8) Data identifying with specificity all state and federal funds received by the virtual charter school provider and a statement identifying all expenses for which the funds were used to provide payment.

(f) **Funding**. In addition to the requirements set forth in 210:40-87-3, disbursement of state aid allocations to an online virtual charter school shall be conducted in accordance with the following procedures:

(1) Prior to disbursement of state aid allocations provided by the Oklahoma Charter School Act to the Statewide Virtual Charter School Board, the Statewide Virtual Charter School Board shall prepare and submit to the State Board of Education a budget detailing anticipated expenditures associated with administration and governance of virtual charter school providers. Approval of the budget by the State Board of Education shall be required prior to disbursement of the state aid allocations set forth under the Oklahoma Charter School Act.

(2) Prior to receiving state aid allocations, a virtual charter school provider must, by June 30 before the initial year of operation, meet the following requirements:

(A) Submit a copy of the approved contract with the sponsor to the State Department of Education;

(B) Establish and maintain a student identification system in accordance with the requirements of 70 O.S. § 18-200.1;

(C) Establish a financial accounting system that meets with the requirements of the Oklahoma Cost Accounting System (OCAS); and

(D) Have been issued a county and district identification number from the Accreditation Division of the State Department of Education.

(g) **Virtual charter school provider graduation requirements**. The Statewide Virtual Charter School Board shall not issue a standard diploma to students of the statewide virtual charter school unless they have demonstrated mastery of state academic content standards in accordance with the provisions of the Achieving Classroom Excellence Act at 70 O.S. § 1210.523 and the Act's accompanying rules and regulations established by the State Board of Education, and met all curriculum and course requirements established by the Statewide Virtual Charter School Board.

(h) **Virtual charter school accountability**. For purposes of assessing student performance levels as required under the Oklahoma School Accountability System and reporting results of the Oklahoma School Testing Program required by 70 O.S. § 1210.545, the statewide virtual charter school shall be considered a separate school district, and each statewide virtual charter school provider shall be considered a separate school site.