

**FACTS SHEET: READING SUFFICIENCY ACT
RETENTION/MID-YEAR PROMOTION**

STATE DEPARTMENT OF EDUCATION

Title 210
Chapter 15
Subchapter 27

1. **Write a brief summary of the rule(s) in simple language.**
 - The rule outlines components important to implementation of the RSA program. Amended rules update the requirements for assessing and identifying students for the program and clarify language that has been amended in previous legislation. (Previously passed by the Board, as an Emergency Rule.)
 - New rules implement recent statutory changes to the Oklahoma Reading Sufficiency Act, enacted with the passage of SB 346. Provisions of the law became effective November 1, 2011, but will not fully take effect until 2013-2014. Proposed rules address third grade retention, good cause exemptions to retention and mid-year promotion, as proscribed by statute.

2. **Explain proposed changes as briefly as possible.**
 - The changes update allowable expenditures. (Previously passed by the Board, as an Emergency Rule.)
 - New rules address 3rd grade retention, good cause exemptions to retention and mid-year promotion, as proscribed by statute.

3. **What are the circumstances which created the need for the rule(s)?**

The legislature passed and the Governor signed into law SB 346, which implemented new standards for intensive remediation to underperforming students, and mandatory retention of third graders who score an Unsatisfactory on the Reading portion of the Third grade OCCT.

4. **Include a reference to any statute that the rule change interprets, any related statute or any related rule, and include a description of the classes of persons who most likely will be affected by the rule(s).**

70 O.S. § 1210.508C; 70 O.S. § 1210.508D; 70 O.S. § 1210.508E
Public school students identified as having reading deficiencies in kindergarten, first, second and third grade, and their teachers. Students who score Unsatisfactory on the Reading portion of the 3rd grade OCCT will be affected, as will school districts.

5. **What is the intended effect of the rule(s)?**

To implement provisions of the recently amended Oklahoma Reading Sufficiency Act.

6. **What is the statute or other legal instrument, which authorizes the Board to promulgate rules for this area of control, and/or the statute or other legal instrument, which authorized the rule change?**

70 O.S. § 3-104; 70 O.S. § 1210.508C

7. **Does the proposed change incorporate a set of rules from a body outside the state, such as a national code? If so, list from what body and provide legal name of the set of rules, as recognized by that state.**

No.

8. Why is this considered an emergency and what might happen if not promulgated as soon as possible?
Not applicable.

CHAPTER 15. CURRICULUM AND INSTRUCTION

SUBCHAPTER 27. READING SUFFICIENCY ACT

210:15-27-1. Reading Sufficiency Act

(a) ~~No later than September 30, 1998, each~~ Each public school district will ~~submit~~ develop a district reading sufficiency plan that includes a plan for each site: ~~to the State Department of Education for approval.~~ The district reading plan will become a part of each district's Comprehensive Local Education Plan and must be updated annually as part of the requirements for receiving accreditation.

(b) Each school district and each school site shall submit to the State Department of Education the information to be used for the required Reading Sufficiency Act ~~annual~~ Annual Reading Report Card. Submission date to be determined by the ~~School Improvement Division~~ Office of Instruction of the State Department of Education.

(c) Each school district will submit to the State Department of Education, the number of students in kindergarten, first, second and third grades found to be in need of remediation in reading based on screening instruments approved by the State Board of Education. Submission date to be determined by the ~~School Improvement Division~~ Office of Instruction of the State Department of Education.

(d) Pursuant to the Reading Sufficiency Act, each school district shall submit to the State Department of Education its annual improvement goals necessary to progress from the baseline established September 1, 2005, to achieving the reading goal by July 1, 2008. These improvement goals shall be submitted to the State Board of Education. Submission date to be determined by the ~~School Improvement Division~~ Office of Instruction of the State Department of Education.

(e) Contingent on the availability of appropriated funds, the State Department of Education will ~~may~~ award up to \$150 \$150.00 to public school districts for each currently enrolled first, second, and third-grade student who is found to be in need of remediation in reading.

(f) Reading sufficiency funds allocated under this section (e) must be used ~~only~~ for expenses relating to individual and small group tutoring, purchase ~~of and~~ and/or development of instructional training in the use of screening assessment measures, summer school programs, and Saturday school programs, and any other reading program or professional development training contemplated as necessary by the districts to perform the goals of the Reading Sufficiency Act for students in the first, second, and third grades who have been identified by the elementary site as in need of a program of reading instruction.

(g) Each school district with one or more school sites identified for School Improvement shall submit its district reading sufficiency plan to the State Board of Education. Submission date to be determined by the ~~School Improvement Division~~ Office of Instruction of the State Department of Education.

(h) The district reading sufficiency plan shall be submitted to the State Board of Education if the district has any schools that are not achieving the annual improvement goals as outlined in the Reading Sufficiency Act. Submission date to be determined by the ~~School Improvement Division~~ Office of Instruction of the State Department of Education.

- (i) Contingent on the availability of appropriated funds, the State Department of Education will may award up to ~~\$400~~ \$400.00 to public school districts for each eligible currently enrolled student who is found not to be reading at grade level and who subsequently participates in a summer academy reading program pursuant to the Reading Sufficiency Act.
- (j) Each district will submit the number of eligible students who may participate in an approved summer academy reading program based on results from an approved assessment as outlined in the Reading Sufficiency Act. Submission date to be determined by the ~~School Improvement Division~~ Office of Instruction of the State Department of Education.
- (k) Reading Sufficiency funds allocated from the student count in (j) ~~must~~ may be used for expenses relating to any approved ~~summer academy~~ reading programs for participating eligible students.
- (l) Summer academy reading programs for students shall be courses that:
- (1) provide at least four (4) weeks of tutoring a half (1/2) day each day for four days,
 - (2) incorporate the content of a reading program ~~administered by the Oklahoma Commission for Teacher Preparation or a scientifically based reading program administered and approved by the State Board of Education~~ that meets the criteria set forth in the Reading Sufficient Act.
 - (3) are taught by teachers who have successfully completed a professional development institute or program in reading ~~administered by the Oklahoma Commission for Teacher Preparation or a scientifically based reading professional development program administered approved by the State Board of Education~~ as prescribed by the statutory provisions of the Reading Sufficient Act.
 - (4) include only eligible students not reading at grade level based on results from an assessment approved by the State Board of Education.
- (m) Superintendents of districts ~~offering summer academy reading programs~~ will sign and submit an assurance statement that their reading program program(s) ~~has met~~ meet the requirements ~~in (k)~~ of the Reading Sufficiency Act prior to receipt of funding.

210:15-27-2 Alternative Standardized Reading Assessment and Use of Student Portfolio for Good Cause Promotion

(a) Beginning with the 2013-2014 school year, students who score at the Unsatisfactory level on the Reading portion of the Grade 3 Oklahoma Core Curriculum Test (OCCT) may only be promoted to grade four if the student qualifies for a good cause or other statutory exemption pursuant to 70 O.S. § 1210.508C.

(b) Good cause exemptions shall be limited to the six (6) statutory exemptions outlined in 70 O.S. 508C, Section (K).

(1) Completion of transitional grades shall be considered a previous retention for purposes of 70 O.S. 508C, Section (K).

(c) Students who demonstrate an acceptable level of performance on an alternative standardized reading assessment may be granted a good cause exemption for promotion to the fourth grade. To promote a student using an alternative standardized reading assessment, the following criteria shall apply:

(1) The following are approved alternative standardized reading assessments that may be used to justify a good cause promotion pursuant to 70 O.S. § 1210.508C(K)(3). The listed score constitutes an acceptable level of performance, and the student must score at or above the following percentiles:

(A) Stanford Achievement Test, Tenth Edition, (SAT 10) 45th Percentile

(B) Iowa Test of Basic Skills (ITBS) Complete Battery
Form A, C or E, Level 9, Reading Comprehension 45th Percentile

(C) Iowa Test of Basic Skills (ITBS) Core Battery,
Form A, C, or E, Level 9, Reading Comprehension 45th Percentile

(D) Terranova, Third Edition Complete Battery
Level 13, Reading 45th Percentile

(2) Alternative standardized reading assessments may only be administered following the administration and scoring of the Reading portion of the Grade 3 OCCT. The spring test form of the exam shall be administered.

(3) An approved alternative standardized reading assessment may be administered at any time prior to the start of the next academic year, if there are at least thirty calendar (30) days between administrations and different test forms are administered.

(d) To promote a student using a student portfolio as a good cause exemption there must be evidence that demonstrates the student's mastery of state standards beyond the retention level and that the student is reading on grade level or higher. To promote a student through the use of a student portfolio, the following criteria shall apply:

(1) The portfolio shall evidence demonstration of the student's mastery of the Oklahoma state standards in reading equal to grade level performance on the Reading portion of the Grade 3 OCCT. Such evidence shall be documented through an organized collection of work representing the student's mastery of such standards.

(2) A student portfolio created to serve as the basis for a good cause exemption must:

(A) Consist only of grade-level work selected by the student's Reading teacher;

(B) Be an accurate representation of the student's ability, and only include work that has been independently produced in the third grade by the student in the classroom of the student's Reading teacher;

(C) Include clear evidence that the standards assessed by the Reading portion of the Grade 3 OCCT have been met. Clear evidence must include multiple choice items and passages that are 50% literary text and 50% expository text that are between 200-600 words, with an average of 350 words. Such evidence could consist of:

- (i) Chapter or unit tests from the district's adopted core reading curriculum that are aligned with the Oklahoma State Standards; or
- (ii) Teacher-prepared assessments.

(D) Each standard and objective assessed by the Grade 3 Reading portion of the OCCT must include a minimum of four (4) work samples of mastery whereby the student attained a grade of 70% or above. Demonstrating mastery of each objective for each standard is required.

(E) Be signed by the student's Reading teacher and the principal of the school, both attesting that the portfolio is an accurate assessment of the student's ability and that the student possesses required reading skills to be promoted to fourth grade.

(e) To promote a student under 70 O.S. § 1210.508C (L), the student's teacher shall compile a student portfolio which demonstrates that the student should be exempted from the academic requirements of the Oklahoma Reading Sufficiency Act. The student portfolio shall indicate that promotion is appropriate based on the record of the student, as documented by a student portfolio.

(1) An exemption based on the record of the student shall exist only if the student has been evaluated for special education services and received a borderline deficiency score of between seventy percent (70%) to seventy-nine percent (79%) on an intellectual assessment listed in sub-section (1)(B).

(A) Student portfolios compiled pursuant to section (e) of this rule shall contain documentation of the intellectual assessment administered to the student and the respective score report. The intellectual assessment must be administered by a licensed psychologist, certified school psychologist, or certified psychometrist.

(B) The following intellectual assessments may be administered to justify an exemption under this section:

- (i) WISC-IV
- (ii) Stanford-Binet V
- (iii) Woodcock Johnson III Normative Update

(C) An intellectual assessment may only be used to justify this exemption if administered within one (1) year of the third grade OCCT test administration. Prior intellectual assessments may not be relied upon as justification for this exemption.

(2) The student portfolio shall be compiled by the student's Reading teacher and submitted to the school principal for approval. The portfolio shall be signed by the student's Reading teacher and the principal of the school, both attesting that the student meets the requirements of this section.

(3) The student's Reading teacher, in consultation with the school principal, shall determine whether the student qualifies for an exemption pursuant to this rule.

(f) Any student promoted on the basis of a good cause exemption listed in 70 O.S. 508C, Section (K), or exempted from academic requirements pursuant to sub-section (e) of this rule should continue to receive intensive reading instruction and intensive instructional services and supports through the continued implementation of an Academic Progress Plan (APP) to remedy the reading deficiency.

(g) Documentation shall be maintained in the student record of any student promoted on the basis of a good cause exemption listed in 70 O.S. 508C, Section (K), or student exemptions granted pursuant to sub-

section (e) of this rule. Documentation shall include the student's OCCT score, and any documentation relied upon to grant a good cause exemption or exemption pursuant to sub-section (e) of this rule.

210:15-27-3 Standards for Mid-Year Promotion of Retained Third Graders

(a) Beginning with the 2012-2013 school year, district school boards of education shall adopt and implement a policy for the mid-year promotion of any student retained in third grade due to a reading deficiency as required by 70 O.S. § 1210.508C. Such mid-year promotions of retained third grade students must occur during the first semester of the academic year, and must occur prior to November 1 of that academic year.

(b) To be eligible for mid-year promotion, a student must demonstrate by reasonable expectation that he or she:

- (1) Is a successful and independent reader as demonstrated by reading at or above grade level;
- (2) Has progressed sufficiently to master appropriate fourth grade reading skills; and
- (3) Has met any additional requirements, such as satisfactory achievement in other curriculum areas, as determined by the policies of the district school board.

(c) Standards that provide a reasonable expectation that the student has met the requirements of section (b) of this rule include mastery of reading skills, consistent with the month of promotion to fourth grade, as presented in the scope and sequence of the school district's core reading program. Evidence of demonstrated mastery is as follows:

- (1) Successful completion of portfolio elements that meet state criteria in subsection (d) of this rule; or
- (2) Satisfactory performance on a subsequent alternative standardized assessment as specified in section (e) of this rule.

(d) To promote a student mid-year using a student portfolio as provided for in paragraph (c)(1) of this rule, there must be evidence of the student's mastery of the Oklahoma state standards as assessed by the Reading portion of the Grade 3 OCCT, and beginning mastery of the Oklahoma state standards as assessed by the Reading portion of the Grade 4 OCCT, as specified in section (b) of this rule. The student portfolio must meet the following requirements:

- (1) Consist only of work selected by the student's Reading teacher;
- (2) Be an accurate representation of the student's ability, and only include work that has been independently produced by the student in the classroom of the student's Reading teacher;
- (3) Include evidence of the mastery of the standards assessed by the Reading portion of the Grade 3 OCCT, as set forth in 210:15-27-2(d);
- (4) Include evidence of beginning mastery of fourth grade state standards that are assessed by the Grade 4 Reading portion of the OCCT. Clear evidence must include multiple choice items and passages that are 50% literary text and 50% expository text that are between 200-600 words, with an average of 350 words. Such evidence could consist of:

(A) Chapter or unit tests from the district's adopted core reading curriculum that are aligned with the Oklahoma State Standards; or

(B) Teacher-prepared assessments;

- (5) Each standard and objective assessed by the Grade 4 Reading portion of the OCCT must include a minimum of three (3) work samples of mastery whereby the student attained a grade of 70% or above. Demonstrating mastery of each objective for each standard is required; and
- (6) Be signed by the Reading teacher and the principal of the school, both attesting that the portfolio is an accurate assessment of the student's ability and that the student possesses the required reading skills to be promoted to fourth grade.

(e) To promote a student mid-year using an alternative standardized assessment as provided for in subsection (c)(2) of this rule, there must be evidence that the student scored at or above grade level on the reading portion of an alternative standardized reading assessment listed in OAC 210:15-27-2(c)(1), as demonstrated by standard scores or percentiles consistent with the month of promotion to the fourth grade.

(f) The Academic Progress Plan (APP) for any retained third grade student who has been promoted mid-year to fourth grade must continue to be implemented for the entire academic year.

(g) A mid-year promotion may only occur upon agreement of the parent or legal guardian of the student, and the principal of the school. Such decision should be made in consultation with the student's third and fourth grade teacher.

An Act

ENROLLED SENATE
BILL NO. 346

By: Jolley, Ford, Stanislawski
and Brecheen of the Senate

and

Kern and Coody of the
House

An Act relating to schools; amending 70 O.S. 2001, Sections 1210.508C, as last amended by Section 3, Chapter 431, O.S.L. 2005, 1210.508D, as last amended by Section 1, Chapter 387, O.S.L. 2008 and 1210.508E, as last amended by Section 2, Chapter 387, O.S.L. 2008 (70 O.S. Supp. 2010, Sections 1210.508C, 1210.508D and 1210.508E), which relate to the Reading Sufficiency Act; modifying the program of reading instruction requirements for certain students; deleting certain recommendation authorization; providing for retention of certain third-grade students with a reading deficiency as measured by the results of a certain test; requiring certain notification of parents; specifying notification; prohibiting social promotion of a student; allowing exemption from mandatory retention for good cause; listing good cause criteria; providing for requests for certain promotion exemption; requiring school districts to conduct a review of certain programs of reading instruction; stating contents of the review; requiring a portfolio for retained students; requiring certain reading instruction and services be provided to certain retained students; listing other strategies that may be provided to retained students; requiring certain written notification be provided to the parents or guardians of retained students; directing school districts to implement a midyear promotion policy for retained students; specifying criteria for a midyear promotion; requiring that a high-performing teacher be provided to retained

students; providing for additional instructional options; directing school districts to establish a Reading Enhancement and Acceleration Development (READ) Initiative; stating focus of a READ Initiative; specifying criteria of a READ Initiative; listing certain specifications for a state-approved reading curriculum; providing for an Intensive Acceleration Class in certain circumstances; specifying criteria for an Intensive Acceleration Class; providing for certain reports to the State Board of Education; providing for a transitional instructional setting option for certain retained students; stating goal of a transitional instructional setting; requiring school districts to report certain progress and testing information to parents and guardians in writing; requiring school districts to publish and report to the State Board of Education certain information annually; requiring the State Department of Education to establish a uniform reporting format and to annually compile and report certain information; directing the Department to provide certain technical assistance; adding category of students eligible for reimbursement; modifying authority of a teacher to recommend participation in a certain summer academy or other program; and requiring retention of a student who fails to complete certain competencies.

SUBJECT: Reading Sufficiency Act

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 70 O.S. 2001, Section 1210.508C, as last amended by Section 3, Chapter 431, O.S.L. 2005 (70 O.S. Supp. 2010, Section 1210.508C), is amended to read as follows:

Section 1210.508C A. 1. Each student enrolled in kindergarten in a public school in this state shall be screened for reading skills including, but not limited to, phonological awareness, letter recognition, and oral language skills as identified in the Priority Academic Student Skills (PASS) adopted by the State Board of

Education. A screening instrument approved by the State Board shall be utilized for the purposes of this section.

2. For those kindergarten children at risk for reading difficulties, teachers shall emphasize reading skills as identified in the PASS, monitor progress throughout the year and measure year-end reading progress.

3. Classroom assistants, which may include parents, grandparents, or other volunteers, shall be provided in kindergarten classes to assist with the screening of students if a teacher aide is not already employed to assist in a kindergarten classroom.

B. 1. Each student enrolled in first, second and third grade of the public schools of this state shall be assessed at the beginning of each school year using a screening instrument approved by the State Board of Education for the acquisition of reading skills including, but not limited to, phonological awareness, phonics, spelling, reading fluency, vocabulary, and comprehension.

2. Any student who is assessed and found not to be reading at the appropriate grade level shall be provided a program of reading instruction designed to enable the student to acquire the appropriate grade level reading skills. Beginning with students entering the first grade in the 2011-2012 school year, the program of reading instruction shall include provisions of the READ Initiative adopted by the school district as provided for in subsection N of this section. If a student is found not to be reading at the appropriate grade level and teachers, in collaboration with others, are concerned that undiagnosed health problems may affect the ability of the student to read, the school district may make a recommendation to the parents or legal guardians for medical evaluation without being liable for cost of the evaluation or any associated costs.

3. Throughout the year progress monitoring shall continue, and diagnostic assessment, if determined appropriate, shall be provided. Year-end reading skills shall be measured to determine reading success.

C. The State Board of Education shall approve no more than three screening instruments for use at the beginning of the school

year, for monitoring of progress, and for measurement of reading skills at the end of the school year as required in subsections A and B of this section; provided, one of the screening instruments shall be recommended by the Oklahoma Commission for Teacher Preparation. The State Board shall also determine other comparable reading assessments for diagnostic purposes and for periodic and post assessments to be used for students at risk of reading failure. The State Board shall ensure that any assessments approved are in alignment with the PASS.

D. The program of reading instruction required in subsection B of this section shall align with the PASS, shall include provisions of the READ Initiative adopted by the school district as provided for in subsection N of this section beginning with students entering the first grade in the 2011-2012 school year and may include, but is not limited to:

1. Sufficient additional in-school instructional time for the acquisition of phonological awareness, phonics, spelling, reading fluency, vocabulary, and comprehension;

2. If necessary, tutorial instruction after regular school hours, on Saturdays and during summer; however, such instruction may not be counted toward the one-hundred-eighty-day school year required in Section 1-109 of this title; and

3. Assessments identified for diagnostic purposes and periodic monitoring to measure the acquisition of reading skills including, but not limited to, phonological awareness, phonics, spelling, reading fluency, vocabulary, and comprehension, as identified in the student's program of reading instruction.

E. The program of reading instruction shall continue until the student is determined by the results of approved reading assessments to be reading on grade level.

F. 1. Every school district shall adopt, implement, and annually update a district reading sufficiency plan which has had input from school administrators, teachers, and parents and if possible a reading specialist, and which shall be submitted to and approved by the State Board of Education as a part of each district's Comprehensive Local Education Plan. The district reading

sufficiency plan shall include a plan for each site which includes an analysis of the data provided by the Oklahoma School Testing Program and other reading assessments utilized as required in this section, and which outlines how each school site will comply with the provisions of the Reading Sufficiency Act.

2. Each school site shall establish a committee, composed of educators, which if possible shall include a certified reading specialist, to develop the required programs of reading instruction. A parent or guardian of the student shall be included in the development of the program of reading instruction for that student.

3. The State Board of Education shall adopt rules for the implementation and evaluation of the provisions of the Reading Sufficiency Act. The evaluation shall include, but not be limited to, an analysis of the data required in subsection H R of this section.

G. For any third-grade student found not to be reading at grade level as determined by reading assessments administered pursuant to this section, a new program of reading instruction, including provisions of the READ Initiative adopted by the school district as provided for in subsection N of this section, shall be developed and implemented as specified in this section. If possible, a fourth-grade teacher shall be involved in the development of the program of reading instruction. In addition to other requirements of the Reading Sufficiency Act, the plan may include specialized tutoring and ~~may include a recommendation as to whether the student should be retained in the third grade at the close of that year. The parent or guardian of the student shall be included in the retention consideration.~~

H. Beginning with students entering the first grade in the 2011-2012 school year, if the reading deficiency of a student, as identified based on assessments administered as provided for in subsection B of this section, is not remedied by the end of third grade, as demonstrated by scoring at the unsatisfactory level on the reading portion of the third-grade criterion-referenced test administered pursuant to Section 1210.508 of this title, the student shall be retained in the third grade.

I. The parent of any student who is found to have a reading deficiency and is not reading at the appropriate grade level and has been provided a program of reading instruction as provided for in subsection B of this section shall be notified in writing of the following:

1. That the student has been identified as having a substantial deficiency in reading;

2. A description of the current services that are provided to the student;

3. A description of the proposed supplemental instructional services and supports that will be provided to the student that are designed to remediate the identified area of reading deficiency;

4. That the student will not be promoted to the fourth grade if the reading deficiency is not remediated by the end of the third grade, unless the student is exempt for good cause as set forth in subsection K of this section;

5. Strategies for parents to use in helping their child succeed in reading proficiency;

6. That while the results of the criterion-referenced test administered pursuant to Section 1210.508 of this title are the initial determinant, it is not the sole determiner of promotion and that portfolio reviews and assessments are available; and

7. The specific criteria and policies of the school district for midyear promotion implemented as provided for in paragraph 4 of subsection M of this section.

J. No student may be assigned to a grade level based solely on age or other factors that constitute social promotion.

K. For those students who do not meet the academic requirements for promotion, a school district may promote the student for good cause only. Good-cause exemptions for promotion shall be limited to the following:

1. Limited-English-proficient students who have had less than two (2) years of instruction in an English language learner program;

2. Students with disabilities whose individualized education plan (IEP), consistent with state law, indicates that participation in the statewide criterion-referenced tests administered pursuant to Section 1210.508 of this title is not appropriate;

3. Students who demonstrate an acceptable level of performance on an alternative standardized reading assessment approved by the State Board of Education;

4. Students who demonstrate, through a student portfolio, that the student is reading on grade level as evidenced by demonstration of mastery of the state standards beyond the retention level;

5. Students with disabilities who participate in the statewide criterion-referenced tests and who have an individualized education plan that reflects that the student has received intensive remediation in reading for more than two (2) years but still demonstrates a deficiency in reading and was previously retained in kindergarten, first grade, second grade, or third grade; and

6. Students who have received intensive remediation in reading through a program of reading instruction for two (2) or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, first grade, second grade, or third grade for a total of two (2) years. A student who is promoted as provided for in this paragraph shall be provided intensive reading instruction during an altered instructional day that includes specialized diagnostic information and specific reading strategies for each student. The school district shall assist schools and teachers to implement reading strategies for the promoted students that research has shown to be successful in improving reading among low-performing readers.

L. In addition to the good-cause exemptions as set forth in subsection K of this section, requests to exempt students from the academic requirements for promotion to the next grade shall only be made upon documentation submitted from the teacher of the student to the school principal that indicates that the promotion of the student is appropriate and is based upon the record of the student.

In order to minimize paperwork requirements, documentation shall consist only of a student portfolio.

M. Beginning with the 2011-2012 school year, each school district shall:

1. Conduct a review of the program of reading instruction for all students who score at the unsatisfactory level on the reading portion of the criterion-referenced test administered pursuant to Section 1210.508 of this title and did not meet the criteria for one of the good-cause exemptions as set forth in subsection K of this section. The review shall address additional supports and services, as described in this subsection, needed to remediate the identified areas of reading deficiency. The school district shall require a student portfolio to be completed for each retained student;

2. Provide to students who have been retained as set forth in subsection H of this section with intensive interventions in reading, intensive instructional services and supports to remediate the identified areas of reading deficiency, including a minimum of ninety (90) minutes of daily, uninterrupted, scientific-research-based reading instruction. Retained students shall be provided other strategies prescribed by the school district, which may include, but are not limited to:

- a. small group instruction,
- b. reduced teacher-student ratios,
- c. more frequent progress monitoring,
- d. tutoring or mentoring,
- e. transition classes containing third- and fourth-grade students,
- f. extended school day, week, or year, and
- g. summer reading academies as provided for in Section 1210.508E of this title, if available;

3. Provide written notification to the parent or guardian of any student who is to be retained as set forth in subsection H of this section that the student has not met the proficiency level required for promotion and the reasons the student is not eligible for a good-cause exemption. The notification shall include a description of proposed interventions and intensive instructional supports that will be provided to the student to remediate the identified areas of reading deficiency;

4. Implement a policy for the midyear promotion of a retained student who can demonstrate that the student is a successful and independent reader, is reading at or above grade level, and is ready to be promoted to the fourth grade. Tools that school districts may use in reevaluating any retained student may include subsequent assessments, alternative assessments, and portfolio reviews, in accordance with rules of the State Board of Education. Retained students may only be promoted midyear prior to November 1 and only upon demonstrating a level of proficiency required to score above the unsatisfactory level on the third-grade statewide criterion-referenced test and upon showing progress sufficient to master appropriate fourth-grade-level skills, as determined by the school. A midyear promotion shall be made only upon agreement of the parent or guardian of the student and the school principal;

5. Provide students who are retained with a high-performing teacher who can address the needs of the student, based on student performance data and above-satisfactory performance appraisals; and

6. In addition to required reading enhancement and acceleration strategies, provide students who are retained with at least one of the following instructional options:

- a. supplemental tutoring in scientific-research-based reading services in addition to the regular reading block, including tutoring before or after school,
- b. a parent-guided "Read at Home" assistance plan, as developed by the State Department of Education, the purpose of which is to encourage regular parent-guided home reading, or
- c. a mentor or tutor with specialized reading training.

N. Beginning with the 2011-2012 school year, each school district shall establish a Reading Enhancement and Acceleration Development (READ) Initiative. The focus of the READ Initiative shall be to prevent the retention of third-grade students by offering intensive accelerated reading instruction to third-grade students who failed to meet standards for promotion to fourth grade and to kindergarten through third-grade students who are exhibiting a reading deficiency. The READ Initiative shall:

1. Be provided to all kindergarten through third-grade students at risk of retention as identified by the assessments administered pursuant to the Reading Sufficiency Act. The assessment used shall measure phonemic awareness, phonics, fluency, vocabulary, and comprehension;

2. Be provided during regular school hours in addition to the regular reading instruction; and

3. Provide a state-approved reading curriculum that, at a minimum, meets the following specifications:

- a. assists students assessed as exhibiting a reading deficiency in developing the ability to read at grade level,
- b. provides skill development in phonemic awareness, phonics, fluency, vocabulary, and comprehension,
- c. provides scientifically based and reliable assessment,
- d. provides initial and ongoing analysis of the reading progress of each student,
- e. is implemented during regular school hours,
- f. provides a curriculum in core academic subjects to assist the student in maintaining or meeting proficiency levels for the appropriate grade in all academic subjects,

g. establishes at each school, where applicable, an Intensive Acceleration Class for retained third-grade students who subsequently score at the unsatisfactory level on the reading portion of the statewide criterion-referenced tests. The focus of the Intensive Acceleration Class shall be to increase the reading level of a child at least two grade levels in one (1) school year. The Intensive Acceleration Class shall:

- (1) be provided to any student in the third grade who scores at the unsatisfactory level on the reading portion of the statewide criterion-referenced tests and who was retained in the third grade the prior year because of scoring at the unsatisfactory level on the reading portion of the statewide criterion-referenced tests,
- (2) have a reduced teacher-student ratio,
- (3) provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to master the fourth-grade state standards in other core subject areas,
- (4) use a reading program that is scientific-research-based and has proven results in accelerating student reading achievement within the same school year,
- (5) provide intensive language and vocabulary instruction using a scientific-research-based program, including use of a speech-language therapist,
- (6) include weekly progress monitoring measures to ensure progress is being made, and
- (7) provide reports to the State Department of Education, in the manner described by the

Department, outlining the progress of students in the class at the end of the first semester,

- h. provide reports to the State Board of Education, upon request, on the specific intensive reading interventions and supports implemented by the school district. The State Superintendent of Public Instruction shall annually prescribe the required components of the reports, and
- i. provide to a student who has been retained in the third grade and has received intensive instructional services but is still not ready for grade promotion, as determined by the school district, the option of being placed in a transitional instructional setting. A transitional setting shall specifically be designed to produce learning gains sufficient to meet fourth-grade performance standards while continuing to remediate the areas of reading deficiency.

O. In addition to the requirements set forth in this section, each school district board of education shall annually report to the parent or guardian of each student in the district the progress of the student toward achieving state and district expectations for proficiency in reading, writing, science, and mathematics. The school district board of education shall report to the parent or guardian of each student the results on each statewide criterion-referenced test. The evaluation of the progress of each student shall be based upon classroom work, observations, tests, district and state assessments, and other relevant information. Progress reporting shall be provided to the parent or guardian in writing.

P. 1. Each school district board of education shall annually publish on the school website, and report in writing to the State Board of Education by September 1 of each year, the following information on the prior school year:

- a. the provisions of this section relating to public school student progression and the policies and procedures of the school district on student retention and promotion,

- b. by grade, the number and percentage of all students in grades three through ten performing at the unsatisfactory level on the reading portion of the statewide criterion-referenced tests,
- c. by grade, the number and percentage of all students retained in grades three through ten,
- d. information on the total number and percentage of students who were promoted for good cause, by each category of good cause as specified above, and
- e. any revisions to the policies of the school district on student retention and promotion from the prior year.

2. The State Department of Education shall establish a uniform format for school districts to report the information required in this subsection. The format shall be developed with input from school districts and shall be provided not later than ninety (90) days prior to the annual due date. The Department shall annually compile the information required along with state-level summary information, and report the information to the public, the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives.

Q. The State Department of Education shall provide technical assistance as needed to aid school districts in administering the provision of the Reading Sufficiency Act.

R. On or before December 1 of each year, the State Department of Education shall issue to the Governor and members of the Senate and House of Representatives Education Committees a Reading Report Card for the state and each school district and elementary site which shall include, but is not limited to, trend data detailing three (3) years of data, disaggregated by student subgroups to include economically disadvantaged, major racial or ethnic groups, students with disabilities, and English language learners, as appropriate for the following:

1. The number and percentage of students in kindergarten through third grade determined to be at risk for reading

difficulties compared to the total number of students enrolled in each grade;

2. The number and percentage of students in kindergarten who continue to be at risk for reading difficulties as determined by the year-end measurement of reading progress;

3. The number and percentage of students in first through third grade who have successfully completed their program of reading instruction and are reading on grade level as determined by the results of approved reading assessments;

4. The number and percentage of students scoring at each performance level on the third-grade criterion-referenced test in reading;

5. The amount of funds for reading remediation received by each district;

6. An evaluation and narrative interpretation of the report data analyzing the impact of the Reading Sufficiency Act on students' ability to read at grade level; and

7. Any recommendations for improvements or amendments to the Reading Sufficiency Act.

The State Department of Education may contract with an independent entity for the reporting and analysis requirements of this subsection.

~~§~~ S. Copies of the results of the assessments administered shall be made a part of the permanent record of each student.

SECTION 2. AMENDATORY 70 O.S. 2001, Section 1210.508D, as last amended by Section 1, Chapter 387, O.S.L. 2008 (70 O.S. Supp. 2010, Section 1210.508D), is amended to read as follows:

Section 1210.508D A. Contingent on the provision of appropriated funds designated for the Reading Sufficiency Act, school districts may be reimbursed in the amount of up to One Hundred Fifty Dollars (\$150.00) for each enrolled first-, second- and third-grade student of the current school year, including any

student who has been retained in the third grade pursuant to Section 1210.508C of this title, who is found to be in need of remediation in reading. The reimbursement shall be for expenses incurred in reading assessment and remediation at those grade levels pursuant to the provisions of the Reading Sufficiency Act. School districts may be reimbursed up to Four Hundred Dollars (\$400.00) for each student completing the third grade, including any student who has been retained in the third grade pursuant to Section 1210.508C of this title, who is found not to be reading at the third-grade level and who subsequently participates in a summer reading remediation program. A school district which has ten or fewer students participating in a summer reading remediation program may be allocated a base amount of One Thousand Five Hundred Dollars (\$1,500.00) for the program which shall be in addition to the per-student reimbursement amount provided for in this subsection. The State Board of Education shall promulgate rules for such a course that specify at least four (4) weeks of tutoring a half (1/2) day each day. The summer reading remediation programs shall be taught by teachers who have successfully completed a professional development institute in reading administered by the Oklahoma Commission for Teacher Preparation or a scientifically-based reading professional development program administered by the State Board of Education.

B. In order to be reimbursed, school districts shall file a claim with the State Department of Education at the end of each school semester or prior to the end of the fiscal year in which the remediation is provided. Claims from summer remediation provided in July or August shall be filed with the first semester claim of the subsequent school year. Claims shall be reimbursed in a timely manner. The State Board of Education shall promulgate rules for the administration of reimbursements.

C. If a teacher attends and completes a professional development institute in elementary reading approved by the Oklahoma Commission for Teacher Preparation during the summer or when school is not in session, the teacher shall receive a stipend equal to the amount of the cost for a substitute teacher, based on the amount of funds allocated.

SECTION 3. AMENDATORY 70 O.S. 2001, Section 1210.508E, as last amended by Section 2, Chapter 387, O.S.L. 2008 (70 O.S. Supp. 2010, Section 1210.508E), is amended to read as follows:

Section 1210.508E A. If a teacher determines that a third-grade student is not reading at grade level by the end of the second quarter of the school year, the parent or guardian of the student shall be notified of:

1. The reading level of the student;
2. The program of reading instruction for the student as required pursuant to the Reading Sufficiency Act; and
3. The potential need for the student to participate in a summer academy or other program designed to assist the student in attaining grade-level reading skills.

B. A teacher who determines a third-grade student is unable to meet competencies required for reading for completion of third grade and promotion to fourth grade, ~~may have the authority shall~~, after consultation with the parent or guardian of the student, ~~to~~ recommend that the promotion of the student to the fourth grade is contingent upon the participation in and successful completion of the required competencies for reading by the student at a summer academy or other program. If the student does not participate in the summer academy or other program or does not successfully complete the competencies in the summer academy or other program, the student may shall be retained in the third grade as set forth in Section 1210.508C of this title.

C. Summer academy programs shall be designed to ensure that participating students successfully complete the competencies necessary in reading for promotion to fourth grade and to enhance next-grade readiness. A summer academy reading program shall be a program that incorporates the content of a scientifically research-based professional development program administered by the Oklahoma Commission for Teacher Preparation or a scientifically based reading program administered by the State Board of Education and is taught by teachers who have successfully completed professional development in the reading program or who are certified as reading specialists.

D. School districts may approve an option for students who are unable to attend a summer academy. The optional program may include, but is not limited to, an approved private provider of instruction, approved computer- or Internet-based instruction, or an approved program of reading instruction monitored by the parent or guardian. School districts shall not be required to pay for the optional program, but shall clearly communicate to the parent or guardian the expectations of the program and any costs that may be involved.

E. Subject to the availability of funds, beginning one (1) year after implementation of this section, the requirements of subsection B of this section shall be expanded to apply to fourth-grade student promotion to fifth grade. Each year thereafter, the requirements shall be expanded by one grade level until the requirements apply to third-grade students through eighth-grade students. Summer academy programs shall be designed for each grade level. Nothing in this section shall prevent the State Board of Education or a school district board of education from utilizing private, local, or federal funds to implement this section.

F. The provisions of this section shall not apply to:

1. Students who have individualized education programs pursuant to the Individuals with Disabilities Education Act (IDEA) and who satisfy the annual goals of the individualized education program for that student; and

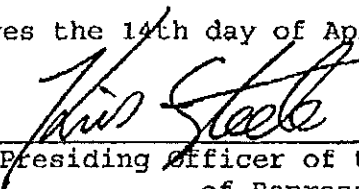
2. Students who are English language learners who have been determined not to be proficient in English as defined by a state-designated English proficiency assessment. A third-grade student who is an English language learner and is found not to be reading at the third-grade level shall be eligible to participate in a summer reading remediation program.

G. The State Board of Education shall adopt rules to implement the provisions of this section which shall include requirements for instructional time for summer school programs, teacher qualifications, and evaluation of student achievement as a result of summer academy programs or other optional programs.

Passed the Senate the 2nd day of May, 2011.


Presiding Officer of the Senate

Passed the House of Representatives the 14th day of April, 2011.


Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Governor this 3rd
day of May, 2011,
at 12:32 o'clock P.M.

By: James R. Byars

Approved by the Governor of the State of Oklahoma the 4th day of
May, 2011, at 2:06 o'clock P.M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this
4th day of May, 2011,
at 2:17 o'clock P.M.

By: Doretha R. Day

Oklahoma Statutes Citationized**Title 70. Schools****Chapter 22 - Testing and Assessment****Reading Sufficiency Act****Section 1210.508C - Assessments for Reading Skills**

Cite as: O.S. §, ___

A. 1. Each student enrolled in kindergarten in a public school in this state shall be screened for reading skills including, but not limited to, phonological awareness, letter recognition, and oral language skills as identified in the Priority Academic Student Skills (PASS) adopted by the State Board of Education. A screening instrument approved by the State Board shall be utilized for the purposes of this section.

2. For those kindergarten children at risk for reading difficulties, teachers shall emphasize reading skills as identified in the PASS, monitor progress throughout the year and measure year-end reading progress.

3. Classroom assistants, which may include parents, grandparents, or other volunteers, shall be provided in kindergarten classes to assist with the screening of students if a teacher aide is not already employed to assist in a kindergarten classroom.

B. 1. Each student enrolled in first, second and third grade of the public schools of this state shall be assessed at the beginning of each school year using a screening instrument approved by the State Board of Education for the acquisition of reading skills including, but not limited to, phonological awareness, phonics, spelling, reading fluency, vocabulary, and comprehension.

2. Any student who is assessed and found not to be reading at the appropriate grade level shall be provided a program of reading instruction designed to enable the student to acquire the appropriate grade level reading skills. Beginning with students entering the first grade in the 2011-2012 school year, the program of reading instruction shall include provisions of the READ Initiative adopted by the school district as provided for in subsection N of this section. If a student is found not to be reading at the appropriate grade level and teachers, in collaboration with others, are concerned that undiagnosed health problems may affect the ability of the student to read, the school district may make a recommendation to the parents or legal guardians for medical evaluation without being liable for cost of the evaluation or any associated costs.

3. Throughout the year progress monitoring shall continue, and diagnostic assessment, if determined appropriate, shall be provided. Year-end reading skills shall be measured to determine reading success.

C. The State Board of Education shall approve no more than three screening instruments for use at the beginning of the school year, for monitoring of progress, and for measurement of reading skills at the end of the school year as required in subsections A and B of this section; provided, one of the screening instruments shall be recommended by the Oklahoma Commission for Teacher Preparation. The State Board shall also determine other comparable reading assessments for diagnostic purposes and for periodic and post assessments to be used for students at risk of reading failure. The State Board shall ensure that any assessments approved are in alignment with the PASS.

D. The program of reading instruction required in subsection B of this section shall align with the PASS, shall include provisions of the READ Initiative adopted by the school district as provided for in subsection N of this section beginning with students entering the first grade in the 2011-2012 school year and may include, but is not limited to:

1. Sufficient additional in-school instructional time for the acquisition of phonological awareness, phonics, spelling, reading fluency, vocabulary, and comprehension;

2. If necessary, tutorial instruction after regular school hours, on Saturdays and during summer; however, such instruction may not be counted toward the one-hundred-eighty-day school year required in Section 1-109 of this title; and

3. Assessments identified for diagnostic purposes and periodic monitoring to measure the acquisition of reading skills including, but not limited to, phonological awareness, phonics, spelling, reading fluency, vocabulary, and comprehension, as identified in the student's program of reading instruction.

E. The program of reading instruction shall continue until the student is determined by the results of approved reading assessments to be reading on grade level.

F. 1. Every school district shall adopt, implement, and annually update a district reading sufficiency plan which has had input from school administrators, teachers, and parents and if possible a reading specialist, and which shall be submitted to and approved by the State Board of Education as a part of each district's Comprehensive Local Education Plan. The district reading sufficiency plan shall include a plan for each site which includes an analysis of the data provided by the Oklahoma School Testing Program and other reading assessments utilized as required in this section, and which outlines how each school site will comply with the provisions of the Reading Sufficiency Act.

2. Each school site shall establish a committee, composed of educators, which if possible shall include a certified reading specialist, to develop the required programs of reading instruction. A parent or guardian of the student shall be included in the development of the program of reading instruction for that student.

3. The State Board of Education shall adopt rules for the implementation and evaluation of the provisions of the Reading Sufficiency Act. The evaluation shall include, but not be limited to, an analysis of the data required in subsection R of this section.

G. For any third-grade student found not to be reading at grade level as determined by reading assessments administered pursuant to this section, a new program of reading instruction, including provisions of the READ Initiative adopted by the school district as provided for in subsection N of this section, shall be developed and implemented as specified in this section. If possible, a fourth-grade teacher shall be involved in the development of the program of reading instruction. In addition to other requirements of the Reading Sufficiency Act, the plan may include specialized tutoring.

H. Beginning with students entering the first grade in the 2011-2012 school year, if the reading deficiency of a student, as identified based on assessments administered as provided for in subsection B of this section, is not remedied by the end of third grade, as demonstrated by scoring at the unsatisfactory level on the reading portion of the third-grade criterion-referenced test administered pursuant to Section 1210.508 of this title, the student shall be retained in the third grade.

I. The parent of any student who is found to have a reading deficiency and is not reading at the appropriate grade level and has been provided a program of reading instruction as provided for in subsection B of this section shall be notified in writing of the following:

1. That the student has been identified as having a substantial deficiency in reading;
2. A description of the current services that are provided to the student;
3. A description of the proposed supplemental instructional services and supports that will be provided to the student that are designed to remediate the identified area of reading deficiency;
4. That the student will not be promoted to the fourth grade if the reading deficiency is not remediated by the end of the third grade, unless the student is exempt for good cause as set forth in subsection K of this section;
5. Strategies for parents to use in helping their child succeed in reading proficiency;
6. That while the results of the criterion-referenced test administered pursuant to Section 1210.508 of this title are the initial determinant, it is not the sole determiner of promotion and that portfolio reviews and assessments are available; and
7. The specific criteria and policies of the school district for midyear promotion implemented as provided for in

paragraph 4 of subsection M of this section.

J. No student may be assigned to a grade level based solely on age or other factors that constitute social promotion.

K. For those students who do not meet the academic requirements for promotion, a school district may promote the student for good cause only. Good-cause exemptions for promotion shall be limited to the following:

1. Limited-English-proficient students who have had less than two (2) years of instruction in an English language learner program;
2. Students with disabilities whose individualized education plan (IEP), consistent with state law, indicates that participation in the statewide criterion-referenced tests administered pursuant to Section 1210.508 of this title is not appropriate;
3. Students who demonstrate an acceptable level of performance on an alternative standardized reading assessment approved by the State Board of Education;
4. Students who demonstrate, through a student portfolio, that the student is reading on grade level as evidenced by demonstration of mastery of the state standards beyond the retention level;
5. Students with disabilities who participate in the statewide criterion-referenced tests and who have an individualized education plan that reflects that the student has received intensive remediation in reading for more than two (2) years but still demonstrates a deficiency in reading and was previously retained in kindergarten, first grade, second grade, or third grade; and
6. Students who have received intensive remediation in reading through a program of reading instruction for two (2) or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, first grade, second grade, or third grade for a total of two (2) years. A student who is promoted as provided for in this paragraph shall be provided intensive reading instruction during an altered instructional day that includes specialized diagnostic information and specific reading strategies for each student. The school district shall assist schools and teachers to implement reading strategies for the promoted students that research has shown to be successful in improving reading among low-performing readers.

L. In addition to the good-cause exemptions as set forth in subsection K of this section, requests to exempt students from the academic requirements for promotion to the next grade shall only be made upon documentation submitted from the teacher of the student to the school principal that indicates that the promotion of the student is appropriate and is based upon the record of the student. In order to minimize paperwork requirements, documentation shall consist only of a student portfolio.

M. Beginning with the 2011-2012 school year, each school district shall:

1. Conduct a review of the program of reading instruction for all students who score at the unsatisfactory level on the reading portion of the criterion-referenced test administered pursuant to Section 1210.508 of this title and did not meet the criteria for one of the good-cause exemptions as set forth in subsection K of this section. The review shall address additional supports and services, as described in this subsection, needed to remediate the identified areas of reading deficiency. The school district shall require a student portfolio to be completed for each retained student;
2. Provide to students who have been retained as set forth in subsection H of this section with intensive interventions in reading, intensive instructional services and supports to remediate the identified areas of reading deficiency, including a minimum of ninety (90) minutes of daily, uninterrupted, scientific-research-based reading instruction. Retained students shall be provided other strategies prescribed by the school district, which may include, but are not limited to:
 - a. small group instruction,

- b. reduced teacher-student ratios,
- c. more frequent progress monitoring,
- d. tutoring or mentoring,
- e. transition classes containing third- and fourth-grade students,
- f. extended school day, week, or year, and
- g. summer reading academies as provided for in Section 1210.508E of this title, if available;

3. Provide written notification to the parent or guardian of any student who is to be retained as set forth in subsection H of this section that the student has not met the proficiency level required for promotion and the reasons the student is not eligible for a good-cause exemption. The notification shall include a description of proposed interventions and intensive instructional supports that will be provided to the student to remediate the identified areas of reading deficiency;

4. Implement a policy for the midyear promotion of a retained student who can demonstrate that the student is a successful and independent reader, is reading at or above grade level, and is ready to be promoted to the fourth grade. Tools that school districts may use in reevaluating any retained student may include subsequent assessments, alternative assessments, and portfolio reviews, in accordance with rules of the State Board of Education. Retained students may only be promoted midyear prior to November 1 and only upon demonstrating a level of proficiency required to score above the unsatisfactory level on the third-grade statewide criterion-referenced test and upon showing progress sufficient to master appropriate fourth-grade-level skills, as determined by the school. A midyear promotion shall be made only upon agreement of the parent or guardian of the student and the school principal;

5. Provide students who are retained with a high-performing teacher who can address the needs of the student, based on student performance data and above-satisfactory performance appraisals; and

6. In addition to required reading enhancement and acceleration strategies, provide students who are retained with at least one of the following instructional options:

- a. supplemental tutoring in scientific-research-based reading services in addition to the regular reading block, including tutoring before or after school,
- b. a parent-guided "Read at Home" assistance plan, as developed by the State Department of Education, the purpose of which is to encourage regular parent-guided home reading, or
- c. a mentor or tutor with specialized reading training.

N. Beginning with the 2011-2012 school year, each school district shall establish a Reading Enhancement and Acceleration Development (READ) Initiative. The focus of the READ Initiative shall be to prevent the retention of third-grade students by offering intensive accelerated reading instruction to third-grade students who failed to meet standards for promotion to fourth grade and to kindergarten through third-grade students who are exhibiting a reading deficiency. The READ Initiative shall:

- 1. Be provided to all kindergarten through third-grade students at risk of retention as identified by the assessments administered pursuant to the Reading Sufficiency Act. The assessment used shall measure phonemic awareness, phonics, fluency, vocabulary, and comprehension;
- 2. Be provided during regular school hours in addition to the regular reading instruction; and
- 3. Provide a state-approved reading curriculum that, at a minimum, meets the following specifications:

- a. assists students assessed as exhibiting a reading deficiency in developing the ability to read at grade level,
 - b. provides skill development in phonemic awareness, phonics, fluency, vocabulary, and comprehension,
 - c. provides scientifically based and reliable assessment,
 - d. provides initial and ongoing analysis of the reading progress of each student,
 - e. is implemented during regular school hours,
 - f. provides a curriculum in core academic subjects to assist the student in maintaining or meeting proficiency levels for the appropriate grade in all academic subjects,
 - g. establishes at each school, where applicable, an Intensive Acceleration Class for retained third-grade students who subsequently score at the unsatisfactory level on the reading portion of the statewide criterion-referenced tests. The focus of the Intensive Acceleration Class shall be to increase the reading level of a child at least two grade levels in one (1) school year. The Intensive Acceleration Class shall:
 - (1) be provided to any student in the third grade who scores at the unsatisfactory level on the reading portion of the statewide criterion-referenced tests and who was retained in the third grade the prior year because of scoring at the unsatisfactory level on the reading portion of the statewide criterion-referenced tests,
 - (2) have a reduced teacher-student ratio,
 - (3) provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to master the fourth-grade state standards in other core subject areas,
 - (4) use a reading program that is scientific-research-based and has proven results in accelerating student reading achievement within the same school year,
 - (5) provide intensive language and vocabulary instruction using a scientific-research-based program, including use of a speech-language therapist,
 - (6) include weekly progress monitoring measures to ensure progress is being made, and
 - (7) provide reports to the State Department of Education, in the manner described by the Department, outlining the progress of students in the class at the end of the first semester,
 - h. provide reports to the State Board of Education, upon request, on the specific intensive reading interventions and supports implemented by the school district. The State Superintendent of Public Instruction shall annually prescribe the required components of the reports, and
 - i. provide to a student who has been retained in the third grade and has received intensive instructional services but is still not ready for grade promotion, as determined by the school district, the option of being placed in a transitional instructional setting. A transitional setting shall specifically be designed to produce learning gains sufficient to meet fourth-grade performance standards while continuing to remediate the areas of reading deficiency.
- O. In addition to the requirements set forth in this section, each school district board of education shall annually report to the parent or guardian of each student in the district the progress of the student toward achieving state and district expectations for proficiency in reading, writing, science, and mathematics. The school district board of education shall report to the parent or guardian of each student the results on each statewide criterion-referenced test. The evaluation of the progress of each student shall be based upon classroom work, observations, tests, district and state assessments, and other relevant information. Progress reporting shall be provided to the parent or guardian in writing.

P. 1. Each school district board of education shall annually publish on the school website, and report in writing to the State Board of Education by September 1 of each year, the following information on the prior school year:

- a. the provisions of this section relating to public school student progression and the policies and procedures of the school district on student retention and promotion,
- b. by grade, the number and percentage of all students in grades three through ten performing at the unsatisfactory level on the reading portion of the statewide criterion-referenced tests,
- c. by grade, the number and percentage of all students retained in grades three through ten,
- d. information on the total number and percentage of students who were promoted for good cause, by each category of good cause as specified above, and
- e. any revisions to the policies of the school district on student retention and promotion from the prior year.

2. The State Department of Education shall establish a uniform format for school districts to report the information required in this subsection. The format shall be developed with input from school districts and shall be provided not later than ninety (90) days prior to the annual due date. The Department shall annually compile the information required along with state-level summary information, and report the information to the public, the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives.

Q. The State Department of Education shall provide technical assistance as needed to aid school districts in administering the provision of the Reading Sufficiency Act.

R. On or before December 1 of each year, the State Department of Education shall issue to the Governor and members of the Senate and House of Representatives Education Committees a Reading Report Card for the state and each school district and elementary site which shall include, but is not limited to, trend data detailing three (3) years of data, disaggregated by student subgroups to include economically disadvantaged, major racial or ethnic groups, students with disabilities, and English language learners, as appropriate for the following:

1. The number and percentage of students in kindergarten through third grade determined to be at risk for reading difficulties compared to the total number of students enrolled in each grade;
2. The number and percentage of students in kindergarten who continue to be at risk for reading difficulties as determined by the year-end measurement of reading progress;
3. The number and percentage of students in first through third grade who have successfully completed their program of reading instruction and are reading on grade level as determined by the results of approved reading assessments;
4. The number and percentage of students scoring at each performance level on the third-grade criterion-referenced test in reading;
5. The amount of funds for reading remediation received by each district;
6. An evaluation and narrative interpretation of the report data analyzing the impact of the Reading Sufficiency Act on students' ability to read at grade level; and
7. Any recommendations for improvements or amendments to the Reading Sufficiency Act.

The State Department of Education may contract with an independent entity for the reporting and analysis requirements of this subsection.

S. Copies of the results of the assessments administered shall be made a part of the permanent record of each student.

Historical Data

Added by Laws 1997, HB 2017, c. 349, § 3, emerg. eff. July 1, 1997; Amended by Laws 1998, HB 2878, c. 332, § 1, emerg. eff. July 1, 1998 (superseded document available); Amended by Laws 1999, HB 1252, c. 176, § 2, eff. July 1, 1999 (superseded document available); Amended by Laws 2001, SB 168, c. 421, § 2, emerg. eff. July 1, 2001 (superseded document available); Amended by Laws 2004, HB 1133, c. 175, § 1, emerg. eff. July 1, 2004 (repealed by Laws 2005, HB 2060, c. 1, § 125, emerg. eff. March 15, 2005); Amended by Laws 2004, HB 2477, c. 197, § 2, emerg. eff. July 1, 2004 (superseded document available); Amended by Laws 2005, HB 2060, c. 1, § 124, emerg. eff. March 15, 2005 (superseded document available); Amended by Laws 2005, SB 966, c. 431, § 3, eff. September 1, 2005 (superseded document available); Amended by Laws 2011, SB 346, c. 171, § 1 (superseded document available).

Oklahoma Statutes Citationized**Title 70. Schools****Chapter 22 - Testing and Assessment****Reading Sufficiency Act****Section 1210.508D - Reimbursement for School Districts Providing Reading Remediation**

Cite as: O.S. §. ___



A. Contingent on the provision of appropriated funds designated for the Reading Sufficiency Act, school districts may be reimbursed in the amount of up to One Hundred Fifty Dollars (\$150.00) for each enrolled first-, second- and third-grade student of the current school year, including any student who has been retained in the third grade pursuant to Section 1210.508C of this title, who is found to be in need of remediation in reading. The reimbursement shall be for expenses incurred in reading assessment and remediation at those grade levels pursuant to the provisions of the Reading Sufficiency Act. School districts may be reimbursed up to Four Hundred Dollars (\$400.00) for each student completing the third grade, including any student who has been retained in the third grade pursuant to Section 1210.508C of this title, who is found not to be reading at the third-grade level and who subsequently participates in a summer reading remediation program. A school district which has ten or fewer students participating in a summer reading remediation program may be allocated a base amount of One Thousand Five Hundred Dollars (\$1,500.00) for the program which shall be in addition to the per-student reimbursement amount provided for in this subsection. The State Board of Education shall promulgate rules for such a course that specify at least four (4) weeks of tutoring a half (1/2) day each day. The summer reading remediation programs shall be taught by teachers who have successfully completed a professional development institute in reading administered by the Oklahoma Commission for Teacher Preparation or a scientifically-based reading professional development program administered by the State Board of Education.

B. In order to be reimbursed, school districts shall file a claim with the State Department of Education at the end of each school semester or prior to the end of the fiscal year in which the remediation is provided. Claims from summer remediation provided in July or August shall be filed with the first semester claim of the subsequent school year. Claims shall be reimbursed in a timely manner. The State Board of Education shall promulgate rules for the administration of reimbursements.

C. If a teacher attends and completes a professional development institute in elementary reading approved by the Oklahoma Commission for Teacher Preparation during the summer or when school is not in session, the teacher shall receive a stipend equal to the amount of the cost for a substitute teacher, based on the amount of funds allocated.

Historical Data

Added by Laws 1998, HB 2878, c. 332, § 2, emerg. eff. July 1, 1998; Amended by Laws 1999, HB 1365, c. 304, § 1, emerg. eff. July 1, 1999 (superseded document available); Amended by Laws 2000, HB 2000, c. 289, § 4, emerg. eff. July 1, 2000 (superseded document available); Amended by Laws 2005, HB 1020, c. 242, § 21, emerg. eff. July 1, 2005 (superseded document available); Amended by Laws 2008, SB 1769, c. 387, § 1, emerg. eff. July 1, 2008 (superseded document available); Amended by Laws 2011, SB 346, c. 171, § 2 (superseded document available).

 **Oklahoma Statutes Citationized** **Title 70. Schools** **Chapter 22 - Testing and Assessment** **Reading Sufficiency Act** **Section 1210.508E - Grade Promotion - Summer Academy Programs**

Cite as: O.S. §. __ __

A. If a teacher determines that a third-grade student is not reading at grade level by the end of the second quarter of the school year, the parent or guardian of the student shall be notified of:

1. The reading level of the student;
2. The program of reading instruction for the student as required pursuant to the Reading Sufficiency Act; and
3. The potential need for the student to participate in a summer academy or other program designed to assist the student in attaining grade-level reading skills.

B. A teacher who determines a third-grade student is unable to meet competencies required for reading for completion of third grade and promotion to fourth grade shall, after consultation with the parent or guardian of the student, recommend that the promotion of the student to the fourth grade is contingent upon the participation in and successful completion of the required competencies for reading by the student at a summer academy or other program. If the student does not participate in the summer academy or other program or does not successfully complete the competencies in the summer academy or other program, the student shall be retained in the third grade as set forth in Section 1210.508C of this title.

C. Summer academy programs shall be designed to ensure that participating students successfully complete the competencies necessary in reading for promotion to fourth grade and to enhance next-grade readiness. A summer academy reading program shall be a program that incorporates the content of a scientifically research-based professional development program administered by the Oklahoma Commission for Teacher Preparation or a scientifically based reading program administered by the State Board of Education and is taught by teachers who have successfully completed professional development in the reading program or who are certified as reading specialists.

D. School districts may approve an option for students who are unable to attend a summer academy. The optional program may include, but is not limited to, an approved private provider of instruction, approved computer- or Internet-based instruction, or an approved program of reading instruction monitored by the parent or guardian. School districts shall not be required to pay for the optional program, but shall clearly communicate to the parent or guardian the expectations of the program and any costs that may be involved.

E. Subject to the availability of funds, beginning one (1) year after implementation of this section, the requirements of subsection B of this section shall be expanded to apply to fourth-grade student promotion to fifth grade. Each year thereafter, the requirements shall be expanded by one grade level until the requirements apply to third-grade students through eighth-grade students. Summer academy programs shall be designed for each grade level. Nothing in this section shall prevent the State Board of Education or a school district board of education from utilizing private, local, or federal funds to implement this section.

F. The provisions of this section shall not apply to:

1. Students who have individualized education programs pursuant to the Individuals with Disabilities Education Act (IDEA) and who satisfy the annual goals of the individualized education program for that student; and
2. Students who are English language learners who have been determined not to be proficient in English as defined by a state-designated English proficiency assessment. A third-grade student who is an English language learner and is found not to be reading at the third-grade level shall be eligible to participate in a summer reading

remediation program.

G. The State Board of Education shall adopt rules to implement the provisions of this section which shall include requirements for instructional time for summer school programs, teacher qualifications, and evaluation of student achievement as a result of summer academy programs or other optional programs.

Historical Data

Added by Laws 1999, HB 1759, c. 320, § 54, emerg. eff. July 1, 1999; Amended by Law 2001, HB 1499, c. 201, § 7, eff. July 1, 2001 (superseded document available); Amended by Laws 2002, SB 1631, c. 212, § 2, emerg. eff. July 1, 2002 (superseded document available); Amended by Laws 2003, HB 1767, c. 434, § 25 (superseded document available); Amended by Laws 2005, HB 1621, c. 385, § 3 (superseded document available); Amended by Laws 2006, HB 2712, c. 146, § 2, emerg. eff. May 12, 2006 (superseded document available); Amended by Laws 2008, SB 1769, c, 387, § 2, emerg. eff. July 1, 2008 (superseded document available); Amended by Laws 2011, SB 346, c. 171, § 3 (superseded document available).

FACTS SHEET

STATE DEPARTMENT OF EDUCATION

210:15-34-1. Supplemental Online Course Procedures

1. **Write a brief summary of the rule(s) in simple language.**
The rules are required to be promulgated pursuant to statute (SB 280), which was passed by emergency with an effective date of July 1, 2011. Senate Bill 280 amended an existing online course law which has been in effect since September of 2010. Both SB 280 and the prior version of the legislation require the OSBE to promulgate a specific set of rules regarding the provision and implementation of online course delivery by districts. The rules permit students enrolled in their district to take "supplemental online courses," defines "supplemental online course" and provides guidance to districts as specifically required by statute
2. **Explain proposed changes as briefly as possible.**
Currently, there are no formal rules or procedures for school districts to implement supplemental online courses. These rules are new and are required to be promulgated by statute.
3. **What are the circumstances which created the need for the rule(s)?**
70 O.S. § 1-111
2011 Senate Bill 280
5. **What is the intended effect of the rule(s)?**
The effect is to provide clarification and guidance to school districts that are statutorily required to provide students the opportunity to enroll in supplemental online courses.
6. **What is the statute or other legal instrument, which authorizes the Board to promulgate rules for this area of control, and/or the statute or other legal instrument, which authorized the rule change?**
70 O.S. §1-111(C)
70 O.S. § 3-104
7. **Does the proposed change incorporate a set of rules from a body outside the state, such as a national code? If so, list from what body and provide legal name of the set of rules, as recognized by that state.**
The proposed change does not incorporate a set of rules from a body outside the state. This rule is to comply with state law.

CHAPTER 15. CURRICULUM AND INSTRUCTION

SUBCHAPTER 34. SUPPLEMENTAL ONLINE COURSE PROCEDURES

210:15-34-1. General provisions

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

(b) General Information. The Oklahoma Supplemental Online Course Program (hereafter referred to as OSOCP), establishes a framework for districts to offer supplementary online courses to any student residing in Oklahoma. All OSOCP teachers shall be: 1) appropriately certified in accordance with Oklahoma Administrative Rule 210:15-35-21-2 to teach in the content area of the course offered, or 2) a faculty member at an accredited institution of higher education, possessing the specific content expertise necessary to teach the course. All courses offered through OSOCP shall be aligned with *Oklahoma's Priority Academic Student Skills (PASS)* curriculum standards and/or *Common Core State Standards (CCSS)*.

(c) Definitions.

(1) Supplemental online course: An online program that allows students to take less than a full load of online courses, as defined by local or state legal entities.

(2) Educationally appropriate: For the purposes of supplemental online courses, educationally appropriate means an instructional delivery method best suited for an individual student to advance the student's academic standing toward meeting the learning expectations and district graduation requirements for the student.

210: 15-34-2. Access

Each Oklahoma public school district shall provide eligible students residing in Oklahoma the opportunity to participate in supplemental online courses that comply with the standard curriculum of the public school. Once a student has made a request to enroll in supplemental online course(s), the district will be obligated to take necessary steps to make online course(s) available to the student. Oklahoma public school students may take supplemental online courses from any online course provider approved by the district that meets the criteria established by the Oklahoma State Board of Education. The school district shall not limit a student's access to supplemental online courses by either policy or application of internal or customary procedures. However, students accessing supplemental online courses from a remote location will be responsible for providing their own equipment and Internet access.

210: 15-34-3. Funding

The yearly revenue generated from all sources of revenue for school districts may be used by districts to purchase one or more courses per student from any online course provider that meets the criteria established by the Oklahoma State Board of Education. A school district shall provide funding for online courses in an amount not to exceed the yearly per pupil expenditure for the student. Public school students will be allowed to take up to five hours of instruction per day online at no cost to the student. Districts shall not be required to dedicate more than the pro rata portion of the yearly per pupil revenue received for the student towards payment for online courses so that the appropriate portion of funding is allocated to correspond with the number of online course hours the student has enrolled in. Students wishing to take more online course instruction may do so, but the cost to the district of such additional courses cannot exceed the pro rata expenditure for the student. No district will be financially responsible to pay an online course provider for online course instruction expenses incurred by a student that exceeds the pro rata expenditure for the student. The funding restrictions in no way will effect, prohibit or prevent any student from enrolling in additional online courses at the expense of the student or student's parent or guardian. Districts will also bear no responsibility for payment or collection of any outstanding funds or

fees owed by a student to an online course provider.

210: 15-34-4. School Day

Students may take OSOCP courses from a location inside or outside of the school site location, and may be taken outside normal school hours of operation. Students who elect to enroll in supplemental online courses, regardless of when or where taken, are still required to complete at least 1,080 hours per year of total academic instruction, which is the equivalent of the mandatory six hour school day for 180 days of instruction. For purposes of supplemental online courses, one credit may be granted for required or elective courses consisting of a minimum of 120 instructional hours or in which students demonstrate mastery of Oklahoma's PASS and/or CCSS in one-credit courses without specified instructional time.

210: 15-34-5. Student Eligibility, Admissions & Enrollment

Online supplemental courses that are educationally appropriate shall be offered to all qualifying Oklahoma school students who meet the following criteria:

(a) Eligibility. Districts shall offer individual academically approved and educationally appropriate online supplemental courses to students who are enrolled full-time in a local school district of the student's residence. Students enrolled in supplemental online courses through the local public school district must meet all enrollment and eligibility criteria set by the district, the Oklahoma State Board of Education Rules, and Oklahoma State Statutes. Districts may use their existing residency determination policy utilized for registration/enrollment so long as the policy complies with all current rules and statutes regarding residency and enrollment. Only students who are enrolled in the public school in the district of residence for the current school year are eligible to enroll in supplemental online courses through OSOCP.

(b) Admissions. Each accredited public school district shall apply their locally adopted admissions process for regular enrollment to satisfy enrollment requirements for online students. The admission process for students taking one or more supplemental online courses through a public school district shall be the same for students enrolled in traditional coursework.

(c) Enrollment in Supplemental Online Courses. Each local school board shall adopt a policy that prohibits the district from denying a student the opportunity to enroll in educationally appropriate online courses. The local school district policy shall allow for ongoing and continuous enrollment for supplemental online courses that are compliant with the state statute and all applicable Administrative Rules. Students may have input as to the selection of supplemental online course providers. No enrollment in a supplemental online course will be allowed until the parent or legal guardian has signed the Oklahoma State Department of Education Student Assessment Results Release Form or FERPA waiver. If a school district denies a student's enrollment in a supplemental online course based upon a determination that the course is not educationally appropriate, the local school board enrollment policy must contain a process for the parents or legal guardians of the student to appeal that determination.

(d) Course Codes and Course credit transferability. For the purpose of data collection, supplemental online courses shall employ the appropriate course codes, names, and numbers as established by the Oklahoma State Department of Education. All public school districts in Oklahoma shall recognize course credit issued for courses authorized through OSOCP.

(e) Reporting Course completion or change in enrollment status. Supplemental online course providers shall officially notify school districts and parents in writing of the completion of each course the student takes within five (5) business days of completion. Course grades must be reported in the form of a percentage or in a manner consistent with local school grading policies. Local districts shall use the district's established grading scale to convert the percentage to a letter grade or other notation consistent with local school grading policies for transcript purposes. Providers must also report any change in a student's status (moving, dropping a course, etc.) within five (5) business days of such change.

210: 15-34-6. Grading Scales

School district policies governing grading scales and credits earned shall be applied to OSOCP courses

under the same criteria as courses offered by the school district. A grade assigned for course credit that was completed through the OSOCP shall be treated the same as any other course offered by the district.

210: 15-34-7. Student information system

Each district shall use the Oklahoma State Department of Education's electronic student information system to document enrollment in a supplemental online course. The online provider for the course shall be coded to the individual student's enrollment record.

210: 15-34-8. Course withdrawal grace period

Each local school board shall adopt policies for a grace period for withdrawal from a supplemental online course of fifteen (15) calendar days from the first day of a supplemental online course enrollment. A student who withdraws during the fifteen (15) day grace period may withdraw from the supplemental online course without academic penalty. A student who withdraws from any supplemental online course is still obligated to complete 1,080 hours of academic instruction per calendar year to meet Oklahoma's six hour per day, 180 days per year academic instruction requirements. No school district shall be required to pay an online course provider for any student enrollment of less than (15) fifteen calendar days.

210: 15-34-9. Course completion

Supplemental Online courses are an optional avenue for instruction. All existing requirements related to student progression including retention, promotion, and grade assignment are the same for the school district's online students as they are for students enrolled in traditional courses. Each local school board shall ensure that students have the opportunity to advance through the supplemental online course at their own pace so long as the supplemental online course completion corresponds with the standard course completion schedule of the district or the student's Individualized Education Program (IEP).

210: 15-34-10. Attendance

Students enrolled in supplemental online courses must meet all state mandated compulsory attendance requirements and are not exempt from state truancy laws. Attendance/participation in a supplemental online course shall be determined by documented student/teacher/course interaction that may include, but is not limited to, online chats, emails, posting/submission of lessons, etc. The student may be counted "present" or "in attendance" when the supplemental online course provider provides evidence of student/teacher/course interaction that demonstrates student progress toward learning objectives and demonstrates regular student engagement in course activity. Supplemental online course providers shall make available to students, parents, and districts reports that reflect daily attendance/participation. Such attendance/participation reports shall be provided to parents and districts on a regular weekly basis. The supplemental online course provider must provide evidence that the student is making appropriate progress weekly and such reports shall be sent to the designated resident district office via electronic format.

210: 15-34-11. Extracurricular and co-curricular activities

Students who are enrolled in one or more supplemental online courses may participate in extracurricular activities sponsored by the district in which they are enrolled in accordance with state law.

210: 15-34-12. Student assessments

Students enrolled in online courses must participate in required state-level academic assessments in the same manner as other regularly enrolled students within the state. No student will be allowed to enroll in an online course without submission of a signed Education Student Assessment Results Release Form or FERPA waiver, available on the Oklahoma State Department of Education (OSDE) Web site at <www.sde.state.ok.us>. Each local school board shall adopt a policy that requires and ensures each student enrolled in one or more online courses will participate in state assessments administered pursuant

to state statute and that the results of the assessments are released to the school district and the online course provider(s).

210: 15-34-13. Communication: Progress Reports

Local school districts shall establish a method for districts to accept transmissions of progress reports and grades for students enrolled in supplemental online courses. Students enrolled in supplemental online courses shall have their progress monitored by the supplemental online course provider weekly and weekly progress reports shall be transmitted to the designated district representative and parent(s)/guardian(s) via electronic format. Such reports shall be reviewed regularly by the district at least twice per month.

210: 15-34-14. Online Course Providers

Each supplemental online course provider seeking to serve Oklahoma public school districts must demonstrate compliance with Oklahoma State Board of Education guidelines by completing the Oklahoma State Department of Education School District Virtual Instruction Vendor Form. This form is available on the OSDE web site, <www.sde.state.ok.us>. Vendor forms shall be submitted to the OSDE with a list of all course offerings that meet Oklahoma educational standards and shall include a price list of the cost of each course offered by that Vendor for the current fiscal year. The Vendor Form will be posted on the OSDE Web site and must be updated annually by the Vendor by July 1st of each fiscal year. The course offerings and price schedules listed by each Vendor should be honored by the Vendor for a full fiscal year. No vendor shall be allowed to charge a price to the districts for an online course that is higher than the price listed in the OSDE Vendor Form on file with the OSDE unless the district enters into a contract for additional services. A district may choose to negotiate a lower price with the vendor or choose to pay a higher price.

210: 15-34-15. Funding and Payment

A price schedule for each supplemental online courses for each online vendor shall be listed and maintained by the State Board of Education for the current academic year. The local school district shall only be required to pay the price listed by the vendor for that academic year. A district may choose to negotiate a lower price with the vendor. The local school district shall use standard payment procedures that comply with the uniform Oklahoma Cost Accounting System for reporting of supplemental online course expenses and state rules and regulations for payments on accounts. Payment for supplemental online courses for the student is the responsibility of the local public school district from the pro rata revenue generated for that student for the academic school year from all revenue sources. Districts may use state aid funds generated by the student's grade and other applicable pupil category weights and all other allowable revenue sources to pay for supplemental online courses. Students taking supplemental online courses through their district of residence shall be reported in the same manner as regularly enrolled students in the district. Payment to the provider will be based upon continued course enrollment and subsequent course completion. Final payment to the provider shall be made in accordance with the district's procurement policies or as otherwise negotiated by the district with the vendor by contract. All vendor contracts must comply with all state contracting rules and regulations.

210: 15-34-16. Special Education

Local school districts and their approved supplemental online course providers shall provide services/accommodations set forth in a student's Individualized Education Program (IEP) to enable a student to take supplemental online courses as defined in section 210-15-34-(c)(1)(2). Provisions in the IEP for related services shall be the responsibility of the local school district where the student is enrolled in accordance with the Individuals with Disabilities Education Act (IDEA). Enrollment in supplemental online course does not abdicate, modify or alter the school district's legal responsibility for special education students under IDEA.

An Act

ENROLLED SENATE
BILL NO. 280

By: Stanislawski of the Senate

and

Coody and Ritze of the
House

An Act relating to online education; amending 70 O.S. 2001, Section 1-111, as last amended by Section 1, Chapter 352, O.S.L. 2010 (70 O.S. Supp. 2010, Section 1-111), which relates to the length of a school day and certain exceptions; deleting requirement that the State Department of Education make rules requiring telephonic communication between teachers and students and their parents; deleting requirement for establishment of certain plans; deleting requirement for certain assessments; providing an effective date; and declaring an emergency.

SUBJECT: Online education

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 70 O.S. 2001, Section 1-111, as last amended by Section 1, Chapter 352, O.S.L. 2010 (70 O.S. Supp. 2010, Section 1-111), is amended to read as follows:

Section 1-111. A. Except as otherwise provided for by law, a school day shall consist of not less than six (6) hours devoted to school activities. A district board of education may elect to extend the length of one (1) or more school days to more than six (6) hours and reduce the number of school days as long as the total

amount of classroom instruction time is not less than one thousand eighty (1,080) hours per year as required pursuant to Section 1-109 of this title.

B. A school day for nursery, early childhood education, kindergarten, and alternative education programs shall be as otherwise defined by law or as defined by the State Board of Education. Not more than one (1) school day shall be counted for attendance purposes in any twenty-four-hour period.

C. Students absent from school in which they are regularly enrolled may be considered as being in attendance if the reason for such absence is to participate in scheduled school activities under the direction and supervision of a regular member of the faculty or to participate in an online course approved by the district board of education. The State Board of Education shall adopt rules to provide for the implementation of supplemental online courses which shall include, but not be limited to, provisions addressing the following:

1. Criteria for student admissions eligibility;
2. A student admission process administered through the district of residence, which provides the ability for the student to enroll in individual courses;
3. An electronic student transfer system which does not require the student desiring to transfer to another district for enrollment in an online course to personally appear in the district to which the transfer is sought;
4. A process by which students are not denied the opportunity to enroll in educationally appropriate courses by school districts;
5. Creation of a system which provides ongoing enrollment access for students throughout the school year;
6. A grace period of fifteen (15) calendar days from the first day of an online course for student withdrawal from an online course without academic penalty;

~~7. Establishment of an Individualized Learning Plan (ILP) for each student;~~

~~8. Mastery of competencies for course completion rather than Carnegie units;~~

~~9. 8. Student participation in extracurricular activities in the district of residence accordance with school district eligibility rules and policies and any rules and policies of a private organization or association which provides the coordination, supervision, and regulation of the interscholastic activities and contests of schools;~~

~~10. 9. Parent authorization for release of state test results to online course providers, on a form developed by the State Department of Education;~~

~~11. Student participation in assessments administered pursuant to Section 1210.508 of this title at a school in the district of residence;~~

~~12. Provision for ongoing weekly telephonic communication between teacher and student, and monthly telephonic communication between teacher and parent, and~~

~~13. 10. A review process to identify and certify online course providers and a uniform payment processing system.~~

D. Each district board of education shall adopt policies and procedures that conform to rules for online courses as adopted by the State Board. Such policies shall include criteria for approval of the course, the appropriateness of the course for a particular student, authorization for full-time students to enroll in online courses, and establishing fees or charges. No district shall be liable for payment of any fees or charges for any online course for a student who has not complied with the district's policies and procedures. School districts shall not deny students the opportunity to enroll in educationally appropriate courses and shall provide an admissions process which includes input from the student, the parent or guardian of the student, and school faculty.

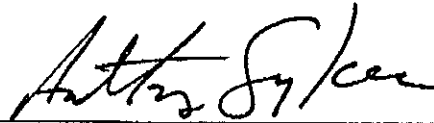
E. Districts shall require students enrolled in online courses to participate in the Oklahoma School Testing Program Act. Students participating in online courses from a remote site will be responsible for providing their own equipment and Internet access, unless the district chooses to provide the equipment. Credit may not be granted for such courses except upon approval of the State Board of Education and the district board of education.

F. The school day for kindergarten may consist of six (6) hours devoted to school activities.

SECTION 2. This act shall become effective July 1, 2011.

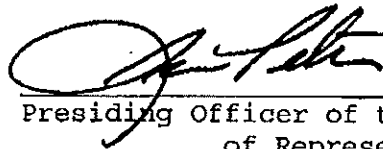
SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 17th day of May, 2011.



Presiding Officer of the Senate

Passed the House of Representatives the 19th day of May, 2011.



Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Governor this 20th
day of May, 20 11,
at 11:32 o'clock AM.

By: Jessie R. Poyen

Approved by the Governor of the State of Oklahoma the 26th day of
May, 20 11, at 1:47 o'clock PM.

May Zeller
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this
26th day of May, 20 11,
at 6:01 o'clock P.M.

By: Michelle R. Dargatzis



Oklahoma Statutes Citationized**Title 70. Schools****Chapter 1 - School Code of 1971****Article Article I - Scope, Organization, and Definitions****Section 1-111 - School Day - Six Hours - Exceptions**

Cite as: 70 O.S. § 1-111 (OSCN 2012)

A. Except as otherwise provided for by law, a school day shall consist of not less than six (6) hours devoted to school activities. A district board of education may elect to extend the length of one (1) or more school days to more than six (6) hours and reduce the number of school days as long as the total amount of classroom instruction time is not less than one thousand eighty (1,080) hours per year as required pursuant to Section 1-109 of this title.

B. A school day for nursery, early childhood education, kindergarten, and alternative education programs shall be as otherwise defined by law or as defined by the State Board of Education. Not more than one (1) school day shall be counted for attendance purposes in any twenty-four-hour period.

C. Students absent from school in which they are regularly enrolled may be considered as being in attendance if the reason for such absence is to participate in scheduled school activities under the direction and supervision of a regular member of the faculty or to participate in an online course approved by the district board of education. The State Board of Education shall adopt rules to provide for the implementation of supplemental online courses which shall include, but not be limited to, provisions addressing the following:

1. Criteria for student admissions eligibility;
2. A student admission process administered through the district of residence, which provides the ability for the student to enroll in individual courses;
3. An electronic student transfer system which does not require the student desiring to transfer to another district for enrollment in an online course to personally appear in the district to which the transfer is sought;
4. A process by which students are not denied the opportunity to enroll in educationally appropriate courses by school districts;
5. Creation of a system which provides ongoing enrollment access for students throughout the school year;
6. A grace period of fifteen (15) calendar days from the first day of an online course for student withdrawal from an online course without academic penalty;
7. Mastery of competencies for course completion rather than Carnegie units;
8. Student participation in extracurricular activities in accordance with school district eligibility rules and policies and any rules and policies of a private organization or association which provides the coordination, supervision, and regulation of the interscholastic activities and contests of schools;
9. Parent authorization for release of state test results to online course providers, on a form developed by the State Department of Education; and
10. A review process to identify and certify online course providers and a uniform payment processing system.

D. Each district board of education shall adopt policies and procedures that conform to rules for online courses as adopted by the State Board. Such policies shall include criteria for approval of the course, the appropriateness of the course for a particular student, authorization for full-time students to enroll in online courses, and establishing fees or charges. No district shall be liable for payment of any fees or charges for any online course for a student

who has not complied with the district's policies and procedures. School districts shall not deny students the opportunity to enroll in educationally appropriate courses and shall provide an admissions process which includes input from the student, the parent or guardian of the student, and school faculty.

E. Districts shall require students enrolled in online courses to participate in the Oklahoma School Testing Program Act. Students participating in online courses from a remote site will be responsible for providing their own equipment and Internet access, unless the district chooses to provide the equipment. Credit may not be granted for such courses except upon approval of the State Board of Education and the district board of education.

F. The school day for kindergarten may consist of six (6) hours devoted to school activities.

Historical Data

Added by Laws 1971, HB 1155, c. 281, § 1-111, emerg. eff. July 2, 1971; Amended by Laws 1989, SB 183, c. 335, § 5, emerg. eff. July 1, 1989; Amended by Laws 1989, 1st Extr. Sess., HB 1017, c. 2, § 32, emerg. eff. April 25, 1990; Amended by Laws 1992, SB 986, c. 324, § 5, emerg. eff. July 1, 1992; Amended by Laws 1994, HB 2640, c. 290, § 68, eff. July 1, 1994; Amended by Laws 2001, SB 595, c. 427, § 1, emerg. eff. June 5, 2001 (superseded document available); Amended by Laws 2002, SB 1408, c. 453, § 1, emerg. eff. July 1, 2002 (superseded document available); Amended by Laws 2003, SB 289, c. 40, § 1, emerg. eff. July 1, 2003 (repealed by Laws 2004, HB 2725, c. 5, § 82, emerg. eff. March 1, 2004); Amended by Laws 2003, HB 1343, c. 169, § 1, emerg. eff. July 1, 2003 (superseded document available); Amended by Laws 2004, HB 2725, c. 5, § 81, emerg. eff. March 1, 2004 (superseded document available); Amended by Laws 2009, HB 1864, c. 103, § 2, emerg. eff. April 24, 2009 (superseded document available); Amended by Laws 2010, SB 2319, c. 352, § 1 (superseded document available); Amended by Laws 2011, SB 280, c. 368, § 1, emerg. eff. July 1, 2011 (superseded document available).

FACTS SHEET: TRANSPORTATION RULES

STATE DEPARTMENT OF EDUCATION

**Title 210
Chapter 30
Subchapter 5
Section 1**

- 1. Write a brief summary of the rule(s) in simple language.**
The rule establishes a process by which insulin dependent individuals may be employed as bus drivers and sets forth eligibility requirements and monitoring requirements for both the individual and the employing school district.
- 2. Explain proposed changes as briefly as possible.**
See above.
- 3. What are the circumstances which created the need for the rule(s)?**
The prior rule contained an absolute prohibition relating to insulin dependent individuals serving as bus drivers. Amendments bring SDE rules into compliance with the Americans with Disabilities Act.
- 4. Include a reference to any statute that the rule change interprets, any related statute or any related rule, and include a description of the classes of persons who most likely will be affected by the rule(s).**
The Americans with Disabilities Act, 42 U.S.C. 12101, *et seq.*
- 5. What is the intended effect of the rule(s)?**
To allow individuals with insulin dependent diabetes to safely serve in the capacity of school bus driver.
- 6. What is the statute or other legal instrument, which authorizes the Board to promulgate rules for this area of control, and/or the statute or other legal instrument, which authorized the rule change?**
The Americans with Disabilities Act, 42 U.S.C. 12101, *et seq.*; 70 O.S. 3-104(6)
- 7. Does the proposed change incorporate a set of rules from a body outside the state, such as a national code? If so, list from what body and provide legal name of the set of rules, as recognized by that state.**
Not applicable. Although, SDE staff surveyed similar rules promulgated in other states.
- 8. Why is this considered an emergency and what might happen if not promulgated as soon as possible?**
Not applicable.

CHAPTER 30. SCHOOL FACILITIES AND TRANSPORTATION

SUBCHAPTER 5. TRANSPORTATION

210:30-5-1. District operation and management

(a) **Administration.** The local superintendent and board of education shall be held responsible for applying these regulations to all pupil transportation under their administration and supervision. In keeping with this responsibility, each local board of education shall examine and periodically review the school district's bus fleet liability insurance coverage and its tort liability insurance coverage to assure such coverages are coordinated to protect the interest of the students, general public, and school district. Any school district maintaining a school may provide transportation with the approval of the State Board of Education.

(b) **Students.**

(1) A student must live in a school district authorized by law to furnish transportation.

(2) A student must live one and one-half (1 1/2) miles or more by commonly traveled road from the school attended. Students living less than one and one-half (1 1/2) miles from school may be transported, but shall not be counted in determining state aid.

(3) A normal school day consists of not less than six (6) hours, exclusive of lunch period, with the exception of the first and kindergarten grades. Transportation may be provided for kindergarten age students to and from school during the normally scheduled morning and evening bus operation. Districts desiring to provide additional transportation for kindergarten students at midday may do so at local district expense but it is not required.

(4) The local school district is responsible for providing transportation for an eligible special education student when transportation has been identified as "related service" necessary to enable the student to receive the educational services outlined in his/her Individualized Education Program (IEP).

(5) Students living in a school district not offering the grade which they are entitled to pursue are entitled to transportation to a school authorized by law to provide transportation to and from school provided they have been legally transferred and reside in the transportation area.

(c) **Activities.** All Oklahoma school districts shall develop policies and procedures authorizing transportation for extracurricular activities and community involvement purposes as authorized by 70 O.S. § 5-130.

(d) **Routes and boundaries.** All school bus routes shall be evaluated annually for safety and efficiency by the local school district supervisor of transportation or designee.

(1) **Boundaries.**

(A) A change in transportation area made after July 1, will not become effective until the next July 1, unless all boards of education affected agree to the proposed change.

(B) An elementary area that has been assigned to a high school transportation area may be changed to another high school transportation area by mutual agreement, in writing, by the three (3) boards of education affected and the approval of the State Board of Education.

(C) A part or all of an elementary school district that is isolated from the remainder of the school district's transportation area because of topography or previous annexations to another high school district, may be changed from one high school district's

transportation area to another high school district's transportation area if the State Board of Education determines the change should be made on the basis of good administration.

(D) When a dependent school district is surrounded by an independent school district, that district must be designated as the transportation area for the high school students.

(E) An independent school district's transportation route may extend into a dependent school district's territory to pick up students whose grade is not offered in the dependent district.

(F) Upon mutual agreement of two (2) school districts, a school district may cross a portion of another district provided the doors of the school bus are kept closed.

(2) Petition for changing boundary lines.

(A) Seventy percent (70%) of the legal voters residing in a district who have children eligible to attend a public school (grades K through 12) or who have children under the age of five (5) may petition the State Board of Education for an election to change any part or all of a district from one transportation area to another.

(B) The State Board of Education will approve a convenient date for an election, supply ballots, and send a representative to assist with the election.

(C) If fifty-one percent (51%) of all such legal voters in the district vote for the change, the election makes a good recommendation to the State Board of Education.

(3) Changing areas, high school districts discontinued. High school districts and/or elementary school districts that must be placed in one or more high school transportation area or areas because a high school has been discontinued may be placed in a transportation area or areas on the following basis:

(A) All or part of District "A" may be placed in the transportation area of high school District "B", whose transportation area is not adjacent to District "A", provided high school District "C", which has transportation area that separates District "A" from District "B" transportation area, appears to be in jeopardy of being discontinued itself, and provided the number of people in District "A", who want to be placed in the transportation area of District "B", justifies such an arrangement. People in District "A" requesting these arrangements to enable them to annex to District "B" will be given much more consideration than those desiring to transfer only.

(B) No portion of a school district that is adjacent to a high school district's transportation area, but is separated from the high school area by a natural barrier, will be placed in the high school district's transportation area unless or until there is a road connecting the two (2) areas that is maintained in a manner that will justify the operation of a school bus over the road across the barrier.

(e) School bus.

(1) Equipment.

(A) Transportation equipment used to transport ten (10) or more public school children at one time shall meet all the minimum standards required for Types A, B, C, and D buses.

(B) Vehicles having a seating capacity of fewer than (10) passengers, excluding the operator, are not required to meet the State minimum standards for school buses.

(2) School bus inspections.

(A) A driver shall perform a daily pre-trip safety inspection of the vehicle. The inspection shall include brakes, lights, tires, exhaust system, gauges, windshield wipers, steering and fuel. The driver shall make a daily written report describing the condition of

the bus and listing any deficiencies. This report is to remain on file with the local Chief Administrative Officer or designee for a period of ninety (90) days.

(B) A school district shall have each school bus mechanically inspected annually by an inspector approved by the Oklahoma State Department of Education.

(C) At least twice during each school year, each pupil who is transported in a school vehicle shall be instructed in safe riding practices, and participate in emergency evacuation drills. This instruction should be conducted during the first two weeks of each semester.

(3) School bus inspector qualifications.

(A) Any person licensed to inspect school buses by the Department of Public Safety under the Motor Vehicle Laws of Oklahoma prior to July 1, 2001, may be qualified to perform annual school bus inspections.

(B) Any person not meeting the qualifications as prescribed in (A) may be qualified to perform the annual school bus inspection by submitting proof to the Oklahoma State Department of Education that they meet the following qualifications:

(i) Two years experience as an automotive technician and certification by the Association for Automotive Service Excellence (ASE), or

(ii) Any person qualified to perform inspections under the Federal Motor Carrier Safety Act, appendix G.

(iii) Any person successfully completing an Inspector's Training Course approved by the Oklahoma State Department of Education.

(4) Standards and school bus specifications.

(A) The NATIONAL MINIMUM STANDARDS FOR SCHOOL BUSES applies to school bus construction and equipment. The Oklahoma State Board of Education has accepted the various methods bus manufacturers use to meet the requirements of these standards and all requirements under the Federal Motor Vehicle Safety Standards. (P.L. 89-563) The responsibility for compliance with Federal and State bus specifications rests with dealers and manufacturers.

(B) State Standards in addition to Federal Requirements also apply as follows:

(i) No school district may purchase any used or previously owned school bus unless the seller certifies prior to the sale, that the bus meets all safety standards and specifications for the date of manufacture of the used bus. Any school district that purchases a used or previously owned bus without the certification regarding compliance with standards shall forfeit their state transportation aid. The seller of any used or previously owned school bus shall certify to the local board of education that any such transportation equipment meets all Oklahoma and National Standards required for the date of its manufacture.

(ii) Church buses used for the purpose of transporting children to and from schools accredited by the State Department of Education shall be painted national school bus yellow.

(C) School districts that convert or have converted school buses to Liquefied Petroleum Gas (LPG) shall comply with safety standards prescribed by the National Fire Protection Association, Standard No. 58 (NFPA-58) and the Oklahoma Liquefied Petroleum Gas Administration. In order to insure safe installation and proper maintenance of equipment, all personnel must also meet the following existing requirements of the Oklahoma Liquefied Petroleum Gas Administration: "No person, firm, corporation, association, or

other entity shall engage in the manufacturing, assembling, fabrication, installing, or selling of any system, container, or apparatus to be used in this State in or for the transportation, storing, dispensing, or utilization of LPG, nor shall any transporter, distributor, or retailer of LPG store, dispense and/or transport over the highways of this State any LPG for use in this State in any system, container, apparatus, or appliance without having first obtained a permit to do so as provided..."

(f) **Special education.**

(1) **Loading responsibility.** The local school district is responsible for the special education child from the time the student is loaded at the "home curb" until returned and unloaded at the "home curb". The parent or their designee is responsible for "door-to-curb", "curb-to-door", and "street crossing" of the child to the designated loading and unloading point.

(2) **Extended boundaries.** Based upon mutual agreement between two participating school districts, a school district offering special education classes may extend its transportation program to include the transportation of students qualifying for special education in an adjacent school district which does not offer special education classes.

(g) **School bus driver certification.**

(1) **General criteria.**

(A) No board of education shall have authority to enter into any written contract with a school bus driver who does not hold a valid certificate issued by the State Board of Education authorizing said bus driver to operate a school bus.

(B) The State Board of Education requires all public school bus drivers to complete a school bus drivers training course approved by the State Department of Education to obtain a standard certificate.

(C) All school bus drivers must have not less than 20-40 vision (Snellen) in each eye and not less than 20-40 vision (Snellen) with both eyes and a minimum field of vision of 70 degrees horizontal median vision in each eye.

(D) Any person with diabetes requiring insulin by injection shall not be eligible for a school bus certificate unless the individual possesses a diabetic/medical exemption from the Oklahoma Department of Public Safety (DPS) or the Federal Motor Carrier Safety Administration (FMCSA), and has met all physical examination requirements of subsection (I) of this section. Upon hire, exempted individuals will be required to:

(i) Self-monitor their current blood glucose level no more than one hour prior to their driving shift and approximately every four hours after that time while driving a school bus by using a portable glucose monitoring device with a computerized memory;

(ii) Maintain blood glucose logs, including daily readings for days that the certificate holder is not driving and extending back at least one month from the current date. These logs must include blood glucose level, date and time of test. Paper tapes generated by portable glucose monitoring devices having a printing capability may be used in lieu of a log prepared by the driver. These logs will be submitted on request to any agent of the State Department of Education (SDE), or the employing district's transportation supervisor;

(iii) Carry a source of rapidly absorbable glucose at all times while operating a school bus; and

(iv) Be examined annually by an Oklahoma board certified medical doctor (MD) who attests:

- a) The individual demonstrates and has demonstrated a willingness to monitor and manage his or her diabetes;
- b) The individual is not likely to suffer any diminution in his or her driving ability due to diabetes; and
- c) The individual's diabetes is successfully managed.

(E) Superintendents or their designees who hire individuals who hold a diabetes exemption certification must keep on file:

- (i) A current copy of the diabetes exemption certificate of the individual;
- (ii) The contact information of the board certified medical doctor (MD) who is treating the individual and record of the annual medical certification issued by the board certified medical doctor (MD) pursuant to sub-section (D) of this section; and
- (iii) Copies of the driver's blood glucose log required in sub-section (D) showing that the diabetic condition has successfully been managed;

(F) Superintendents or their designees shall not allow an individual holding a diabetes exemption certificate to drive if their blood glucose level is outside of a range of 80 to 350. If the test is between 60 and 79 then the operator cannot drive school children until the blood glucose measure is within the target range. If the test is below 60 or above 350 then the operator cannot operate a school bus or transport school children as an employee of any school district until the individual has been certified as medically able to safely resume work related duties by the Oklahoma board certified medical doctor (MD) for which they are being treated.

(G) In the event an individual holding a diabetes exemption is involved in an incident directly caused by their diabetic condition, the school district shall ensure the individual is medically able to safely resume work related duties, in accordance with generally applicable district policy.

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

~~(F)~~ (I) All school bus drivers shall have an annual health certificate signed by a physician licensed by this state filed in the office of the local Chief Administrative Officer or designee attesting that such physician has examined the applicant and that the applicant has no sign or symptoms of ill health, and is otherwise, from the observation of such physician, physically and mentally capable of safely operating a school bus. As an alternative to the annual physical examination requirements for school bus drivers, school districts may adopt a policy that utilizes a biannual physical examination, provided the examination is in compliance with the physical qualifications and examination requirements of the Federal Motor Carrier Safety Act, Subpart E 391.41 to 391.50.

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

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

(L) The State Board of Education shall revoke the license of any certificate holder who fails to comply with the provisions of this section.

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

(2) Certificate requirements.

(A) The Chief Administrative Officer or designee shall certify to the State Department of Education that each applicant submitted for Standard Five-Year Certification:

(i) Is at least 18 years of age.

(ii) Has successfully completed a special school bus drivers' course approved by the State Department of Education.

(iii) Holds a valid Commercial Drivers license (CDL) appropriate for the type of vehicle driven with the proper endorsements required by the Department of Public Safety.

(iv) Has not been convicted, plead guilty, or nolo contendere to a felony during the last ten years.

(v) Has passed a driving record check, and no certificate shall be issued to any person who, within the preceding three years:

(I) Has had a license suspended or revoked, canceled or withdrawn pursuant to the Implied Consent Laws at 47 O.S. §751 et seq.

(II) Has a conviction for a violation of 47 O.S. §11-902 which includes driving, operating or being in actual physical control of a vehicle while under the influence of alcohol or any intoxicating drug.

(III) Has been convicted or plead guilty to a violation of 47 O.S. §761, operating a motor vehicle while impaired by consumption of alcohol.

(IV) Has been convicted of any municipal violation of driving under the influence of alcohol or drugs or operating a motor vehicle while impaired or being in actual physical control of a motor vehicle while impaired.

(V) Has had four or more traffic violations. (excluding parking violations)

(B) The Chief Administrative Officer or designee shall certify to the State Department of Education that the applicant for an Emergency One-Year School Bus Driver Certificate (Not Renewable).

(i) Is at least 18 years of age.

(ii) Holds a valid Commercial Drivers License with the proper endorsements required by the Department of Public Safety.

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

(i) Every five years, each driver shall have successfully completed 4 hours per year of inservice training approved by the State Department of Education.

(ii) The local Chief Administrative Officer or designee shall certify to the State Department of Education that the applicant meets all requirements for standard certification, [47 O.S. § 15-109]

- (iii) Each applicant has a health certificate on file signed by a licensed physician and meets all vision requirements, ~~and is not dependent upon insulin by injection,~~
- (iv) Each applicant has not been convicted or plead guilty of a felony in the last ten years, and
- (v) A driving record has been checked and meets State Board of Education requirements for certification.

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 2012)

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 judgement 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 the Revolving Fund Procedures Act;

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;

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 the Revolving Fund Procedures Act, Section 155 et seq. of Title 62 of the Oklahoma Statutes; and

24. Have authority to review preliminary plans for new construction and major alteration of public school buildings where structural changes are proposed. No bids shall be let for the construction or major alteration of any public school building until preliminary plans and specifications for such construction or alteration have been submitted to and reviewed by the State Department of Education. The period of time during which such review is conducted by the State Department of Education shall not exceed thirty (30) days. The State Department of Education shall advise each local school district regarding said review of preliminary plans and specifications. Provided, nothing in this subsection shall be construed as repealing any ordinance or building code of any city, town or county.

Historical Data

Added by 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).