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Office of Administrative Rules



**Kevin Stitt, Governor**  
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**"Nonreemployment"** means the nonrenewal of a teacher's contract upon expiration of the contract (end of school term).

**"Policies"** means principles adopted by the State Board of Education (Board) to help it identify and select actions to guide and determine its present and future decisions.

**"Policy of evaluation"** means the development of a document a school district's policy, developed pursuant to 70 O.S. § 6-101.10, describing the total teacher and administrator evaluation system including the purposes of evaluating, the criteria to be used as standards, and the procedure to be followed in implementing the evaluation process.

**"Procedures"** means actions specified by rules and regulations to be followed in carrying out a policy or law. It may also mean processes used in the implementation of a program.

**"Professional development program"** means the program mandated by this act 70 O.S. § 6-194 for the continuous improvement and enrichment of the certified and licensed teachers and administrators of this state.

**"Sexual conduct"** means the soliciting, or imposing, of criminal activity when such soliciting or imposing occurs during school or school related activities, or when such soliciting or imposing occurs during nonschool times and is directed toward a student. (70-6-103.15)

**"Revocation" or "revoked"** means the invalidation of a teacher or administrator certification by the State Board of Education pursuant to due process procedures provided for by applicable laws and regulations.

**"Student teacher"** means any student who is enrolled in an institution of higher learning approved by the State Board of Education for teacher training and who is jointly assigned by such institution of higher learning and a school district's board of education to perform practice teaching under the direction of a regularly employed and certified teacher. A student teacher, while serving an internship under the supervision of a certified teacher, shall be accorded the same protection of the laws that accorded the certified teacher.

**"Suspension" or "suspended"** means the temporary discontinuance of a teacher's teaching service or an administrator's administrative duties temporary discontinuance of a teacher or administrator certification pursuant to 75 O.S. § 314, upon a finding by the State Board of Education that public health, safety, or welfare imperatively requires emergency action.

**"Teacher (Certified)"** means any teacher individual who has been issued a certificate by the Board in accordance with the rules and regulations of the Board, and who falls under the definition of "Teacher" at 70 O.S. § 1-116.

**"Teacher (Licensed)"** means any person who holds a valid license to teach, issued by the State Board of Education in accordance with the rules and regulations of the Board.

**"Teacher (Residency Year)"** means any licensed teacher who is employed in a local school to serve as a classroom teacher under the guidance and assistance of a mentor teacher and a residency committee. Any such person shall have completed the program of the college or school of education from the accredited institution of higher learning from which the person has been graduated.

**"Teacher (Student)"** means any student who is enrolled in an institution of higher learning approved by the State Board of Education for teacher training and who is jointly assigned by such institution of higher learning and a school district's board of education to perform practice teaching under the direction of a regularly employed and certified teacher. A student teacher, while serving as a nonsalaried internship under the supervision of a certified teacher, shall be accorded the same protection of the laws that accorded the certified teacher.

[OAR Docket #20-715; filed 7-27-20]

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

[OAR Docket #20-716]

**RULEMAKING ACTION:**

PERMANENT final adoption

**RULES:**

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

**AUTHORITY:**

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 1-109

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

October 4, 2019

**COMMENT PERIOD:**

October 15, 2019 through November 15, 2019

**PUBLIC HEARING:**

November 15, 2019

**ADOPTION:**

January 23, 2020

**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

January 27, 2020

**APPROVED BY GOVERNOR'S DECLARATION:**

Approved by Governor's Declaration on June 25, 2020

**FINAL ADOPTION:**

June 25, 2020

**EFFECTIVE:**

September 11, 2020

**SUPERSEDED EMERGENCY ACTIONS:**

n/a

**INCORPORATIONS BY REFERENCE:**

n/a

**GIST/ANALYSIS:**

The rule that addresses requirements for the length of a school year has been updated to reflect changes in law. 70 O.S. § 1-109 provides that beginning with the 2021-2022 school year, public schools must be in session for not less than one thousand eighty (1,080) hours with a minimum of one hundred sixty-five (165) days of instruction each school year. A waiver of the 165-day minimum for school academic calendars is authorized provided a school district "meets the requirements established by the State Board of Education." Pursuant to Senate Bill 441 (2019), the State Board of Education is directed to promulgate rules establishing the minimum guidelines for student performance and cost savings for school districts that wish to apply for a waiver of the 165-day minimum school year. The rule amendment outlines these eligibility guidelines for an alternate length school year waiver, developed through a process involving stakeholder input and alignment with Oklahoma's *Every Student Succeeds Act* (ESSA) state plan. The requirements for elementary and middle school sites include a growth indicator of "C" or higher on the most recent Oklahoma School Report Card, and not currently being identified as in need of Support and Improvement under ESSA. Requirements for high school sites include a 4-year cohort graduation rate of at least 82% or the state average (whichever is higher), having both an academic

# Permanent Final Adoptions

indicator and a postsecondary indicator of "C" or higher on the most recent Oklahoma School Report Card, and not currently being identified as in need of Support and Improvement under ESSA.

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**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S. SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2020:**

## SUBCHAPTER 1. GENERAL PROVISIONS

### 210:10-1-4. Length of term

(a) **Minimum length of the school year.** The minimum length of the school year will be one hundred eighty (180) days or one thousand eighty (1,080) hours, provided up to five (5) days or thirty (30) hours per school year may be used for attendance of professional meetings. A school district that adopts a 1,080 hours policy rather than a 180 day policy shall notify the State Board of Education prior to October 15 of the applicable school year, and provide a copy of the school calendar as approved by the district's board of education. Except as otherwise authorized by law, beginning with the 2021-2022 school year, school must be in session and classroom instruction offered for a minimum of one hundred sixty-five (165) days each school year in every public school. Where professional days are taken, they shall be so recorded in the register of attendance in a like manner as holidays are recorded. The legal aggregate days attendance will be divided by days actually taught to obtain the legal average daily attendance. Any school district holding less than a full term will have its state aid reduced proportionately. No district may have less than a full term of school unless conditions over which it has no control exist that would prevent the district's holding a full term. In cases where sites within a district have different length terms the average daily membership (ADM) and average daily attendance (ADA) should be calculated for each site separately.

(b) **Criteria for an alternate school calendar authorization.** Beginning with the 2021-2022 school year, a school district or charter school must meet the eligibility requirements below in order to request a waiver from the State Board of Education authorizing the district to implement a school year calendar for one or more site(s) that includes fewer than one hundred sixty-five (165) days when school is in session and classroom instruction offered. A district that wishes to apply for a waiver authorizing an alternate length school year shall submit an application addressing all criteria in this subsection no later than June 30 prior to the school year for which the waiver is requested. In order to enable school districts to adequately plan their academic calendars, a waiver application for this purpose may be submitted at any time after the student performance data and federal Every Student Succeeds Act (ESSA) status designations addressed under (b)(1) have been released to schools, provided all such applications must be received by

June 30 prior to the applicable school year. The State Board of Education shall render a decision on school calendar waiver applications within sixty (60) days of receipt of a completed application and all necessary supporting materials. The term of a waiver granted under this Section shall be one (1) school year. To be eligible to apply for an alternate school calendar authorization, a school district must submit a narrative detailing how the proposed calendar is intended to benefit students, and evidence that the district meets all of the following requirements:

(1) **Student performance.** Specific performance criteria apply to schools with different grade ranges, and a district applying for a school calendar waiver must demonstrate that each of its school sites for which the waiver is requested meets the appropriate requirements for which data is available.

(A) **Requirements for early childhood centers (pre-kindergarten through 2<sup>nd</sup> grade).** The elementary school(s) that the early childhood site feeds into must meet all eligibility criteria under (b)(1)(B).

(B) **Requirements for elementary schools and middle schools (pre-kindergarten through 8<sup>th</sup> grade).**

(i) The school's student growth indicator letter grade is a "C" or higher on the most recent Oklahoma School Report Card issued under the school accountability system. A school's math and English Language Arts (ELA) growth is therefore a compensatory calculation for the purpose of waiver eligibility.

(ii) The school is not currently identified for Comprehensive Support and Improvement (CSI), Targeted Support and Improvement (TSI), or Additional Targeted Support and Improvement (ATSI).

(C) **Requirements for high schools (9<sup>th</sup> grade through 12<sup>th</sup> grade).**

(i) The school's 4-year cohort graduation rate is at or above the most recently reported state average graduation rate or 82%, whichever is higher.

(ii) The school's Academic Achievement indicator letter grade is a "C" or higher on the most recent Oklahoma School Report Card issued under the school accountability system.

(iii) The school attained a postsecondary indicator of a letter grade of "C" or higher on the most recent school report card issued under the school accountability system.

(iv) The school is not currently identified for Comprehensive Support and Improvement (CSI), Targeted Support and Improvement (TSI), or Additional Targeted Support and Improvement (ATSI).

(2) **Financial criteria.** Due to significant differences in the size and resources of school districts that make a universal standard for cost savings impractical, each district applying for a school calendar waiver shall submit a