

CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES

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 ~~one (181)~~ ~~(180)~~ days or one thousand eighty ~~six (1,086)~~ ~~(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 ~~1,086~~ ~~1,080~~ hours policy rather than a ~~181~~ ~~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 2nd 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 8th 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 (9th grade through 12th 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 budget and a narrative describing cost savings. The budget submitted with the narrative describing cost savings shall be the most recent Estimate of Needs submitted by the school district or charter school to the County Excise Board.

(c) **Attendance determination for students participating in school activities.** School activities must be under the direction or supervision of the teacher or supervisor whether such activities take place within or without the school building or school grounds in order to be considered a school day or part of a school day for attendance purposes. Pupils dismissed and not under the direction or supervision of the teacher cannot be considered as participating in scheduled school activities, provided that a student participating

in online coursework or other remote instruction authorized by law for public school students may be included in attendance if the attendance requirements of the instruction program are satisfied. A student serving as a Page to the Legislature may be counted in attendance.

(d) All pupils attending any school within a school district shall have their names entered in the attendance register and the district's student information system (SIS).

210:10-1-5. Audits

(a) **Financial audit.** All schools are required to make available to personnel of the State Department of Education all records pertaining to Federal programs, state aid appropriations, and expenditures from the general fund of the previous year, making it possible to complete an audit on all funds. Public officials, members of the boards of education, superintendents, principals, and any other persons whose duty it is to make appropriations and/or expenditures in accordance with the provisions of applicable state and federal law, the regulations of the State Department of Education, and the adopted policies of the State Board of Education will be held responsible for any misappropriation or illegal expenditure of such funds.

(b) **Penalty.** If it is discovered that a school district is unable to pay its current year's obligations through careless handling of funds by a school administrator, the State Board of Education may require the administrator to show cause why their administrator's certificate should not be revoked.

(c) Student attendance record audits.

(1) Regional Accreditation Officers of the State Department of Education are required to audit the student attendance records of all Oklahoma public school districts.

(2) In addition to the Statistical Report, the official document for student attendance accounting and auditing is the Student Attendance Register. All other student attendance documents, reports, and summaries only support the accuracy of the Student Attendance Register and the Statistical Report.

(3) A school or program within a district that has a different school year from the district must present a separate Statistical Report and Attendance information reflecting the different school year for that school or program. The school or program will be audited separately from the district.

(4) Each person who keeps a Student Attendance Register is required to make all entries in ink, record the attendance data for each pupil each day, keep the Register in a safe place and understand that the Register is subject to audit at any time. The Student Attendance Register may be maintained in an electronic format, provided that a school district maintaining its Student Attendance Register in an electronic format implements appropriate strategies for backing up data in the event of a potential system failure or other threat to digital record storage and retention.

(5) If the attendance records show that school was maintained for less than a full annual term without approval of the State Board of Education, state aid will be reduced accordingly unless it can be shown that the attendance records as originally presented were in error.

(6) When attendance, membership, or transportation is deducted for any reason by the audit, state aid will be reduced accordingly. Factual information may be presented by the school within ninety (90) calendar days from the date of the audit showing acceptable evidence that indicates the audit is in error.

(d) Enrollment.

(1) Enrollment means recording the name of a pupil on a class roll. Total Enrollment for an attendance period or for the year, whether for a class or for an entire school is the number of all enrollments so recorded. If a student is promoted or moves from one district or school to another during a school year, the student's name will be recorded on each class roll concerned. A record of that student's enrollment will be included in the original and every subsequent roll even though the pupil will be dropped from the original roll and every subsequent roll except the current one.

(2) All students attending any school within a school district shall have their names entered in the attendance register and have their attendance recorded. Students are to be placed on roll the first day that the student actually attends class or participates in their instructional program.

(3) All Entries and Exits are to be entered in the Student Attendance Register on the day that the transaction occurs. Students are not considered on roll until they actually attend class or participate in instructional activities. Students are always considered on roll until an exit code is entered.

(e) Entry and exit.

(1) Entry codes will always be placed on the Student Attendance Register. An entry code indicates where the student is coming from, e.g., another school in the district, another school district in Oklahoma, another state or country, or a private school or other placement. The Basis of Admission will be entered on the date that the student begins school. A Basis of Admission code indicates why a student is enrolling, e.g., because they are a district resident, a transfer student, an out-of-home placement student, or another authorized basis for enrollment applies.

(2) Entry codes are recorded on the first day the student actually attends class or participates in instructional activities. Each different Basis of Admission must have its own unique code on the Student Attendance Register, and must be reported to the State Department of Education using the appropriate code from the most recent requirements document for the SIF (Schools Interoperability Framework)-compliant statewide student data system, available on the agency website.

(3) When a pupil enrolls in a public school in this state a second or succeeding time during the current school year, the entry must be reported to the State Department of Education using the appropriate entry code from the most recent requirements document for the SIF-compliant statewide student data system, available on the agency website.

(4) An exit code is recorded each time a student withdraws from school, and in certain other limited cases such as when a student changes grade level mid-year or changes to a different academic calendar through entrance into an alternative education program. Exit codes are to be recorded on the date when the exit occurred. A student is not considered to be off roll until an exit code is recorded. A student exit must be reported to the State Department of Education using the appropriate exit code from the most recent requirements document for the SIF-compliant statewide student data system, available on the agency website.

(f) Attendance and absence.

(1) A student is to be considered present only on those days when in actual attendance in school or when participating in scheduled school activities under the direction and supervision of a regular member of the faculty. A student who is excused from attending school because of sickness or for any other reason shall not be counted in attendance. Students authorized by law to attend a partial school day or partial school week schedule shall not be counted as absent if they are in attendance during their scheduled education program.

(2) All student attendance, absence and transportation information is compiled on a half-day basis with the exception of attendance, absence, and transportation information for half-day early childhood or kindergarten programs which are recorded on a full-day basis. A student must be in attendance for two-thirds (2/3) of the first half of the school day to be recorded present for one-half day; likewise, a student must be in attendance for two-thirds (2/3) of the second half of the school day to be recorded present for one-half day.

(3) As a condition of receiving accreditation from the State Board of Education, all students in grades nine (9) through twelve (12) shall enroll in a minimum of six (6) periods, or the equivalent in block scheduling, of rigorous academic and/or rigorous vocational courses each day, which may include arts, vocal and instrumental music, speech classes, and physical education classes.

(4) A student who is absent from instruction without excuse for ten (10) consecutive days is to be recorded as absent each day. On day eleven (11), the pupil is to be exited from the roll.

(5) A school day for kindergarten or early childhood can either be a half-day of at least two and one half (2 ½) hours, or the district's standard full school day. However, kindergarten and early childhood absence and attendance is always recorded on a full day basis. Three (3) year old students authorized to attend public school under the *Individuals with Disabilities Education Act* (IDEA) should not be indicated as absent if they are in attendance for their scheduled education program, including partial school day or partial school week instructional schedules.

(g) School activities. School activities may take place either on the school premises or off the school premises. In order for a student to be counted in attendance, the school activity must be under the direction and supervision of a teacher. Students dismissed and not under the direction and supervision of a teacher cannot be considered as participating in a school activity and cannot be counted in attendance. A student serving as a legislative page is to be counted in attendance at the school.

(h) Parent-teacher conference days. Only students active in membership are to be counted in attendance on parent-teacher conference days. For districts that use a one hundred eighty one (181)~~(180)~~ day academic calendar, only one parent-teacher conference day per semester will be counted for attendance purposes as a regular school day and included as part of the one hundred eighty one (181)~~(180)~~ days of required instruction. Other days are encouraged above the one day per semester for parent-teacher conferences, but will not be counted for attendance purposes as regular school days. For a school district which has implemented a one thousand eighty six (1,086)~~(1,080)~~ hour school year pursuant to 70 O.S. § 1-109, parent-teacher conferences may be counted as instructional time for no more than six (6) hours per semester, for a total of up to twelve (12) hours per school year.

(i) Concurrent enrollment. A school district may receive full average daily attendance on a high school student who is participating in concurrent enrollment. In determining a legal school day for a student who is concurrently enrolled the district can use a combination of local school enrollment, college enrollment, and travel time. A student participating in concurrent enrollment is considered present when traveling to or from and while attending the college.

(j) Professional meeting day.

(1) The State Board of Education has defined a professional meeting day to be any day on which the faculty of a school district is engaged in the educational planning for improvement of the local school system; or that the faculty engages in a local, county, district or state education planning workshop or teacher's meeting. Such a day shall be identified as a professional day in each attendance register on the day the meeting occurred.

(2) Days used to work at the beginning or at the end of the school year shall not be counted as professional development activities. Preparing the classroom for instruction, grading papers, recording grades, completing report cards or enrolling students are not examples of professional development activities.

(3) A school district may not count more than thirty (30) hours each school year that are used for attendance of professional meetings toward the one hundred eighty one (181)~~(180)~~ days or one thousand eighty six (1,086)~~(1,080)~~ hours of classroom instruction time that school is required to be in session.

(k) Transportation.

(1) A student must reside one and one-half (1 ½) miles or more by commonly traveled road from the school attended to be considered transported. Students living less than one-and one-half miles from the school may be transported but shall not be counted as transported pupils on the Transportation Report for state aid purposes.

(2) Transportation may be provided for early childhood and kindergarten students to and from school during the normally scheduled morning and afternoon bus operation. Districts may also provide additional transportation, at local expense, for either early childhood or kindergarten students at midday. However, the school district is not required to provide midday

transportation to either early childhood or kindergarten students. Midday transportation for early childhood and kindergarten pupils shall not be recorded on the Transportation Report.

(3) A legally transferred or tuition student residing outside of the school district's approved transportation area may be transported to the school provided the student meets the bus within the transporting district's approved transportation area. However, tuition students may not be counted as transported students on the Transportation Report.

(l) Authority for birth.

(1) Documentation that can be used to verify school age. Examples of Authority for Birth are:

- (A) Birth certificate
- (B) Attending physician's certificate
- (C) Permanent school record
- (D) Family bible
- (E) Parent statement
- (F) Last year's attendance register
- (G) Other official scholastic record

(2) Birth certificates, if available, must be provided for early childhood, kindergarten, and first grade students who are first-time enrollees. Each different Authority for Birth must have its own unique code on the Student Attendance Register.

(m) Career and Technology Center. Students are considered in attendance when traveling to or from and while attending a Career and Technology Center.

(n) Home-based program. An educational program for special education students who are unable to participate in a full-day educational program at school, or for students who are unable to attend school in person for a period of time due to extended medical or other issues, and who receive education services from the school district at their home or an equivalent non-school site such as a hospital, provided by one or more certified teachers. Home-based pupils are considered on roll and in attendance for the duration of the time period they receive offsite education services from the school district.

(o) Out-of-home placement. A student who is not a resident of the district but is housed and educated in a residential child facility or a treatment center located in the district. Out-of-home placement students are carried on roll and are considered in attendance if they are present for their scheduled education program, whether at a school site or through offsite services provided by the district.

210:10-1-16. Oklahoma Academic Scholar and other student recognitions

(a) Purpose. The rules of this subchapter have been adopted for the purpose of providing requirements for recognition as an Oklahoma Academic Scholar and other recognitions of student achievement. The purpose of the program is to recognize those secondary students within the State of Oklahoma who exceed the basic graduation requirements and who, through diligence, achieve academic ratings above those of their peers.

(b) Requirements for recognition as an Oklahoma Academic Scholar. Students who meet all the requirements listed below shall be recognized by the local school district and the State Board of Education as an Oklahoma Academic Scholar.

(1) Accumulate over grades 9, 10, 11 and the first semester of grade 12, a minimum grade point average of 3.7 on a 4.0 scale or be in the top 10% of their graduation class.

(2) Complete (or will complete) the curricular requirements for a standard diploma.

(3) Score at least a composite of 27 on the American College Test (ACT), a 1220 combined score on the Scholastic Assessment Test (SAT), or the equivalent score on the Classical Learning Test (CLT). The ACT or SAT must have been taken on a national test date or state-administered test date before the date of graduation. For students with documented disabilities requiring testing accommodations not available on a national or state administration date, a qualifying score on the ACT, SAT, or CLT may be demonstrated using alternate administration dates.

(c) Requirements for the Seal of Biliteracy. Students who meet the requirements listed below for both English and another language shall be recognized by the local school district and the State Board of Education with a Seal of Biliteracy in English and another language, which shall be noted on the student's transcript upon completion of the eligibility requirements and noted on the student's diploma upon graduation. The Seal of Biliteracy shall be available in two levels of distinction: Gold - designates an Intermediate-Mid proficiency level, and Platinum; - designates an Advanced-Low proficiency level. The candidate shall use an approved assessment for each language (English and another language to qualify). For an assessment to be approved, it must be an outside assessment and include tasks requiring the candidate to produce spoken and/or written language as evidence of meeting the required proficiency level in language production, depending on the language's available communication forms. Assessments will be regularly reviewed for eligibility and added or removed from the approved list based on their adherence to qualifying requirements. The Office of World Languages can approve or deny assessments as needed using the assessment criteria to meet students' needs. The list of qualifying assessments may include: based on the following eligibility requirements:

(1) Proficiency in English. The student must score at least the level indicated on one ~~or more~~ of the assessments below:

(A) **ACT.** A score on the English Language Arts section and optional essay of at least 18 for Gold level recognition or at least 21 for Platinum level recognition.

(B) **SAT.** A score on the Evidence-Based Reading and Writing (formerly verbal) section of at least 570 for Gold level recognition or at least 650 for Platinum level recognition.

(C) **PSAT**

~~(i) 10th grade.~~ For a PSAT taken when the student is in 10th grade, a score on the Evidence-Based Reading and Writing section of at least 470 for Gold level recognition or at least 600 for Platinum level

recognition:

(ii) ~~11th grade~~. For a PSAT taken when the student is in 11th grade, a score on the Evidence-Based Reading and Writing section of at least 570 for Gold level recognition or at least 620 for Platinum level recognition:

~~(D)~~ **International Baccalaureate (IB)**. A score of at least a 3 for Gold level recognition or at least a 4 for Platinum level recognition on the International Baccalaureate Test of English.

~~(E)~~ **Advanced Placement (AP)**. A score of at least a 3 for Gold level recognition on the Advanced Placement Test of English Language or Advanced Placement Test of English Literature, or a score of at least a 4 for Platinum level recognition on the Advanced Placement Test of English Language or Advanced Placement Test of English Literature.

~~(F)~~ **WIDA ACCESS**. A score of at least 4.5 through 5.7 on the WIDA ACCESS test for Gold level recognition, or a score of at least 5.8 on the WIDA ACCESS test for Platinum level recognition.

~~(G)~~ **Classic Learning Test (CLT)**. A score on the English Art section of at least the equivalent of a score of 18 on the ACT for Gold level recognition or at least the equivalent to a score of 21 on the ACT for Platinum

~~recognition.~~ **AAPPL**. A score of at least Intermediate-Mid (I-3) on the Assessment of Performance of Progress toward Proficiency in Languages (AAPPL) for Gold level recognition, or a score of at least Advanced-Low (A-1) on the AAPPL.

~~(F)~~ **STAMP Suite of Assessments**. A score of at least 5 on the Standards Based Measurement of Proficiency (STAMP) for Gold level recognition, or a score of at least 7 on the STAMP for Platinum level recognition.

(2) **Proficiency in a language other than English**. In addition to achieving a qualifying score in English on one of the assessments listed in (c)(1) above, the student must score at least the level indicated in a language other than English on one or more of the proficiency measures listed below:

(A) **AAPPL or ALIRA**. A score of at least Intermediate-Mid ~~(I-4)~~ (I-3) on the Assessment of Performance of Progress toward Proficiency in Languages (AAPPL) or ACTFL Latin Interpretive Reading Assessment (ALIRA) for Gold level recognition, or a score of at least Advanced-Low (A-1) on the AAPPL or ALIRA for Platinum level recognition.

(B) **STAMP Suite of Assessments**. A score of at least 5 on the Standards Based Measurement of Proficiency (STAMP) for Gold level recognition, or a score of at least 7 on the STAMP for Platinum level recognition.

(C) **OPI, OPIc, ~~or~~ and WPT**. A score of at least Intermediate-Mid for Gold level recognition, or at least Advanced-Low for Platinum level recognition, on the Oral Proficiency Interview (OPI), the Oral Proficiency Interview - Computer (OPIc), or the Written Proficiency Test (WPT).

(D) **Advanced Placement (AP)**. A score of at least a 3 for Gold level recognition, or at least a 4 for Platinum level recognition, on the Language and Culture Advanced Placement (AP) test for the target language.

(E) **SLPI**. A score of at least Intermediate for Gold level recognition, or at least Advanced for Platinum level recognition, on the Sign Language Proficiency Interview (SLPI).

(F) **Native American languages**. The State Department of Education (OSDE) will consult with each tribal nation as appropriate to identify an appropriate measure of proficiency.

(G) **Languages for which there is no standard assessment**. If a request for a Seal of Biliteracy is received regarding a language for which there is no standard assessment but which is not a Native American language, the OSDE will work with relevant linguistic and/or cultural entities to identify an appropriate measure of proficiency.

(d) **Requirements for the Civics Seal**. Students who meet all the requirements listed below shall be recognized by the local school district and the State Board of Education with a Civics Seal. The Seal shall be noted on the student's transcript upon completion of eligibility requirements, and noted on the student's diploma upon graduation. The seal will be provided by the Oklahoma State Department of Education.

(1) Accumulate a 3.0 GPA in all social studies classes.

(2) Score 80% or higher on the United States Naturalization test.

(3) Score proficient or advanced on the College and Career Readiness Test for U.S. History/Government. (4) Complete 75 hours of community service including a written reflection of experiences, as determined by district and subsequently school site policy.

(5) Complete 3 Civics Engagement Programs belonging to a curated list that is approved by the State Board.

210:10-1-21. Emergency administration of anaphylaxis medication in public schools

(a) **General provisions**. Every public school district board of education that elects to stock epinephrine injectors pursuant to the provisions of Title 70 O.S. § 1-116.3, or any successor statute, ~~70 O.S. § 1-116.3(B)~~ shall adopt a policy and establish procedures to ensure safe administration of anaphylaxis medicine to a student in the event an emergency occurs while the student is attending school or participating in authorized school-sponsored activities on public school grounds. The State Board of Education shall adopt a model policy which is made available to school districts for this purpose.

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

(1) "**Medication**" means a metered dose inhaler or a dry powder inhaler to alleviate asthmatic symptoms, prescribed by a physician and having an individual label, or an anaphylaxis medication used to treat anaphylaxis, including but not limited

to Epinephrine ~~injectors~~, prescribed by a physician and having an individual label, or replacement pancreatic enzymes prescribed and individually labeled.

(2) **"Self-administration"** means a student's use of medication pursuant to prescription or written direction from a physician.

(3) **"Respiratory distress"** means the perceived or actual presence of coughing, wheezing, or shortness of breath.

(4) **"Inhaler"** means a device that delivers a bronchodilator to alleviate symptoms of respiratory distress that is manufactured in the form of a metered-dose inhaler or dry-powder inhaler and that may include a spacer or holding chamber that attaches to the inhaler to improve the delivery of the bronchodilator.

(c) **School district decisions to stock epinephrine injectors.** Any school district that elects to stock epinephrine ~~injectors~~ pursuant to the provisions of Title 70 O.S. § 1-116.3, or any successor statute, 70 O.S. § 1-116.3(B) shall ensure that its policy and procedures comply with all of the following requirements:

(1) **Designation of primary school health professional.** The superintendent shall be responsible for designating a primary school health professional at each school site. The duties of the primary school health professional at each site shall include:

(A) Responsibility for knowledge and execution of all policies and procedures pertaining to emergency administration of epinephrine ~~injectors~~;

(B) Responsibility for obtaining epinephrine ~~injectors~~ at the school site;

(C) Responsibility for ensuring that epinephrine ~~injectors~~ are secured and safely stored at the school site;

(D) Responsibility for maintaining a list of students at each site for whom a valid waiver of liability executed by a parent or legal guardian is on file in accordance with the requirements of Title 70 O.S. § 1-116.3, or any successor statute, 70 O.S. § 1-116.3(B)(2); and that the list is easily and quickly accessible to employees authorized to administer epinephrine ~~injectors~~ in emergency situations in which self-administration of medication by a student is not possible;

(E) Responsibility for maintaining a current list of all school employees authorized to administer emergency epinephrine injections at each school site; and

(F) Responsibility for proper storage, maintenance, and disposal of epinephrine ~~injectors~~.

(2) **Designation of school employees authorized to administer emergency epinephrine injectors.** The superintendent shall ensure that each school site has designated a sufficient number of school employees at each site to ensure that an individual trained in the emergency administration of epinephrine injections is available on the school campus at all times during which students are present.

(3) **Training in the use of epinephrine injectors.** The superintendent shall ensure that ~~all primary school health professionals and school employees authorized to administer emergency epinephrine injections designated in accordance with (1) and (2) of this subsection shall be provided with training in the recognition of the signs and symptoms of anaphylaxis and procedures for emergency administration of epinephrine injectors that meets the requirements of 70 O.S. § 1-116.3(B)(1) at a minimum, required annual training is available and required for teachers and school employees who are directly responsible for students on the topics of food allergies, recognizing anaphylaxis, and instruction on how to administer Epinephrine. The training shall be completed before the school year begins or upon hiring the teacher or school employee. Documentation certifying completion of the required training shall be retained in the personnel file of the teacher or school employee. The training may be provided online or in person by the school nurse or a recognized food allergy and anaphylaxis training program.~~

(d) In the event a student is believed to be having an anaphylactic reaction or respiratory distress, a school employee shall contact 911 as soon as possible. If Epinephrine is administered to a student, a school employee shall contact 911 as soon as possible. The school district shall notify the parent or guardian of any student who experiences a possible allergic reaction as soon as possible. Such provision shall be included in the school district's policy and established procedures.

SUBCHAPTER 13. STUDENT ASSESSMENT AND SCHOOL ACCOUNTABILITY

210:10-13-1.2. Make-up assessments

(a) **Purpose.** Any public school district or public charter school may determine if a senior student is eligible for make-up assessments due to an incomplete graduation requirement, provided, the senior student has met all other state and local graduation requirements and would have otherwise been eligible to graduate except for one or more missing assessments required to receive a standard diploma under Title 70 O.S. § 1210.508(F)(1) or an alternate diploma under Title 70 O.S. § 11-103.6(E) College and Career Ready Assessments: US History, Science, Math, ELA (ACT/SAT/ include both math and ELA) as required under 70 O.S. § 1210.508.F.1.

(b) **Application.** Any ~~of the four (4)~~ make up-assessments outlined in paragraph (a) of this section, or in the statutes listed therein, shall be part of the of the statewide student assessment system and shall be aligned to the Oklahoma Academic Standards or the Oklahoma Alternate Assessment Program as adopted by the State Board of Education. These assessments shall not be included in the state accountability system, nor are they intended to yield reportable data.

(c) **Procedure.** Upon administering any make-up assessment(s) to an impacted student, a public school district or public charter school may issue a ~~standard~~ diploma to the impacted student. The transcripts of an impacted student shall denote the student as

having participated in the ~~assessment(s)~~ ~~assessment~~ in lieu of reporting an assessment score. The make-up assessment(s) shall be retained at the local school district as a record of student participation in fulfillment of the graduation requirement.

(d) **Federal and state reporting.** Any impacted student who takes one or more of make-up assessments outlined in paragraph (a) of this section shall not be added to the public school district's or public charter school's participation rate in assessments mandated by state and federal law.

210:10-13-25. Determination of the chronic absenteeism indicator

(a) **Purpose of the chronic absenteeism indicator.** Because chronic absenteeism has been linked to lower academic performance, higher dropout rates, and diminished success after high school, Oklahoma has included chronic absenteeism as an indicator in the school accountability system adopted under the requirements of the *Every Student Succeeds Act* (ESSA). By highlighting the importance of regular school attendance to student success in school and beyond, the State of Oklahoma encourages schools to actively engage with students and their families in eliminating barriers to regular attendance, and to ensure students receive the supports needed to attend school every day.

(b) **Authorization of policy establishing a medical exemption from chronic absenteeism.** A public school district or charter school may establish a policy providing that student absences which are due to a significant medical condition (a severe, chronic, or life-threatening physical or mental illness, injury, or trauma) may be exempted from inclusion in the calculation of the chronic absenteeism indicator of the applicable student's school site upon determination of eligibility by a medical exemption review committee formed by the district or charter school. A chronic absenteeism medical exemption policy adopted by a public school district or charter school shall be developed in accordance with the guidelines in this Section.

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

(1) **"Chronic absenteeism"** means absence from school at least ten percent (10%) of the time that school is in session and the student is included in membership, eighteen (18) or more days on a ~~181+80~~ day school calendar or ten percent (10%) or more of school days on a ~~1,086+080~~ hours school calendar.

(2) **"Significant medical condition"** means, for the purposes of this Section, a severe, chronic, or life-threatening physical or mental illness, infection, injury, disease, or emotional trauma.

(d) **Not all excused absences qualify for medical exemption.** Certain student absences are classified as "excused" under state law and/or school policies, meaning that a student is considered absent for a valid reason under law or policy and the absence may not be associated with any penalties to the student. Examples include medically documented absences, which are considered excused under 70 O.S. § 10-105(B), and absences related to the military deployment activities of a student's parent or guardian, which are excused under 70 O.S. § 510.1(V)(E). If a student is absent in relation to their own or their household's homeless status, such related absences should be excused pursuant to the federal McKinney-Vento Act so the related absences do not serve as a barrier to enrollment or retention. These and other types of absences considered under law or policy as a valid basis to be absent from school should be indicated as "excused" in a school's student information system. However, the classification of an absence as "excused" such that no penalties accrue to a student in relation to the absence does not automatically qualify the absence for a medical exemption for purposes of the chronic absenteeism indicator. In order to be eligible for consideration under a chronic absenteeism medical exemption policy, an absence must fall under the definition of "significant medical condition" given in this Section.

(e) **Absences from school that do not accrue toward chronic absentee status.** A student with disabilities who is on an Individualized Education Program (IEP), or a student with a physical or mental impairment who is on a Section 504 Plan, is considered in attendance and does not accrue absences while receiving offsite services outlined in the IEP or Section 504 plan. A student on an IEP or Section 504 Plan whose condition worsens or who requires more frequent treatments should have their IEP or Section 504 Plan updated accordingly. A student who is receiving homebound education services from their school district is considered in attendance and does not accrue absences while in homebound status. A student receiving disciplinary action, such as out-of-school suspension ("OSS"), in-house suspension ("ISS"), or expulsion, shall not accrue absences; provided the child attends ISS.

(f) **Effect of exempt absence.** If a student has been determined to have a significant medical condition under the district or charter school's medical exemption policy, only absences that are related to the student's identified condition(s) or qualifying circumstances may be exempted from inclusion in the calculation of the chronic absenteeism indicator. Absences that are not related to the student's qualifying condition(s) or circumstances, such as routine illnesses or medical appointments, are not eligible for exemption under a school district's medical exemption policy. The exempt absence(s) of a student who has been granted an exemption of one or more absences from school in accordance with the provisions of this Section shall not be included in the calculation of the chronic absenteeism indicator on the school site report card.

(g) **Reporting absences determined medically exempt to the State Department of Education.** A school district or charter school that has adopted a chronic absenteeism medical exemption policy in accordance with this Section, and has determined under the policy that one or more student absences are medically exempt from inclusion in the chronic absenteeism indicator, shall report such absences determined medically exempt to the Oklahoma State Department of Education (OSDE) Office of Accountability. To ensure that an absence which has been determined eligible for a medical exemption by a school district's medical exemption review committee is identified as exempt in sufficient time for the absence to be excluded from the chronic absenteeism calculation, the Office of Accountability may set an annual deadline for the reporting of such medically exempt absences. The reporting of absences identified under a district's policy as medically exempt may require the submission of the district's chronic absenteeism medical exemption policy and documentation of the medical exemption review committee's approval of the exempted absences. All

documentation considered during the medical exemption review committee's consideration of potentially eligible absences shall be maintained by the school district or charter school and shall be available to regional accreditation officers for auditing purposes.

(h) **Effect of public health emergencies or other declared emergencies.** In the event of an emergency declared by a federal or state government entity that impacts the operation of public schools in Oklahoma, or upon an action taken by the State Board of Education declaring such an emergency, the Oklahoma school accountability system shall make any appropriate accommodations authorized under federal law to mitigate the effects of the emergency on school accountability determinations for the affected school year(s). Student absences related to a state of emergency shall not be included in the calculation of the chronic absenteeism indicator. If there is any period of time during a state of emergency when public school operations are suspended, interrupted, or otherwise affected by the emergency conditions, the affected dates shall be excluded from the calculation of the chronic absenteeism indicator.

(i) **Authority.** Title 70 O.S. Section 1210.545.

SUBCHAPTER 17. FEDERAL PROGRAMS COMPLAINT PROCEDURES

210:10-17-1. Complaint procedures

(a) **Purpose.** ~~Federal programs regulations (34CFR Part 299, Subpart F S299.10-12) pertaining to programs under the reauthorized Elementary-Secondary Education Act require the State Education Agency Agencies (SEA) ("SEAs") to adopt written procedures, pertaining to programs under Titles I through VIII of the Elementary and Secondary Education Act of 1965 or any successor statutes for the purpose of consistent with state law, for:~~

- (1) Receiving and resolving any complaint from an organization or individual that the SEA or an agency or consortium of agencies is violating a Federal statute or regulations that apply to a covered program listed in subsection (b) of this section.
- (2) Reviewing an appeal from a decision of an agency or consortium of agencies with respect to a complaint; and
- (3) Conducting an independent on-site investigation of a complaint if the SEA determines that an on-site investigation is necessary. See 34 C.F.R. Part 299, Subpart F; 20 U.S.C. Ch. 70.

(b) **Covered programs.** ~~Programs covered by this section are the following~~ The term "federal programs," in this section, shall be in reference to Titles I through VIII of the Elementary and Secondary Education Act of 1965, or any successor statutes thereto. See 20 U.S.C. Ch. 70. The following ESEA programs are covered by this section:

- (1) Part A of Title I (Improving Basic Programs Operated by Local Education Agencies);
- (2) Subpart I of Part B of Title I (Reading First)
- (3) Subpart 3 of Part B of Title I (Even Start Family Literacy Programs);
- (4) Part C of Title I (Migrant Education);
- (5) Part D of Title I (Neglected and Delinquent);
- (6) Part F of Title I (Comprehensive School Reform)
- (7) Part A of Title II (Teacher and Principal Training and Recruiting fund);
- (8) Part B of Title II (Math and Science Partnerships);
- (9) Part D of Title II (Enhancing Education Through Technology);
- (10) Part A of Title III (English Language Acquisition, Language Enhancement and Academic Achievement);
- (11) Part A of Title IV (Safe and Drug-Free Schools and Communities);
- (12) Part B of Title IV (21st Century Community Learning Centers);
- (13) Part A of Title V (Innovative Programs);
- (14) Subpart I of Part B of Title VI (Small, Rural School Achievement Program);
- (15) Subpart 2 of Part B of title VI (Rural and Low-Income School Program);
- (1) Part A of Title I (Improving Basic Programs Operated by Local Education Agencies);
- (2) Part B of Title I (State Assessment Grants);
- (3) Part C of Title I (Education of Migratory Children);
- (4) Part D of Title I (Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk);
- (5) Title II (Preparing, Training, and Recruiting High-Quality Teachers, Principals, and Other School Leaders);
- (6) Title III (Language Instruction for English Learners and Immigrant Students);
- (7) Part A of Title IV (Student Support and Academic Enrichment Grants);
- (8) Part B of Title IV (21st Century Community Learning Centers);
- (9) Part B of Title V (Rural Education Initiative);
- (10) Title VI (Indian, Native Hawaiian, and Alaska Native Education);
- (11) Title VII (Impact Aid); and
- (12) Part F, section 7881 of Title VIII (Participation by Private School Children and Teachers).

(c) **Computing Time.** Days shall be counted on the basis of calendar days, and the last day of the period so computed shall be included, unless it falls on a Saturday, Sunday, legal holiday, or other day the Oklahoma State Department of Education does not remain open for public business until the regularly scheduled closing time, in which event the period runs until the end of the next day that the Oklahoma State Department of Education is open for public business. **Complaint procedures at the local education agency (LEA) level:**

(1) All complaints concerning an LEA should be filed with the appropriate LEA or with the General Counsel of the State Department of Education. Within thirty (30) days of receipt of a complaint, the applicant agency shall conduct an investigation of the allegation and resolve the complaint. Subsequent to the investigation and resolution, a written decision shall be filed with the General Counsel of the State Department of Education and the complainant.

(2) A complaint may be filed by parents, teachers, or other concerned individuals or by an organization in relationship to the program. An LEA is required to review all complaints made concerning a covered program if:

(A) the complaint is in written form and alleges that federal program requirements have been violated;

(B) the complaint is signed;

(C) the complaint includes the facts on which the statement is based and the specific program requirement alleged to have been violated; and

(D) the complaint includes information supporting the allegation along with the allegation.

(d) **Complaints.** A complaint in the form of a written, signed statement may be filed by an individual, an organization demonstrating a cognizable interest, a state agency, or a federal agency alleging that a Local Educational Agency (LEA), a state agency, a consortium of agencies, the State Department of Education, or the State Board of Education has violated a federal statute or regulation relevant to a federal program covered under this Section. Any complaint, including appeals from an LEA, a state agency, or a consortium of agencies must be filed within thirty (30) days of the action or inaction giving rise to the complaint.

(1) Complaints shall be submitted to: Oklahoma State Department of Education, Office of Legal Services, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105.

(2) A complaint must include the following or face dismissal:

(A) A statement that the LEA, state agency, consortium of agencies, the State Department of Education, or the State Board of Education has violated a requirement of a federal statute or regulation applicable to a covered program under (b) of this Section;

(B) The facts on which the statement is based, the specific requirement allegedly violated, and the relevant statute or regulation; and

(C) Relevant documentary or other evidence supporting the allegation.

(3) Every LEA is required to disseminate adequate information about its complaint procedures to parents of students and appropriate non-public school officials or representatives free of charge.

(4) Any complaint against an LEA, consortium of agencies, or state agency other than the State Board of Education must be filed with the subject entity for processing through any applicable complaint resolution processes. The State Department of Education may waive this requirement and accept a complaint against an LEA, state agency, or consortium of agencies in the first instance if it is determined that:

(A) Delay in resolving the complaint may result in serious and immediate harm;

(B) The allegations and supporting information, together with readily available data maintained by the State Department of Education, provide sufficient evidence to show probable success on the merits; or

(C) There is evidence that the LEA, state agency, or consortium of agencies is aware of the alleged violation and has failed to take reasonable action.

(e) **Investigations/Determinations.** The Oklahoma State Department of Education shall conduct any investigative efforts it deems necessary to effectively address a complaint. Such efforts may include the appointment of an investigative team to conduct an on-site visit, review records, or conduct interviews. The Oklahoma State Department of Education may conduct informal factfinding hearings or mediations to clarify the issues.

(1) Within forty-five (45) days of receiving of a procedurally proper complaint, the State Department of Education shall issue to complainant and to the LEA, state agency, or consortium of agencies a preliminary report containing:

(A) A summary of the substance of the allegations in the complaint and the name of the individual, organization, or agency making the complaint;

(B) A summary of the State Department of Education's investigative activities, if any;

(C) A summary of the findings concerning each alleged violation or implied violation; and

(D) A statement of the corrective actions, if any, needed to resolve the findings, including a recommendation for an independent audit if deemed appropriate.

(2) The complainant and the LEA, state agency, or consortium of agencies may submit written responses or additional evidence within thirty (30) days of the date of the preliminary report.

(A) The response period of this paragraph may be waived by the parties.

(B) Failure to timely respond to the preliminary report pursuant to this paragraph shall be considered as acceptance of the report.

(3) Within ten (10) days following the preliminary report response period provided in (2) of this subsection, the State Department of Education shall issue to the complainant and to the LEA or state agency a final report.

(A) The final report may affirm and adopt the findings of the preliminary report, or it may make substitute findings.

(B) Parties are permitted to file written exceptions before the State Board of Education within (10) days of the issuance of the final report.

(C) Any exceptions, along with the final report will be placed before the State Board of Education for adoption, rejection, or modification.

(4) The Oklahoma State Department of Education may, in exceptional circumstances, grant extensions of any time limit in this section on its own initiative or on the request of a party.

(5) The complainant may request the Secretary of the U. S. Department of Education to review the final adopted report, at the Secretary's discretion. A request for review must be filed with the Secretary, with a copy to the State Department of Education, within thirty (30) days of adoption. On request, the State Department of Education will promptly provide the complainant with a copy of the preliminary report, and final report, and all pertinent exhibits thereto.

(6) Nothing in this section shall prohibit informal disposition by stipulation, mediation, settlement, consent order, or default.

(f) Complaints by non-public schools participating in title programs.

(1) Notwithstanding ~~(d)~~(4) of this Section, a non-public school official may directly file a complaint in the first instance with the State Department of Education asserting that an LEA did not engage in consultation that was meaningful and timely, did not give due consideration to the view of the private school office, or did not make a decision that treats the private school or its students equitably as required by law. [20 U.S.C. §6320(b)(1)(6)(A)].

(A) A complaint under this subsection must be in writing and signed by the complainant; and

(B) A copy of the complaint must be simultaneously served on the LEA.

(2) Notwithstanding the timing provided for in (e) of this Section, within forty-five (45) days of receiving a complaint regarding non-public school participation in federal Title programs, the State Department of Education shall issue a written resolution.

(3) The timelines contained in this subsection shall be permitted an additional three (3) days to account for mail processing.

(4) The complainant may request the Secretary of the U. S. Department of Education to review the final adopted report, at the Secretary's discretion. A request for review must be filed with the Secretary, with a copy to the State Department of Education, within thirty (30) days of adoption. On request, the State Department of Education will promptly provide the complainant with a copy of the preliminary report, and final report, and all pertinent exhibits thereto.

(g) Complaints against the State Department of Education or State Board of Education.

(1) Within ten (10) days of receiving a complaint pursuant to (d) of this Section, the State Superintendent of Public Instruction shall appoint a hearing officer to adjudicate the complaint.

(A) The hearing officer shall remain impartial and shall have power to maintain order to rule upon all questions arising during the course of the complaint resolution process; to hold conferences for the settlement, clarification, or simplification of issues; and to regulate and guide the course of the complaint resolution process.

(B) The hearing officer shall conduct the complaint resolution process in such a manner as to preserve privileges and protect privacy rights, consistent with the Family Educational Rights and Privacy Act [20 U.S.C. § 1232g] and any other relevant federal or state law or regulation.

(C) The hearing officer shall promptly issue a briefing schedule setting time limits for the submission of briefs, affidavits, declarations, exhibits, or other documents by the parties.

(D) Travel and other expenses incurred by the hearing officer shall be reimbursed from appropriate federal program funds at the rate allowed for employees of the State of Oklahoma. At the option of the Oklahoma State Department of Education, a pre-negotiated per diem may be paid in lieu of expenses to persons who are not employed by the State of Oklahoma.

(2) All testimony, whether written or oral, shall be given under oath.

(3) Upon the request of any party, the hearing officer shall set a hearing on the merits within sixty (60) days of the request.

(A) Any hearing shall be stenographically recorded by a certified court reporter empowered to administer oaths with the expenses paid by the State Department of Education.

(B) Every party shall have the right to appear in person or by counsel.

(4) Within ninety (90) days of the receipt of the complaint, or sixty (60) days after holding a requested hearing, the hearing officer shall issue a written decision which shall include findings of fact and conclusions of law, separately stated, addressing every issue raised in the complaint. Copies of the decision shall be provided to the complainant and the State Department of Education.

(5) Parties are permitted to file written exceptions to the findings of fact and conclusions of law before the State Board of Education within (10) days of its issuance. Any exceptions, along with the final report will be placed before the State Board of Education for adoption, rejection, or modification. **Complaint procedures at the SEA level:**

(1) Within thirty (30) days of receipt of a decision, the SEA shall review the investigation and decision and make the LEA aware if further steps are to be taken by the LEA or the SEA. A complainant who is dissatisfied with the decision of the LEA may file an appeal with the SEA. A request for an appeal must be submitted in writing to the General Counsel of the State Department of Education within thirty (30) days of resolution of the complaint by the LEA.

(2) Upon receipt of an appeal, the SEA will request from the LEA a copy of the original complaint and evidence found during the investigation by the LEA. Upon receipt of evidence supplied by the complainant and the LEA, the SEA will either make a disposition from submitted documentation or conduct an independent, on-site investigation of the complaint if deemed warranted.

(3) Resolution of the complaint shall be made by the SEA within forty-five (45) days of receipt of an appeal. A request for an extension of this time limit may be submitted by either the LEA or complainant. An extension of this time limit will be made only if exceptional circumstances exist with respect to a particular complaint.

(4) Within ten (10) days of completion of the appeal review process by the SEA, a written decision will be provided to the person, persons, or organization making the complaint and to the LEA to which the complaint was filed.

(5) A complaint against an LEA made directly to the SEA without previously being filed with the appropriate LEA will be reviewed by the SEA to determine if an investigation is warranted by the SEA because of the seriousness of the complaint or if the complaint shall be returned to the complainant to be filed with the appropriate LEA. The forwarding of a complaint filed with the SEA requires the LEA to conduct an investigation and produce a decision within thirty (30) days of receipt of the complaint by the LEA.

(6) A direct complaint which the SEA determines must be investigated by the SEA will be resolved within forty-five (45) days of the receipt of the complaint by the SEA. A written decision will be provided to the person, persons, or organization making the complaint and to the LEA upon which the complaint was filed.

(7) The complainant has the right to request the Secretary of the United States Department of Education to review, at the Secretary's discretion, the final decision made by the SEA.

(8) Complaints against the SEA must be filed with the General Counsel of the State Department of Education. Complaints must:

(A) be submitted in written form and specify the federal program requirements alleged to have been violated;

(B) be signed;

(C) include the facts on which the statement is based and the specific program requirement alleged to have been violated; and

(D) include information supporting the allegation along with the allegation.

(9) The SEA will investigate and resolve the complaint and issue a written decision to the LEA and to the complainant within forty-five (45) days of receipt of the complaint.

(10) The complainant has the right to request the Secretary of the United States Department of Education to review, at the Secretary's discretion, the final decision made by the SEA.