



JOY HOFMEISTER
STATE SUPERINTENDENT *of* PUBLIC INSTRUCTION
OKLAHOMA STATE DEPARTMENT *of* EDUCATION

MEMORANDUM

TO: The Honorable Members of the State Board of Education

FROM: Joy Hofmeister

DATE: August 27, 2015

SUBJECT: Emergency Rule Promulgation

The State Board of Education will be taking action at the August meeting on the following emergency rule amendments, pursuant to the *Oklahoma Administrative Procedures Act*, 75 O.S. § 253:

Title 210. State Department of Education
Chapter 1. State Board of Education
Subchapter 3. Departmental Precepts
210:1-3-8.1. Student Data Accessibility, Transparency, and Accountability Act [AMENDED]

This emergency amendment eliminates the language in the Student Data Act rule that requires the redaction of aggregate student data reports for all data cells showing a number lower than ten (10). This change strikes the language that associates a specific number with the definition of “personally identifiable information” (PII), and leaves the rule’s incorporation of the *Family Educational Rights and Privacy Act* (FERPA) definition of PII intact. This protects student privacy while providing more flexibility in the presentation of public data reports.

Title 210. State Department of Education
Chapter 20. Staff
Subchapter 9. Professional Standards: Teacher Education and Certification
Part 9. Teacher Certification
210:20-9-95. Effective date of teaching certificates [AMENDED]

This emergency amendment makes an update to the rule required by a change in law. Senate Bill 29 established a July 1 effective date for teaching

certificates that are renewed in the same year in which they expire. The effective dates in the new statute at 70 O.S. § 6-108.1 conflict with the existing version of the rule, and this amendment updates the rule to reflect current law.

Title 210. State Department of Education

Chapter 20. Staff

Subchapter 9. Professional Standards: Teacher Education and Certification

Part 9. Teacher Certification

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

This emergency amendment addresses the documentation requirements for obtaining or renewing teacher certification. Subsection (b) of the rule, “Noncitizens of the United States”, is inconsistent with federal and state law as applied to those who are lawfully present in the U.S. That subsection must be revised to reflect that professional licensure requires verification of lawful presence, pursuant to 56 O.S. § 71.

Title 210. State Department of Education

Chapter 35. Standards for Accreditation of Elementary, Middle Level, Secondary, and Career and Technology Schools

Subchapter 9. Additional Standards for Secondary Schools

Part 7. Standard IV: Curriculum, Instruction, Assessment and Climate

210:35-9-31. Program of studies and graduation requirements [AMENDED]

This emergency amendment is required by House Bill 1330. That bill added a provision to 70 O.S. § 11-103.6f which explicitly requires that by December 1, 2015, the State Board must "adopt rules requiring school district boards of education to waive the Oklahoma history high school graduation requirements...for children of military families...who transition with the military from another state and who have satisfactorily completed a similar state history class in another state." Because rules promulgated through the regular permanent rulemaking process cannot take effect before December 1, emergency action is required.