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# The Oklahoma Register

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Oklahoma  
Secretary of State  
Office of Administrative Rules



**Brad Henry, Governor**  
**M. Susan Savage,**  
**Secretary of State**  
**Peggy Coe, Managing Editor**

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Oklahoma Department of <b>AGRICULTURE</b> , Food, and Forestry	35	State Board of Licensure for Professional <b>ENGINEERS</b> and Land Surveyors ( <i>Formerly:</i> State Board of Registration for Professional <b>ENGINEERS</b> and Land Surveyors)	245
Oklahoma Board of Licensed <b>ALCOHOL</b> and Drug Counselors	38	Board of Trustees for the <b>ENID</b> Higher Education Program	250
Board of Tests for <b>ALCOHOL</b> and Drug Influence	40	Department of <b>ENVIRONMENTAL</b> Quality	252
<b>ALCOHOLIC</b> Beverage Laws Enforcement Commission	45	State Board of <b>EQUALIZATION</b>	255
<b>ANATOMICAL</b> Board of the State of Oklahoma	50	<b>ETHICS</b> Commission ( <i>Title revoked</i> )	257
Board of Governors of the Licensed <b>ARCHITECTS</b> , Landscape Architects and Interior Designers of Oklahoma	55	<b>ETHICS</b> Commission	258
<b>ARCHIVES</b> and Records Commission	60	Office of State <b>FINANCE</b>	260
Board of Trustees for the <b>ARDMORE</b> Higher Education Program	65	State <b>FIRE</b> Marshal Commission	265
Oklahoma <b>ARTS</b> Council	70	Oklahoma Council on <b>FIREFIGHTER</b> Training	268
<b>ATTORNEY</b> General	75	Oklahoma <b>FIREFIGHTERS</b> Pension and Retirement System	270
State <b>AUDITOR</b> and Inspector	80	[RESERVED]	275
State <b>BANKING</b> Department	85	State Board of Registration for <b>FORESTERS</b>	280
Oklahoma State Employees <b>BENEFITS</b> Council	87	<b>FOSTER</b> Care Review Advisory Board	285
Council of <b>BOND</b> Oversight	90	Oklahoma <b>FUNERAL</b> Board ( <i>Formerly:</i> Oklahoma State Board of Embalmers and Funeral Directors) - <i>See</i> Title 235	
Oklahoma Professional <b>BOXING</b> Commission	92	Oklahoma <b>FUTURES</b>	290
State <b>BURIAL</b> Board ( <i>abolished 7-1-92</i> )	95	<b>GOVERNOR</b>	295
[RESERVED]	100	<b>GRAND</b> River Dam Authority	300
Oklahoma <b>CAPITAL</b> Investment Board	105	Group Self-Insurance Association <b>GUARANTY</b> Fund Board	302
Oklahoma <b>CAPITOL</b> Improvement Authority	110	Individual Self-Insured <b>GUARANTY</b> Fund Board	303
State <b>CAPITOL</b> Preservation Commission	115	<b>STATE</b> Use Committee ( <i>Formerly:</i> Committee on Purchases of Products and Services of the Severely <b>HANDICAPPED</b> )	304
<b>CAPITOL-MEDICAL</b> Center Improvement and Zoning Commission	120	Office of <b>HANDICAPPED</b> Concerns	305
Oklahoma Department of <b>CAREER</b> and Technology Education ( <i>Formerly:</i> Oklahoma Department of <b>VOCATIONAL</b> and Technical Education) - <i>See</i> Title 780		Oklahoma State Department of <b>HEALTH</b>	310
Board of Regents of <b>CARL</b> Albert State College	125	Oklahoma Basic <b>HEALTH</b> Benefits Board ( <i>abolished 11-1-97</i> )	315
Department of <b>CENTRAL</b> Services ( <i>Formerly:</i> Office of <b>PUBLIC</b> Affairs) - <i>See</i> Title 580		Oklahoma <b>HEALTH</b> Care Authority	317
<b>CEREBRAL</b> Palsy Commission	130	<b>HIGHWAY</b> Construction Materials Technician Certification Board	318
Commission on <b>CHILDREN</b> and Youth	135	Oklahoma <b>HISTORICAL</b> Society	320
Board of <b>CHIROPRACTIC</b> Examiners	140	Oklahoma <b>HORSE</b> Racing Commission	325
Oklahoma Department of <b>EMERGENCY</b> Management ( <i>Formerly:</i> Department of <b>CIVIL</b> Emergency Management)	145	Oklahoma <b>HOUSING</b> Finance Agency	330
Oklahoma Department of <b>COMMERCE</b>	150	Oklahoma <b>HUMAN</b> Rights Commission	335
<b>COMMUNITY</b> Hospitals Authority	152	Department of <b>HUMAN</b> Services	340
<b>COMPSOURCE</b> Oklahoma ( <i>Formerly:</i> State <b>INSURANCE</b> Fund) - <i>See</i> Title 370		Committee for <b>INCENTIVE</b> Awards for State Employees	345
Oklahoma <b>CONSERVATION</b> Commission	155	Oklahoma <b>INDIAN</b> Affairs Commission	350
<b>CONSTRUCTION</b> Industries Board	158	Oklahoma <b>INDIGENT</b> Defense System	352
Department of <b>CONSUMER</b> Credit	160	Oklahoma <b>INDUSTRIAL</b> Finance Authority	355
<b>CORPORATION</b> Commission	165	<b>INJURY</b> Review Board	357
Department of <b>CORRECTIONS</b>	170	Oklahoma State and Education Employees Group <b>INSURANCE</b> Board	360
State Board of <b>COSMETOLOGY</b>	175	<b>INSURANCE</b> Department	365
Oklahoma State <b>CREDIT</b> Union Board	180	<b>COMPSOURCE</b> Oklahoma ( <i>Formerly:</i> State <b>INSURANCE</b> Fund)	370
<b>CRIME</b> Victims Compensation Board	185	Oklahoma State Bureau of <b>INVESTIGATION</b>	375
Joint <b>CRIMINAL</b> Justice System Task Force Committee	190	Council on <b>JUDICIAL</b> Complaints	376
Board of <b>DENTISTRY</b>	195	Office of <b>JUVENILE</b> Affairs	377
Oklahoma <b>DEVELOPMENT</b> Finance Authority	200	Department of <b>LABOR</b>	380
Board of Regents of <b>EASTERN</b> Oklahoma State College	205	Department of the Commissioners of the <b>LAND</b> Office	385
State Department of <b>EDUCATION</b>	210		
<b>EDUCATION</b> Oversight Board	215		
Oklahoma <b>EDUCATIONAL</b> Television Authority	220		
[RESERVED]	225		

Agency	Title	Agency	Title
Council on <b>LAW</b> Enforcement Education and Training	390	Board of Regents of <b>REDLANDS</b> Community College	607
Oklahoma <b>LAW</b> Enforcement Retirement System	395	State <b>REGENTS</b> for Higher Education	610
Board on <b>LEGISLATIVE</b> Compensation	400	State Department of <b>REHABILITATION</b> Services	612
Oklahoma Department of <b>LIBRARIES</b>	405	Board of Regents of <b>ROGERS</b> State College	615
<b>LIEUTENANT</b> Governor	410	Board of Regents of <b>ROSE</b> State College	620
Oklahoma <b>LINKED</b> Deposit Review Board	415	Oklahoma <b>SAVINGS</b> and Loan Board ( <i>abolished 7-1-93</i> )	625
Oklahoma <b>LIQUEFIED</b> Petroleum Gas Board	420	<b>SCENIC</b> Rivers Commission	630
Oklahoma <b>LIQUEFIED</b> Petroleum Gas Research, Marketing and Safety Commission	422	Oklahoma Commission on <b>SCHOOL</b> and County Funds Management	635
<b>LITERACY</b> Initiatives Commission	425	Advisory Task Force on the Sale of <b>SCHOOL</b> Lands ( <i>functions concluded 2-92</i> )	640
<b>LONG-RANGE</b> Capital Planning Commission	428	The Oklahoma School of <b>SCIENCE</b> and Mathematics	645
Oklahoma State Board of Examiners for <b>LONG-TERM</b> Care Administrators ( <i>Formerly: Oklahoma State Board of Examiners for NURSING Home Administrators</i> ) - See Title 490		Oklahoma Center for the Advancement of <b>SCIENCE</b> and Technology	650
<b>LOTTERY</b> Commission, Oklahoma	429	<b>SECRETARY</b> of State	655
Board of Trustees for the <b>MCCURTAIN</b> County Higher Education Program	430	Department of <b>SECURITIES</b>	660
Commission on <b>MARGINALLY</b> Producing Oil and Gas Wells	432	Board of Regents of <b>SEMINOLE</b> State College	665
State Board of <b>MEDICAL</b> Licensure and Supervision	435	<b>SHEEP</b> and Wool Commission	670
<b>MEDICAL</b> Technology and Research Authority of Oklahoma	440	State Board of Licensed <b>SOCIAL</b> Workers	675
Board of <b>MEDICOLEGAL</b> Investigations	445	<b>SOUTHERN</b> Growth Policies Board	680
Department of <b>MENTAL</b> Health and Substance Abuse Services	450	Oklahoma <b>SOYBEAN</b> Commission ( <i>abolished 7-1-97</i> )	685
<b>MERIT</b> Protection Commission	455	Board of Examiners for <b>SPEECH-LANGUAGE</b> Pathology and Audiology	690
<b>MILITARY</b> Planning Commission, Oklahoma Strategic	457	<b>STATE</b> Employee Charitable Contributions, Oversight Committee for ( <i>Formerly: STATE</i> Agency Review Committee)	695
Department of <b>MINES</b>	460	<b>STATE</b> Use Committee ( <i>Formerly: Committee on Purchases of Products and Services of the Severely HANDICAPPED</i> ) – See Title 304	
Oklahoma <b>MOTOR</b> Vehicle Commission	465	Oklahoma <b>STUDENT</b> Loan Authority	700
Board of Regents of <b>MURRAY</b> State College	470	<b>TASK</b> Force 2000	705
Oklahoma State Bureau of <b>NARCOTICS</b> and Dangerous Drugs Control	475	Oklahoma <b>TAX</b> Commission	710
Board of Regents of <b>NORTHERN</b> Oklahoma College	480	Oklahoma Commission for <b>TEACHER</b> Preparation	712
Oklahoma Board of <b>NURSING</b>	485	<b>TEACHERS'</b> Retirement System	715
Oklahoma State Board of Examiners for <b>LONG-TERM</b> Care Administrators ( <i>Formerly: Oklahoma State Board of Examiners for NURSING Home Administrators</i> )	490	State <b>TEXTBOOK</b> Committee	720
Board of Regents of <b>OKLAHOMA</b> City Community College	495	Oklahoma <b>TOURISM</b> and Recreation Department	725
Board of Regents of <b>OKLAHOMA</b> Colleges	500	Department of <b>TRANSPORTATION</b>	730
Board of Examiners in <b>OPTOMETRY</b>	505	Oklahoma <b>TRANSPORTATION</b> Authority ( <i>Name changed to Oklahoma TURNPIKE Authority 11-1-05 - See Title 731</i> )	
State Board of <b>OSTEOPATHIC</b> Examiners	510	Oklahoma <b>TURNPIKE</b> Authority ( <i>Formerly: Oklahoma TRANSPORTATION Authority AND Oklahoma TURNPIKE Authority - See also Title 745</i> )	731
<b>PARDON</b> and Parole Board	515	State <b>TREASURER</b>	735
Oklahoma <b>PEANUT</b> Commission	520	Board of Regents of <b>TULSA</b> Community College	740
Oklahoma State <b>PENSION</b> Commission	525	Oklahoma <b>TURNPIKE</b> Authority ( <i>Name changed to Oklahoma TRANSPORTATION Authority 11-1-99 - no rules enacted in this Title - See Title 731</i> )	745
State Board of Examiners of <b>PERFUSIONISTS</b>	527	Board of Trustees for the <b>UNIVERSITY</b> Center at Tulsa	750
Office of <b>PERSONNEL</b> Management	530	<b>UNIVERSITY</b> Hospitals Authority	752
Oklahoma State Board of <b>PHARMACY</b>	535	<b>UNIVERSITY</b> Hospitals Trust	753
<b>PHYSICIAN</b> Manpower Training Commission	540	Board of Regents of the <b>UNIVERSITY</b> of Oklahoma	755
Board of <b>PODIATRIC</b> Medical Examiners	545	Board of Regents of the <b>UNIVERSITY</b> of Science and Arts of Oklahoma	760
Oklahoma <b>POLICE</b> Pension and Retirement System	550	Oklahoma <b>USED</b> Motor Vehicle and Parts Commission	765
State Department of <b>POLLUTION</b> Control ( <i>abolished 1-1-93</i> )	555	Oklahoma Department of <b>VETERANS</b> Affairs	770
<b>POLYGRAPH</b> Examiners Board	560	Board of <b>VETERINARY</b> Medical Examiners	775
Oklahoma Board of <b>PRIVATE</b> Vocational Schools	565	Oklahoma Department of <b>CAREER</b> and Technology Education ( <i>Formerly: Oklahoma Department of VOCATIONAL and Technical Education</i> )	780
State Board for <b>PROPERTY</b> and Casualty Rates ( <i>abolished 7-1-06; see also Title 365</i> )	570	Oklahoma <b>WATER</b> Resources Board	785
State Board of Examiners of <b>PSYCHOLOGISTS</b>	575	Board of Regents of <b>WESTERN</b> Oklahoma State College	790
Department of <b>CENTRAL</b> Services ( <i>Formerly: Office of PUBLIC Affairs)</i>	580	Oklahoma <b>WHEAT</b> Commission	795
<b>PUBLIC</b> Employees Relations Board	585	Department of <b>WILDLIFE</b> Conservation	800
Oklahoma <b>PUBLIC</b> Employees Retirement System	590	<b>WILL</b> Rogers and J.M. Davis Memorials Commission	805
Department of <b>PUBLIC</b> Safety	595		
<b>REAL</b> Estate Appraiser Board	600		
Oklahoma <b>REAL</b> Estate Commission	605		



# Notices of Rulemaking Intent

Prior to adoption and gubernatorial/legislative review of a proposed PERMANENT rulemaking action, an agency must publish a Notice of Rulemaking Intent in the *Register*. In addition, an agency may publish a Notice of Rulemaking Intent in the *Register* prior to adoption of a proposed EMERGENCY or PREEMPTIVE rulemaking action.

A Notice of Rulemaking Intent announces a comment period, or a comment period and public hearing, and provides other information about the intended rulemaking action as required by law, including where copies of proposed rules may be obtained.

*For additional information on Notices of Rulemaking Intent, see 75 O.S., Section 303.*

## **TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 15. ANIMAL INDUSTRY**

*[OAR Docket #07-1439]*

### **RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking

### **PROPOSED RULES:**

Subchapter 16. Contagious Equine Metritis

35:15-16-1 [AMENDED]

Subchapter 36. Scrapie

35:15-36-1 [AMENDED]

35:15-36-2 [AMENDED]

### **SUMMARY:**

The proposed rules update the incorporation by reference of the Code of Federal Regulations for Contagious Equine Metritis and Scrapie.

### **AUTHORITY:**

Oklahoma State Board of Agriculture and the Oklahoma Agricultural Code; 2 O.S. 2001 §§ 2-4(2), (7), and (29), 6-2; 6-124, and 6-152; Article 6, Section 31, Constitution of the State of Oklahoma

### **COMMENT PERIOD:**

Persons may submit written comments to Teena Gunter at 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from November 15, 2007 to December 17, 2007.

### **PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m., December 17, 2007, in the Plant Industry and Consumer Services Conference Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Teena Gunter at the above address during the period from November 15, 2007 to December 17, 2007.

### **COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained by visiting [www.oda.state.ok.us](http://www.oda.state.ok.us) or by contacting Teena Gunter,

Oklahoma Department of Agriculture, Food, and Forestry, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804, (405) 522-4576, [teena.gunter@oda.state.ok.us](mailto:teena.gunter@oda.state.ok.us).

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the above addresses.

### **CONTACT PERSON:**

Dr. Becky Brewer, (405) 522-6134, e-mail address: [becky.brewer@oda.state.ok.us](mailto:becky.brewer@oda.state.ok.us)

*[OAR Docket #07-1439; filed 10-25-07]*

## **TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 30. ~~PLANT~~ ~~INDUSTRY~~ CONSUMER PROTECTION**

*[OAR Docket #07-1437]*

### **RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking

### **PROPOSED RULES:**

Subchapter 17. Combined Pesticide

Part 6. Pesticidal Product Producing Establishments

35:30-17-13 [AMENDED]

Part 21. Standards for disposal of pesticide and pesticide containers

35:30-17-89.1 [AMENDED]

### **SUMMARY:**

The proposed rules incorporate the date for the most recent version of the Code of Federal Regulations.

### **AUTHORITY:**

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2) and (29), 3-81 et seq.; Article 6, Section 31, Constitution of the State of Oklahoma

### **COMMENT PERIOD:**

Persons may submit written and oral comments to Teena Gunter at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from November 15, 2007 through December 17, 2007.

### **PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m., December 17, 2007, in the Plant Industry and Consumer Services Conference Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

## Notices of Rulemaking Intent

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### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Teena Gunter at the above address during the period from November 15, 2007 through December 17, 2007.

### COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting [www.oda.state.ok.us](http://www.oda.state.ok.us) or by contacting Teena Gunter, Oklahoma Department of Agriculture, Food, and Forestry, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the above addresses.

### CONTACT PERSON:

Teena Gunter, (405) 522-4576, e-mail address: [teena.gunter@oda.state.ok.us](mailto:teena.gunter@oda.state.ok.us)

*[OAR Docket #07-1437; filed 10-25-07]*

## TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 44. AGRICULTURE POLLUTANT DISCHARGE ELIMINATION SYSTEM

*[OAR Docket #07-1438]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 3. Concentrated Animal Feeding Operations  
35:44-3-3 [AMENDED]

### SUMMARY:

This rule updates the Code of Federal Regulations date for the incorporation by reference of the permitting requirements for concentrated animal feeding operations.

### AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2), (7), (16), and (29), 2-18.2, 2A-1 et seq., and 2A-21 et seq.; 27A O.S. § 1-3-101(D); and Article 6, Section 31, Constitution of the State of Oklahoma.

### COMMENT PERIOD:

Persons may submit written and oral comments to Teena Gunter at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from November 15, 2007 to December 17, 2007.

### PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., December 17, 2007, in the Consumer Protection Services conference room on the second floor of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Teena Gunter at the above address during the period from November 15, 2007 to December 17, 2007.

### COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting [www.oda.state.ok.us](http://www.oda.state.ok.us) or by contacting Teena Gunter, Oklahoma Department of Agriculture, Food, and Forestry, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804, [teena.gunter@oda.state.ok.us](mailto:teena.gunter@oda.state.ok.us).

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the above addresses.

### CONTACT PERSON:

Teena Gunter, (405) 522-4576, e-mail address: [teena.gunter@oda.state.ok.us](mailto:teena.gunter@oda.state.ok.us)

*[OAR Docket #07-1438; filed 10-25-07]*

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

*[OAR Docket #07-1457]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 3. Child Nutrition Programs  
Part 11. Good of Minimal Nutritional Value [NEW]  
210:10-3-111. Restricting access to foods of minimal nutritional value [NEW]

### SUMMARY:

The proposed rule would result in a decrease in the availability of foods of minimal nutritional value and an increase in foods of nutritional value. The result would ultimately have a favorable impact on student health.

### AUTHORITY:

70 O.S. § 3-104, State Board of Education

### COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., December 17, 2007, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

### PUBLIC HEARING:

A public hearing will be held at 9:30 a.m. on Tuesday, December 18, 2007, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard,

Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:35 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on November 16, 2007.

**CONTACT PERSON:**

Connie Holland, 405-521-3308

*[OAR Docket #07-1457; filed 10-26-07]*

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

*[OAR Docket #07-1460]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 17. Federal Programs Complaint Procedures  
210:10-17-1. Complaint procedures [AMENDED]

**SUMMARY:**

Proposed rule amendments will update all current federal programs related to the reauthorization of the Elementary and Secondary Education Act (ESEA), which is Public Law 107-110, the *No Child Left Behind Act of 2001*.

**AUTHORITY:**

70 O.S. § 3-104, State Board of Education

**COMMENT PERIOD:**

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., December 17, 2007, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

**PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m. on Tuesday, December 18, 2007, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:35 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on November 16, 2007.

**CONTACT PERSON:**

Connie Holland, 405-521-3308

*[OAR Docket #07-1460; filed 10-26-07]*

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

*[OAR Docket #07-1463]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 13. Student Assessment  
210:10-13-2. Oklahoma School Testing Program (OSTP) scope and general administration [AMENDED]

**SUMMARY:**

The proposed rule amendments will provide a description of the requirements to be met by school districts and the State Department of Education as relates to remediation of students who do not score at least satisfactory on the seventh grade Criterion-Referenced Tests in reading and mathematics and the eighth grade Criterion-Referenced Tests in reading and mathematics. The changes will provide public school educators with the guidance necessary to achieve further improvements in the quality of education for Oklahoma students

**AUTHORITY:**

70 O.S. § 3-104, State Board of Education

**COMMENT PERIOD:**

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., January 23, 2008, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

**PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m. on Thursday, January 24, 2008, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:35 a.m.

## Notices of Rulemaking Intent

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### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

### COPIES OF PROPOSED RULES:

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

### RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on November 30, 2007.

### CONTACT PERSON:

Connie Holland, 405-521-3308

*[OAR Docket #07-1463; filed 10-26-07]*

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

*[OAR Docket #07-1464]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 31. Middle School Mathematics Laboratories for Public Schools with Low Student Achievement in Mathematics Program

210:15-31-2. Middle school mathematics laboratories for public schools with low Student achievement in mathematics program [AMENDED]

### SUMMARY:

The proposed rule change will eliminate the restriction to identify up to ten schools each year, allowing for more than ten schools with low student achievement in mathematics to be selected. Also, the maximum number of teachers and administrators in each building trained to use the system is lowered to ten.

### AUTHORITY:

70 O.S. § 3-104, State Board of Education

### COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., January 23, 2008, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

### PUBLIC HEARING:

A public hearing will be held at 9:30 a.m. on Thursday, January 24, 2008, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:35 a.m.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

### COPIES OF PROPOSED RULES:

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

### RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on November 30, 2007.

### CONTACT PERSON:

Connie Holland, 405-521-3308

*[OAR Docket #07-1464; filed 10-26-07]*

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

*[OAR Docket #07-1474B]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 13. Special Education

210:15-13-5. Due Process Hearing Officer [NEW]

210-15-13-6. Subpoenas [NEW]

### SUMMARY:

The proposed rule change would ensure a due process complaint would be handled by a highly qualified Hearing and Appeal Officer. Hearing and Appeal Officers may issue subpoenas for the attendance of witnesses.

### AUTHORITY:

70 O.S. § 3-104, State Board of Education

### COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., December 17, 2007, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

### PUBLIC HEARING:

A public hearing will be held at 9:30 a.m. on Tuesday, December 18, 2007, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:35 a.m.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on November 16, 2007.

**CONTACT PERSON:**

Connie Holland, 405-521-3308

*[OAR Docket #07-1474B; filed 10-26-07]*

**TITLE 210. STATE DEPARTMENT OF EDUCATION  
CHAPTER 20. STAFF**

*[OAR Docket #07-1465]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 26. Academic Achievement Award Program  
210:20-26-3. Qualified employees [AMENDED]

**SUMMARY:**

Rules are being modified for the AAA program. The definition of "qualified employees" has changed based upon recent 2007 legislation in House Bill 1593. Minor clarifying language has been added to the rule.

**AUTHORITY:**

70 O.S. § 3-104, State Board of Education

**COMMENT PERIOD:**

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., January 23, 2008, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

**PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m. on Thursday, January 24, 2008, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:35 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on November 30, 2007.

**CONTACT PERSON:**

Connie Holland, 405-521-3308

*[OAR Docket #07-1465; filed 10-26-07]*

**TITLE 210. STATE DEPARTMENT OF EDUCATION  
CHAPTER 20. STAFF**

*[OAR Docket #07-1474A]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 27. Support Personnel  
210:20-27-1. Support personnel; reporting requirements  
[AMENDED]

**SUMMARY:**

The rule amendments will change the due date for school districts to submit their Support Personnel Reports from October 15 to October 1.

**AUTHORITY:**

70 O.S. § 3-104, State Board of Education

**COMMENT PERIOD:**

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., January 23, 2008, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

**PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m. on Thursday, January 24, 2008, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:35 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on November 30, 2007.

## Notices of Rulemaking Intent

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**CONTACT PERSON:**

Connie Holland, 405-521-3308

*[OAR Docket #07-1474A; filed 10-26-07]*

**TITLE 210. STATE DEPARTMENT OF  
EDUCATION  
CHAPTER 25. FINANCE**

*[OAR Docket #07-1466]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. Funding Criteria

210:25-3-4. Personnel [AMENDED]

**SUMMARY:**

The purpose of the proposed rule change is to establish a way to pre-populate the Accreditation Application Teacher Assignment section for the school districts. This will make for more accurate data when school districts submit their class assignments.

**AUTHORITY:**

70 O.S. § 3-104, State Board of Education

**COMMENT PERIOD:**

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., January 23, 2008, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

**PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m. on Thursday, January 24, 2008, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:35 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on November 30, 2007.

**CONTACT PERSON:**

Connie Holland, 405-521-3308

*[OAR Docket #07-1466; filed 10-26-07]*

**TITLE 210. STATE DEPARTMENT OF  
EDUCATION  
CHAPTER 35. STANDARDS FOR  
ACCREDITATION OF ELEMENTARY,  
MIDDLE LEVEL, SECONDARY, AND  
CAREER AND TECHNOLOGY SCHOOLS**

*[OAR Docket #07-1456]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. Standards for Elementary, Middle Level, Secondary, and Career and Technology Schools

Part 11. Standard VI: Student Services

210:35-3-109. Vision Screening [NEW]

**SUMMARY:**

The rule provides for the reporting of vision screening of kindergarten, first, and third grade students in public schools and comprehensive eye examinations to the State Department of Education.

**AUTHORITY:**

70 O.S. § 3-104, State Board of Education

**COMMENT PERIOD:**

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., December 17, 2007, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

**PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m. on Tuesday, December 18, 2007, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:35 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on November 16, 2007.

**CONTACT PERSON:**

Connie Holland, 405-521-3308

*[OAR Docket #07-1456; filed 10-26-07]*

**TITLE 210. STATE DEPARTMENT OF EDUCATION  
CHAPTER 35. STANDARDS FOR ACCREDITATION OF ELEMENTARY, MIDDLE LEVEL, SECONDARY, AND CAREER AND TECHNOLOGY SCHOOLS**

[OAR Docket #07-1458]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. Standards for Elementary, Middle Level, Secondary, and Career and Technology Schools  
Part 11. Standard VI: Student Services  
210:35-3-110. Healthy and Fit School Advisory Committee [NEW]

**SUMMARY:**

The proposed rule provides for agency representatives to monitor schools for compliance with provisions of the Healthy and Fit Kids Act and to assign deficiencies on the Accreditation Report for noncompliance.

**AUTHORITY:**

70 O.S. § 3-104, State Board of Education

**COMMENT PERIOD:**

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., December 17, 2007, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

**PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m. on Tuesday, December 18, 2007, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:35 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on November 16, 2007.

**CONTACT PERSON:**

Connie Holland, 405-521-3308

[OAR Docket #07-1458; filed 10-26-07]

**TITLE 210. STATE DEPARTMENT OF EDUCATION  
CHAPTER 35. STANDARDS FOR ACCREDITATION OF ELEMENTARY, MIDDLE LEVEL, SECONDARY, AND CAREER AND TECHNOLOGY SCHOOLS**

[OAR Docket #07-1459]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 15. Expanded Opportunities in Summer Programs  
210:35-15-2. Summer school programs [AMENDED]

**SUMMARY:**

The purpose of the rule change is to allow schools flexibility in the length of time summer school may be in session. The proposed rule change will delete the requirement that summer school cannot be in session more than 5 days per week. This would eliminate need for filing a deregulation.

**AUTHORITY:**

70 O.S. § 3-104, State Board of Education

**COMMENT PERIOD:**

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., December 17, 2007, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

**PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m. on Tuesday, December 18, 2007, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:35 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on November 16, 2007.

**CONTACT PERSON:**

Connie Holland, 405-521-3308

[OAR Docket #07-1459; filed 10-26-07]

## Notices of Rulemaking Intent

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**TITLE 210. STATE DEPARTMENT OF  
EDUCATION  
CHAPTER 35. STANDARDS FOR  
ACCREDITATION OF ELEMENTARY,  
MIDDLE LEVEL, SECONDARY, AND  
CAREER AND TECHNOLOGY SCHOOLS**

*[OAR Docket #07-1461]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Additional Standards for Elementary Schools

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

210:35-5-31. Program of Studies [NEW]

**SUMMARY:**

The proposed rule amendments will require that school districts provide to all students physical education programs, which may include athletics, as a condition of accreditation. Proposed rule amendments will require that public elementary schools provide instruction in physical education for full-day kindergarten through Grade 5 students for an average of sixty (60) minutes each week. Time spent in recess cannot be counted toward the total required for physical education.

**AUTHORITY:**

70 O.S. § 3-104, State Board of Education

**COMMENT PERIOD:**

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., December 17, 2007, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

**PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m. on Tuesday, December 18, 2007, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:35 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on November 16, 2007.

**CONTACT PERSON:**

Connie Holland, 405-521-3308

*[OAR Docket #07-1461; filed 10-26-07]*

**TITLE 210. STATE DEPARTMENT OF  
EDUCATION  
CHAPTER 35. STANDARDS FOR  
ACCREDITATION OF ELEMENTARY,  
MIDDLE LEVEL, SECONDARY, AND  
CAREER AND TECHNOLOGY SCHOOLS**

*[OAR Docket #07-1467]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. Standards for Elementary, Middle Level, Secondary, and Career and Technology Schools

Part 19. Standard X: School Facilities

210:35-3-186. Site and buildings: size and space; accessibility; maintenance; health and safety  
[AMENDED]

**SUMMARY:**

The proposed rule amendments require all students and personnel to participate in lock down drills at least once each year.

**AUTHORITY:**

70 O.S. § 3-104, State Board of Education

**COMMENT PERIOD:**

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., January 23, 2008, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

**PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m. on Thursday, January 24, 2008, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:35 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on November 30, 2007.

**CONTACT PERSON:**

Connie Holland, 405-521-3308

[OAR Docket #07-1467; filed 10-26-07]

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

[OAR Docket #07-1462]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 9. McKinney-Vento Homeless Education Complaint Guidelines [NEW]
- 210:40-9-1. Purpose [NEW]
- 210:40-9-2. School District Level [NEW]
- 210:40-9-3. State level [NEW]

**SUMMARY:**

The proposed rules will establish a complaint resolution process to utilize when a dispute arises regarding the education of a homeless child or youth.

**AUTHORITY:**

70 O.S. § 3-104, State Board of Education

**COMMENT PERIOD:**

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., December 17, 2007, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

**PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m. on Tuesday, December 18, 2007, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:35 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on November 16, 2007.

**CONTACT PERSON:**

Connie Holland, 405-521-3308

[OAR Docket #07-1462; filed 10-26-07]

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

[OAR Docket #07-1468]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 89. Robotics Grant Program [NEW]
- 210:40-89-1. Purpose [NEW]
- 210:40-89-2. Robotics Programs for Public Schools [NEW]

**SUMMARY:**

The Robotics Grant Program will provide grant funding for high schools for participation in robotics competitions. The rules for the Robotics Grant Program outline the requirements for implementation of the program. Schools will be selected for participation and receive funding based on a statewide competitive application process. Funds will be utilized by the schools for registration fees and related expenses associated with participation in Oklahoma regional and national robotics competitions. Upon completion of the project, schools will provide use of funding and project outcome reports to the State Department of Education.

**AUTHORITY:**

70 O.S. § 3-104, State Board of Education

**COMMENT PERIOD:**

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., January 23, 2008, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

**PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m. on Thursday, January 24, 2008, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:35 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

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

## Notices of Rulemaking Intent

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### **RULE IMPACT STATEMENT:**

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on November 30, 2007.

### **CONTACT PERSON:**

Connie Holland, 405-521-3308

*[OAR Docket #07-1468; filed 10-26-07]*

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

*[OAR Docket #07-1469]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 91. Comprehensive Statewide School District Character Education Grants [NEW]

210:40-91-1. Purpose [NEW]

210:40-91-2. Procedures for solicitation, determination of eligibility, and acceptance of applications for Districtwide Comprehensive Character Education Programs [NEW]

210:40-91-3. Procedures for evaluation and recommendation of eligible grant applications [NEW]

210:40-91-4. Procedures for awarding grants [NEW]

### **SUMMARY:**

The new rule will establish comprehensive, districtwide pilot character education programs on a statewide competitive basis and outline the requirements for establishing the criteria and the selection process. The new rules will establish the criteria, an application, and a selection process for identifying the pilot programs to receive funding.

### **AUTHORITY:**

70 O.S. § 3-104, State Board of Education

### **COMMENT PERIOD:**

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., January 23, 2008, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

### **PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m. on Thursday, January 24, 2008, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:35 a.m.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

### **COPIES OF PROPOSED RULES:**

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

### **RULE IMPACT STATEMENT:**

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on November 30, 2007.

### **CONTACT PERSON:**

Connie Holland, 405-521-3308

*[OAR Docket #07-1469; filed 10-26-07]*

### **TITLE 245. STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS CHAPTER 2. ADMINISTRATIVE OPERATIONS**

*[OAR Docket #07-1424]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

245:2-1-18 [AMENDED]

### **SUMMARY:**

The proposed revisions to Chapter 2, Subchapter 1 are to revise the schedule of fees and penalties.

### **AUTHORITY:**

59 O.S. 475.1 et seq; 65 O.S., 1991 Sections 3-116 et seq; 75 O.S. Sections 301 et seq

### **COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 4:30 p.m., January 18, 2008 at: Oklahoma Engineering Center, 201 N.E. 27<sup>th</sup> St., Room 120, Oklahoma City, OK 73105, Attn: Kathy Hart.

### **PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S., Section 303(B)(9), "persons may demand a hearing" by contacting Kathy Hart at (405) 521-2874 no later than 4:30 p.m. on January 3, 2008.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

### **COPIES OF PROPOSED RULES:**

Copies of the rules may be obtained by contacting Kathy Hart at the Board office, 201 N.E. 27<sup>th</sup> St., Room 120, Oklahoma City, OK 73105. Persons requesting more than one copy of the proposed rules will be charged \$.25 per page plus actual mailing costs. Copies of the proposed rules may also be downloaded from our website at [www.pels.state.ok.us](http://www.pels.state.ok.us).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a rule impact statement will be issued and made available at the offices of the Board (address above).

**CONTACT PERSON:**

Kathy Hart, Executive Director, (405) 521-2874 ext. 24

*[OAR Docket #07-1424; filed 10-16-07]*

**TITLE 318. HIGHWAY CONSTRUCTION MATERIALS TECHNICIAN CERTIFICATION BOARD  
CHAPTER 10. EXAMINATION AND CERTIFICATION**

*[OAR Docket #07-1421]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**RULES:**

- 318:10-1-1. Purpose [AMENDED]
- 318:10-1-3.1. Training of Personnel Not Seeking Certification [NEW]
- 318:10-1-4. Examination Criteria [AMENDED]
- 318:10-1-11. Fees [AMENDED]

**SUMMARY:**

The original Act authorized the Board to promulgate rules governing the training, examination, and registration of highway construction materials technicians. Senate Bill No. 140, approved by the Governor on April 18, 2007, amended the Act to authorize the Board to also govern the training (but not examination and registration) of construction inspectors, first line construction supervisors, and others not seeking registration as a materials technician. On August 16, 2007, the Governor approved the Emergency adoption of changes in the Rules reflecting the broadened training authorization. This proposed Permanent rulemaking will supersede the Emergency Rule. **Additional changes, not covered by the Emergency Rule, include minor modification to the examination criteria and increasing some fees for training.**

**AUTHORITY:**

69 O.S. Supp 2001, § 1954; Highway Construction Materials Technician Certification Board

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so by visiting, calling, mailing, facsimiling, or e-mailing their comments to the contact person shown below. Comments will be received until the scheduled public hearing set forth below.

**PUBLIC HEARING:**

December 18, 2007, at 10:00 a.m.  
Materials Division Conference Room  
Oklahoma Department of Transportation  
200 N.E. 21<sup>st</sup> Street  
Oklahoma City, OK 73105

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Board requests that business entities affected by these proposed rules provide it, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, and professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Reynolds Toney, at the address below, before the close of the comment period on December 17, 2007.

**COPIES OF PROPOSED RULES:**

Materials Division  
Oklahoma Department of Transportation  
200 N.E. 21<sup>st</sup> Street  
Oklahoma City, OK 73105  
and  
Training Center  
Oklahoma Department of Transportation  
1025 S.E. 59<sup>th</sup> Street  
Oklahoma City, OK 73129

**RULE IMPACT STATEMENT**

Pursuant to 75 O.S. § 303(D), a rule impact statement may be obtained from the Board on or after November 15, 2007 at the address below.

**CONTACT PERSON:**

Reynolds Toney, Materials Division  
Oklahoma Department of Transportation  
200 N.E. 21<sup>st</sup> Street  
Oklahoma City, OK 73105  
(405) 521-2677  
Facsimile: (405) 522-0552  
E-Mail: [rtoney@odot.org](mailto:rtoney@odot.org)

*[OAR Docket #07-1421; filed 10-10-07]*

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES  
CHAPTER 21. CERTIFICATION OF ALCOHOL AND DRUG SUBSTANCE ABUSE COURSES (ADSAC), ORGANIZATIONS AND FACILITATORS**

*[OAR Docket #07-1453]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. Certification of Alcohol and Drug Substance Abuse Courses (ADSAC), Organizations and Instructors
- 450:21-1-1. Purpose and applicability [AMENDED]
- 450:21-1-2. Statutory authority [AMENDED]
- 450:21-1-3. Definitions [AMENDED]
- 450:21-1-4. Meaning of verbs in rules [AMENDED]

## Notices of Rulemaking Intent

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- 450:21-1-5. Compliance with laws, rules [AMENDED]
- 450:21-1-6. Applications [AMENDED]
- 450:21-1-7. Minimum curriculum requirements, ten (10) hour courses [AMENDED]
- 450:21-1-7.2. Minimum curriculum requirements, twenty-four (24) hour courses [AMENDED]
- 450:21-1-7.4. Critical Incidents [NEW]
- 450:21-1-7.5. Participant record system [NEW]
- 450:21-1-7.6. Participant records, basic requirements [NEW]
- 450:21-1-7.7. Participant record storage, retention and disposition [NEW]
- 450:21-1-7.8. Confidentiality of participant information [NEW]
- 450:21-1-7.9. Notes [NEW]
- 450:21-1-8. Administrative responsibilities, institutions or organizations conducting ADSAC [AMENDED]
- 450:21-1-9. Facilities, equipment and instructional material [AMENDED]
- 450:21-1-9.1. Physical facility environment and safety [NEW]
- 450:21-1-9.2. Hygiene and sanitation [NEW]
- 450:21-1-10. ~~Ten~~ ~~or~~ ~~24~~ ~~hour~~ ADSAC facilitator certification, qualification and disqualification [AMENDED]
- 450:21-1-10.1. Inactive status/closure [NEW]
- 450:21-1-11. Facilitator training [AMENDED]
- 450:21-1-13. Consumers with disabilities [AMENDED]
- 450:21-1-14. State and federal statutes and regulations [AMENDED]
- Subchapter 3. Certification Denial or Sanctions and Participant Grievance
- 450:21-3-1. Administrative denial, suspension, or revocation of certification [AMENDED]
- 450:21-3-1.1. Fitness of applicants [AMENDED]
- 450:21-3-2. Grounds for reprimand, suspension or revocation of certification, organizations and institutions and facilitators [AMENDED]
- 450:21-3-3. Sanctions and hearings [AMENDED]
- 450:21-3-4. Participant rights and grievance policy [NEW]
- 450:21-3-5. ODMHSAS advocate general [NEW]
- Subchapter 5. Course Attendance and Completion
- 450:21-5-1. ~~Student~~ Participant attendance and completion of ADSAC [AMENDED]
- 450:21-5-2. ADSAC reporting of completions [AMENDED]

### SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 21 are part of the Department's review of Title 450. The proposed rules clarify existing rules and further standardize the ADSAC course process. Requirements for critical incidents, participant record system, confidentiality, charting, physical plant, record requirements, and participant rights are expanded, strengthened and clarified.

### AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-108 and 2-109.

### COMMENT PERIOD:

Persons wishing to submit written comments may do so until 5:00 p.m., December 17, 2007, to the attention of Misty Anne Jobe, Administrative Programs Officer IV. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, OK or by facsimile, at (405) 522-0401.

### PUBLIC HEARING:

The Department will conduct a public hearing on December 18, 2007 at 1:00 p.m. in Conference Room A of the Department at the address given above.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., December 17, 2007 to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, Attention: Misty Anne Jobe.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Misty Anne Jobe, Administrative Programs Officer IV, at the above address.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning November 29, 2007. Copies may be obtained from Misty Anne Jobe, Administrative Programs Officer IV, at the above address.

### CONTACT PERSON:

Misty Anne Jobe, Administrative Programs Officer IV, (405) 522-6917.

*[OAR Docket #07-1453; filed 10-26-07]*

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## TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

### CHAPTER 22. CERTIFICATION OF ALCOHOL AND DRUG ASSESSMENT AND EVALUATIONS RELATED TO DRIVER'S LICENSE REVOCATION

*[OAR Docket #07-1454]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

450:22-1-1. Purpose and applicability [AMENDED]

- 450:22-1-1.1. Certification duration [AMENDED]
- 450:22-1-3. Definitions [AMENDED]
- 450:22-1-5. General statement [AMENDED]
- 450:22-1-5.1. ODMHSAS responsibilities [NEW]
- 450:22-1-6. ~~ADSAC Driver-offender~~ assessors and assessment agencies [AMENDED]
- 450:22-1-6.1. Institutional and organizational description, assessment agencies [NEW]
- 450:22-1-7. ODMHSAS responsibilities [AMENDED]
- 450:22-1-9. Certified approved sites [AMENDED]
- 450:22-1-10. ~~Offender~~ Participant evaluation [AMENDED]
- 450:22-1-11. Standardized evaluation instruments [AMENDED]
- 450:22-1-11.1. Critical incidents, assessors and assessment agencies [NEW]
- 450:22-1-11.2. Participant record system [NEW]
- 450:22-1-11.3. Participant records, basic requirement assessors, assessment agencies [NEW]
- 450:22-1-11.4. Participant record storage, retention and disposition [NEW]
- 450:22-1-11.5. Confidentiality of drug or alcohol abuse treatment information [NEW]
- 450:22-1-11.6. Note [NEW]
- 450:22-1-11.7. Biopsychsocial assessment [NEW]
- 450:22-1-12. ~~Assessor applicants~~ Assessment personnel [AMENDED]
- 450:22-1-15. Assessor responsibilities [AMENDED]
- 450:22-1-15.1. Fitness of applicants [AMENDED]
- 450:22-1-16. Denial or revocation of assessment certification [AMENDED]
- 450:22-1-17. Physical facility environment and safety, assessors and assessment agencies [NEW]
- 450:22-1-18. Hygiene and sanitation, assessors and assessment agencies [NEW]
- 450:22-1-19. State and federal statutes and regulations [NEW]
- 450:22-1-20. Inactive status and closure [NEW]
- 450:22-1-21. Participant rights and grievance policy [NEW]
- 450:22-1-22. ODMHSAS advocate general [NEW]

**SUMMARY:**

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 22 are part of the Department's review of Title 450. The proposed rules clarify existing rules and further standardize the ADSAC assessment process. Requirements for critical incidents, participant record system, confidentiality, charting, physical plant, record requirements, and participant rights are expanded, strengthened and clarified.

**AUTHORITY:**

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-108 and 2-109.

**COMMENT PERIOD:**

Persons wishing to submit written comments may do so until 5:00 p.m., December 17, 2007, to the attention of Misty

Anne Jobe, Administrative Programs Officer IV. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, OK or by facsimile, at (405) 522-0401.

**PUBLIC HEARING:**

The Department will conduct a public hearing on December 18, 2007 at 2:00 p.m. in Conference Room A of the Department at the address given above.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., December 17, 2007 to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, Attention: Misty Anne Jobe.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from Misty Anne Jobe, Administrative Programs Officer IV, at the above address.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning November 29, 2007. Copies may be obtained from Misty Anne Jobe, Administrative Programs Officer IV, at the above address.

**CONTACT PERSON:**

Misty Anne Jobe, Administrative Programs Officer IV, (405) 522-6917.

*[OAR Docket #07-1454; filed 10-26-07]*

**TITLE 450. DEPARTMENT OF MENTAL  
HEALTH AND SUBSTANCE ABUSE  
SERVICES  
CHAPTER 23. STANDARDS AND CRITERIA  
FOR COMMUNITY-BASED STRUCTURED  
CRISIS CENTERS**

*[OAR Docket #07-1455]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions
- 450:23-1-2. Definitions [AMENDED]
- Subchapter 3. CBSCC Services
- 450:23-3-2. Crisis stabilization [AMENDED]
- 450:23-3-3. Crisis stabilization, triage response [AMENDED]
- 450:23-3-4. Crisis stabilization services, psychiatric services [REVOKED]

## Notices of Rulemaking Intent

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450:23-3-5. Crisis stabilization, ~~drug and alcohol~~ psychiatric, substance abuse, and co-occurring services [AMENDED]

450:23-3-6. Mechanical restraints for adult consumers only [AMENDED]

450:23-3-6.1. Mechanical restraints will not be used for minors in treatment [NEW]

450:23-3-7. ~~Referrals to inpatient psychiatric hospitals~~ Linkage Services to higher or lower levels of care, or longer term placement [AMENDED]

450:23-3-8. Services to homeless individuals [AMENDED]

Subchapter 5. CBSCC Clinical Records

450:23-5-4. Clinical record content, intake and assessment [AMENDED]

450:23-5-5. Health, mental health, substance abuse, and drug history [AMENDED]

450:23-5-8. Aftercare and discharge summary [AMENDED]

Subchapter 7. Confidentiality

450:23-7-1.1. Confidentiality of mental health and drug or alcohol abuse treatment information [AMENDED]

Subchapter 19. Staff Development and Training

450:23-19-3. Inservice [AMENDED]

### SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 23 are part of the Department's review of Title 450. These actions are intended to amend or revoke rules, clarify certification mandates, delete redundant or superfluous language, and correct scrivener's errors.

### AUTHORITY:

43A O.S. § 3-317; Board of Mental Health and Substance Abuse Services.

### COMMENT PERIOD:

Persons wishing to submit written comments may do so until 5:00 p.m., December 17, 2007, to the attention of Misty Anne Jobe, Administrative Programs Officer IV. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, OK or by facsimile, at (405) 522-0401.

### PUBLIC HEARING:

The Department will conduct a public hearing on December 18, 2007 at 3:00 p.m. in Conference Room A of the Department at the address given above.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., December 17, 2007 to the Department of

Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, Attention: Misty Anne Jobe.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Misty Anne Jobe, Administrative Programs Officer IV, at the above address.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning November 29, 2007. Copies may be obtained from Misty Anne Jobe, Administrative Programs Officer IV, at the above address.

### CONTACT PERSON:

Misty Anne Jobe, Administrative Programs Officer IV, (405) 522-6917.

*[OAR Docket #07-1455; filed 10-26-07]*

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## TITLE 455. MERIT PROTECTION COMMISSION CHAPTER 10. MERIT SYSTEM OF PERSONNEL ADMINISTRATION

*[OAR Docket #07-1478]*

### RULEMAKING ACTION:

Notice of proposed EMERGENCY rulemaking

### PROPOSED RULES:

Subchapter 1. General Provisions

455:10-1-2 [AMENDED]

455:10-1-5 [AMENDED]

455:10-1-7 [AMENDED]

Subchapter 3. Jurisdiction, Rights and Processes

455:10-3-1.1 [AMENDED]

455:10-3-2 [AMENDED]

455:10-3-3 [AMENDED]

455:10-3-3.1 [NEW]

455:10-3-4.1 [AMENDED]

455:10-3-5 [AMENDED]

455:10-3-6 [AMENDED]

455:10-3-8 [AMENDED]

455:10-3-10 [AMENDED]

455:10-3-11 [AMENDED]

455:10-3-15 [AMENDED]

455:10-3-16 [AMENDED]

455:10-3-17 [AMENDED]

Subchapter 7. Investigations

455:10-7-2 [AMENDED]

455:10-7-3 [AMENDED]

455:10-7-4 [AMENDED]

455:10-7-6 [AMENDED]

Subchapter 9. Hearing Process

455:10-9-1 [AMENDED]

455:10-9-2 [AMENDED]

455:10-9-3 [AMENDED]

455:10-9-4 [AMENDED]

455:10-9-5 [AMENDED]  
Subchapter 11. Discipline  
455:10-11-1 [AMENDED]  
455:10-11-4 [AMENDED]  
455:10-11-6 [AMENDED]  
455:10-11-9 [REVOKED]  
455:10-11-14 [AMENDED]  
455:10-11-15 [AMENDED]  
455:10-11-16 [AMENDED]  
455:10-11-17 [AMENDED]  
Subchapter 15. Attorney Fees and Costs  
455:10-15-1 [AMENDED]  
455:10-15-4 [AMENDED]  
455:10-15-6 [AMENDED]  
Subchapter 17. Alternative Dispute Resolution  
455:10-17-1 [AMENDED]  
455:10-17-2 [REVOKED]  
455:10-17-3 [AMENDED]  
455:10-17-4 [AMENDED]  
455:10-17-5 [REVOKED]  
455:10-17-6 [REVOKED]  
455:10-17-7 [AMENDED]  
455:10-17-8 [AMENDED]  
Subchapter 19. Internal Agency Grievance Resolution  
Procedures  
Part 1. General Provisions  
455:10-19-1 [AMENDED]  
455:10-19-2 [AMENDED]  
455:10-19-3 [AMENDED]  
455:10-19-5 [AMENDED]  
455:10-19-7 [AMENDED]  
455:10-19-8 [AMENDED]  
455:10-19-9 [AMENDED]  
Part 3. Responsibilities  
455:10-19-20 [AMENDED]  
455:10-19-21 [AMENDED]  
455:10-19-22 [AMENDED]  
455:10-19-23 [AMENDED]  
455:10-19-24 [NEW]  
Part 5. Grievance Provisions  
455:10-19-35 [REVOKED]  
455:10-19-37 [AMENDED]  
455:10-19-38 [AMENDED]  
455:10-19-39 [AMENDED]  
455:10-19-40 [AMENDED]  
455:10-19-42 [AMENDED]  
455:10-19-43 [AMENDED]  
455:10-19-44 [AMENDED]  
455:10-19-45 [AMENDED]  
455:10-19-46 [AMENDED]  
455:10-19-47 [AMENDED]  
Part 7. Grievance Procedure  
455:10-19-60 [REVOKED]  
455:10-19-61 [AMENDED]

455:10-19-62 [AMENDED]  
455:10-19-64 [AMENDED]  
Subchapter 21. Presiding Officials, Representatives,  
Witnesses and Parties  
455:10-21-3 [AMENDED]

**SUMMARY:**

The proposed rule amendments serve to update the Merit Protection Commission's processes to reflect advances in technology and processes such as digital recording, e-mail notifications and electronic filing. The proposed rule amendments also update statutory citations and requirements that need to be addressed to reflect current framework and guidelines for the Merit Protection Commission's administrative processes. The proposed rule amendments also modify the existing Alternative Dispute Resolution Processes to reflect those most efficacious for both agencies and employees. The proposed amendments also extend the period to file a grievance to facilitate employee issues being addressed at the lowest possible level.

**AUTHORITY:**

Merit Protection Commission: 74 O.S., 840-1.9.

**COMMENT PERIOD:**

Persons may submit written and oral comments to Susan Bussey at 3545 N.W. 58<sup>th</sup>, Suite 360, Oklahoma City, OK 73112, email address: sbussey@mpc.ok.gov, during the period from November 15, 2007 to November 28, 2007.

**PUBLIC HEARING:**

A public hearing will be held at 10:00am on Thursday, November 29, 2007, at the Oklahoma Department of Transportation's Commission Room, 200 N.E. 21<sup>st</sup>, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 10:05a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of proposed rules are available at the office of the Oklahoma Merit Protection Commission, 3545 N.W. 58<sup>th</sup> St., Suite 360, Oklahoma City, OK 73112, or online at [www.mpc.ok.gov](http://www.mpc.ok.gov).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a rule impact statement will be prepared and will be available at the office of the Oklahoma Merit Protection Commission, 3545 N.W. 58<sup>th</sup> St., Suite 360, Oklahoma City, OK 73112, or online at [www.mpc.ok.gov](http://www.mpc.ok.gov) on and after publication of this Notice of Rulemaking Intent on November 15, 2007.

**CONTACT PERSON:**

Susan Bussey, Executive Director, Oklahoma Merit Protection Commission, (405) 525-9144, [sbussey@mpc.ok.gov](mailto:sbussey@mpc.ok.gov).

[OAR Docket #07-1478; filed 10-26-07]

## Notices of Rulemaking Intent

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### **TITLE 505. BOARD OF EXAMINERS IN OPTOMETRY CHAPTER 1. ADMINISTRATIVE OPERATIONS**

*[OAR Docket #07-1441]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Subchapter 3. Board of Organization

505:1-3-5 [AMENDED]

505:1-3-6 [AMENDED]

505:1-3-7 [AMENDED]

505:1-3-8 [NEW]

505:1-3-9 [AMENDED]

#### **SUMMARY:**

This proposed rulemaking amends 505: 1-3-5, 505: 1-3-6, and 505: 1-3-7 to specify that the official records of the Board are available for public inspection at the Board office, rather than at the office of the Secretary-Treasurer, and to delete the specific address for the Board now found in 505: 1-3-6 in favor of a provision allowing the Board to designate its office address from time to time.

The proposed new rule 505: 1-3-8 specifies that for all purposes under the Board's rules the Board's office is deemed to be the office of the office of the Secretary-Treasurer. Papers of any nature that must be served upon the Secretary-Treasurer are to be sent to the Board's office to the attention of the Secretary-Treasurer.

This proposed rulemaking also amends 505: 1-3-9 to increase the fee for examination for licensure from \$150 to \$200 and to increase the yearly license fee from \$150 per year to \$200 per year. The proposed amendment also clarifies that the examination fee presently in law also applies to persons retaking the examination as may be allowed by law or by the rules of the Board.

#### **AUTHORITY:**

Oklahoma Optometry Act; 59 O.S. §§ 583, 587.

#### **COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on January 10, 2008 at the following address: 5801 N. Broadway Extension, Ste. 101, Oklahoma City, OK, 73118, Attn: Robert A. Nance.

#### **PUBLIC HEARING:**

The Board of Examiners will hold a public hearing at 10:00 a.m. on Saturday, January 12, 2008 at 14701 N. Santa Fe, Edmond, OK 73013 at 10:00 a.m. Anyone who wishes to speak must sign in at the door by 9:50 a.m.

#### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from counsel for the Board of Examiners in Optometry at 5801 N. Broadway Extension, Ste. 101, Oklahoma City, OK, 73118, Attn: Robert A. Nance.

#### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and may be obtained beginning immediately from the counsel for the Board of Examiners in Optometry at 5801 N. Broadway Extension, Ste. 101, Oklahoma City, OK, 73118, Attn: Robert A. Nance.

#### **CONTACT PERSON:**

Mary Walker, Administrative Assistant to the Board, (405) 733-7836.

*[OAR Docket #07-1441; filed 10-25-07]*

### **TITLE 505. BOARD OF EXAMINERS IN OPTOMETRY CHAPTER 10. LICENSURE AND REGULATION OF OPTOMETRISTS**

*[OAR Docket #07-1440]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Subchapter 3. Licensing Procedures

505:10-3-2 [AMENDED]

#### **SUMMARY:**

This proposed rulemaking amends 505:10-3-2 to increase the fee for examination for licensure from \$150 to \$200 and to increase the yearly license fee from \$150 per year to \$200 per year. The proposed amendment also clarifies that the examination fee presently in law also applies to persons retaking the examination as may be allowed by law or by the rules of the Board.

#### **AUTHORITY:**

Oklahoma Optometry Act; 59 O.S. §§ 583, 587.

#### **COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on January 10, 2008 at the following address: 5801 N. Broadway Extension, Ste. 101, Oklahoma City, OK, 73118, Attn: Robert A. Nance.

#### **PUBLIC HEARING:**

The Board of Examiners will hold a public hearing at 10:00 a.m. on Saturday, January 12, 2008 at 14701 N. Santa Fe, Edmond, OK 73013 at 10:00 a.m. Anyone who wishes to speak must sign in at the door by 9:50 a.m.

#### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from counsel for the Board of Examiners in Optometry at 5801 N. Broadway Extension, Ste. 101, Oklahoma City, OK, 73118, Attn: Robert A. Nance.

#### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and may be obtained beginning immediately from the counsel for the Board of Examiners in Optometry at 5801 N. Broadway Extension, Ste. 101, Oklahoma City, OK, 73118, Attn: Robert A. Nance.

**CONTACT PERSON:**

Mary Walker, Administrative Assistant to the Board, (405) 733-7836.

*[OAR Docket #07-1440; filed 10-25-07]*

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD  
CHAPTER 1. ORGANIZATION AND PROCEDURE OF OKLAHOMA WATER RESOURCES BOARD**

*[OAR Docket #07-1442]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. Organization, Meetings and Comprehensive Water Plan

785:1-3-2. Purpose of the Board [AMENDED]

Subchapter 11. Complaints and Complaint Resolution

785:1-11-1. Complaint evaluation and resolution procedures [AMENDED]

**SUMMARY:**

The Oklahoma Water Resources Board ("OWRB") proposes to amend this Chapter of the Oklahoma Administrative Code ("OAC") as follows:

A section describing the purpose of the Board is proposed to be amended to delete inapplicable language about the Board being able to review, reject, modify and approve all local, state and federal water plans. The circumstances creating the need for the rule include staff's review of rules for consistency with statutes. The intended purpose of the rule is to remove obsolete or superfluous language from the rule.

Another section on complaints evaluation and resolution procedures is proposed to be amended to delete the specific time period within which an initial response and close out are required to be entered, to allow more flexibility depending on the circumstances. The circumstances creating the need for the rule include staff's review of rules for consistency with statutes and the extremely short time frame for responding compared to the need for more time to even start an initial investigation. The intended purpose of the rule is to provide flexibility to staff relative to providing an initial response to a complaint.

Other amendments may be considered as a result of public comments.

**AUTHORITY:**

Oklahoma Water Resources Board general authority and duties in 82 O.S. Section 1085.2; Administrative Procedures Act requirement to describe organization and procedure of agency in 75 O.S. Section 302; and Oklahoma Environmental Quality Act, 27A O.S. Section 1-1-204 concerning complaints procedure

**COMMENT PERIOD:**

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 7, 2008.

**PUBLIC HEARING:**

A public hearing is scheduled for January 8, 2008, beginning at 9:30 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OWRB requests that any business entities affected by these proposed rules provide to the OWRB, within the Comment Period from November 15, 2007 through January 7, 2008, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dean Couch at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 7, 2008.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, upon prepayment of the copying charge, or on the Board's web site, [www.owrb.state.ok.us](http://www.owrb.state.ok.us).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is available for review at the OWRB's office, 3800 North Classen, Oklahoma City, Oklahoma. The Rule Impact Statement may also be viewed on the OWRB web site at [www.owrb.state.ok.us](http://www.owrb.state.ok.us).

**CONTACT PERSON:**

Dean A. Couch, General Counsel, 405-530-8800 or [dacouch@owrb.state.ok.us](mailto:dacouch@owrb.state.ok.us).

*[OAR Docket #07-1442; filed 10-26-07]*

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD  
CHAPTER 4. RULES OF PRACTICE AND HEARINGS**

*[OAR Docket #07-1443]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Pre-Hearing Actions and Proceedings

785:4-5-1.1. Mediation [NEW]

## Notices of Rulemaking Intent

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### SUMMARY:

The Oklahoma Water Resources Board ("OWRB") proposes to amend this Chapter of the Oklahoma Administrative Code ("OAC") as follows:

Add a new rule to require parties in a contested proceeding, before a hearing is scheduled, to participate and attempt to settle the protest through mediation conducted by staff other than the hearing examiner. A mediation statement summarizing the attempt to settle would be prepared and made part of the permanent record.

The circumstances creating the need for the rule include the increase in the number of protests filed that raise issues that may often be resolved by discussions among the parties which the parties compromise. Many of these matter are presented to the Board members at the Board's monthly meeting where no new evidence can be presented, leaving parties unsatisfied at the process due to the limited authority of the Board. The intended purpose of the rule is to resolve issues before the formal hearing begins to reduce costs and time of citizens and the Board staff.

Other amendments may be considered as a result of public comments.

### AUTHORITY:

Oklahoma Water Resources Board general authority and duties in 82 O.S. Section 1085.2; provision on holding hearings pursuant to 82 O.S. Section 1085.10 in compliance with the Administrative Procedures Act by a hearing examiner and pursuant to rules of the Board, and provision in Administrative Procedures Act that allows for informal disposition of proceedings by stipulation and consent order

### COMMENT PERIOD:

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 7, 2008.

### PUBLIC HEARING:

A public hearing is scheduled for January 8, 2008, beginning at 9:30 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OWRB requests that any business entities affected by these proposed rules provide to the OWRB, within the Comment Period from November 15, 2007 through January 7, 2008, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dean Couch at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 7, 2008.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, upon

prepayment of the copying charge, or on the Board's web site, [www.owrb.state.ok.us](http://www.owrb.state.ok.us).

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is available for review at the OWRB's office, 3800 North Classen, Oklahoma City, Oklahoma. The Rule Impact Statement may also be viewed on the OWRB web site at [www.owrb.state.ok.us](http://www.owrb.state.ok.us).

### CONTACT PERSON:

Dean A. Couch, General Counsel, 405-530-8800 or at [dacouch@owrb.state.ok.us](mailto:dacouch@owrb.state.ok.us).

*[OAR Docket #07-1443; filed 10-26-07]*

## TITLE 785. OKLAHOMA WATER RESOURCES BOARD CHAPTER 5. FEES

*[OAR Docket #07-1444]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 1. General Provisions

785:5-1-6. Stream water permit application and administration fees [AMENDED]

785: 5-1-10. Groundwater application and administration fees [AMENDED]

### SUMMARY:

The Oklahoma Water Resources Board ("OWRB") proposes to amend this Chapter of the Oklahoma Administrative Code ("OAC") as follows:

Replace the existing annual stream water file maintenance fee with an annual water rights administration fee. The application fees for filing an application for a permit to use stream water would remain the same. A new administration fee to be assessed annually for groundwater permits is similarly proposed. The revenues generated by the imposition of such fees would help fund the various ongoing programs and duties of the Board mandated by statute to administer and manage water rights in the state. The annual administration fee would be due with the filing of the annual water use report required for each water right on file with the Board. The amount of the fee is proposed to be between \$50.00 per year up to \$100.00 per year, with the amount to be decided and set forth in the rule adopted by the Board after public comment. The fee amount could be reduced depending on the amount of appropriated funding received by the Board for its water rights administration duties.

The circumstances creating the need for the rule is the lack of appropriated funding to meet the needs of the Planning and Management Division to conduct required studies and proceedings as required by the statutes relating to administration of water rights. In 2006, the Board adopted similar fee rule changes, but those rules were not approved and did not become effective. The intended purpose of the

rule is to make funds available to conduct the required studies and proceedings until such funds are made available through appropriations by the Legislature.

Other amendments may be considered as a result of public comments.

**AUTHORITY:**

Oklahoma Water Resources Board general authority and duties in 82 O.S. Section 1085.2(9) to determine, charge and receive fees to be collected in advance for the filing and examination of applications for permits; and duty to prepare and change a schedule of reasonable fees for services rendered pursuant to 82 O.S. Section 1085.4

**COMMENT PERIOD:**

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 7, 2008.

**PUBLIC HEARING:**

A public hearing is scheduled for January 8, 2008, beginning at 9:30 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OWRB requests that any business entities affected by these proposed rules provide to the OWRB, within the Comment Period from November 15, 2007 through January 7, 2008, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dean Couch at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 7, 2008.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, upon prepayment of the copying charge, or on the Board's web site, [www.owrb.state.ok.us](http://www.owrb.state.ok.us).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is available for review at the OWRB's office, 3800 North Classen, Oklahoma City, Oklahoma. The Rule Impact Statement may also be viewed on the OWRB web site at [www.owrb.state.ok.us](http://www.owrb.state.ok.us).

**CONTACT PERSON:**

Dean A. Couch, General Counsel, 405-530-8800, or [dacouch@owrb.state.ok.us](mailto:dacouch@owrb.state.ok.us).

*[OAR Docket #07-1444; filed 10-26-07]*

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD  
CHAPTER 20. APPROPRIATION AND USE OF STREAM WATER**

*[OAR Docket #07-1445]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions
  - 785:20-1-2. Definitions [AMENDED]
  - 785:20-1-5. Purposes for a water appropriation [AMENDED]
- Subchapter 3. Application Requirements and Processing
  - 785:20-3-9. Defective applications; when applications deemed withdrawn [AMENDED]
- Subchapter 5. Notice, Hearings and Board Actions
  - 785:20-5-5. Factors relating to statutory elements for application approval [AMENDED]

**SUMMARY:**

The Oklahoma Water Resources Board ("OWRB") proposes to amend this Chapter of the Oklahoma Administrative Code ("OAC") as follows:

Amend the definition of "enhanced recovery of oil and gas" to clarify that water used for fracturing is not considered to be enhanced production, which in turn would clarify that an applicant proposing to use water to fracture an oil or gas formation would not need to provide the additional information required by the substantive rules concerning enhanced recovery of oil and gas. The circumstances which created the need for the rule included an individual proceeding in which an issue was raised whether the use of water for fracturing activities of an oil company triggered the additional requirement in the rule to present information about enhanced recovery of oil or gas. Additionally, there is significant oil and gas drilling in southeast Oklahoma in which fracturing the oil or gas bearing formations with water is a common practice, and the additional information required by existing rule for enhanced recovery would not be helpful in making the decision about use of the water.

Amend the rule on purposes for a water appropriation to provide flexibility in the rule regarding the need for a water right for a non-consumptive use if a consumptive purpose is also authorized, by adding language "unless otherwise determined by the Board", which would also make the rule consistent with the provision about need to obtain permit for hydropower and other non-consumptive uses. The circumstances creating the need for the rule was the staff review of the rules to ensure consistency among provisions. The intended purpose of the rule is to provide a consistent approach to non-consumptive purposes for use of water.

Amend language on deeming applications withdrawn, to clarify treatment of applications pending before the law was amended in 2000 and applications that are placed in pending status after the law was amended, and to provide

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more flexibility to the Board. The circumstances creating the need for the rule was the staff review of the rules to ensure consistency among rules and the statutes. The intended purpose of the rule is to provide for consistency and flexibility for the public benefit.

Amend the rule concerning information needed to show that the applicant has a present or future need for the water, in accordance with the recommendation by the State Auditor, to obtain copies of water sale contracts, financial reports, etc. The circumstances creating the need for the rule include the State Auditor's report. The intended purpose of the rule is to implement the recommendation of the State Auditor.

Other amendments may be considered as a result of public comments.

### **AUTHORITY:**

Oklahoma Water Resources Board general authority and duties in 82 O.S. Section 1085.2; stream water use law in 82 O.S. Section 105.1 and following.

### **COMMENT PERIOD:**

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 7, 2008.

### **PUBLIC HEARING:**

A public hearing is scheduled for January 8, 2008, beginning at 9:30 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OWRB requests that any business entities affected by these proposed rules provide to the OWRB, within the Comment Period from November 15, 2007 through January 7, 2008, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dean Couch at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 7, 2008.

### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, upon prepayment of the copying charge, or on the Board's web site, [www.owrb.state.ok.us](http://www.owrb.state.ok.us).

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is available for review at the OWRB's office, 3800 North Classen, Oklahoma City, Oklahoma. The Rule Impact Statement may also be viewed on the OWRB web site at [www.owrb.state.ok.us](http://www.owrb.state.ok.us).

### **CONTACT PERSON:**

Dean A. Couch, General Counsel, 405-530-8800, or [dacouch@owrb.state.ok.us](mailto:dacouch@owrb.state.ok.us).

*[OAR Docket #07-1445; filed 10-26-07]*

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## **TITLE 785. OKLAHOMA WATER RESOURCES BOARD CHAPTER 25. DAMS AND RESERVOIRS**

*[OAR Docket #07-1446]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 7. Post Approval Actions

785:25-7-6. Notice of completion and filing of supplementary drawings or descriptive matter [AMENDED]

785:25-7-8. Certificate of completion [AMENDED]

### **SUMMARY:**

The Oklahoma Water Resources Board ("OWRB") proposes to amend this Chapter of the Oklahoma Administrative Code ("OAC") as follows:

Amend the rule on notice of completion to add language that that notice must be accompanied by a certification from the registered professional engineer that the dam was constructed or modified in compliance with the approved plans and specifications, and that the dam is safe to impound water. The circumstances creating the need for the rule include staff's review of the rule for consistency with the statute and the need to ensure that the registered professional engineer for the owner of the dam takes responsibility for the safety of the dam. The intended effect of the rule is to clarify the Board's interpretation of the law that owner's of dams, through the engineers the owner uses, takes responsibility for the safety of the dam.

Amend the rule on certificates of completion to clarify that such a certificate will be issued only based on the certification from the registered professional engineer submitted with the notice of completion that the dam is safe to impound. The circumstances creating the need for the rule include staff's review of the rule for consistency with the statute and the need to ensure that the registered professional engineer for the owner of the dam takes responsibility for the safety of the dam. The intended effect of the rule is to clarify the Board's interpretation of the law that owner's of dams, through the engineers the owner uses, takes responsibility for the safety of the dam. The Executive Director, Board and Board staff should not be put in a position to rely on personal judgment and engineering principles to make a statement as to the safety of the dam for purposes of impounding water. Instead, that judgment must be made by the registered professional engineer hired by the owner of the dam.

Other amendments may be considered as a result of public comments.

**AUTHORITY:**

Oklahoma Water Resources Board general authority and duties in 82 O.S. Section 1085.2; Oklahoma Dam Safety Act, 82 O.S. Section 110.1 and following

**COMMENT PERIOD:**

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 7, 2008.

**PUBLIC HEARING:**

A public hearing is scheduled for January 8, 2008, beginning at 9:30 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OWRB requests that any business entities affected by these proposed rules provide to the OWRB, within the Comment Period from November 15, 2007 through January 7, 2008, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dean Couch at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 7, 2008.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, upon prepayment of the copying charge, or on the Board's web site, [www.owrb.state.ok.us](http://www.owrb.state.ok.us).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is available for review at the OWRB's office, 3800 North Classen, Oklahoma City, Oklahoma. The Rule Impact Statement may also be viewed on the OWRB web site at [www.owrb.state.ok.us](http://www.owrb.state.ok.us).

**CONTACT PERSON:**

Dean A. Couch, General Counsel, 405-530-8800, or [dacouch@owrb.state.ok.us](mailto:dacouch@owrb.state.ok.us).

*[OAR Docket #07-1446; filed 10-26-07]*

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD  
CHAPTER 30. TAKING AND USE OF GROUNDWATER**

*[OAR Docket #07-1447]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions
- 785:30-1-2. Definitions [AMENDED]

- 785:30-1-4. Requirement for water right [AMENDED]
- Subchapter 3. Permit Application Requirements and Processing
- 785:30-3-1. General application requirements [AMENDED]
- 785:30-3-4. Notice of application [AMENDED]
- 785:30-3-6. Well spacing [AMENDED]
- Subchapter 9. Maximum Annual Yield Determinations
- 785:30-9-4. Final determination as to the maximum annual yield to be allocated [AMENDED]
- Appendix A. Potential Well Interference - Simple Model [NEW]

**SUMMARY:**

The Oklahoma Water Resources Board ("OWRB") proposes to amend this Chapter of the Oklahoma Administrative Code ("OAC") as follows:

Amend the definition of "enhanced recovery of oil and gas" to clarify that water used for fracturing is not considered to be enhanced production, which in turn would clarify that an applicant proposing to use water to fracture an oil or gas formation would not need to provide the additional information required by the substantive rules concerning enhanced recovery of oil and gas. The circumstances which created the need for the rule included an individual proceeding in which an issue was raised whether the use of water for fracturing activities of an oil company triggered the additional requirement in the rule to present information about enhanced recovery of oil or gas. Additionally, there is significant oil and gas drilling in southeast Oklahoma in which fracturing the oil or gas bearing formations with water is a common practice, and the additional information required by existing rule for enhanced recovery would not be helpful in making the decision about use of the water.

Amend the rule on describing the various requirements for a water right to clarify that the amount of water proposed to be used in sand mining operations is the amount of water that leaves the mine site as moisture content of the sand and gravel taken from the mine site, or the water proposed to be used for other beneficial uses off the mine site. The circumstances creating the need for the rule includes an issue raised at an individual proceeding asserting that the amount pumped by a slurry dredge should be the amount applied for as being to transport the sand within the mine area, not just the consumptive amount that leaves the sand mining area as moisture content. The intended purpose of the rule is to provide clarification in the sand mining situation as to the amount the Board presumes to be a beneficial use.

Amend the rule on notice of application to adopt one of two optional methods of addressing protests that involve assertions of potential well interference as a reason to deny or condition a permit to use groundwater. One option is to revise the rule on matters to be presented at hearings on applications for use of groundwater to exclude or significantly limit evidence relating to potential draw down impact of nearby wells. This option may be more favorable if appropriated funds or fees are not generated to support additional Board staff to establish

## Notices of Rulemaking Intent

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modeling requirements, to conduct field investigations to gather actual facts to input into the model, and conduct the modeling to provide the Board with sufficient information to make consistent decisions regarding assertions of potential draw down (well interference) impacts. The other alternative option is to revise the rules on matters considered before determining whether to issue a permit to use groundwater to restrict evidence of draw down impacts to results of a simple model that would also be adopted as a new Appendix B to Chapter 30 of the rules, thereby making all parties run the same model with the same factors and information, which should lead to consistent results as to potential impact. The circumstances creating the need for the rule are the number of protests received that assert a potential effect of proposed pumping by an applicant on the protestant's existing well. The Board staff has been using a simple desk top computer model information to gain insight as to potential effects of pumping on nearby groundwater levels, but some argue that the Board does not have authority to make water management decisions on a site by site scale, but is only authorized to make basin-wide management decisions through the maximum annual yield procedures. The intended purpose of the rule is to adopt a consistent policy on how to address protests raising concerns and issues relative to potential drawdown impacts by an applicant's proposal.

Amend the rule on general application requirements to require the submittal of more information by the applicant if commercial water sale is proposed, as a result of the State Auditor recommendation. The circumstances creating the need for the rule is the State Auditor's Performance Audit report questioning the Board's lack of information about proposals for water sales to allow better public understanding of such proposals. The intended purpose of the rule is to satisfy the recommendation from the State Auditor's report.

Amend the rule on well spacing and location exceptions to clarify that for a location exception to be considered, it will be deemed inequitable or unreasonable to require a well to meet spacing if one of the five factors is shown, to eliminate an interpretation that the rules created a two part cumulative test. The circumstances creating the need for the rule include a review of the rule for consistency with the statute and intent of the Legislature and an issue raised in an appeal of a Board order relating to well spacing location exceptions. The intended purpose of the rule is to clarify the Board's interpretation of the statute.

The well spacing and location exception rule is also proposed to be amended by requiring the parties to use a simple computer model as described in a new Appendix B to produce evidence as to possible static water level declines relating to one of the five reasons that a location exception request can be approved. The circumstances creating the need for the rule include assertions in several individual proceedings about the potential draw down impact and lack of uniformity of studies or evidence to address the issue. The intended purpose of the rule is to provide uniformity in the analysis of the potential draw down impact on the static water table.

Amend the rule on maximum annual yield determinations to clarify that the allocation of groundwater occurs when a permit is issued, not when a final order establishing the maximum annual yield is entered. The circumstances creating the need for the rule include staff's review of the rules and statutes for consistency and to clarify the Board's interpretation of the statute. The intended purpose of the rule is to provide clarification of the Board's interpretation.

A new Appendix B, describing a simple desktop computer model and inputs for determining potential well interference, is proposed if other proposals to this Chapter are adopted. The circumstances creating the need for the rule include the number of protests that assert that a draw down impact of proposed pumping by an applicant will cause harm to nearby landowners and the lack of uniform modeling techniques utilized to predict such impacts. The intended purpose of the rule is to provide a consistent description of the model to be used to estimate potential draw down impacts.

Other amendments may be considered as a result of public comments.

### **AUTHORITY:**

Oklahoma Water Resources Board general authority and duties in 82 O.S. Section 1085.2; Oklahoma Groundwater Law in 82 O.S. Section 1020.1 and following.

### **COMMENT PERIOD:**

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 7, 2008.

### **PUBLIC HEARING:**

A public hearing is scheduled for January 8, 2008, beginning at 9:30 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OWRB requests that any business entities affected by these proposed rules provide to the OWRB, within the Comment Period from November 15, 2007 through January 7, 2008, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dean Couch at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 7, 2008.

### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, upon prepayment of the copying charge, or on the Board's web site, [www.owrb.state.ok.us](http://www.owrb.state.ok.us).

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is available for review at the OWRB's office, 3800 North Classen, Oklahoma City, Oklahoma. The Rule Impact

Statement may also be viewed on the OWRB web site at [www.owrb.state.ok.us](http://www.owrb.state.ok.us).

**CONTACT PERSON:**

Dean A. Couch, General Counsel, 405-530-8800, or [dacouch@owrb.state.ok.us](mailto:dacouch@owrb.state.ok.us).

*[OAR Docket #07-1447; filed 10-26-07]*

**TITLE 785. OKLAHOMA WATER  
RESOURCES BOARD  
CHAPTER 35. WELL DRILLER AND PUMP  
INSTALLER LICENSING**

*[OAR Docket #07-1448]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions
- 785:35-1-2. Definitions [AMENDED]
- Subchapter 3. Licensing and Certifications
- 785:35-3-2. Expiration and renewal of licenses and certifications [AMENDED]
- Subchapter 5. General Requirement to Maintain Licenses and Certifications
- 785:35-5-3. Requirements for multi-purpose completion report [AMENDED]
- Subchapter 7. Minimum Standards for Construction of Wells
- 785:35-7-1. Minimum standards for construction of groundwater wells, fresh water observation wells, and water well test holes [AMENDED]
- 785:35-7-1.1. Minimum standards for construction of heat exchange wells [AMENDED]
- Subchapter 9. Minimum Standards for Pump Installation
- 785:35-9-1. Minimum standards for pump installation [AMENDED]
- Subchapter 11. Plugging and Capping Requirements for Wells and Test Holes
- 785:35-11-1. Plugging and capping requirements for groundwater wells, fresh water observation wells, heat exchange wells and water well test holes [AMENDED]
- 785:35-11-2. Plugging requirements for site assessment observation wells, monitoring wells and geotechnical borings [AMENDED]

**SUMMARY:**

The Oklahoma Water Resources Board ("OWRB") proposes to amend this Chapter of the Oklahoma Administrative Code ("OAC") as follows:

Add the definition "fresh water" to the definition section for this Chapter consistent with the statutory definition of "fresh water" which sets forth the scope of regulatory authority of the Board in the context of the Oklahoma Groundwater Law. The circumstances creating the need for this rule include staff's review of the rules for consistency with the statutes. The intended purpose of the rule is to clarify Board policy relating

to the distinction between fresh water and other water that is needed in reviewing minimum standards for well construction, location, and plugging and the requirement that well drillers must plug a well drilled into salt water.

Amend the rule on continuing education for licensing of well drillers by specifying that one unit of the four per year (eight units for the two-year license period) must include review of Board rules about well driller licensing and minimum standards of construction of wells. The circumstances creating the need for the rule include staff's experiences in discussion rule requirements with licensees who are not familiar with current amendments to rules. The intended purpose of the rule is to ensure that licensees review the rules at least once every two years before being able to renew the license.

Amend the rule on grace periods for license renewal to allow an additional period based on a military service obligation. The circumstances for this rule include the longer obligations being imposed on National Guard and Reserve units and those soldiers who hold a well driller or pump installer license. The intended effect of the rule is to provide a grace period for renewal to include the extended service obligations being imposed.

Amend the rule about multipurpose completion reports ("well logs") to require the submittal of global positioning system (GPS) coordinates regarding actual well locations beginning July 1, 2009. The circumstances creating the need for the rule include the database program requirements and number of well logs being submitted online. The intended purpose of the rule is to ensure more accurate data about well locations is being included in the database.

Amend the general provision about minimum construction standards to recognize that more stringent standards apply in areas of known contamination as listed in Appendix H of Chapter 45, Oklahoma's Water Quality Standards. The circumstances creating the need for the rule include questions from drillers as to potential areas of contamination that may already be on record through the Appendix H descriptions in Oklahoma's Water Quality Standards. The intended purpose of the rule is to benefit well drillers to point out that there is already information about locations of known contamination for which more than minimum standards may be required.

Amend the rule on minimum distance from pollution source to include separation distances for aerobic (above ground) septic systems to include 15 feet from aerobic sprinkler spray, and 50 feet from an aerobic sprinkler head. The circumstances creating the need for this rule include information from the Well Drillers Advisory Council that there are more aerobic systems being installed in rural acreage subdivisions and a provision is needed to ensure proper placement of water wells. The intended purpose of the rule is to benefit well drillers and the public to ensure that wells are located at a consistent and safe distance from aerobic systems.

Amend the rule that allows for automatic variances of minimum distance locations from pollution sources if the landowner approves and if the water is to be used for other than drinking water, to restrict the exemption if the potential

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pollution source is an underground septic system (tank and lateral lines). The circumstances creating the need for the rule include the lack of clarity of the rules and questions from well drillers about responsibility for pollution if contamination occurs by drilling too close to a septic system. The intended purpose of the rule is to provide clarification of the minimum distance rule and further review to request a specific variance.

Amend the rule regarding minimum standards for casing of water wells to increase the height above ground level that the well casing must be installed from eight inches to twelve inches (8" to 12") above the natural ground level. The circumstances creating the need for the rule include incidents of surface flooding of wells if the casing is only eight inches above the natural ground level, and need to more easily identify the well from a distance, and removal of mere preference language. The intended purpose of the rule is to better protect the public health and well owners to avoid flooding or damages to wells.

Amend the section on well sealing requirements to include an alternative sealing method that requires an addition amount of cement or bentonite grout installed in the area between the surface and production casings terminating within four feet (4') of land surface. The circumstances creating the need for the rule include incidents reported by the Well Drillers Advisory Council where insufficient sealing is installed if surface casing is used. The intended purpose of the rule is to provide guidance for the alternative construction using surface casing.

Amend the rule on heat exchange minimum standards to clarify that the provisions apply to the drilling of the borehole, installation of casing, installation of heat loop pipe, and the filling and/or grouting of the well, but that the manifolding of a heat exchange well loop pipe to complete a heat exchange system is not a regulated activity. The circumstances creating the need for the rule include questions by the Well Drillers Advisory Council as to the regulatory authority of the Board over heat pump installation. The intended purpose of the rule is to provide clarity relating to the Board's regulatory authority.

Amend the rule on well completions to address windmill driven pumps to clarify that construction of a cover plate designed to exclude pollution from the surface is required for windmill pumps. The circumstances creating the need for the rule include a review by staff and the Well Drillers Advisory Council noting that windmill wells are not addressed by the rules but that windmill installations still occur, but recognizing differing construction methods are used to complete such wells. The intended purpose of the rule is to address the gap about windmill well installations and the need to prevent pollution even with such wells.

Amend the section on test hole drilling and plugging requirements to provide more flexibility and options, to allow temporary casing and capping for test holes to prevent cave-ins, and that if a written statement is received from the landowner acknowledging the landowner's responsibility to plug a test well, the well driller would be allowed to remove the drilling equipment after obtaining the written statement is submitted to the Board. The circumstances creating the need for the rule include statements by the Well Drillers Advisory Council

that landowners sometimes want to wait after drilling a test hole before deciding whether to complete the well, and that plugging test holes requires the equipment on site, and leaving the well driller equipment on site is not acceptable for a cost standpoint, and that most landowners are willing to take the responsibility to plug a test hole if a later decision is made not to complete the well. The intended purpose of the rule is to shift the burden, responsibility and cost of plugging test holes to the landowner if the landowner wants to delay the decision to complete the test hole.

Amend the rule on monitoring well plugging standards relating to the cement grout requirement to clarify the standard to ensure effective grouting a minimum of 95% of the original drilled borehole depth, and that if the total depth of the well is in excess of twenty feet (20') below land surface, the cement grout is to be placed by pumping from the bottom of the hole to the land surface. The circumstances creating the need for the rule include recommendation by the Well Drillers Advisory Council that monitoring well plugging requirements need to be more stringent in some circumstances. The intended effect of the rule is to provide additional requirements about plugging requirements for monitoring well in certain circumstances.

Other amendments may be considered as a result of public comments.

### **AUTHORITY:**

Oklahoma Water Resources Board general authority and duties in 82 O.S. Section 1085.2; Oklahoma Groundwater Law in 82 O.S. Section 1020.1 and following, particularly Section 1020.16 on well driller and pump installer licensing.

### **COMMENT PERIOD:**

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 7, 2008.

### **PUBLIC HEARING:**

A public hearing is scheduled for January 8, 2008, beginning at 9:30 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OWRB requests that any business entities affected by these proposed rules provide to the OWRB, within the Comment Period from November 15, 2007 through January 7, 2008, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Kent Wilkins at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 7, 2008.

### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, upon

prepayment of the copying charge, or on the Board's web site, [www.owrb.state.ok.us](http://www.owrb.state.ok.us).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is available for review at the OWRB's office, 3800 North Classen, Oklahoma City, Oklahoma. The Rule Impact Statement may also be viewed on the OWRB web site at [www.owrb.state.ok.us](http://www.owrb.state.ok.us).

**CONTACT PERSON:**

Kent Wilkins, Well Driller Licensing Administrator, 405-530-8800.

*[OAR Docket #07-1448; filed 10-26-07]*

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD  
CHAPTER 45. OKLAHOMA'S WATER QUALITY STANDARDS**

*[OAR Docket #07-1449]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 45. Oklahoma's Water Quality Standards  
[AMENDED]

**SUMMARY:**

The Oklahoma Water Resources Board ("OWRB") is proposing to amend, or is considering amending, various provisions of Oklahoma Administrative Code ("OAC") 785:45 as follows:

OAC 785:45-1-2, Definitions, is proposed to be amended. The definition of "background concentration" is proposed to be modified. The circumstance which created the need for this amendment is that the term "background concentration" is not actually used in OAC 785:45, while the term "background" is used frequently. The intended effect of this amendment is to clarify the use of the term "background" throughout OAC 785:45. The definition for "chronic test failure" is also proposed to be modified. The circumstance which created the need for this amendment is that the U.S. Environmental Protection Agency ("EPA") has requested that OAC 785:45 also address the growth of test organisms to determine chronic test failure. The intended effect of this amendment is to consider growth among the sub-lethal effects evaluated for chronic test failure.

Several sections in OAC 785:45 are proposed to be amended to establish subcategories of the beneficial use of Agriculture and appropriate criteria for those subcategories. These sections include but are not necessarily limited to 785:45-5-3, Beneficial uses: default designations; 785:45-5-13, Agriculture: livestock and irrigation; and 785:45-7-3, Groundwater classifications, beneficial uses and vulnerability levels. The circumstance which created the need for these amendments is that naturally occurring mineral concentrations in many small streams may not meet the current

criteria as a result of the manner in which they were derived. The intended effect of these amendments is to provide criteria more appropriate and site specific in these circumstances, while maintaining water quality, as permitted by EPA and federal law.

OAC 785:45-5-19, Aesthetics, is proposed to be amended in order to correct a citation error. The circumstance that created the need for this amendment is that when other language from this section was moved to OAC 785:45-5-9, the remaining language of this section was renumbered. The intended effect of this amendment is to correct the citation.

Appendix A.1, Designated Beneficial Uses of Surface Waters, Water Quality Management Basin 1, Middle Arkansas River; Appendix A.2, Designated Beneficial Uses of Surface Waters, Water Quality Management Basin 2, Lower Arkansas River Basin; Appendix A.3, Designated Beneficial Uses of Surface Waters, Water Quality Management Basin 3, Upper Red River Basin; Appendix A.4, Designated Beneficial Uses of Surface Waters, Water Quality Management Basin 4, Lower Red River; Appendix A.5, Designated Beneficial Uses of Surface Waters, Water Quality Management Basin 5, Canadian River; and Appendix A.6, Designated Beneficial Uses of Surface Waters, Water Quality Management Basin 6, Upper Arkansas River, are all proposed to be revoked and reenacted with multiple changes. First, the beneficial use of Public and Private Water Supply is being designated for several waterbodies in each of these Appendices. The circumstance which created the need for these amendments is that EPA has recently encouraged the OWRB staff to protect "source waters" in support of federal Safe Drinking Water Act guidelines. The intended effect of these amendments is to ensure that all drinking water supplies are protected. Second, a number of the lakes and one of the streams monitored in the OWRB's Beneficial Use Monitoring Program are being added to or otherwise revised in these Appendices. The circumstance which created the need for these amendments is that several lakes and one stream, the South Fork of Cavalry Creek, are not currently listed in these appendices, and therefore the prescribed "default uses" are assumed for such waterbodies. In contrast, Great Salt Plains Reservoir is listed in one of these appendices, with several use designations. However, in recent years and months OWRB staff have gathered monitoring data from these waterbodies which now enable informed designations of uses rather than the default uses. The monitoring has also shown that two of the uses currently designated for Great Salt Plains Reservoir are not existing nor appropriate, and should be deleted. The intended effect of these amendments is to ensure that the appropriate beneficial uses are assigned to and reported for all of these waterbodies.

In addition, a third set of changes is being proposed for Appendix A.1: several Waterbody Identification Numbers are being added or changed. The circumstance which created the need for these amendments is that the Department of Environmental Quality ("DEQ") has updated its Waterbody ID coverage. The intended effect of these amendments is to list all the proper Waterbody ID's for each segment.

## Notices of Rulemaking Intent

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Appendix E, Requirements for Development of Site-Specific Criteria for Certain Parameters, is proposed to be revoked and reenacted with site specific criteria for (1) the Poteau River for cadmium, silver, lead and selenium, and (2) Ninemile Creek and the unnamed tributary of Ninemile Creek for total dissolved solids, chloride and sulfate. These amendments are needed because these affected dischargers have completed studies which indicate that criteria more appropriate and site specific than otherwise provided in OAC 785:45 can and should be applied in their respective circumstances. The intended effect of these amendments is to provide for increased specificity in the criteria and standards which apply to these receiving streams, while maintaining water quality, as permitted by EPA and federal law.

Appendix F, Statistical Values of the Historical Data for Mineral Constituents of Water Quality (Beginning October 1976 Ending September 1983, Except As Indicated), is proposed to be revoked and reenacted with the deletion of several listings. The circumstance that created the need for these amendments was the discovery that nearly all the sites used to generate data for these listings were unduly influenced by old surface mines or mine reclamation activities. The intended effect of these amendments is to remove these inappropriate values and return to use of the segment average for the sub-basin.

Other amendments may be considered as a result of public comments.

### **AUTHORITY:**

Oklahoma Water Resources Board, 82 O.S., §§ 1085.30 and 1085.30a; 27A O.S., § 1-3-101; and 82 O.S., § 1085.2.

### **COMMENT PERIOD:**

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 7, 2008.

### **PUBLIC HEARING:**

A public hearing will be held January 8, 2008 at 9:30 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma.

### **REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

The OWRB requests that any business entities affected by these proposed rules provide the OWRB, within the Comment Period from November 15, 2007 through January 7, 2008, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Derek Smithee at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 7, 2008.

### **COPIES OF PROPOSED RULES:**

Copies of the proposed amendments may be reviewed at the OWRB's office location at 3800 North Classen, Oklahoma City, Oklahoma 73118, or may be obtained from the "Contact Person" identified below upon prepayment of the copying

charge. The proposed amendments may also be viewed on the OWRB web site at <http://www.owrb.state.ok.us>.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is available for review at the OWRB's office, 3800 North Classen, Oklahoma City, Oklahoma. The Rule Impact Statement may also be viewed on the OWRB web site at <http://www.owrb.state.ok.us>.

### **CONTACT PERSON:**

Derek Smithee, Water Quality Programs Division Chief, 405/530-8800.

*[OAR Docket #07-1449; filed 10-26-07]*

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## **TITLE 785. OKLAHOMA WATER RESOURCES BOARD CHAPTER 46. IMPLEMENTATION OF OKLAHOMA'S WATER QUALITY STANDARDS**

*[OAR Docket #07-1450]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Chapter 46. Implementation of Oklahoma's Water Quality Standards [AMENDED]

### **SUMMARY:**

The Oklahoma Water Resources Board ("OWRB") is proposing to amend, or is considering amending, various provisions of Oklahoma Administrative Code ("OAC") 785:46 as follows:

Several sections throughout OAC 785:46 are proposed to be amended to delete language dealing with the determination of "partial support". These sections include but are not necessarily limited to 785:46-15-4, 785:46-15-5, 785:46-15-6, 785:46-15-7 and 785:46-15-8. The circumstance which created the need for these amendments is that the U.S. Environmental Protection Agency ("EPA") has deemphasized and abandoned the concept of a beneficial use which is "partially supported". The language in OAC 785:46 dealing with "partial support" is now obsolete. The intended effect of these amendments is to delete these obsolete provisions.

OAC 785:46-1-2, Definitions, is proposed to be amended. The definition of "background concentration" is proposed to be modified. The circumstance which created the need for this amendment is that the term "background concentration" is not actually used in OAC 785:46, while the term "background" is used frequently. The intended effect of this amendment is to clarify the use of the term "background" throughout OAC 785:46.

OAC 785:46-3-2, Dilutions for whole effluent toxicity testing, is proposed to be amended. The circumstance which created the need for this amendment is that currently the acute whole effluent toxicity ("WET") testing language applies only to streams, while there is no language discussing how

acute WET testing applies to lakes. The intended effect of the proposed amendment is to make the acute WET testing language apply to both streams and lakes.

OAC 785:46-15-1, Scope and Applicability, is proposed to be amended. The circumstance which created the need for this amendment is that state environmental agencies have experienced several cases in which the employment of a single parameter in a use support assessment protocol indicated full support or non-support of the use, but other evidence convincingly contradicted that finding. The intended effect of the proposed amendment is to add language that will allow assessing agencies to use data other than that specified for a given parameter in certain circumstances in order to make use support decisions.

OAC 785:46-15-2, Definitions, is proposed to be amended to add a definition for the term "Trophic State Index". The circumstance which created the need for this amendment is that the two references which OWRB staff have used for the determination of Trophic State Index ("TSI") are not specifically cited in OAC 785:45 or 785:46. The intended effect of this amendment is to add a definition of TSI that incorporates both these citations.

OAC 785:46-15-4, Default Protocols, is proposed to be amended regarding long term average parameters. The circumstance which created the need for this amendment is that it has been noted that a variety of averaging periods and techniques have been applied to those parameters not specifically addressed in the use support assessment protocols in OAC 785:46 Subchapter 15. The intended effect of this amendment is to revise the default rule to require the use of a mean of all data that meet the other data quality requirements.

OAC 785:46-15-5, Assessment of Fish and Wildlife Propagation support, is proposed to be amended in several ways. First, portions of this section will be reorganized. The circumstance which created the need for this amendment is that support tests are currently detailed in the paragraph entitled "screening levels" instead of the section entitled "support tests". The intended effect of this amendment is to reorganize the text to a more appropriate placement. Another change in this section is to change the language "natural causes" to "naturally occurring conditions". The circumstance which created the need for this amendment is this language does not match language found elsewhere in this Chapter. The intended effect of this amendment is to create consistent terminology throughout OAC 785:46. Next, amendments are proposed dealing with the assessment of metals criteria that depend upon the hardness of the water that is being assessed. The circumstance which created the need for these amendments is the lack of specificity in how to determine the representative hardness of the stream for purposes of use support determination. The intended effect of this amendment is to provide that specificity. Finally, in the protocol for pH, the term "screening level" is proposed to be modified. The circumstance which created the need for this amendment is that this term is not entirely accurate. The intended effect of this

amendment is to amend this term to the more appropriate term "criteria range".

OAC 785:46-15-7, Assessment of Public and Private Water Supply support, is proposed to be amended to clarify the tests for support with respect to toxicants. The circumstance which created the need for this amendment is that there has been some confusion in the interpretation of the current language. The intended effect of the amendment is to reduce or eliminate the confusion and make it clear that (a) both the prescribed tests must be met in order to determine the use is supported with respect to toxicants, and (b) failure of one of the tests results in a determination that the use is not supported.

OAC 785:46-15-8, Assessment of Agriculture Support, is proposed to be amended. The entire section will be reorganized to clarify how assessment of the three different parameters of chlorides, sulfates and total dissolved solids ("TDS") should be performed. The circumstance which created the need for this amendment is OWRB staff were requested to clarify this section by other state agencies. The intended effect of this amendment is to separate the parameters for a more clear application of the tests.

OAC 785:46-15-10, Nutrients, is proposed to be amended in several ways. First, it is proposed that in many instances the term "lake" be replaced with "waterbody". These amendments are needed because some persons interpret that these assessment protocols apply to lakes and reservoirs only. The intended effect of these amendments is to allow the application of these protocols to all waterbodies as appropriate. Second, it is proposed to amend certain references to "impairment studies" to reinforce that it is beneficial uses which are impaired or threatened, rather than waterbodies. This amendment is needed in order to make the language in this Section consistent. The intended effect of this amendment is to bring these few references into line with the other references to "impairment" or "threatened". Third, it is proposed to delete language regarding Scenic Rivers from this section and move it to a new Section 785:46-15-14, Aesthetics. The circumstance which created the need for this amendment is that this language addresses the Aesthetics beneficial use. The intended effect of this amendment is to create a new Section focusing on the beneficial use of Aesthetics.

Several Sections in Subchapter 17, OWRB Water Quality Standards Implementation Plan ("WQSIP"), are proposed to be amended to reflect changes in state law. The rules pertaining to the WQSIP proposed to be amended include but are not necessarily limited to 785:46-17-2, Definitions; 785:46-17-3, Processes to ensure compliance with antidegradation standards and leading to maintenance of, removal of threats to, and restoration of beneficial uses; 785:46-17-10, Evaluation of effectiveness; and Appendix D. Summary of Comments on OWRB's Water Quality Standards Implementation Plan. These amendments are needed to implement program changes that allow Clean Water State Revolving Fund loans to be made for projects that implement the state's Nonpoint Source Management Program. The intended effect of these

## Notices of Rulemaking Intent

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amendments is to update the WQSIP to reflect current OWRB policies.

Other amendments may be considered as a result of public comments.

### **AUTHORITY:**

Oklahoma Water Resources Board, 82 O.S., § 1085.30; 27A O.S., § 1-3-101; and 82 O.S., § 1085.2.

### **COMMENT PERIOD:**

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 7, 2008.

### **PUBLIC HEARING:**

A public hearing will be held January 8, 2008 at 9:30 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma.

### **REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

The OWRB requests that any business entities affected by these proposed rules provide the OWRB, within the Comment Period from November 15, 2007 through January 7, 2008, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Derek Smithee at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 7, 2008.

### **COPIES OF PROPOSED RULES:**

Copies of the proposed amendments may be reviewed at the OWRB's office location at 3800 North Classen, Oklahoma City, Oklahoma 73118, or may be obtained from the "Contact Person" identified below upon prepayment of the copying charge. The proposed amendments may also be viewed on the OWRB web site at <http://www.owrb.state.ok.us>.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is available for review at the OWRB's office, 3800 North Classen, Oklahoma City, Oklahoma. The Rule Impact Statement may also be viewed on the OWRB web site at <http://www.owrb.state.ok.us>.

### **CONTACT PERSON:**

Derek Smithee, Water Quality Programs Division Chief, 405/530-8800.

*[OAR Docket #07-1450; filed 10-26-07]*

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## **TITLE 785. OKLAHOMA WATER RESOURCES BOARD CHAPTER 50. FINANCIAL ASSISTANCE**

*[OAR Docket #07-1451]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 8. Rural Economic Action Plan (REAP) Grant Program Requirements and Procedures

785:50-8-5. REAP grant priority point system [AMENDED]

Subchapter 9. Clean Water State Revolving Fund Regulations

Part 1. General Provisions

785:50-9-9. Definitions [AMENDED]

Part 3. General Program Requirements

785:50-9-27. Types of assistance [AMENDED]

### **SUMMARY:**

The Oklahoma Water Resources Board ("OWRB") proposes to amend this Chapter of the Oklahoma Administrative Code ("OAC") as follows:

Section 785:50-8-5 is proposed to be amended to restore language regarding priority formulas for school districts and counties that file applications for Rural Economic Action Plan ("REAP") grants. This amendment is needed because this language was inadvertently deleted when this Section was most recently amended. The intended effect of the amendment is to re-establish the priority system that has been used for several years for school district and county applicants for REAP grants.

Sections 785:50-9-9 and 785:50-9-27 are proposed to be amended to provide for greater flexibility in terms of loans for Clean Water State Revolving Fund ("SRF") projects. These amendments are needed because the current rules provide a maximum repayment period of 20 years. However, in certain circumstances, state and federal law and the U.S. Environmental Protection Agency now may allow the repayment period to exceed 20 years. The intended effect of the proposed amendments is to make the rules consistent with the flexibility in repayment and other loan terms allowed by state and federal law.

It is additionally proposed to amend Section 785:50-9-9 in the definition of "excessive infiltration/inflow" by changing the threshold from 140 to 120 gallons per capita per day. The circumstance which created the need for this amendment is that the U.S. Environmental Protection Agency has recommended that the standard be 120 gallons per day, which is also the normal standard used by engineers. The intended effect of this amendment is to use the most common measurement of excessive infiltration/inflow.

Other amendments may be considered as a result of public comments.

### **AUTHORITY:**

Oklahoma Water Resources Board; 82 O.S. § 1085.2; 82 O.S. §§ 1085.31 et seq.; 82 O.S. §§ 1085.51, et seq.; 62 O.S. § 2003.

### **COMMENT PERIOD:**

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 7, 2008.

**PUBLIC HEARING:**

A public hearing is scheduled for January 8, 2008, beginning at 9:30 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OWRB requests that any business entities affected by these proposed rules provide to the OWRB, within the Comment Period from November 15, 2007 through January 7, 2008, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Kate Burum at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 7, 2008.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, upon prepayment of the copying charge, or on the OWRB's web site, [www.owrb.state.ok.us](http://www.owrb.state.ok.us).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is available for review at the OWRB's office, 3800 North Classen, Oklahoma City, Oklahoma. The Rule Impact Statement may also be viewed on the OWRB web site at [www.owrb.state.ok.us](http://www.owrb.state.ok.us).

**CONTACT PERSON:**

Kate Burum, Staff Attorney and Funds Manager, 405-530-8800.

*[OAR Docket #07-1451; filed 10-26-07]*

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD  
CHAPTER 55. DEVELOPMENT ON STATE OWNED OR OPERATED PROPERTY WITHIN FLOODPLAINS AND FLOODPLAIN ADMINISTRATOR ACCREDITATION**

*[OAR Docket #07-1452]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 7. Floodplain Administrator Accreditation Program
- 785:55-7-3. Designation of floodplain administrator [AMENDED]
- 785:55-7-5. Temporary accreditation period; first full accreditation period [REVOKED]
- 785:55-7-6. Vacancies and replacement of floodplain administrators; notice to Board [AMENDED]

785:55-7-7. Accreditation application [AMENDED]

785:55-7-9. Expiration of accreditation and renewal of accreditation [AMENDED]

**SUMMARY:**

The Oklahoma Water Resources Board ("OWRB") proposes to amend this Chapter of the Oklahoma Administrative Code ("OAC") as follows:

The proposed action is to adopt similar revisions to three provisions of rules on floodplain administrators to acknowledge that communities in the floodplain management program before the effective date of the Oklahoma Floodplain Management Act in May 1980 may not have created a floodplain board that designates or fills vacancies in the floodplain administrator position for the community. Communities in the program before May 1980 may specify by ordinance or by job description the person that fills the position of floodplain administrator for the community. The intended effect of the rule revisions is to clarify the distinction between pre-1980 communities and post-1980 communities.

Another proposed revision is to revoke a provision on temporary accreditation period as no longer necessary. The rule was adopted for the transition period after the law was enacted to require accreditation of floodplain administrators. The intended effect is to delete obsolete and unnecessary language.

Another proposed change relating to expiration and renewal of accreditations is to delete language allowing an exemption from continuing education requirements for persons accredited for less than one year or who are Certified Floodplain Managers. The circumstances which created the need for the rule is the recognition that lack of continuing education by newly accredited persons or by those who have moved to the next level by being a Certified Floodplain Manager has caused confusion concerning new requirements regarding floodplain management. The intended effect of the rule is to start requiring newly accredited floodplain managers and Certified Floodplain Managers to take continuing education courses.

Other amendments may be considered as a result of public comments.

**AUTHORITY:**

82 O.S. § 1085.2; 82 O.S. §§ 1085.31 et seq.; 82 O.S. §§1601 et seq.

**COMMENT PERIOD:**

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 7, 2008.

**PUBLIC HEARING:**

A public hearing is scheduled for January 8, 2008, beginning at 9:30 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OWRB requests that any business entities affected by these proposed rules provide to the OWRB, within the

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Comment Period from November 15, 2007 through January 7, 2008, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Kate Burum at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 7, 2008.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, upon

prepayment of the copying charge, or on the OWRB's web site, [www.owrb.state.ok.us](http://www.owrb.state.ok.us).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is available for review at the OWRB's office, 3800 North Classen, Oklahoma City, Oklahoma. The Rule Impact Statement may also be viewed on the OWRB web site at [www.owrb.state.ok.us](http://www.owrb.state.ok.us).

**CONTACT PERSON:**

Lou Klaver, 405-530-8800

*[OAR Docket #07-1452; filed 10-26-07]*

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# Emergency Adoptions

An agency may adopt new rules, or amendments to or revocations of existing rules, on an emergency basis if the agency determines that "an imminent peril exists to the preservation of the public health, safety, or welfare, or that a compelling public interest requires an emergency rule[s] . . . . [A]n agency may promulgate, at any time, any such [emergency] rule[s], provided the Governor first approves such rule[s]" [75 O.S., Section 253(A)].

An emergency action is effective immediately upon approval by the Governor or on a later date specified by the agency in the preamble of the emergency rule document. An emergency rule expires on July 15 after the next regular legislative session following promulgation, or on an earlier date specified by the agency, if not already superseded by a permanent rule or terminated through legislative action as described in 75 O.S., Section 253(H)(2).

Emergency rules are not published in the *Oklahoma Administrative Code*; however, a source note entry, which references the *Register* publication of the emergency action, is added to the *Code* upon promulgation of a superseding permanent rule or expiration/termination of the emergency action.

*For additional information on the emergency rulemaking process, see 75 O.S., Section 253.*

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

[OAR Docket #07-1471]

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

- Subchapter 30. Supplemental Educational Service Providers [NEW]
- 210:15-30-1. Purpose [NEW]
- 210:15-30-2. Local Educational Agency Role and Responsibilities [NEW]
- 210:15-30-3. SES Provider Responsibilities [NEW]
- 210:15-30-4. Removal of an SES provider [NEW]

### AUTHORITY:

70 O. S. § 3-104, State Board of Education

### DATES:

#### Adoption:

August 23, 2007

#### Approved by Governor:

October 2, 2007

#### Effective:

Immediately upon Governor's approval

#### Expiration:

Effective through July 14, 2008, unless superseded by another rule or disapproved by the Legislature.

### SUPERSEDED EMERGENCY ACTIONS:

N/A

### INCORPORATIONS BY REFERENCE:

N/A

### FINDING OF EMERGENCY:

The proposed rule will provide a process to approve, deny, or remove Supplemental Educational Service (SES) providers in Oklahoma. The rule is needed to ensure that SES provide high quality instruction to students at-risk of failing to meet academic goals.

### ANALYSIS:

The proposed rule will provide specific roles and responsibilities of the local educational agency and the Supplemental Educational Service providers to ensure appropriate implementation of services to students.

### CONTACT PERSON:

Connie Holland, 405-521-3308

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O. S., SECTION 253 (D):**

### **SUBCHAPTER 30. SUPPLEMENTAL EDUCATIONAL SERVICE PROVIDERS**

#### **210:15-30-1. Purpose**

The purpose of this rule is to define the roles, responsibilities and requirements of the local educational agency and the Supplemental Educational Service (SES) provider.

#### **210:15-30-2. Local Educational Agency Role and Responsibilities**

(a) Local educational agencies (LEAs) with schools in their second year of school improvement shall:

- (1) Identify eligible students;
- (2) Notify parents about the availability of services and the process for obtaining supplemental educational services for their child(ren) in an understandable and uniform format that includes identifying approved providers whose services are in the school district or within a reasonable proximity of the district;
- (3) Help parents choose a provider, if such help is requested;
- (4) Determine which students should receive services when all students cannot be served;
- (5) Enter into an agreement with a provider selected by parents of an eligible student;
- (6) Provide quality information to the SDE so that it can monitor the quality and effectiveness of the services offered by providers;
- (7) Offer the opportunity for supplemental services until the school in question is no longer identified for school improvement according to the requirements of the NO CHILD LEFT BEHIND ACT OF 2001; and
- (8) Protect the privacy rights of students who receive supplemental educational services.

(b) Districts shall submit semi-annual programmatic and fiscal reports to SDE due the last Friday in January and the last Friday in June. The report shall include:

- (1) Information on each student served during the semester by provider; including test, demographic, and attendance data;
- (2) Pre- and posttesting information from the school district for each student eligible for supplemental educational services based on the annual Oklahoma Core Curriculum Tests in reading and mathematics;
- (3) Details of any complaints received from parents or SES providers;

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(4) Summary of any announced or unannounced monitoring visits to SES provider sites conducted during the semester.

(5) Any updates or revisions to information submitted to the SDE regarding SES implementation (i.e., timelines, additional schools, changes in Title I per pupil allocation, etc.); and

(6) Information on the fiscal expenditures of Title I funds for SES, indicating the payments made by the district to each provider for the reporting period. If a student's services are terminated during the SES reporting period, the costs should be reported in accordance with the percentage of the program completed prior to termination of services.

(c) Districts failing to submit timely and complete reports shall be cited for noncompliance and requested to submit a corrective action plan. Upon receipt of such notice of noncompliance, districts shall have thirty (30) days to submit a corrective action plan, addressing all cited issues of noncompliance.

(d) Each district required to offer supplemental educational services shall maintain documentation relating to the provision of SES for state and federal monitoring and evaluation purposes. Districts should make the following information, at minimum, available for state, federal, or third-party evaluator review:

(1) Annual Notice for SES, including how parents can access services; a listing of approved providers; brief description of provider services, qualifications, and demonstrated effectiveness of the providers;

(2) Description of LEA procedures for determining eligibility of students;

(3) Description of LEA process for prioritizing availability of services if demand is greater than available allocation;

(4) Copies of the district's contracts with SES providers.

### **210:15-30-3. SES Provider Responsibilities**

(a) All approved SES providers shall abide by a code of ethics consisting of the following requirements:

(1) Providers shall describe services as approved in state application to consumers in terms that are easy to understand and jargon-free.

(2) Providers shall submit a sample of SES program promotional materials and advertisements, (such as brochures, flyers, and posters) to the school district(s) in which they wish to serve and/or the SDE, upon request.

(3) Providers shall not misrepresent to anyone the location of a provider's program or its approval status.

(4) Providers shall not compensate district employees in exchange for access to facilities or to obtain student lists. School personnel may be hired for instructional purposes only.

(5) Providers shall not directly or indirectly use incentives as a method of promoting selection of their services by parents or guardians of eligible children. Rewards may

be offered for eligible children to reward attendance, to reward continued participation, or achievement related to a provider's services:

(A) if the reward has no redeemable monetary value to the eligible child or his parent/guardian and is otherwise consistent with accepted classroom incentives, such as pizza parties, ice cream parties, school supplies having nominal value, or the opportunity to order discounted instructional material for the eligible child's personal use; and

(B) parents or guardians of an eligible child or children consent to offering such rewards.

(6) Providers shall not encourage or induce students or parents to switch providers once students have been enrolled into another program.

(7) Providers shall not enroll students in an SES program without prior authorization from the district.

(8) For students under 13, providers proposing to utilize web-based instruction must obtain parental permission before communicating with students via e-mail or the Internet as per Title XIII - Children's Online Privacy Protection Act of 1998.

(b) An approved provider shall report annually to the SDE and each district served. The report shall include the following information: number of students served, pre- and posttest data, attendance, percentage of students meeting the academic goals set for in the Individual Learning Plans, details of any complaints received from teachers or parents; and an updated assurance that all information within the provider's approved application remains true and correct.

(c) Providers shall maintain records for a period of five years. Documentation shall be made available, upon request by the SDE, for monitoring reviews or audit purposes.

(d) Providers shall cooperate with any assessments or evaluations conducted by the SDE.

### **210:15-30-4. Removal of an SES provider**

A Supplemental Educational Service (SES) provider may not be approved to be listed as an Oklahoma SES provider or may be removed from the list of Oklahoma SES providers for any of the following:

(1) Company owners and employees are subject to background checks. Any owner or employee who has a felony conviction will be grounds for removal.

(2) Providers that use materials that are misleading or provide false information.

(3) Providers working with schools not eligible for Supplemental Educational Services funding but using that program as their advertising.

(4) Providers that provide incentives to students, parents, or school persons to gain advantage in signing up students.

(5) Providers that fail to turn in their end of the year reports.

(6) A provider must be able to deliver supplemental educational services to school districts in which the provider is approved by the state. If a state-approved provider withdraws from offering services to students in a school district

in which it is approved and in which it has signed either a contract to provide services or a letter of intent and the minimums per site set by the provider have been met, the school district must report the provider to the SDE. The provider shall be immediately removed from the state-approved list for the current school year for that school district. Upon the second such withdrawal in any school district, the provider shall be ineligible to provide services in the state the following year.

(7) The SDE may consider contractual violations for purposes of provider renewal if provider fails to meet LEA contract for services.

(8) If compliance issues are raised about a provider and his/her services the following may occur depending upon the issue raised:

(A) Provider's services may be immediately suspended if it commits a felony or misdemeanor; has substantial noncompliance; or if an LEA or SDE determines that a threat exists to the health or safety of students.

(B) A provider may be removed from the State-approved list upon written notice if the provider has engaged in illegal or deceptive practice, violated any assurance or aspect of its application to SDE, falsified any information on its application or other reports to SDE, or otherwise violated State or federal law.

(9) Federal programs complaint procedures for Title I, Part A, (210:10-17-1) apply to SES programs.

*[OAR Docket #07-1471; filed 10-26-07]*

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

*[OAR Docket #07-1470]*

**RULEMAKING ACTION:**  
EMERGENCY adoption

**RULES:**  
Subchapter 33. Celebrate Freedom Week [NEW]  
210:15-33-1. Purpose [NEW]  
210:15-33-2. Celebrate Freedom Week Requirements [NEW]

**AUTHORITY:**  
70 O. S. § 3-104, State Board of Education

**DATES:**  
**Adoption:**  
August 23, 2007

**Approved by Governor:**  
October 2, 2007

**Effective:**  
Immediately upon Governor's approval

**Expiration:**  
Effective through July 14, 2008, unless superseded by another rule or disapproved by the Legislature.

**SUPERSEDED EMERGENCY ACTIONS:**  
N/A

**INCORPORATIONS BY REFERENCE:**  
N/A

**FINDING OF EMERGENCY:**  
Public schools are required to implement the rules beginning with the 2007-2008 school year as set forth in 70 O. S. § 24-152.

**ANALYSIS:**  
Public schools will provide certain required activities during the Celebrate Freedom Week, which is the week in which November 11 falls. For purposes of this subsection, Sunday shall be considered the first day of the week.

**CONTACT PERSON:**  
Connie Holland, 405-521-3308

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O. S., SECTION 253 (D):**

**SUBCHAPTER 33. CELEBRATE FREEDOM WEEK**

**210:15-33-1. Purpose**  
Public schools will provide certain required activities during the Celebrate Freedom Week that is the week in which November 11 falls. Sunday shall be considered the first day of the week.

**210:15-33-2. Celebrate Freedom Week Requirements**  
(a) By December 31, 2007, each public school district in the state will include as a part of a social studies class, during Celebrate Freedom Week, appropriate instruction concerning the intent, meaning, and importance of the Declaration of Independence and the United States Constitution, including the Bill of Rights, in their historical contexts.  
(b) The religious references in the writings of the founding fathers shall not be censored.  
(c) The study of the Declaration of Independence will include the study of the relationship of the ideas expressed in that document to subsequent American history, including the relationship of its ideas to the rich diversity of our people as a nation of immigrants, the American Revolution, the formulation of the United States Constitution, and the abolitionist movement, which led to the Emancipation Proclamation and the women's suffrage movement.

(d) During Celebrate Freedom Week students in grades three through twelve will study and recite the text quoted below:

(1) "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed."

(2) Students may be excused from the recitation of the text, if:

(A) The parent or guardian of the student submits to the school district a written request that the student be excused;

(B) As determined by the school district, the student has a conscientious objection to the recitation;  
or

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(C) The student is a child of a representative of a foreign government to whom the United States government extends diplomatic immunity.

[OAR Docket #07-1470; filed 10-26-07]

## TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 20. STAFF

[OAR Docket #07-1472]

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

Subchapter 9. Professional Standards: Teacher Education and Certification

Part 9. Teacher Certification

210:20-9-99. National Board certification [AMENDED]

210:20-9-99.1. National certification bonus for school psychologists, speech-language pathologists, and audiologists [AMENDED]

### AUTHORITY:

70 O. S. § 3-104, State Board of Education

### DATES:

#### Adoption:

September 27, 2007

#### Approved by Governor:

October 22, 2007

#### Effective:

Immediately upon Governor's approval

#### Expiration:

Effective through July 14, 2008, unless superseded by another rule or disapproved by the Legislature.

### SUPERSEDED EMERGENCY ACTIONS:

N/A

### INCORPORATIONS BY REFERENCE:

N/A

### FINDING OF EMERGENCY:

The rule amendments are necessary so that individuals who are not currently full-time will have the knowledge of what is considered full-time in order to receive the bonus.

### ANALYSIS:

The purpose of the rule amendments is to define full-time for National Board certified teachers, psychologists who are nationally certified by the National School Psychology Certification Board, or a speech-language pathologist or audiologist who holds a Certificate of Clinical Competence awarded by the American Speech-Language Hearing Association and are eligible for the bonus prescribed in Oklahoma Statute 70 O.S. § 6-204.2 and 70 O.S. § 6-206.

### CONTACT PERSON:

Connie Holland, 405-521-3308

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O. S., SECTION 253 (D):**

## SUBCHAPTER 9. PROFESSIONAL STANDARDS: TEACHER EDUCATION AND CERTIFICATION

### PART 9. TEACHER CERTIFICATION

#### 210:20-9-99. National Board certification

(a) Subject to availability of funds, a bonus in the amount prescribed in 70 O.S. § 6-204.2, shall be provided to Oklahoma teachers holding National Board certification.

(b) If adequate funding is not available for a full bonus to be provided, the bonus amount may be prorated.

(c) To document having a current National Board certificate and being employed full time as a classroom teacher in the public schools of Oklahoma, as of January 1 of the year the bonus is to be awarded, a verification form will be sent to each National Board certified teacher identified by the Oklahoma Commission for Teacher Preparation to be signed by the teacher and the superintendent of the local school district and returned to the State Department of Education before the bonus is awarded.

(d) Other National Board certified teachers, submitting, as of January 1 of the year the bonus is to be awarded, a verification form documenting having a National Board certificate and being employed as a full-time teacher in Oklahoma, shall receive a bonus. The verification form, signed by the National Board certified teacher and the superintendent of the local school district shall be submitted to the State Department of Education before the bonus is awarded. Full-time equates to a minimum of 175 contracted days and a minimum of 6 hours per day, Monday through Friday, and must be correctly reported to the State Department of Education through school personnel records as a full-time equivalency of 1.0, and the individual must be coded as a full-time instructional position.

#### 210:20-9-99.1. National certification bonus for school psychologists, speech-language pathologists, and audiologists

(a) Subject to availability of funds, a bonus in the amount prescribed in 70 O.S. § 6-206, shall be provided to individuals currently providing service to children and who are an Oklahoma school psychologist who has been designated as a nationally certified school psychologist by the National School Psychology Certification Board, or a speech-language pathologist or audiologist who holds a Certificate of Clinical Competence awarded by the American Speech-Language Hearing Association.

(b) If adequate funding is not available for a full bonus to be provided, the bonus amount may be prorated.

(c) Psychologists, speech-language pathologists, or audiologists eligible for the bonus are those individuals currently employed full-time in the public schools of Oklahoma and are carried on the school personnel report submitted to the State Department of Education. Full-time equates to a minimum of 175 contracted days and a minimum of 6 hours per day, Monday through Friday, and must be correctly reported to the State Department of Education through school personnel records as a full-time equivalency of 1.0, and the individual must be coded as a speech-language pathologist, psychologist, or audiologist only. Individuals may be employed in multiple districts as long as full-time equivalency equals 1.0.

(d) To document having a current national certificate, being employed full-time by a public school district, and are currently providing services to children as a psychologist,

speech-language pathologist, or audiologist, as of January 1 of the year the bonus is to be awarded, a verification form will be sent to each nationally certified person to be signed by the psychologist, speech-language pathologist, or audiologist and the superintendent of the local school district and returned to the State Department of Education before the bonus is awarded.

(e) Verification of national certification shall be provided to the State Department of Education prior to the bonus being awarded.

[OAR Docket #07-1472; filed 10-26-07]

**TITLE 210. STATE DEPARTMENT OF EDUCATION  
CHAPTER 20. STAFF**

[OAR Docket #07-1473]

**RULEMAKING ACTION:**  
EMERGENCY adoption

**RULES:**

- Subchapter 9. Professional Standards: Teacher Education and Certification
- Part 17. Full (Subject Matter) Competencies for Licensure and Certification
- 210:20-9-172. Full (subject matter) competencies for licensure and certification [AMENDED]

**AUTHORITY:**

70 O. S. § 3-104, State Board of Education

**DATES:**

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**Expiration:**

Effective through July 14, 2008, unless superseded by another rule or disapproved by the Legislature.

**SUPERSEDED EMERGENCY ACTIONS:**

N/A

**INCORPORATIONS BY REFERENCE:**

N/A

**FINDING OF EMERGENCY:**

It is critical to begin the lengthy process of developing competencies and tests to provide qualified, certified computer science teaching professionals in the classroom as quickly as possible.

**ANALYSIS:**

The proposed rule amendments will add computer science as a licensure/certification area and would establish the teacher competencies for the licensure/certification.

**CONTACT PERSON:**

Connie Holland, 405-521-3308

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O. S., SECTION 253 (D):**

**SUBCHAPTER 9. PROFESSIONAL STANDARDS: TEACHER EDUCATION AND CERTIFICATION**

**PART 17. FULL (SUBJECT MATTER) COMPETENCIES FOR LICENSURE AND CERTIFICATION**

**210:20-9-172. Full (subject matter) competencies for licensure and certification**

Full (subject matter) competencies are listed in (1) through ~~(41)~~(42) by subject/content area.

(1) **Art education.** The candidate for licensure and certification:

(A) Has a sound philosophical understanding of visual art education and is able to support, justify, and implement the visual art curriculum.

(B) Has an understanding of past, current, and future trends and issues in art education as well as art education research.

(C) Has a knowledge of developmentally appropriate visual art content including aesthetics, art criticism, and art history, around a core of art production.

(D) Has a working knowledge of and has had experience in integration of the arts with other fine arts areas as well as other academic disciplines.

(E) Understands and has experience in the application of the elements and principles of art and design.

(F) Understands art history including various styles, periods, ethnic groups, and cultures from around the world.

(G) Has a knowledge of aesthetics (the field of study that relates to beauty in the arts) and art criticism (art review and commentary), along with teaching strategies appropriate for both areas that involve a variety of media and awareness of developmental levels.

(H) Understands and has experience in various methods of art production and creative development including drawing, figure drawing, color and design, painting, printmaking, sculpture, clay, applied design, and technology. Additional experience should involve metal, stone, fiber, papermaking, wood, and mixed media.

(I) Has proficiency in teaching strategies that are developmentally appropriate and inclusive of various student learning styles and is sensitive to the needs of diverse ethnic and cultural groups and those with disabilities.

(J) Develops a portfolio of his/her own artwork.

(K) Understands that contests and competitions have a valuable place in art education; however, they should not drive the development of the local curriculum.

(L) Has a knowledge of a wide variety of arts resources including community resources, materials, equipment, and information about exhibitions and/or major collections.

(M) Recognizes the important role of technology in education and that it may serve as a supportive tool in art education.

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- (N) Understands the art-related competencies in the Oklahoma core curriculum and knows how to incorporate them into various art classes.
- (2) **Business education.** Competencies for business education are fulfilled by meeting competencies for vocational business.
- (3) **Driver/safety education.** The candidate for licensure and certification:
- (A) Applies, models, and teaches appropriate learning strategies for the safe operation of motor vehicles.
  - (B) Understands the social and emotional forces that influence the psychological makeup of young drivers and how these forces affect their driving behavior.
  - (C) Understands basic driving maneuvers including the universal concepts of defensive driving.
  - (D) Understands the physical laws of nature and the statutory laws that govern the safe operation of motor vehicles.
  - (E) Has an understanding of the basic mechanical systems that make up a motor vehicle and their influence on its operational limits.
- (4) **Early childhood education (pre-kindergarten-third grade).** The competencies related to Early Childhood Education relate more specifically to the processes of learning and/or information processing than presentation of specific subject matter. The candidate for licensure and certification knows, understands, and uses:
- (A) Factors that influence the development of young children, the sequence and interdependency of all areas, (i.e., physical, social, emotional, cognitive, and language) and uses that knowledge to meet the needs and characteristics of the group and individual children (birth to eight years of age) while respecting their unique rates of development.
  - (B) Positive child guidance strategies which help children learn to make responsible decisions regarding their own behavior and contributes to the development of self-control, self-motivation, and self-respect.
  - (C) The knowledge of how young children think, process information, and develop concepts in content areas including language, literacy, mathematics, science, health, safety, nutrition, social studies, art, music, drama, and movement.
  - (D) Integrative approaches (e.g., themes, topics, projects) to enable children to see and experience content areas and make meaningful connections to the child's life experience.
  - (E) Curriculum in regards to the children's needs and interests, as well as, developmentally appropriate skills and concepts.
  - (F) Developmentally appropriate strategies when planning, implementing, articulating, and evaluating (e.g., play, independent work, small group projects, group discussions, cooperative learning, open-ended questions, inquiry, and problem solving experiences.)
  - (G) A bias-free learning environment (indoors and outdoors) which is physically and psychologically safe for young children through the use of a balanced schedule, learning centers, and appropriate transitions and routine.
  - (H) Curriculum strategies, schedules, and the environment to meet the specific needs, interests, and experiences of all children with complex characteristics (i.e., adapting for those with disabilities, developmental delays, diverse cultures, or special abilities).
  - (I) Collaboration strategies regularly with families and other agencies in the community to enhance and support children's learning and development.
  - (J) Behaviors that recognize and respect diversity, how it influences learning, and builds connections among children's families, communities, and schools.
  - (K) Performance assessment (i.e., observation and documentation) and formal assessment to evaluate young children's development and learning for the purpose of planning appropriate and challenging programs, environments, and interactions and adapting for individual differences.
  - (L) Formative and summative evaluation measures to ensure comprehensive quality of the total program for children; in reciprocal partnerships, with families, and the community.
  - (M) The historical, social, and ethical foundations of early childhood education which enables the teacher to articulate a philosophy and rationale for appropriate principles and practices.
  - (N) Self evaluation of teaching techniques and outcomes and modifies curriculum, strategies, schedules and environment to maximize the learning environment and enhance psychological safety for children.
  - (O) Knowledge to advocate for children by articulating to family, community and others the goals and methods used in the early childhood classroom.
  - (P) Instructional strategies/plans based on the Oklahoma core curriculum.
  - (Q) Understands and applies the following competencies in reading instruction as appropriate to the abilities of the student.
    - (i) Knows the stages of language development and the structure of the English language and alphabetic writing system including phonology, morphology, and orthography and their relationships to spelling and meaning.
    - (ii) Understands that primary language (oral) directly impacts the secondary languages (reading, writing, spelling). Knows and applies knowledge of implicit and explicit instruction in developing oral language. Knows the relationship of oral language to literacy.
    - (iii) Knows the developmental process of reading in order to assess, interpret, describe, develop appropriate instruction, monitor, reteach and reassess student's reading performance for

- concepts about print, phonological and phonemic awareness, phonics, spelling, word recognition, vocabulary, comprehension, fluency, and writing.
- (iv) Identifies and applies all developmental levels of phonemic awareness to provide appropriate instruction in understanding words are made up of phonemes and that phonemes can be rearranged and manipulated to make different words that compose oral speech.
  - (v) Knows and provides appropriate systematic explicit and implicit phonological instruction for the application of spelling-sound correspondences for word analysis and for structural analysis for word recognition and word meaning development.
  - (vi) Knows and applies the relationships between spelling patterns and sounds of speech; knows how to support the student at each stage of spelling development; knows how to focus direct and indirect instruction to guide the student toward spelling proficiency.
  - (vii) Knows and applies knowledge of appropriate explicit and implicit instruction for vocabulary development (e.g., singular and plural).
  - (viii) Knows and applies strategies that promote comprehension and strategies to support children's understanding for the various elements of the different genres of text.
  - (ix) Knows and applies strategies and instructional approaches to support response to text and promote comprehension for literal, inferential, and critical/evaluative level (e.g., guided reading, literature and research circles).
  - (x) Knows and applies knowledge of instructional techniques to assist students with self-monitoring and self-corrections; (i.e., semantics, syntax, and graphophonics).
  - (xi) Knows and applies the instructional strategies which contribute to the development of fluent reading.
  - (xii) Knows how to promote children's interest and engagement in reading and writing.
- (R) Understands and applies the following competencies in mathematics instruction as appropriate to the abilities of the student.
- (i) Builds on children's natural interest in mathematics and uses it to make sense of their physical and social worlds.
  - (ii) Establishes mathematics curriculum based on current knowledge of young children's cognitive, linguistic, physical and social-emotional development that builds on children's varying experiences.
  - (iii) Uses teaching practices that enhance children's problem-solving and reasoning processes which includes representing, communicating, and connecting mathematical ideas.
  - (iv) Understands that the curriculum should be coherent and compatible with known relationships and sequences of important mathematical ideas and that provides for children's deep and lasting interaction with key mathematical ideas.
  - (v) Introduces mathematical concepts, methods, and language through a variety of appropriate experiences and teaching strategies, including integrating mathematics with other activities and allowing ample time, materials and teacher support for children to explore and manipulate mathematical ideas.
  - (vi) Enhances children's mathematical knowledge, skills and strategies by providing an ongoing process of collecting information from multiple sources to determine a student's strengths and weaknesses in order to plan appropriate educational services.
- (S) Understands and applies the following competencies in science instruction as appropriate to the abilities of the student.
- (i) Plans an inquiry-based science program that develops a curriculum design to meet the interests, knowledge, understanding, abilities, and experiences of students in a framework of yearlong and short-term goals for students.
  - (ii) Selects teaching and assessment strategies that support the development of student understanding and encourage a community of science learners.
  - (iii) Guides and facilitates learning through focused interaction with students, recognizes and responds to student diversity, and encourages and models the skills of inquiry in order for all students to participate in science learning.
  - (iv) Uses ongoing multiple methods and systematically gathers data about students understanding and abilities.
  - (v) Designs and manages learning environments that provide students with the time, space and resources needed for developing science skills.
  - (vi) Uses a variety of instructional strategies to implement an integrated/interdisciplinary curriculum and understands the interaction between the sciences and the process skills.
- (T) Understands and applies the following competencies in social studies instruction as appropriate to the abilities of the student.
- (i) Designs and manages learning environments that provide opportunities for students to exhibit traits of good citizenship in a variety of settings and situations.
  - (ii) Selects teaching and assessment strategies that support the development of student understanding of their community and culture.
- (U) Understands and applies the following competencies in the use of technology as appropriate to the abilities of the student.

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- (i) Bases the use of technology on the knowledge of how young children think, process information and develop concepts in content areas.
  - (ii) Enhances children's cognitive and social abilities through the appropriate use of technology.
  - (iii) Integrates technology into the learning environment and uses it as one of many options to support children's learning.
  - (iv) Promotes equitable access to technology for all children and their families.
  - (v) Advocates in collaboration with parents for more appropriate technology applications for all children.
- (5) **Elementary education.** The competencies developed in specific subject areas such as mathematics, art, science, etc., have been developed on a prekindergarten through 12th grade continuum. Because of this, it is unnecessary for the elementary education competencies to address anything more than the processes through which the subject matter competencies will be presented in the classroom. The candidate for licensure and certification:
- (A) Understands his/her role and the variety of approaches to the organization of elementary schools.
  - (B) Understands the essential nature and importance of interaction and communication with students, parents, community members and colleagues.
  - (C) Models the role of the lifelong learner.
  - (D) Understands the role of the teaching profession in curriculum change and school improvement.
  - (E) Understands the link between child development, curriculum, and instruction.
  - (F) Understands and uses a variety of strategies to:
    - (i) select methods of assessment appropriate to each of the subject matter areas and to the age, development, and characteristics of students,
    - (ii) interpret and communicate assessment results accurately and ethically, and
    - (iii) integrate information gained from assessments into instructional plans.
  - (G) Has a knowledge of current research findings about teaching and learning.
  - (H) Analyzes his/her teaching practices through a variety of techniques.
  - (I) Understands appropriate classroom management systems and discipline practices.
  - (J) Understands the selection and use of materials, resources, and technology appropriate to individual differences.
  - (K) Creates an environment that facilitates learning experiences which make subject matter meaningful to students.
  - (L) Understands the subject matter areas common to the elementary curriculum and the integration of those subject matter areas.
  - (M) Facilitates learning groups as appropriate to the needs and/or interests of students and the goals of the lesson.
  - (N) Understands and applies the following competencies in reading instruction.
    - (i) Knows the stages of language development and the structure of the English language and alphabetic writing system including phonology, morphology, and orthography and their relationships to spelling and meaning.
    - (ii) Understands that primary language (oral) directly impacts the secondary languages (reading, writing, spelling). Knows and applies knowledge of implicit and explicit instruction in developing oral language. Knows the relationship of oral language to literacy.
    - (iii) Knows the developmental process of reading in order to assess, interpret, describe, develop appropriate instruction, monitor, reteach and reassess student's reading performance for concepts about print, phonological and phonemic awareness, phonics, spelling, word recognition, vocabulary, comprehension, fluency, and writing.
    - (iv) Identifies and applies all developmental levels of phonemic awareness to provide appropriate instruction in understanding words are made up of phonemes and that phonemes can be rearranged and manipulated to make different words that compose oral speech.
    - (v) Knows and provides appropriate systematic explicit and implicit phonological instruction for the application of spelling-sound correspondences for word analysis and for structural analysis for word recognition and word meaning development.
    - (vi) Knows and applies the relationships between spelling patterns and sounds of speech; knows how to support the student at each stage of spelling development; knows how to focus direct and indirect instruction to guide the student toward spelling proficiency.
    - (vii) Knows and applies knowledge of appropriate explicit and implicit instruction for vocabulary development, e.g., prefixes, suffixes and roots.
    - (viii) Knows and applies strategies that promote comprehension and strategies to support children's understanding for the various elements of the different genres of text.
    - (ix) Knows and applies strategies and instructional approaches to support response to text and promote comprehension for literal, inferential, and critical/evaluative level, e.g., guided reading, literature and research circles.
    - (x) Knows and applies knowledge of instructional techniques to assist students with self-monitoring and self-corrections, i.e., semantics, syntax, and graphophonics.
    - (xi) Knows and applies the instructional strategies which contribute to the development of fluent reading.

- (xii) Knows how to promote children's interest and engagement in reading and writing.
- (O) Understands interdisciplinary teaching and collaboration.
- (P) Understands that all students can develop proficiencies in the Oklahoma core curriculum.
- (6) **English.** The candidate for licensure and certification:
  - (A) Maintains current knowledge of content-area concepts of written and oral communication, literature, and language systems (phonetic, semantic, syntactic, pragmatic). For purposes herein, language systems and what they mean or include are:
    - (i) **"Phonetic"** means the letter/sound system of a particular language.
    - (ii) **"Pragmatic"** means the use of particular language and its conventions that convey meaning in a cultural context.
    - (iii) **"Semantic"** means the meaning system of a given language.
    - (iv) **"Syntactic"** means the structure, order, and organization of a given language.
  - (B) Applies comprehension, analysis, interpretation, synthesis and evaluation of auditory, written, and visual messages. For purposes herein, these terms have the following meaning and include:
    - (i) **"Auditory messages"** means spoken language, intonation.
    - (ii) **"Visual messages"** means visual graphics such as illustrations, pictures, photographs, symbols, and signs, body language, facial expressions.
    - (iii) **"Written messages"** means connected discourse, text.
  - (C) Applies appropriate learning strategies for reading, writing, studying, and researching.
  - (D) Communicates effectively in speaking and writing, using appropriate language conventions. For purposes herein, **"language conventions"** means grammar, figurative language, mechanics, specialized vocabulary, technical terms.
  - (E) Understands the influences of social and historical contexts and culture on language and literature and adapts instruction accordingly.
  - (F) Uses the understanding of language acquisition and language learning processes to develop student proficiencies and to modify instruction for second-language learners.
  - (G) Establishes a reflective and creative learning environment.
  - (H) Uses a variety of assessment strategies to evaluate student proficiencies in the language arts and to modify instruction appropriately.
  - (I) Uses technology to accomplish professional goals and to develop student's literacy proficiencies.
  - (J) Understands and teaches strategies appropriate to a variety of forms (genres), text organizations, and structures, including functional print and informational print. For purposes herein:
    - (i) **"Functional print"** means environmental print messages (i.e., signs, logos, labels, directions);
    - (ii) **"Genre"** means a particular type of literature (i.e., short story, novel, poem, essay, drama)
    - (iii) **"Informational print"** includes reference materials, telephone books, almanacs, dictionaries.
  - (K) Understands the literacy process (i.e., reading process and writing process), and provides effective instruction in literacy skills and strategies.
  - (L) Understands, teaches, and implements Oklahoma's core curriculum.
- (7) **Family and consumer sciences.** Competencies for family and consumer sciences are fulfilled by meeting competencies for vocational family and consumer sciences.
- (8) **Foreign languages.** The candidate for licensure and certification will possess competencies as specified in (A) through (G).
  - (A) **Listening (K-12).** The candidate for licensure and certification:
    - (i) Understands main ideas and supporting details of oral presentations and conversations (e.g., prepared speeches, news broadcasts, interviews, short lectures).
    - (ii) Understands spontaneous speech on a variety of basic topics.
    - (iii) Comprehends sustained conversation or narrative of general topics (secondary only).
  - (B) **Speaking (K-12).** The candidate for licensure and certification:
    - (i) Narrates and describes events, objects, and activities with supporting details.
    - (ii) Participates in spontaneous, face-to-face conversation involving more complicated skills and social situations, such as elaborating, apologizing, debating.
    - (iii) Initiates, sustains, and closes a general conversation.
    - (iv) Displays some ability to support opinions, explain in detail, and make assumptions (secondary only).
    - (v) Uses varied strategies, such as paraphrasing or restating, to facilitate communication in the language being studied (secondary only).
  - (C) **Reading (K-12).** The candidate for licensure and certification:
    - (i) Reads authentic (from the culture of the language studied) materials, such as selected short stories, poetry, and other literary works, articles, personal correspondence, and simple technical material written for the general reader.
    - (ii) Comprehends facts in authentic (from the culture of the language studied) texts and materials and makes appropriate inferences.

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- (iii) Comprehends authentic (from the culture of the language studied) communications via various media and technology.
- (D) **Writing (K-12).** The candidate for licensure and certification:
  - (i) Communicates by writing simple facts and ideas.
  - (ii) Expresses narratives and descriptions of a factual nature.
  - (iii) Writes professional and social correspondence (secondary only).
- (E) **Culture (K-12).** The candidate for licensure and certification:
  - (i) Is knowledgeable about the products of the culture of the language being taught.
  - (ii) Is knowledgeable about practices of the culture of the language being taught.
  - (iii) Is able to compare and contrast local culture and cultures of the language being taught.
- (F) **Second language acquisition (K-12).** The candidate for licensure and certification:
  - (i) Is knowledgeable about first language development and its relation to second language learning.
  - (ii) Is knowledgeable about varied teaching approaches, methods, and strategies.
  - (iii) Is knowledgeable about varied second language assessment strategies and techniques that are developmentally appropriate.
- (G) **The Oklahoma core curriculum (K-12).** The candidate for licensure and certification:
  - (i) Understands Oklahoma's core curriculum for languages, and
  - (ii) Implements the skills and knowledge appropriate to the level(s) taught.
- (9) **Journalism.** The candidate for licensure and certification:
  - (A) Maintains current knowledge of concepts, theories, and practical application of such in the field of journalism, including those associated with print media, news gathering, writing, research, graphic design, photography, technology, law, and ethics.
  - (B) Applies comprehension, analysis, interpretation, and evaluation of auditory, written, and visual communication. Projects can be created based on this knowledge, i.e., newspapers, yearbooks, magazines, or broadcasts.
  - (C) Applies appropriate learning strategies for research, writing, organization, editing, and presentation of written and visual messages to different audiences.
  - (D) Communicates effectively in oral presentation, written communication, and visual design.
  - (E) Understands the influence of social and historical context of culture on journalism and adapts instruction accordingly.
  - (F) Understands the impact and importance of cultural diversity on the communication process.
  - (G) Establishes a reflective and creative learning environment.
  - (H) Uses a variety of assessment strategies and teaching methods to encourage creativity, to inspire critical thinking to develop problem-solving techniques, and to establish and maintain excellence in all journalism pursuits.
  - (I) Uses technology to accomplish professional goals and to develop students' journalistic proficiencies in all aspects of the subject, including, but not limited to, desktop publishing, photojournalism, written communication, graphic design, and research.
  - (J) Understands and can teach strategies appropriate to a variety of journalistic areas, including print media, graphic arts, printing technology, broadcast media, electronic media, advertising, business management practices, public relations, and professional writing.
  - (K) Is prepared to teach students in the following areas:
    - (i) desktop publishing;
    - (ii) writing for print and electronic media;
    - (iii) editing;
    - (iv) photography and videography;
    - (v) graphic design and typography;
    - (vi) headline, preview, promotion, and caption writing.
  - (L) Is prepared to teach
    - (i) research skills;
    - (ii) interviewing;
    - (iii) ethics, law, and responsibilities of the press;
    - (iv) journalism history;
    - (v) television, video, radio and multimedia production;
    - (vi) staff management, organization and leadership techniques;
    - (vii) business management and accounting procedures.
  - (M) Is knowledgeable of professional resources, including state, regional, and national scholastic press associations, workshops, conferences, contests, and publications.
  - (N) Understands the importance of effective verbal and visual communication skills.
  - (O) Understands the role of co-curricular and extracurricular activities in the development of student interests as an extension of classroom instruction.
  - (P) Understands, teaches, and implements Oklahoma's core curriculum.
- (10) **Library-media specialist.** The candidate for licensure and certification:
  - (A) Defines a program of information literacy and integrates it into the curriculum
  - (B) Defines a school library media program emphasizing information problem-solving skills and integrates it into the curriculum.

- (C) Motivates and guides students and faculty in recognizing literature as an essential base of cultural and practical knowledge and in reading for pleasure as well as for information.
- (D) Communicates effectively with students, faculty, staff, administrators, parents, other colleagues, and the general public by the ability to:
- (i) exhibit communication skills necessary for collaborative planning with teachers.
  - (ii) develop and implement an effective public relations program to communicate library media program goals, needs, and accomplishments.
- (E) Applies basic principles of evaluating and selecting resources and equipment to support the educational goals of the school by the ability to:
- (i) develop selection policies which reflect curricular and instructional objectives, and informational and recreational needs of students and teachers.
  - (ii) develop criteria for evaluating and selecting specific print and non-print materials and equipment.
  - (iii) develop a collection of bibliographic aids, tools, and other sources to obtain current reviews and information about materials and equipment.
  - (iv) develop and implement procedures for preview, evaluation, selection, and acquisition of materials and equipment consistent with the district policy.
  - (v) reevaluate and maintain materials and equipment.
- (F) Uses resources to support the personal, developmental, and curricular needs of students, and the instructional development needs of the faculty by the ability to:
- (i) use a variety of ways to access information, including the use of new technologies.
  - (ii) provide specific information and resources in response to reference requests and recommend resources which support the curriculum.
  - (iii) conduct programs that include guidance in reading, listening, and viewing experiences.
  - (iv) assist students and staff in identifying, obtaining, using and/or producing media in appropriate formats for specific learning objectives.
  - (v) supervise students and staff in media production and equipment operation.
  - (vi) advocate resource-based learning through work with other faculty to identify appropriate instructional strategies and creative uses of resources.
- (G) Recognizes the value of new technologies for information and instruction and assists faculty and students in their use by the ability to:
- (i) recognize the importance of technological advancement to the education process.
  - (ii) demonstrate an understanding of the basic concepts, terminology, and applications of emerging technology.
  - (iii) recognize curricular implications that result from emerging technology and educational trends.
  - (iv) provide leadership in incorporating innovations into education.
  - (v) identify sources of information related to technological advancements.
  - (vi) provide technical advice and services for educational access to technology.
- (H) Implements policies and procedures for effective and efficient acquisition, cataloging, processing, circulating, and maintaining equipment and resources to ensure access by the ability to:
- (i) classify and catalog all print and nonprint media according to professionally accepted systems.
  - (ii) organize and maintain a current catalog and shelf list of all media.
  - (iii) implement procedures for initial processing, circulation, maintenance, service, and inventory of equipment and materials.
- (I) Develops, implements, and evaluates school library media programs, including management of personnel, resources, and facilities by the ability to:
- (i) assess the informational and instructional needs of students and faculty.
  - (ii) establish short- and long-range goals based on identified needs, the goals and objectives of the school district, state and national guidelines, and research findings.
  - (iii) prepare, justify, and administer a library media program budget.
  - (iv) prepare plans for new or renovated library media facilities.
  - (v) develop policies that assure optimum use of materials, equipment, facilities, and staff to support the curriculum.
  - (vi) train, supervise, and evaluate support staff, volunteers, and student helpers.
  - (vii) apply federal and state laws pertaining to media including those regarding copyright, privacy, and access to materials.
  - (viii) prepare statistical records and written reports.
  - (ix) assess and implement the use of new technologies for library media center management, educational applications, and information retrieval.
  - (x) evaluate the library media program based on established goals and standards.
  - (xi) apply effective management principles.
  - (xii) advocate, initiate, and implement agreements for resource sharing.
- (J) Serves as a learning facilitator within schools and as a leader of faculty, administration, and students

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in the development of effective strategies for teaching and learning with the ability to:

- (i) teach traditional and electronic skills in the retrieval, evaluation, and utilization of information to enable students to become independent learners.
- (ii) plan and implement professional development programs.

(K) Demonstrates a commitment to professionalism by the ability to:

- (i) exhibit comprehension of the roles, interrelationships, and interdependency of all types of libraries and information agencies.
- (ii) exhibit an understanding of the role of the school library media program as a central element in the intellectual life of the school.
- (iii) demonstrate a commitment to promoting intellectual freedom.
- (iv) demonstrate professional integrity through ethical behavior.
- (v) apply appropriate research findings and conduct action research to improve the library media program.
- (vi) develop selection criteria that reflect relevant theories of learning and instruction.
- (vii) apply basic principles of instructional design in producing resources for specified learning goals or objectives.

(11) **Elementary mathematics.**

(A) **Overview.** The goal of teacher preparation programs in mathematics, in partnership with common education, is to prepare future teachers for the twenty-first century. Teacher preparation programs must recognize the changes in society to prepare adaptive teachers who are capable of providing equitable schooling for all students of the twenty-first century. Teacher preparation programs must recognize that learning to teach effectively does not consist solely of acquiring content skills. Theory alone cannot create an effective teacher. Effective teaching also must include the processes or pedagogy of teaching that incorporate actual experiences with students and other teacher candidates within a body or bodies of knowledge. Teacher preparation programs are challenged with providing a rigorous body of content which is not isolated from the strategies of teaching and the application of that content.

(B) **Commitment.** The candidate for licensure and certification recognizes the individuality and worth of each student, believes that all students can learn and apply mathematics, and demonstrates these beliefs in practice.

(C) **Knowledge of students, mathematics and teaching.** The candidate for licensure and certification:

- (i) Uses knowledge of child development and knowledge about the effects of this development on the learning of mathematics to guide curricular

and instructional decisions. This will include primary, intermediate, and middle level philosophy, structure, organization, and child development.

(ii) Understands students' environment and cultural background, individual learning differences, student attitudes and aspirations, and community expectations and values on the learning of their students.

(iii) Has a broad and deep knowledge of the concepts, principles, techniques, and reasoning methods of mathematics that is used to set curricular goals and shape teaching.

(iv) Understands significant connections among mathematical ideas and the applications of these ideas to problem-solving in mathematics, in other disciplines, and in the world outside of school.

(v) Has experiences with practical applications of mathematical ideas and is able to incorporate these in their curricular and instructional decisions.

(vi) Is proficient in, at least, the mathematics content needed to teach the mathematics skills described in Oklahoma's core curriculum from multiple perspectives. This includes, but is not limited to, a concrete and abstract understanding of number systems and number sense, geometry, measurement, statistics and probability, functions, and algebra necessary to effectively teach the mathematics content skills addressed in the first through eighth grade as well as the mathematics process skills of problem-solving, reasoning, communication, and connections.

(vii) Is proficient in the use of a variety of instructional strategies to include, but not limited to, cooperative learning, use of concrete materials, use of technology (i.e., calculators and computers), and writing strategies to stimulate and facilitate student learning.

(viii) Is proficient in the design of instructional units which incorporate the mathematical processes of problem-solving, reasoning, communication, and connections into the instruction of content skills.

(ix) Has knowledge of how to teach and use this knowledge to make curriculum decisions, design instructional strategies and assessment plans, and choose materials and resources for mathematics instruction.

(x) Stimulates and facilitates student learning by using a wide range of formats, strategies, technologies, and procedures, and assuming a variety of roles to guide students' learning of mathematics.

(xi) Helps students learn mathematics by creating a safe and positive environment in which they take responsibility for learning.

(xii) Develops students' abilities to reason and think mathematically, to investigate and explore

- patterns, to discover structures and relationships, to formulate and solve problems, and to justify and communicate conclusions.
- (xiii) Employs a range of formal and informal assessment methods to evaluate student learning in light of well-defined goals. Results should be used to guide the teaching process and provide opportunities for students to reflect on the strengths and weaknesses of individual performance.
- (D) **Reflection and growth.** The candidate for licensure and certification:
- (i) Regularly reflects on what one teaches and how one teaches.
  - (ii) Keeps informed of changes in mathematics and in the teaching of mathematics, continually seeking to improve his/her knowledge and practice.
  - (iii) Supports the involvement of families in their children's education, helps the community understand the role of mathematics and mathematics instruction in today's world, and, to the extent possible, involves the community in support of instruction.
  - (iv) Collaborates with peers and other education professionals to strengthen their school's programs, advance knowledge, and contribute to improving practice within the field.
- (12) **Intermediate mathematics.**
- (A) **Overview.** The goal of teacher preparation programs in mathematics, in partnership with common education, is to prepare future teachers for the twenty-first century. Teacher preparation programs must recognize the changes in society to prepare adaptive teachers who are capable of providing equitable schooling for all students of the twenty-first century. Teacher preparation programs must recognize that learning to teach effectively does not consist solely of acquiring content skills. Theory alone cannot create an effective teacher. Effective teaching also must include the processes or pedagogy of teaching that incorporate actual experiences with students and other teacher candidates within a body or bodies of knowledge. Teacher preparation programs are challenged with providing a rigorous body of content which is not isolated from the strategies of teaching and the application of that content.
- (B) **Commitment.** The candidate for licensure and certification recognizes the individuality and worth of each student, believes that all students can learn and apply mathematics, and incorporates these beliefs into practice.
- (C) **Knowledge of students, mathematics and teaching.** The candidate for licensure and certification:
- (i) Has an understanding of middle level philosophy, structure, organization, and child development as well as an understanding of secondary level structure and child development.
  - (ii) Uses knowledge of child development and knowledge about the effects of this development on the learning of mathematics to guide curricular and instructional decisions.
  - (iii) Understands students' environment and cultural background, individual learning styles, student attitudes and aspirations, and community expectations and values on the learning of students.
  - (iv) Has a broad and deep knowledge of the concepts, principles, techniques, and reasoning methods of mathematics that is used to set curricular goals and shape teaching.
  - (v) Understands significant connections among mathematical ideas and the applications of these ideas to problem-solving in mathematics, in other disciplines, and in the world outside of school.
  - (vi) Has experiences with practical applications of mathematical ideas and is able to incorporate these in curricular and instructional decisions.
  - (vii) Is proficient in, at least, the mathematics content needed to teach the mathematics skills described in Oklahoma's core curriculum from multiple perspectives. This includes, but is not limited to, a concrete and abstract understanding of number systems and number theory, geometry and measurement, statistics and probability, functions, algebra, discrete mathematics, and calculus necessary to effectively teach the mathematics skills addressed in the sixth through eighth grade as well as the core and extended core skills in the algebra, geometry, functions, statistics, and probability sections of grades 9-12 in Oklahoma's core curriculum. This would also include the process skills and core skills addressed in the trigonometry and calculus sections of grades 9-12 in the Oklahoma core curriculum.
  - (viii) Is proficient in the use of a variety of instructional strategies to include, but is not limited to, cooperative learning, use of concrete materials, use of technology (i.e., calculators and computers), and writing strategies to stimulate and facilitate student learning.
  - (ix) Is proficient in the design of instructional units which incorporate the mathematical processes of problem-solving, reasoning, communication, and connections into the instruction of content skills.
  - (x) Has knowledge of how to teach and uses this knowledge in making curriculum decisions, designing instructional strategies and assessment plans, and choosing materials and resources for mathematics instruction.
  - (xi) Helps students learn mathematics by creating a safe and positive environment in which they take responsibility for learning.

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(xii) Uses content knowledge and pedagogy to develop students' abilities to reason and think mathematically, to investigate and explore patterns, to discover structures and relationships, to formulate and solve problems, and to justify and communicate conclusions.

(xiii) Employs a range of formal and informal assessment methods to evaluate student learning in light of well-defined goals. Results should be used to guide the teaching process and provide opportunities for students to reflect on the strengths and weaknesses of individual performance.

(D) **Reflection and growth.** The candidate for licensure and certification:

(i) Keeps informed of changes in mathematics and in the teaching of mathematics, continually seeking to improve knowledge and practice. He/she regularly reflects on what is taught and how it is taught.

(ii) Supports the involvement of families in their children's education, helps the community understand the role of mathematics and mathematics instruction in today's world, and, to the extent possible, involves the community in support of instruction.

(iii) Collaborates with peers and other education professionals to advance knowledge and contribute to improving practice within the field.

(13) **Advanced/secondary mathematics.**

(A) **Overview.** The goal of teacher preparation programs in mathematics, in partnership with common education, is to prepare future teachers for the twenty-first century. Teacher preparation programs must recognize the changes in society to prepare adaptive teachers who are capable of providing equitable schooling for all students of the twenty-first century. Teacher preparation programs must recognize that learning to teach effectively does not consist solely of acquiring content skills. Theory alone cannot create an effective teacher. Effective teaching also must include the processes or pedagogy of teaching that incorporate actual experiences with students and other teacher candidates within a body or bodies of knowledge. Teacher preparation programs are challenged with providing a rigorous body of content which is not isolated from the strategies of teaching and the application of that content.

(B) **Commitment.** The candidate for licensure and certification recognizes the individuality and worth of each student, believes that all students can learn and apply mathematics, and incorporates these beliefs into practice.

(C) **Knowledge of students, mathematics and teaching.** The candidate for licensure and certification:

(i) Has an understanding of the middle level philosophy, structure, organization, and child

development as well as an understanding of the secondary level structure and child development.

(ii) Uses knowledge of child development and knowledge about the effects of this development on the learning of mathematics to guide curricular and instructional decisions.

(iii) Understands students' environment and cultural background, individual learning styles, student attitudes and aspirations, and community expectations and values on the learning of students.

(iv) Has a broad and deep knowledge of the concepts, principles, techniques, and reasoning methods of mathematics that is used to set curricular goals and shape teaching.

(v) Understands significant connections among mathematical ideas and the applications of these ideas to problem solving in mathematics, in other disciplines, and in the world outside of school.

(vi) Has experiences with practical applications of mathematical ideas and is able to incorporate these in curricular and instructional decisions.

(vii) Is proficient in, at least, the mathematics content needed to teach the mathematics skills described in Oklahoma's core curriculum from multiple perspectives. This includes, but is not limited to, a concrete and abstract understanding of number systems and number theory, geometry and measurement, statistics and probability, functions, algebra, discrete mathematics, and calculus necessary to effectively teach the mathematics skills addressed in the sixth through twelfth grade in the Oklahoma core curriculum. (The depth and breadth of knowledge should be much greater than for the Intermediate Mathematics certification.)

(viii) Is proficient in the use of a variety of instructional strategies to include, but is not limited to, cooperative learning, use of concrete materials, use of technology (i.e., calculators and computers), and writing strategies to stimulate and facilitate student learning.

(ix) Is proficient in the design of instructional units which incorporate the mathematical processes of problem-solving, reasoning, communication, and connections into the instruction of content skills.

(x) Has knowledge of how to teach and uses this knowledge in making curriculum decisions, designing instructional strategies and assessment plans, and choosing materials and resources for mathematics instruction.

(xi) Helps students learn mathematics by creating a safe and positive environment in which they take responsibility for learning.

(xii) Uses content knowledge and pedagogy to develop students' abilities to reason and think

- mathematically, to investigate and explore patterns, to discover structures and relationships, to formulate and solve problems, and to justify and communicate conclusions.
- (xiii) Employs a range of formal and informal assessment methods to evaluate student learning in light of well-defined goals. Results should be used to guide the teaching process and provide opportunities for students to reflect on the strengths and weaknesses of individual performance.
- (D) **Reflection and growth.** The candidate for licensure and certification:
- Keeps informed of changes in mathematics and in the teaching of mathematics, continually seeking to improve knowledge and practice. He/she regularly reflects on what is taught and how it is taught.
  - Supports the involvement of families in their children's education, helps the community understand the role of mathematics and mathematics instruction in today's world, and, to the extent possible, involves the community in support of instruction.
  - Collaborates with peers and other education professionals to advance knowledge and contribute to improving practice within the field.
- (14) **Middle level personnel.** The competencies developed here focus on middle level philosophy, structure, organization, and student development. Subject matter competencies can be pulled from the K-12 competencies developed by the subject matter committees. The candidate for licensure and certification:
- Understands the history, philosophy, principles, structure, and organization of middle level education as it relates to early adolescence.
  - Uses methods and materials for interdisciplinary instruction at the middle school level.
  - Demonstrates an understanding of child-centered versus content-centered methodologies to meet the individual needs of middle level students.
  - Has knowledge and skills pertaining to classroom management, organization, and student discipline at the middle school level.
  - Understands the unique developmental characteristics and needs of the early adolescent, focusing on cognitive, physical, and social development.
  - Establishes an environment using active participation to teach problem-solving and communication skills (reading, listening, writing, and speaking) as an integral part of all instruction.
  - Understands curriculum-based teacher advisory programs, which foster character, responsibility, respect for others, and active community involvement.
  - Understands the need to work collaboratively with other teachers, staff members, parents, resource persons, and community groups to enhance and support the education of young adolescents.
- Uses a variety of instructional strategies that address different learning styles to meet the needs of early adolescents.
  - Models the role of the lifelong learner.
  - Insures that all students develop proficiencies in the Oklahoma core curriculum.
- (15) **Instrumental/general music.** The candidate for licensure and certification:
- Understands the basic philosophy of music education and is able to justify music within the school curriculum.
  - Understands how music and fine arts experiences enhance student life experience and can promote music and the other arts in the community as well as within the school (including group motivational strategies and group management methods).
  - Participates in ongoing professional development which includes involvement with professional associations and current experiences in performing endeavors.
  - Has knowledge of effective methodologies and practices for encouraging self-analysis and musical independence.
  - Has mastery of a major instrument, including appropriate techniques of breathing, embouchure (mouth position), posture, and hand position.
  - Has a broad understanding of music history, including various styles and musical contributions of different cultural and ethnic groups.
  - Has the ability to play an instrument(s) and teach a beginning instrumental music class, using current methods and quality music literature (collection of written music) for band, small ensemble, and solo.
  - Is able to recognize and evaluate the sequential development of students, including those with disabilities.
  - Has knowledge of where to locate printed musical resources and professional consultants.
  - Has a working knowledge of how music integrates with all other academic disciplines, including other fine arts areas.
  - Has the skill to collaborate and coordinate experiences with teachers of other academic disciplines, including other fine arts areas.
  - Has competency in conducting techniques.
  - Is able to teach basic fundamentals of embouchure (mouth position), hand position, technique and other related skills, of all the standard band and orchestra instruments at a basic Grade 6-8 level, including making a characteristic sound.
  - Is able to sing a diatonic melody at sight, using a consistent sight-singing method, and the skill to teach that method appropriately at each grade level. **"Diatonic"** means relating to a musical scale having eight tones to the octave and using a fixed pattern of intervals without chromatic deviation.

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- (O) Is able to count rhythms using a consistent rhythm reading system and demonstrates the skill to teach that method appropriately at each grade level.
- (P) Has knowledge of music education approaches such as Carl Orff, Zoltar Kodaly and Jaques-Dalcroze and is able to prepare and teach a lesson according to each of these approaches.
- (Q) Has basic proficiency in piano, including a knowledge of keyboard harmony and is able to play functional progressions and simple accompaniments.
- (R) Has the ability to use technology in the music classroom, such as basic knowledge of MIDI (musical instrument digital interface), sequencing and notational software programs, sound system set-up, and to make successful recordings of music ensembles.
- (S) Understands basic laws of copyright pertaining to the correct use of copyrighted printed music and related responsibilities.
- (T) Understands the competencies in General Music in Oklahoma's core curriculum and exhibits the skill to incorporate them into various instrumental music classes.
- (16) **Vocal/general music.** The candidate for licensure and certification:
- (A) Understands the basic philosophy of music education and is able to justify music within the school curriculum.
- (B) Understands how music and fine arts experiences enhance student life experience and can promote music and the other arts in the community as well as within the school (including group motivational strategies and group management methods).
- (C) Has knowledge of effective methodologies and practices for encouraging self-analysis and musical independence.
- (D) Understands proper breathing techniques and tone production techniques.
- (E) Has a knowledge of quality literature (collection of written music), both choral and solo, as well as folk songs appropriate for children.
- (F) Understands the changing voice, both male and female.
- (G) Has knowledge of where to locate professional consultants and printed music resources, such as music stores, music publisher catalogues, and textbook companies.
- (H) Has a working knowledge of how to coordinate vocal music with all academic disciplines including other fine arts areas.
- (I) Has proficiency in piano, including knowledge of scales, chords and the ability to warm up a choir and play simple accompaniments.
- (J) Participates in ongoing professional development which includes involvement with professional associations.
- (K) Has the ability to recognize and evaluate sequential musical development for all students, including those with disabilities.
- (L) Has competency in conducting, including the ability to show musical nuance (subtle distinction or variation).
- (M) Is able to prepare a series of lesson plans appropriate to each teaching level K-12.
- (N) Has the ability to sing a diatonic melody at sight, using a consistent sight singing method and the skill to teach that method appropriately at each grade level. "**Diatonic**" means relating to a musical scale having eight tones to the octave and using a fixed pattern of intervals without chromatic deviation.
- (O) Has the ability to count rhythms using a consistent rhythmic reading system and the skills to teach that method appropriately at each grade level.
- (P) Has knowledge of the music education approaches such as Carl Orff, Zoltar Kodaly and Jaques-Dalcroze and is able to prepare and teach a lesson according to each of these approaches.
- (Q) Has broad knowledge and understanding of music history including various styles, periods and cultures.
- (R) Has broad knowledge and understanding of a variety of music and musical practices representative of different cultural and ethnic groups.
- (S) Has the ability to use technology in the music classroom, such as basic knowledge of MIDI (musical instrument digital interface), sequencing and notational software programs, sound system set-up, and to make successful recordings of music ensembles.
- (T) Understands basic laws of copyright pertaining to the correct use of copyrighted printed music and related responsibilities.
- (U) Understands the competencies in General Music in Oklahoma's core curriculum and exhibits the skill to incorporate them into various vocal music classes.
- (17) **Physical education/health/safety.** Competencies specified in both (A) Physical Education/Safety and (B) Health/Safety are required for licensure and certification:
- (A) **Physical education/safety.** The candidate for licensure and certification:
- (i) Understands the Oklahoma core curriculum and is able to develop instructional strategies/plans based on the Physical Education Section of the Oklahoma core curriculum.
- (ii) Knows the developmental levels of growth and coordination of children (Grades K-12) and provides appropriate learning opportunities that support the physical and intellectual development of all students.
- (iii) Understands and uses a variety of both psychomotor and cognitive assessment strategies to evaluate and modify the teaching/learning process.
- (iv) Understands and utilizes physical education activities for curriculum integration.
- (v) Applies movement concepts and principles to the learning and development of rhythm and motor skills for the following:

- (I) locomotor movement
- (II) nonlocomotor movement
- (III) manipulative skills
- (vi) Promotes participation and involvement in age-appropriate physical activities/sports suitable for lifelong participation in the following areas:
  - (I) lifetime activities/sports (i.e., skiing, camping, hiking, clogging)
  - (II) individual activities/sports (i.e., golf, tennis, self-defense, spelunking)
  - (III) nontraditional team activities/sports (i.e., korfball, lacrosse, square dancing)
  - (IV) traditional team activities/sports (i.e., basketball, volleyball, softball)
- (vii) Understands adaptive learning activities for students with special needs.
- (viii) Knows and can demonstrate appropriate fitness, wellness, and personal management components including:
  - (I) Fitness. Fitness includes: flexibility; muscular strength; cardiovascular fitness endurance; contraindicated exercises (traditional exercises which have been proven, through research, to be damaging to the body); nutrition.
  - (II) Wellness. Wellness encompasses: body composition; stress management; safety and accident prevention; designing and assessing personal fitness program; weight control; consumer education.
  - (III) Personal management skills: cooperation; sportsmanship; self-discipline; goal setting; following rules.
- (ix) Uses information technology to enhance learning and to enhance personal productivity:
  - (I) Demonstrates knowledge of current technologies and their application in Physical Education.
  - (II) Designs, develops, and implements student learning activities that integrate information technology.
  - (III) Uses technologies to communicate, network, locate resources, and enhance continuing professional development.
- (B) **Health/safety.** The candidate for licensure and certification:
  - (i) Communicates the concepts, purposes, and importance of health education; as evidenced by the following indicators:
    - (I) Describes the discipline of health education within the school setting.
    - (II) Describes the interdependence of health education and the other components of a coordinated school health program.
    - (III) Delivers accurate and up-to-date information about the most common comprehensive school health education components; including but not limited to: community and environmental health; consumer health; disease prevention and control; healthy communication; human growth and development; mental and emotional health; nutrition; personal health; safety and injury prevention; substance abuse.
  - (IV) Provides a rationale for health education, grades 1-12.
  - (V) Understands the variables that shape decisions about health behaviors.
  - (VI) Defines the role of the health education teacher within a coordinated school health program.
  - (VII) Explains the importance of health education.
  - (VIII) Identifies the kinds of school and community support necessary to implement a coordinated school health education program.
  - (IX) Understands the importance of ongoing professional development for health education teachers.
  - (X) Describes the importance of modeling positive, healthful behaviors.
- (ii) Assesses the health education needs and interests of students.
  - (I) Uses information about health needs and interests of students.
  - (II) Recognizes behaviors that promote or compromise health.
- (iii) Plans school health instruction.
  - (I) Selects realistic program goals and objectives.
  - (II) Identifies a scope and sequence plan for school health instruction.
  - (III) Plans health education lessons which reflect the abilities, needs, interests, developmental levels, and cultural backgrounds of students.
  - (IV) Describes effective ways to promote cooperation with and feedback from administrators, parents, and other community members.
  - (V) Determines procedures which are compatible with school policy for implementing curricula.
  - (VI) Develops activities to meet program goals and objectives based on the Health/Safety, and for grades 7-12, HIV/AIDS Prevention Education Sections of Oklahoma's core curriculum and on the National Health Education Standards.
- (iv) Implements school health instruction.
  - (I) Employs a variety of strategies to facilitate implementation of a school health education curriculum; strategies include: provides a core health education curriculum; integrates health and other content areas; uses technology as a strategy to deliver health education; involves parents, guardians, or custodians of students in the teaching/learning process.

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- (II) Incorporates appropriate resources and materials including: selects valid and appropriate sources of information about health; uses school and community resources within a comprehensive program; refers students to valid and appropriate sources of health information.
  - (III) Employs appropriate strategies for dealing with health issues.
  - (IV) Adapts existing health education curricular models to community and student needs and interests.
  - (v) Evaluates the effectiveness of school health instruction.
    - (I) Uses appropriate criteria and methods unique to health education for evaluating student achievement.
    - (II) Interprets and applies student evaluation results to improve health instruction.
- (18) **Psychometrist.** The candidate for licensure and certification:
- (A) Understands and integrates into practice the philosophical, historical, and legal foundations of special education as applicable to the role of the psychometrist/educational diagnostician, in the following areas, including laws, regulations, and policies/procedures related to special education assessment, placement, and due process.
  - (B) Demonstrates knowledge, understanding, and application of ethical issues and standards of professional practice within the educational setting, in the following areas:
    - (i) ethical conduct and legal issues of the profession
    - (ii) role and function of the psychometrist/educational diagnostician
    - (iii) confidentiality
    - (iv) professional issues/standards
    - (v) training standards for particular instruments and procedures
    - (vi) continuing professional growth/development
  - (C) Demonstrates knowledge and skills in assessment, diagnosis, evaluation, and eligibility determination within the multidisciplinary team process for children with disabilities who may require special education services or early childhood intervention services, as follows:
    - (i) collection of assessment data for infants through school-age children, including the selection, administration, accurate scoring, and reporting of instruments and procedures appropriate to the areas of concern such as basic academic skills, cognitive/intellectual, developmental, perception, language, adaptive behavior, and classroom behavior
    - (ii) the adequacy, appropriate use, and limitations of assessment and evaluation instruments and procedures to be used by the psychometrist/educational diagnostician for educational purposes and recommendations
    - (iii) nondiscriminatory assessment strategies for culturally and linguistically diverse children
  - (D) Has knowledge and skills in effective communication and collaboration within the multidisciplinary team process, in the following areas:
    - (i) consultation for instructional interventions and problem-solving
    - (ii) educational recommendations and decision-making
  - (E) Understands and integrates into practice basic psychological foundations, including:
    - (i) cultural diversity
    - (ii) child and adolescent development
    - (iii) human exceptionalities
    - (iv) learning/educational psychology
  - (F) Understands and integrates into practice educational foundations, including:
    - (i) education of the exceptional learner
    - (ii) instructional and remedial techniques
    - (iii) the educational service delivery system
- (19) **Reading specialist.** The candidate for licensure and certification shall possess the competencies specified in (A) through (D) of this paragraph:
- (A) **Reading philosophy and professional roles.** Competencies are:
    - (i) Provides reading instructions so as to facilitate the process of reading development in which teacher and learner work together as members of a community of readers.
    - (ii) Has knowledge of the linguistic, dialectal, and developmental differences in readers that may affect instructional strategies.
    - (iii) Knows the principles and issues of major theories of language development as they relate to reading instruction.
    - (iv) Applies flexible approaches to reading instruction that recognize the uniqueness of individual students.
    - (v) Develops strategies for working with school staff, other reading specialists, and professionals within and beyond the school to foster reading development for individuals and groups.
    - (vi) Understands reading as a constructive process in which the experience of the reader, the text, and the requirements of the reading event interact in the creation of meaning.
    - (vii) Identifies appropriate interaction with staff members (e.g., content, special, classroom teachers) to facilitate reading development for all students.
    - (viii) Recognizes factors and procedures related to the involvement of parents and/or school and community groups at all stages of reader development.

- (ix) Identifies and understands procedures involved in determining curriculum needs for reading programs.
  - (x) Identifies criteria and/or procedures involved in planning reading curriculum.
  - (xi) Identifies appropriate methods and resources related to the reading process for promoting professional growth for self and school staff.
- (B) **Instructional practices.** Competencies are:
- (i) Understands emergent literacy development and the types of experiences and concepts that support learning to read.
  - (ii) Applies knowledge of and provides appropriate instruction of graphophonemic relationships.
  - (iii) Understands the relationship among word knowledge (i.e., word attack and word recognition), reading fluency, and comprehension.
  - (iv) Identifies various word attack strategies (i.e., semantic clues, syntactic clues, graphophonemic clues), and various word recognition strategies (i.e., those that promote meaningful vocabulary growth).
  - (v) Provides appropriate instruction of strategies that promote comprehension at the literal, inferential, and critical/evaluative levels for both narrative and expository texts.
  - (vi) Understands the importance of adjusting reading strategies for different reading purposes.
  - (vii) Provides appropriate instruction of various techniques and study strategies (i.e., locating, organizing, and interpreting information).
  - (viii) Identifies content area reading strategies that activate and/or develop background knowledge.
  - (ix) Assists students in applying reading-related strategies to new learning situations.
  - (x) Understands the issues and procedures involved in teacher modeling, teacher-guided application, and independent practice.
  - (xi) Develops proficiencies in providing instruction associated with a variety of reading instructional approaches, including phonics, language experience, basal (basic) readers, and literature-based.
  - (xii) Implements cooperative learning strategies during reading instruction.
  - (xiii) Analyzes the strengths and weaknesses of the use of readability formulas in assessing instructional materials.
  - (xiv) Identifies appropriate criteria for selecting instructional materials (e.g., textbooks, reference books, computer software).
  - (xv) Analyzes issues and procedures involved in modifying curriculum to meet the needs of individual students.
  - (xvi) Recognizes the factors involved in organizing reading instruction to encourage individual student success.
  - (xvii) Promotes meaningful parent/guardian-child interaction related to reading.
  - (xviii) Creates a reading environment to increase student's motivation to read widely and independently and to promote reading as a lifelong habit.
- (C) **Reading diagnosis.** Competencies are:
- (i) Identifies factors that contribute to reading difficulties.
  - (ii) Understands the nature of reading difficulties (e.g., students' knowledge and strategies, factors embedded in the reading materials, instructional factors).
  - (iii) Implements, interprets, and uses informal and formal assessment and evaluation procedures for identifying and diagnosing reading difficulties (e.g., observation, criterion-referenced tests, norm-referenced tests, miscue analysis, informal reading inventories, anecdotal records).
  - (iv) Understands, analyzes, and creates case studies for diagnostic purposes.
  - (v) Identifies issues, procedures, and limitations involved in using oral diagnostic tests, silent diagnostic tests, visual and auditory screening, and observational diagnostic techniques.
  - (vi) Identifies activities and/or strategies appropriate for individual or group instruction for students with reading difficulty.
- (D) **Evaluation and assessment.** Competencies are:
- (i) Identifies characteristics, strengths, and weaknesses of formal and informal tests and instruments (i.e., criterion-referenced, norm-referenced, achievement tests, diagnostic tests, checklists, observations, and anecdotal records.)
  - (ii) Analyzes issues involved in the use of tests and other evaluation instruments for classification or placement, diagnosis, or other evaluative purposes.
  - (iii) Selects tests or other instruments appropriate for a given evaluation purpose.
  - (iv) Understands the principles and/or procedures involved in the interpretation of test results.
  - (v) Identifies procedures for cooperating with various professionals in assessment, evaluation, and instructional planning for students with special needs.
  - (vi) Identifies criteria for evaluating reading programs.
- (20) **Reserve Officers' Training Corps (ROTC).** Competency for ROTC certification will be verified by a recommendation from the appropriate ROTC Regional Headquarters.
- (21) **School counselor.**
- (A) The candidate for licensure and certification:

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(i) Uses an understanding of human development to provide a comprehensive, developmental guidance and counseling program.

(ii) Understands the impact of environmental influences on students' development and achievement, and helps students develop strategies to resolve or cope with situations that may hinder learning.

(iii) Demonstrates an appreciation of human diversity by providing equitable guidance and counseling services for all students and by promoting a climate of mutual respect that helps students value themselves and others.

(iv) Uses effective leadership skills to plan, implement, and evaluate a comprehensive, developmental guidance and counseling program to address the needs of all students.

(v) Provides guidance and counseling services to address the needs and concerns of students and to help students develop skills to use in future situations.

(vi) Facilitates the educational and career development of individual students to help all students achieve success.

(vii) Uses formal and informal assessment to provide information about and to students, to monitor student progress, and to recommend changes to the student's educational environment.

(viii) Consults with parents and school personnel, provides professional expertise, and establishes collaborative relationships that foster a support system for students, parents, and the school community.

(ix) Establishes strong and positive ties with the home and the community to promote and support students' growth in school and beyond the school setting.

(x) Has knowledge of professional ethical codes, the importance of professional development, and the need to work with colleagues to advance the profession.

(B) Competency for School Counselor certification may also be verified by the Nationally Certified School Counselor (NCSC) credential.

(22) **School nurse.** Competency for School Nurse certification will be verified by a current registered nurse's license issued by the Oklahoma State Board of Nurse Registration and Nursing Education.

(23) **School psychologist.**

(A) The candidate for licensure and certification:

(i) Understands and integrates into practice the principles of professional school psychology, including:

(I) ethical conduct and legal issues

(II) confidentiality

(III) role and function of the school psychologist

(IV) service delivery models

(V) professional issues/standards

(VI) history and foundations

(VII) continuing professional growth/development

(ii) Demonstrates knowledge and skills in a comprehensive range of assessment, diagnosis, evaluation, and eligibility or intervention determination within the multidisciplinary team process, including:

(I) for children with disabilities who may require special education, early childhood intervention services, or other exceptional needs

(II) assessment for interventions

(III) collection of assessment data for infants through school-age children, including the selection, administration, accurate scoring, reporting, and interpretation of instruments and procedures appropriate to the areas of concern

(IV) the adequacy, appropriate uses, and limitations of assessment and evaluation instruments and procedures to be used by the school psychologist

(V) nondiscriminatory assessment strategies for culturally and linguistically diverse children

(iii) Demonstrates knowledge and skills in prevention, intervention, consultation, and counseling, including:

(I) behavioral and social skills

(II) cognitive/intellectual

(III) child developmental

(IV) academic learning/instructional

(V) mental health needs

(VI) crisis prevention/intervention

(iv) Demonstrates knowledge and skills in effective communication and collaboration, including:

(I) consultation for interventions and problem-solving

(II) recommendations and decision-making concerning educational and mental health needs of children

(III) working with families, children, professionals, and other service systems

(v) Demonstrates knowledge and application of statistics, research methodologies/designs, measurement, and program evaluation.

(vi) Understands and integrates into practice psychological foundations including:

(I) biological bases of behavior (developmental, neuropsychological, physiological, and other biological influences on behavior)

(II) social bases of behavior (social psychology and development)

(III) cultural diversity and cultural bases of behavior

(IV) child and adolescent development

- (V) human exceptionalities and individual differences
- (VI) human learning
- (vii) Understands and integrates into practice educational foundations, including:
  - (I) education of the exceptional learner
  - (II) instructional and remediation techniques/intervention methods
  - (III) organization and operation of the schools
  - (IV) the educational and alternative service delivery systems
- (B) Competency for School Psychologist certification may also be verified by the Nationally Certified School Psychologist (NCSP) credential.
- (24) **Elementary science.** The candidate for licensure and certification:
  - (A) Is able to plan an inquiry-based science program for students using as a framework, Oklahoma's core curriculum. In doing this, one
    - (i) Develops a framework of yearlong and short-term goals for students.
    - (ii) Understands curriculum design to meet the interests, knowledge, understanding, abilities, and experiences of students.
    - (iii) Selects teaching and assessment strategies that support the development of student understanding and encourage a community of science learners.
    - (iv) Works with colleagues within and across disciplines and grade levels.
  - (B) Is able to guide and facilitate learning. In doing this, one
    - (i) Focuses and supports inquiries while interacting with students.
    - (ii) Facilitates discussion among students about scientific ideas.
    - (iii) Challenges students to accept and share responsibility for their own learning.
    - (iv) Recognizes and responds to student diversity and encourages all students to participate fully in science learning.
    - (v) Encourages and models the skills of scientific inquiry, as well as the curiosity, openness to new ideas and data, and questioning that characterizes science.
  - (C) Is able to engage in ongoing assessment of one's own teaching and of student learning. In doing this, one
    - (i) Uses multiple methods and systematically gathers data about student understanding and ability.
    - (ii) Analyzes assessment data to guide teaching.
    - (iii) Guides students in the evaluation of their work.
      - (iv) Uses student data, observations of teaching, and interaction with colleagues to reflect on and improve teaching practice.
      - (v) Uses student assessment information and classroom observation to report student achievement to students and parents.
  - (D) Is able to design and manage learning environments that provide students with the time, space, and resources needed for developing science skills. In doing this, one
    - (i) Structures the time so that students are able to engage in extended investigations.
    - (ii) Creates a setting for student work that is flexible and supportive of science inquiry.
    - (iii) Ensures a safe working environment.
    - (iv) Makes the available science tools, materials, media, and technological resources accessible to students.
    - (v) Identifies and uses resources outside the school.
    - (vi) Engages students in designing the learning environment.
  - (E) Is able to develop communities of science learners that reflect the intellectual rigor of scientific inquiry and the climate conducive to science learning. In doing this, one
    - (i) Respects the diverse needs, skills, and experiences of all students.
    - (ii) Enables students to have a significant voice in decisions about the content and context of their work and prepares students to take responsibility for learning.
    - (iii) Encourages collaboration among students.
    - (iv) Structures and facilitates ongoing formal and informal discussion based on a shared understanding of rules of scientific discourse.
    - (v) Models and emphasizes the skills and value of scientific inquiry.
  - (F) Is able to use a variety of instructional strategies to implement an integrated/ interdisciplinary curriculum.
  - (G) Is able to teach with a broad understanding of all content areas and to understand the interaction between the sciences and the process skills. Content areas and concepts within each are listed in subparagraphs (A) through (C) herein:
    - (i) Physical science content
      - (I) Properties of objects and materials
      - (II) Properties and changes of properties in matter
      - (III) Position and motion of objects
      - (IV) Motion and force
      - (V) Light, heat, electricity, and magnetism
      - (VI) Transfer of energy
    - (ii) Earth/space content
      - (I) Properties of earth materials
      - (II) Objects in the sky
      - (III) Changes in earth and sky

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- (IV) Structure of the earth system
- (V) Earth's history
- (VI) Earth in the solar system
- (iii) Life science content
  - (I) The characteristics of organisms
  - (II) The life cycle of organisms
  - (III) Organisms and environment
  - (IV) Structure and function in living systems
  - (V) Reproduction and heredity
  - (VI) Regulation and behavior
  - (VII) Population and ecosystem
  - (VIII) Diversity and adaption of organisms
- (H) Is able to develop conceptual understanding for science content using the process skills listed in Oklahoma's core curriculum, in Grades K through 8. Identified science concepts and/or science content areas are:
  - (i) System, order and organization
  - (ii) Constancy, change, equilibrium and measurement
  - (iii) Form and function
  - (iv) Abilities of technological design
  - (v) Abilities to distinguish between natural objects and objects made by humans
  - (vi) Understanding about science and technology
  - (vii) Science as a human endeavor
  - (viii) Nature of science
  - (ix) History of science
  - (x) Personal health
  - (xi) Characteristics and changes in populations
  - (xii) Population, resources, and environment
  - (xiii) Types of resources
  - (xiv) Natural hazards
  - (xv) Changes in environments
  - (xvi) Science and technology in local challenges
  - (xvii) Risk and benefits
  - (xviii) Science and technology in society
- (25) **Earth science 6-12.** The candidate for licensure and certification:
  - (A) Is able to plan an inquiry-based science program for students using as a framework, Oklahoma's core curriculum. In doing this, one
    - (i) Develops a framework of yearlong and short-term goals for students.
    - (ii) Understands curriculum design to meet the interests, knowledge, understanding, abilities and experiences of students.
    - (iii) Selects teaching and assessment strategies that support the development of student understanding and encourage a community of science learners.
    - (iv) Works with colleagues within and across disciplines and grade levels.
  - (B) Is able to guide and facilitate learning. In doing this, one:
    - (i) Focuses and supports inquiries while interacting with students.
    - (ii) Facilitates discussion among students about scientific ideas.
    - (iii) Challenges students to accept and share responsibility for their own learning.
    - (iv) Recognizes and responds to student diversity and encourages all students to participate fully in science learning.
    - (v) Encourages and models the skills of scientific inquiry, as well as the curiosity, openness to new ideas and data, and questioning that characterizes science.
  - (C) Is able to engage in ongoing assessment of own teaching and of student learning. In doing this, one
    - (i) Uses multiple methods and systematically gathers data about student understanding and ability.
    - (ii) Analyzes assessment data to guide teaching.
    - (iii) Guides students in the evaluation of their work.
    - (iv) Uses student data, observations of teaching, and interaction with colleagues to reflect on and improve teaching practice.
    - (v) Uses student assessment information and classroom observation to report student achievement to students and parents.
  - (D) Is able to design and manage learning environments that provide students with the time, space, and resources needed for developing science skills. In doing this, one
    - (i) Structures the time so that students are able to engage in extended investigations.
    - (ii) Creates a setting for student work that is flexible and supportive of science inquiry.
    - (iii) Ensures a safe working environment.
    - (iv) Makes the available science tools, materials, media, and technological resources accessible to students.
    - (v) Identifies and uses resources outside the school.
    - (vi) Engages students in designing the learning environment.
  - (E) Is able to develop communities of science learners that reflect the intellectual rigor of scientific inquiry and the climate conducive to science learning. In doing this, one
    - (i) Respects the diverse needs, skills, and experiences of all students.
    - (ii) Enables students to have a significant voice in decisions about the content and context of their work and prepares students to take responsibility for learning.
    - (iii) Encourages collaboration among students.
    - (iv) Structures and facilitates ongoing formal and informal discussion based on a shared understanding of rules of scientific discourse.

- (v) Models and emphasizes the skills, attitudes, and value of scientific inquiry.
  - (F) Is able to use a variety of instructional strategies to implement an integrated interdisciplinary curriculum.
  - (G) Is able to teach with a broad understanding of all content areas and understand the interaction between the sciences and the process skills. Identified Earth/Space Science content areas are:
    - (i) Structure of the earth system
    - (ii) Earth's history
    - (iii) Earth in the solar system
    - (iv) Energy in the Earth system
    - (v) Geochemical cycles
    - (vi) The universe and Earth's system
  - (H) Is able to develop conceptual understanding for science content using the process skills listed in Oklahoma's core curriculum, in Grades 6 through 12. Identified science concepts and/or science content areas are:
    - (i) System, order and organization
    - (ii) Evidence, models and explanation
    - (iii) Constancy, change, equilibrium and measurement
    - (iv) Form and function
    - (v) Abilities of technological design
    - (vi) Understanding about science and technology
    - (vii) Science as a human endeavor
    - (viii) Nature of science
    - (ix) Nature of scientific knowledge
    - (x) History of science
    - (xi) Historical perspectives
    - (xii) Personal health
    - (xiii) Personal and community health
    - (xiv) Population, resources, and environments
    - (xv) Population growth
    - (xvi) Natural hazards
    - (xvii) Natural resources
    - (xviii) Risks and benefits
    - (xix) Environmental quality
    - (xx) Natural and human induced hazards
    - (xxi) Science and technology in society
    - (xxii) Science and technology in local, national, and global challenges
- (26) **Biological sciences 6-12.** The candidate for licensure and certification:
- (A) Is able to plan an inquiry-based science program for students using as a framework, Oklahoma's core curriculum. In doing this, one:
    - (i) Develops a framework of yearlong and short-term goals for students.
    - (ii) Understands curriculum design to meet the interests, knowledge, understanding, abilities, and experiences of students.
    - (iii) Selects teaching and assessment strategies that support the development of student understanding and encourage a community of science learners.
    - (iv) Works with colleagues within and across disciplines and grade levels.
  - (B) Is able to guide and facilitate learning. In doing this, one:
    - (i) Focuses and supports inquiries while interacting with students.
    - (ii) Facilitates discussion among students about scientific ideas.
    - (iii) Challenges students to accept and share responsibility for their own learning.
    - (iv) Recognizes and responds to student diversity and encourages all students to participate fully in science learning.
    - (v) Encourages and models the skills of scientific inquiry, as well as the curiosity, openness to new ideas and data, and questioning that characterizes science.
  - (C) Is able to engage in ongoing assessment of own teaching and of student learning. In doing this, one:
    - (i) Uses multiple methods and systematically gathers data about student understanding and ability.
    - (ii) Analyzes assessment data to guide teaching.
    - (iii) Guides students in the evaluation of their work.
    - (iv) Uses student data, observations of teaching, and interaction with colleagues to reflect on and improve teaching practice.
    - (v) Uses student assessment information and classroom observation to report student achievement to students and parents.
  - (D) Is able to design and manage learning environments that provide students with the time, space and resources needed for developing science skills. In doing this, one:
    - (i) Structures the time so that students are able to engage in extended investigations.
    - (ii) Creates a setting for student work that is flexible and supportive of science inquiry.
    - (iii) Makes the available science tools, materials, media, and technological resources accessible to students.
    - (iv) Engages students in designing the learning environment.
  - (E) Is able to develop communities of science learners that reflect the intellectual rigor of scientific inquiry and the climate conducive to science learning. In doing this, one:
    - (i) Respects diverse needs, skills, and experiences of all students.
    - (ii) Enables students to have a significant voice in decisions about the content and context of their

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work and prepares students to take responsibility for learning.

- (iii) Encourages collaboration among students.
- (iv) Structures and facilitates ongoing formal and informal discussion based on a shared understanding of rules of scientific discourse.
- (v) Models and emphasizes the skills and value of scientific inquiry.

(F) Is able to use a variety of instructional strategies to implement an integrated interdisciplinary curriculum.

(G) Is able to teach with a broad understanding of all content areas and understands the interaction between the sciences and the process skills. Identified

Biological Sciences content areas are:

- (i) Structure and function in living systems
- (ii) Reproduction and heredity
- (iii) Regulation and behavior
- (iv) Population and ecosystem
- (v) Diversity and adaptation of organisms
- (vi) The cell
- (vii) The molecular basis of heredity
- (viii) Biological adaptation
- (ix) The interdependence of organisms
- (x) Matter, energy, organization in living systems
- (xi) Behavior of organisms

(H) Is able to develop conceptual understanding for science content using the process skills listed in Oklahoma's core curriculum, in Grades 6 through 12.

Identified Science concepts and content areas are:

- (i) System, order, and organization
- (ii) Evidence, models, and explanation
- (iii) Constancy, change, equilibrium, and measurement
- (iv) Form and function
- (v) Abilities of technological design
- (vi) Understanding about science and technology
- (vii) Science as a human endeavor
- (viii) Nature of science
- (ix) Nature of scientific knowledge
- (x) History of science
- (xi) Historical perspectives
- (xii) Personal health
- (xiii) Personal and community health
- (xiv) Population, resources, and environments
- (xv) Population growth
- (xvi) Natural hazards
- (xvii) Natural resources
- (xviii) Risks and benefits
- (xix) Environmental quality
- (xx) Natural and human induced hazards
- (xxi) Science and technology in society
- (xxii) Science and technology in local, national, and global challenges

(27) **Physical sciences 6-12.** The candidate for licensure and certification:

(A) Is able to plan an inquiry-based science program for students using as a framework, Oklahoma's core curriculum. In doing this, one:

- (i) Develops a framework of yearlong and short-term goals for students.
- (ii) Understands curriculum design to meet the interests, knowledge, understanding, abilities, and experiences of students.
- (iii) Selects teaching and assessment strategies that support the development of student understanding and encourage a community of science learners.
- (iv) Works with colleagues within and across disciplines and grade levels.

(B) Is able to guide and facilitate learning. In doing this, one:

- (i) Focuses and supports inquiries while interacting with students.
- (ii) Facilitates discussion among students about scientific ideas.
- (iii) Challenges students to accept and share responsibility for their own learning.
- (iv) Recognizes and responds to student diversity and encourages all students to participate fully in science learning.
- (v) Encourages and models the skills of scientific inquiry, as well as the curiosity, openness to new ideas and data, and questioning that characterizes science.

(C) Is able to engage in ongoing assessment of own teaching and of student learning. In doing this, one:

- (i) Uses multiple methods and systematically gathers data about student understanding and ability.
- (ii) Analyzes assessment data to guide teaching.
- (iii) Guides students in the evaluation of their work.
- (iv) Uses student data, observations of teaching, and interaction with colleagues to reflect on and improve teaching practice.
- (v) Uses student assessment information and classroom observation to report student achievement to students and parents.

(D) Is able to design and manage learning environments that provide students with the time, space, and resources needed for developing science skills. In doing this, one:

- (i) Structures the time so that students are able to engage in extended investigations.
- (ii) Creates a setting for student work that is flexible and supportive of science inquiry.
- (iii) Ensures a safe working environment.
- (iv) Makes the available science tools, materials, media, and technological resources accessible to students.
- (v) Identifies and uses resources outside the school.

- (vi) Engages students in designing the learning environment.
- (E) Is able to develop communities of science learners that reflect the intellectual rigor of scientific inquiry and the climate conducive to science learning. In doing this, one:
  - (i) Respects the diverse needs, skills, and experiences of all students.
  - (ii) Enables students to have a significant voice in decisions about the content and context of their work and prepares students to take responsibility for learning.
  - (iii) Encourages collaboration among students.
  - (iv) Structures and facilitates ongoing formal and informal discussion based on a shared understanding of rules of scientific discourse.
  - (v) Models and emphasizes the skills and value of scientific inquiry.
- (F) Is able to use a variety of instructional strategies and use integrated and interdisciplinary curriculum.
- (G) Is able to teach with a broad understanding of all content areas and understands the interaction between the sciences and the process skills. Identified Physical Science concepts and content areas are:
  - (i) Properties and changes of properties in matter
  - (ii) Motions and force
  - (iii) The structure of atoms
  - (iv) Structure and properties of matter
  - (v) Chemical reactions
  - (vi) Conservation of energy
  - (vii) Interactions of energy and matter
  - (viii) The earth system
  - (ix) The Universe
- (H) Is able to develop conceptual understanding for science content using the process skills listed in Oklahoma's core curriculum, in Grades 6 through 12. Identified Science concepts and content areas are:
  - (i) System, order, and organization
  - (ii) Evidence, models, and explanation
  - (iii) Constancy, change, equilibrium, and measurement
  - (iv) Form and function
  - (v) Abilities of technological design
  - (vi) Understanding about science and technology
  - (vii) Science as a human endeavor
  - (viii) Nature of science
  - (ix) Nature of scientific knowledge
  - (x) History of science
  - (xi) Historical perspectives
  - (xii) Personal health
  - (xiii) Personal and community health
  - (xiv) Population, resources, and environments
  - (xv) Population growth
  - (xvi) Natural hazards
  - (xvii) Natural resources
  - (xviii) Risks and benefits
  - (xix) Environmental quality
  - (xx) Natural and human induced hazards
  - (xxi) Science and technology in society
  - (xxii) Science and technology in local, national, and global challenges
- (28) **Chemistry 6-12.** The candidate for licensure and certification:
  - (A) Is able to plan an inquiry-based science program for students using as a framework, Oklahoma's core curriculum. In doing this, one:
    - (i) Develops a framework of yearlong and short-term goals for students.
    - (ii) Understands curriculum design to meet the interests, knowledge, understanding, abilities, and experiences of students.
    - (iii) Selects teaching and assessment strategies that support the development of student understanding and encourage a community of science learners.
    - (iv) Works with colleagues within and across disciplines and grade levels.
  - (B) Is able to guide and facilitate learning. In doing this, one:
    - (i) Focuses and supports inquiries while interacting with students.
    - (ii) Facilitates discussion among students about scientific ideas.
    - (iii) Challenges students to accept and share responsibility for their own learning.
    - (iv) Recognizes and responds to student diversity and encourages all students to participate fully in science learning.
    - (v) Encourages and models the skills of scientific inquiry, as well as the curiosity, openness to new ideas and data, and questioning that characterizes science.
  - (C) Is able to engage in ongoing assessment of own teaching and of student learning. In doing this, one:
    - (i) Uses multiple methods and systematically gathers data about student understanding and ability.
    - (ii) Analyzes assessment data to guide teaching.
    - (iii) Guides students in the evaluation of their work.
    - (iv) Uses student data, observations of teaching, and interaction with colleagues to reflect on and improve teaching practice.
    - (v) Uses student assessment information and classroom observation to report student achievement to students and parents.
  - (D) Is able to design and manage learning environments that provide students with the time, space, and resources needed for developing science skills. In doing this, one:
    - (i) Structures the time so that students are able to engage in extended investigations.

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- (ii) Creates a setting for student work that is flexible and supportive of science inquiry.
  - (iii) Ensures a safe working environment.
  - (iv) Makes the available science tools, materials, media, and technological resources accessible to students.
  - (v) Identifies and uses resources outside the school.
  - (vi) Engages students in designing the learning environment.
- (E) Is able to develop communities of science learners that reflect the intellectual rigor of scientific inquiry and the climate conducive to science learning. In doing this, one:
- (i) Respects the diverse needs, skills, and experiences of all students.
  - (ii) Enables students to have a significant voice in decisions about the content and context of their work and prepares students to take responsibility for learning.
  - (iii) Encourages collaboration among students.
  - (iv) Structures and facilitates ongoing formal and informal discussion based on a shared understanding of rules of scientific discourse.
  - (v) Models and emphasizes the skills and value of scientific inquiry.
- (F) Is able to use a variety of instructional strategies and use integrated and interdisciplinary curriculum.
- (G) Is able to teach with a broad understanding of all content areas and understands the interaction between the sciences and the process skills. Identified Chemistry concepts and content areas are:
- (i) Structures and properties of matter
  - (ii) Chemical reactions
  - (iii) Transfer of energy
  - (iv) The structure of atoms
  - (v) Properties and changes of properties in matter
- (H) Is able to develop conceptual understanding for science content using the process skills listed in Oklahoma's core curriculum, in Grades 6 through 12. Identified Science concepts and content areas are:
- (i) System, order, and organization
  - (ii) Evidence, models, and explanation
  - (iii) Constancy, change, equilibrium, and measurement
  - (iv) Form and function
  - (v) Abilities of technological design
  - (vi) Understanding about science and technology
  - (vii) Science as a human endeavor
  - (viii) Nature of science
  - (ix) Nature of scientific knowledge
  - (x) History of science
  - (xi) Historical perspectives
  - (xii) Personal health
  - (xiii) Personal and community health
  - (xiv) Population, resources, and environments
  - (xv) Population growth
  - (xvi) Natural hazards
  - (xvii) Natural resources
  - (xviii) Risks and benefits
  - (xix) Environmental quality
  - (xx) Natural and human induced hazards
  - (xxi) Science and technology in society
  - (xxii) Science and technology in local, national, and global challenges
- (29) **Physics 6-12.** The candidate for licensure and certification:
- (A) Is able to plan an inquiry-based science program for students using as a framework, Oklahoma's core curriculum. In doing this, one:
- (i) Develops a framework of yearlong and short-term goals for students.
  - (ii) Understands curriculum design to meet the interests, knowledge, understanding, abilities, and experiences of students.
  - (iii) Selects teaching and assessment strategies that support the development of student understanding and encourage a community of science learners.
  - (iv) Works with colleagues within and across disciplines and grade levels.
- (B) Is able to guide and facilitate learning. In doing this, one:
- (i) Focuses and supports inquiries while interacting with students.
  - (ii) Facilitates discussion among students about scientific ideas.
  - (iii) Challenges students to accept and share responsibility for their own learning.
  - (iv) Recognizes and responds to student diversity and encourages all students to participate fully in science learning.
  - (v) Encourages and models the skills of scientific inquiry, as well as the curiosity, openness to new ideas and data, and questioning that characterizes science.
- (C) Is able to engage in ongoing assessment of own teaching and of student learning. In doing this, one:
- (i) Uses multiple methods and systematically gathers data about student understanding and ability.
  - (ii) Analyzes assessment data to guide teaching.
  - (iii) Guides students in the evaluation of their work.
  - (iv) Uses student data, observations of teaching, and interaction with colleagues to reflect on and improve teaching practice.
  - (v) Uses student assessment information and classroom observation to report student achievement to students and parents.
- (D) Is able to design and manage learning environments that provide students with the time, space, and

resources needed for developing science skills. In doing this, one:

- (i) Structures the time so that students are able to engage in extended investigations.
- (ii) Creates a setting for student work that is flexible and supportive of science inquiry.
- (iii) Ensures a safe working environment.
- (iv) Makes the available science tools, materials, media, and technological resources accessible to students.
- (v) Identifies and uses resources outside the school.
- (vi) Engages students in designing the learning environment.

(E) Is able to develop communities of science learners that reflect the intellectual rigor of scientific inquiry and the climate conducive to science learning.

In doing this, one:

- (i) Respects the diverse needs, skills, and experiences of all students.
- (ii) Enables students to have a significant voice in decisions about the content and context of their work and prepares students to take responsibility for learning.
- (iii) Encourages collaboration among students.
- (iv) Structures and facilitates ongoing formal and informal discussion based on a shared understanding of rules of scientific discourse.
- (v) Models and emphasizes the skills and value of scientific inquiry.

(F) Is able to use a variety of instructional strategies and use integrated and interdisciplinary curriculum.

(G) Is able to teach with a broad understanding of all content areas and understands the interaction between the sciences and the process skills. Identified Physics concepts and content areas are:

- (i) Motions and forces
- (ii) Conservation of energy
- (iii) Transfer of energy
- (iv) Interactions of energy and matter

(H) Is able to develop conceptual understanding for science content using the process skills listed in Oklahoma's core curriculum, in Grades 6 through 12.

Identified Science concepts and content areas are:

- (i) System, order, and organization
- (ii) Evidence, models, and explanation
- (iii) Constancy, change, equilibrium, and measurement
- (iv) Form and function
- (v) Abilities of technological design
- (vi) Understanding about science and technology
- (vii) Science as a human endeavor
- (viii) Nature of science
- (ix) Nature of scientific knowledge
- (x) History of science
- (xi) Historical perspectives

- (xii) Personal health
- (xiii) Personal and community health
- (xiv) Population, resources, and environments
- (xv) Population growth
- (xvi) Natural hazards
- (xvii) Natural resources
- (xviii) Risks and benefits
- (xix) Environmental quality
- (xx) Natural and human induced hazards
- (xxi) Science and technology in society
- (xxii) Science and technology in local, national, and global challenges

(30) **Social Studies**

(A) **United States History/Oklahoma History/government/economics.** The candidate for licensure and certification:

- (i) Knows the major themes of United States history and their interrelatedness.
- (ii) Understands how the political growth, major events, and individuals affected the development of the United States.
- (iii) Examines and analyzes historical documents which contributed to the establishment and growth of the government of the United States.
- (iv) Identifies and describes events, trends, individuals, and movements which shaped the social, economic, and cultural development of the United States.
- (v) Analyzes events and identifies individuals who defined and continue to impact the role of the United States in world affairs.
- (vi) Knows the roles and function of government and the foundations, structure, and function of American government.
- (vii) Identifies and explains the rights and responsibilities of citizens of the United States.
- (viii) Describes the characteristics of local and state governments and the national government, and the relationships among the different levels of government.
- (ix) Analyzes how the American political process works and the relationship of the process to the individual as a citizen of the state and the nation.
- (x) Identifies and analyzes the events which led to Oklahoma's historical, political, economic, and cultural development.
- (xi) Identifies important individuals and groups which have had an influence on Oklahoma's heritage.
- (xii) Identifies the diverse geographic features and resources found in Oklahoma and describes their influence on Oklahoma's historical development and economy.
- (xiii) Understands basic application of economic theories.
- (xiv) Interprets economic trends in historical, political, and geographic contexts.

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- (xv) Analyzes the influence of the past on the present and uses a knowledge of history and government to anticipate and plan for the future, evaluating alternative courses of action.
- (xvi) Applies the skills of analysis, interpretation, research, and decision-making to develop an understanding of history, government, and economic concepts.
- (xvii) Knows the content of the Oklahoma core curriculum for United States History, Oklahoma History, government, and economics.

(B) **World History/geography.** The candidate for licensure and certification:

- (i) Compares and contrasts differing sets of ideas, personalities, and institutions of world cultures and major historical periods.
- (ii) Analyzes the cause and effect of relationships, multiple causation and perspectives, including the importance of the individual on historical events.
- (iii) Analyzes the influence of the past on the present and uses a knowledge of history and geography to anticipate and plan for the future, evaluating alternative courses of action.
- (iv) Interprets given historical data in order to evaluate information in its context.
- (v) Knows the six elements of geographic organization: the world in spatial terms, places and regions, physical systems, human systems, environment and society, and application of geographic data, and applies them to developing an understanding of geography concepts.
- (vi) Applies the skills of analysis, interpretation, research, and decision-making to develop an understanding of history and geographic concepts.
- (vii) Knows the content of the Oklahoma core curriculum for World History and Geography.

(C) **Psychology/sociology.** The candidate for licensure and certification:

- (i) Exhibits a basic intellectual grasp of psychological and sociological theories, vocabulary, history, and recent trends in the fields of psychology and sociology.
- (ii) Understands basic concepts relative to social, developmental, abnormal and clinical psychology, learning theory (classical, operant, and cognitive), and other significant areas in the discipline of psychology, such as the scientific method.
- (iii) Knows basic brain-based research and theory, and how biology and behavior interact.
- (iv) Recognizes the differences among experimental, classical, and conditioning approaches to the study of psychology.
- (v) Analyzes and interprets how today's psychologists view behavior in the following areas: the biological, the cognitive, the person-centered, and the psycho-dynamic perspectives.

(vi) Knows the theories and measurement of intelligence testing.

(vii) Knows basic concepts relative to group behavior, ethnicity, social mores, crime, demographics and current social issues.

(viii) Knows and analyzes culture, social structure, social stratification, social institutions, socialization, social movements, and social problems, as sociological concepts.

(ix) Knows and applies the basic sociological research processes, e.g., hypothesis formulations, sampling

(31) **Special Education (birth through twelfth grade).**

For purposes of providing special education services and identifying competencies deemed necessary for licensure and certification, four areas of disabilities have been identified within the overall field of special education; these are Blind/Visual Impairment, Deaf/Hard of Hearing, Mild-Moderate Disabilities, and Severe-Profound/Multiple Disabilities. Competencies identified at the early childhood level and deemed common to all areas of disabilities are addressed in (A) and apply to all candidates for licensure and certification in any area of special education. Additional competencies in each of the four areas listed above in this paragraph are addressed in (B) through (E).

(A) **Competencies common to all areas of disabilities.** The candidate for licensure and certification:

(i) Understands the historical, social, and ethical foundations; legal and regulatory; and current trends and issues of early childhood, early childhood special education, and special education.

(ii) Identifies specific/common disabilities in children and the implications for development and learning.

(iii) Plans and implements programming and curricula using current best practices and principles of early childhood education.

(iv) Understands typical and atypical development and the interdependency of all developmental areas, and respects each child's unique characteristics and their implications for learning.

(v) Demonstrates knowledge and skills in selection and administration of developmental screening, assessment, and evaluation instruments and methods which are comprehensive, nondiscriminatory for linguistic and cultural differences, formal and informal, and appropriate for children with early childhood disabilities.

(vi) Participates and collaborates with all team members in conducting the evaluation/assessment within the multidisciplinary team process.

(vii) Understands and demonstrates knowledge of the individualized family service plan (IFSP)/individualized education program (IEP) process by:

- (I) using assessment results, in partnership with the family and other team members, to develop the IFSP/IEP
  - (II) monitoring IFSP/IEP progress
  - (viii) Understands and implements early childhood curricula by adapting educational strategies, schedules and environments (individual, group, home settings) to meet the specific needs, interests, and experiences of all children.
  - (ix) Understands and participates in the transition process across programs and service systems by:
    - (I) planning for and linking current developmental learning experiences and teaching strategies with those of the next educational setting
    - (II) communicating options for programs and services at the next level, while assisting the family in planning for transition.
  - (x) Develops and uses formative and summative program evaluation to ensure comprehensive quality of programs and services for children and their families.
  - (xi) Collaborates and consults regularly with families, other team members, and agencies to enhance and support children's learning and development by:
    - (I) assisting families in identifying resources, priorities, and concerns, and in accessing appropriate services
    - (II) respecting parents' choices and goals for their children
    - (III) implementing services for children and their families, consistent with laws, regulations, and procedural safeguards
  - (xii) Uses positive and supportive early childhood guidance, teaching, and behavioral strategies which help all children learn to make responsible decisions regarding their own behavior and contribute to the development of self-control, self-motivation, and self-worth.
  - (xiii) Demonstrates professionalism and ethical practice, including:
    - (I) advocacy on behalf of young children and their families to improve quality of programs and services for young children and for early childhood special education
    - (II) implementation of a professional development plan which incorporates best practices and principles.
  - (xiv) Understands and applies the following competencies in reading instruction.
    - (I) Knows the stages of language development and the structure of the English language and alphabetic writing system including phonology, morphology, and orthography and their relationships to spelling and meaning.
    - (II) Understands that primary language (oral) directly impacts the secondary languages (reading, writing, spelling). Knows and applies knowledge of implicit and explicit instruction in developing oral language. Knows the relationship of oral language to literacy.
    - (III) Knows the developmental process of reading in order to assess, interpret, describe, develop appropriate instruction, monitor, reteach and reassess student's reading performance for concepts about print, phonological and phonemic awareness, phonics, spelling, word recognition, vocabulary, comprehension, fluency, and writing.
    - (IV) Identifies and applies all developmental levels of phonemic awareness to provide appropriate instruction in understanding words are made up of phonemes and that phonemes can be rearranged and manipulated to make different words that compose oral speech.
    - (V) Knows and provides appropriate systematic explicit and implicit phonological instruction for the application of spelling-sound correspondences for word analysis and for structural analysis for word recognition and word meaning development.
    - (VI) Knows and applies the relationships between spelling patterns and sounds of speech; knows how to support the student at each stage of spelling development; knows how to focus direct and indirect instruction to guide the student toward spelling proficiency.
    - (VII) Knows and applies knowledge of appropriate explicit and implicit instruction for vocabulary development, e.g., prefixes, suffixes and roots.
    - (VIII) Knows and applies strategies that promote comprehension and strategies to support children's understanding for the various elements of the different genres of text.
    - (IX) Knows and applies strategies and instructional approaches to support response to text and promote comprehension for literal, inferential, and critical/evaluative level, e.g., guided reading, literature and research circles.
    - (X) Knows and applies knowledge of instructional techniques to assist students with self-monitoring and self-corrections, i.e., semantics, syntax, and graphophonics.
    - (XI) Knows and applies the instructional strategies which contribute to the development of fluent reading.
    - (XII) Knows how to promote children's interest and engagement in reading and writing.
- (B) **Blind/visual impairment.** The candidate for licensure and certification:

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- (i) Understands the philosophical, historical, and legal foundations of special education for students with visual impairment including:
    - (I) trends and issues in special education
    - (II) special education policies and procedures
    - (III) laws and regulations regarding special education
  - (ii) Demonstrates knowledge of characteristics of students with visual impairments.
  - (iii) Demonstrates knowledge and skills in assessment, diagnosis, evaluation, and eligibility determination within the multidisciplinary team process for students with visual impairments including:
    - (I) procedures relevant to the impact of specific visual disorders on learning and experience, as well as procedures used for screening, prereferral, referral, and identification of students with visual impairments:
    - (II) vision screening methods
    - (III) functional vision assessment
    - (IV) learning media assessment
    - (V) orientation and mobility
    - (VI) independent living skills
    - (VII) vocational skills
    - (VIII) assistive technology
    - (IX) recreation and leisure skills
    - (X) classroom observation
  - (iv) Understands and demonstrates knowledge of the individualized education programs (IEP) process by:
    - (I) using assessment results, in partnership with team members, to develop the IEP
    - (II) monitoring IEP progress
  - (v) Demonstrates knowledge and skills to plan and implement appropriate and effective individualized education programs for students with visual impairments, based upon knowledge of subject matter and adaptation of curriculum and materials to meet individual abilities and sensory, conceptual and communication needs, including:
    - (I) social interaction skills
    - (II) recreation and leisure skills
    - (III) use of assistive technology
    - (IV) prerequisite skills and concepts for orientation and mobility instruction
    - (V) independent living skills
    - (VI) career education
    - (VII) visual efficiency skills
    - (VIII) literacy skills
    - (IX) organizational skills
  - (vi) Plans and manages supportive educational environments relative to the student's specific visual condition, including:
    - (I) acquisition and use of unique assistive technology (e.g., computers, printers, scanners, screen access, note-taking devices, software, speech output devices, CCTV, etc.)
  - (II) acquisition and use of specialized equipment and materials (Braille writer, abacus, slate and stylus, paper, Braille/large print/cassette textbooks, tactile maps, charts, graphs, optical, and nonoptical aids, etc.)
  - (III) modification of the physical environment
  - (IV) implementation of appropriate instructional strategies
  - (V) incorporation of basic orientation and mobility skills
- (vii) Demonstrates knowledge and applies skills relative to the management of student behavior and social interaction skills unique to students with visual impairments, including:
    - (I) influences of the disability (ies) and other factors impacting the child's behavior and social skills
    - (II) instruction in social interaction skills, adaptive behavior, and appropriate behaviors
    - (III) appropriate behavior management and ethical considerations using a variety of interventions and techniques
  - (viii) Demonstrates knowledge and skills in communication and collaborative partnerships, including:
    - (I) communication with families, professionals, ancillary personnel, student peers, and community members to improve the quality of education for students with visual impairments
    - (II) interrelationships of resource and related service providers
    - (III) educational activities regarding specific visual conditions through inservice, consultation, etc.
    - (IV) transition planning
  - (ix) Demonstrates knowledge and skills to promote successful transitions at all levels of the education process and in various environments, including:
    - (I) completion of secondary level program/postsecondary planning
    - (II) transitions across programs and service delivery systems
  - (x) Demonstrates knowledge and skills in providing an appropriate education for students in the least restrictive environment, including the full continuum of placement alternatives
  - (xi) Demonstrates management skills pertaining to the various service delivery models representing the full continuum of placement options for students with visual impairments, including:
    - (I) time management and scheduling
    - (II) record keeping
    - (III) prioritizing caseload
    - (IV) roles and responsibilities

- (V) travel issues relevant to service delivery
  - (VI) site specific climate and culture
  - (xii) Demonstrates professional and ethical conduct and advocacy for the unique needs of all students with visual impairments regardless of the availability of services.
  - (C) **Deaf/hard of hearing.** The candidate for licensure and certification:
    - (i) Understands the philosophical, historical, and legal foundations of special education for students who are deaf or hard of hearing, including:
      - (I) trends and issues in special education
      - (II) special education policies and procedures
      - (III) laws and regulations regarding special education
    - (ii) Demonstrates knowledge of characteristics and development of students who are deaf or hard of hearing, including:
      - (I) communication features (visual, spatial, tactile, auditory) necessary to enhance cognitive, emotional, and social development
      - (II) etiologies (causes) of hearing loss
      - (III) effects of onset, age of identification, and provision of services
    - (iii) Demonstrates knowledge and skills in assessment, diagnosis, evaluation, and eligibility determination within the multidisciplinary team process for students who are deaf or hard of hearing, including
      - (I) use of the natural/native/preferred language or mode of communication of the student
      - (II) interpretation of results for use in educational programming
    - (iv) Understands and demonstrates knowledge of the individualized education program (IEP) process by:
      - (I) using assessment results, in partnership with team members, to develop the IEP
      - (II) monitoring IEP progress
    - (v) Demonstrates knowledge and skills to plan and implement appropriate and effective instruction for students who are deaf or hard of hearing based upon knowledge of subject matter, curriculum goals, and students' individual abilities and needs by use of:
      - (I) multimedia skills
      - (II) techniques for modifying and adapting curriculum and materials to meet physical, sensory, cognitive, cultural, and communication needs in various learning environments
    - (vi) Plans and manages supportive teaching and learning environments that maximize opportunities for visually oriented and/or auditory learning and facilitate participation of students who are deaf or hard of hearing using:
      - (I) knowledge of current devices and assistive technology, including their application and resources (e.g., captioning, computers, augmentative communication devices, etc.)
      - (II) classroom management techniques
  - (vii) Demonstrates knowledge and skills in managing student behavior and social interaction skills, including:
    - (I) appropriate behavioral management and ethical considerations using a variety of interventions and techniques
    - (II) influences of the disability(ies) and other factors impacting the child's behavior and social interaction skills
  - (viii) Understands how language develops naturally and that early comprehensible communication influences the development of the whole child.
  - (ix) Demonstrates proficiency in the languages and modes of communication that are used in the instruction of students who are deaf or hard of hearing.
  - (x) Understands the social and cultural aspects of the deaf perspective and deaf experience.
  - (xi) Demonstrates knowledge and skills in communication and forming collaborative partnerships with families, professionals, and community members to improve the quality of education for students who are deaf or hard of hearing.
  - (xii) Demonstrates knowledge and skills to promote successful transitions at all levels of the education process and in various environments, including:
    - (I) completion of secondary level program/postsecondary planning
    - (II) transitions across programs and service delivery systems
  - (xiii) Demonstrates knowledge and skills in providing an appropriate education for students in the least restrictive environment, including the full continuum of placement alternatives.
  - (xiv) Demonstrates professional and ethical conduct in matters related to the education of students who are deaf or hard of hearing.
- (D) **Mild-moderate disabilities.** The candidate for licensure and certification will demonstrate his/her mastery of these standards through the master of the Council for Exceptional Children's (CEC) Core Knowledge and Skills and through the mastery of the CEC Knowledge and Skill Base for Teachers of Students in Individualized General Curriculums. The candidate:
  - (i) Understands the philosophical, evidence-based principals and theories, historical and legal foundations of special education, and how these influence professional practices. These would include:
    - (I) trends and issues in special education;

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- (II) special education policies and procedures;
  - (III) laws and regulations regarding special education;
  - (IV) issues of human diversity and its relevance to special education;
  - (V) human issues that influence the field of special education; and
  - (VI) relationships of special education to the organization and functions of schools, school systems, and agencies.
- (ii) Understands the similarities and differences in human development, the characteristics of all learners, and how exceptional conditions interact with the domains of human development to respond to varying abilities and behaviors of individuals with disabilities while demonstrating respect for their students.
- (iii) Understands the effects that a disability (including aspects of cognition, communication, physical, medical, and social/emotional) can have on learning and how primary language, culture and familial background can interact with the student's disabilities to impact academic, and social abilities, attitudes, values, interests and career options. The understanding of these learning differences and their possible interactions provide the foundation upon which a special educator individualizes instruction to provide meaningful and challenging learning for students with disabilities.
- (iv) Possesses a repertoire of evidenced-based instructional strategies to individualize instruction for students with disabilities and emphasizes the development, maintenance, and generalization of knowledge and skills across environments, settings, and the life span. These evidenced-based instructional strategies should:
- (I) promote positive learning results in the general curriculum in age-appropriate settings;
  - (II) promote multiple methods for teaching reading;
  - (III) modify learning environments;
  - (IV) enhance critical thinking, problem solving and performance skills;
  - (V) promote self-determination;
  - (VI) enhance integration and coordination of related services for educational benefit; and
  - (VII) promote transition.
- (v) Demonstrates knowledge and skills in creating positive and safe learning environments for students with disabilities, and that also foster active engagement of students with disabilities. In addition, special educators foster environments that:
- (I) value diversity;
  - (II) promote independence and productivity;
  - (III) assist general education colleagues in integrating students with disabilities;
  - (IV) use direct motivational and instructional interventions;
  - (V) utilize positive behavior supports and crisis management techniques;
  - (VI) guide and direct paraprofessionals and others; and
  - (VII) provide specialized school health practices and techniques for health and safety.
- (vi) Understands typical and atypical language development and uses strategies to enhance language development and teach communication skills to students with disabilities. This is accomplished by using:
- (I) effective language models;
  - (II) augmentative, alternative and assistive technologies;
  - (III) communication strategies and resources to facilitate understanding of subject matter for students with disabilities and those students with disabilities whose primary language is not English; and
  - (IV) matching communication methods to the student's language proficiency and cultural and linguistic differences.
- (vii) Develops long- and short-range instructional plans anchored in both general and special education curricula emphasizing:
- (I) effective modeling;
  - (II) efficient guided practice;
  - (III) modifications based on ongoing analysis of the individuals learning progress;
  - (IV) collaboration;
  - (V) individualized transition plans;
  - (VI) use of appropriate technologies; and
  - (VII) positive behavior supports.
- (viii) Understands legal policies and ethical principals of multiple types of assessment information related to referral, eligibility, program planning, instruction and placement of students with disabilities including those from culturally and linguistically diverse backgrounds. Special educators use assessment information to identify supports and adaptations required for students with disabilities to access general and special curricula and participate in school, system and statewide assessment programs. Special educators regularly monitor students' progress and use appropriate technologies to support assessments. Special educators must understand:
- (I) measurement theory and practices for addressing validity, reliability, norms, bias, and interpretation of assessment results and
  - (II) appropriate use and limitations of various assessment.

(ix) Demonstrates knowledge and skills regarding legal, professional, and ethical practices including:

- (I) sensitivity to the many aspects of diversity;
- (II) engaging in professional growth as lifelong learners;
- (III) keeping current with evidence-based effective practices; and
- (IV) participating in professional activities that benefit individuals with disabilities and their families.

(x) Routinely and effectively collaborates with families, colleagues, related service providers, community agencies and other resources in positive and culturally responsive ways to assure that the needs of students with disabilities are addressed including facilitation of successful transitions of students with disabilities across settings and services.

(E) **Severe-profound/multiple disabilities.** The candidate for licensure and certification will demonstrate his/her mastery of these standards through the mastery of the Council for Exceptional Children's (CEC) Core Knowledge and Skills and through the mastery of the CEC Knowledge and Skill Base for Teachers of Students in Independence Curriculums. The candidate:

(i) Understands the philosophical, evidence-based principals and theories, historical and legal foundations of special education, and how these influence professional practices. These would include:

- (I) trends and issues in special education;
- (II) special education policies and procedures;
- (III) laws and regulations regarding special education;
- (IV) issues of human diversity and its relevance to special education;
- (V) human issues that influence the field of special education; and
- (VI) relationships of special education to the organization and functions of schools, school systems, and agencies.

(ii) Understands the similarities and differences in human development, the characteristics of all learners, and how exceptional conditions interact with the domains of human development to respond to varying abilities and behaviors of individuals with disabilities while demonstrating respect for their students.

(iii) Understands the effects that a disability (including aspects of cognition, communication, physical, medical, and social/emotional) can have on learning and how primary language, culture and familial background can interact with the student's

disabilities to impact academic, and social abilities, attitudes, values, interests and career options. The understanding of these learning differences and their possible interactions provide the foundation upon which a special educator individualizes instruction to provide meaningful and challenging learning for students with disabilities.

(iv) Possesses a repertoire of evidenced-based instructional strategies to individualize instruction for students with disabilities and emphasizes the development, maintenance, and generalization of knowledge and skills across environments, settings, and the life span. These evidenced-based instructional strategies should:

- (I) promote positive learning results in general and special curricula in age-appropriate settings, especially functional curricula;
- (II) modify learning environments;
- (III) utilize community-based instruction and vocational instruction;
- (IV) enhance communication skills;
- (V) enhance critical thinking, problem solving and performance skills;
- (VI) promote self-determination;
- (VII) enhance integration and coordination of related services for educational benefit; and
- (VIII) promote transition.

(v) Demonstrates knowledge and skills in creating positive and safe learning environments for students with disabilities, and that also foster active engagement of students with disabilities. In addition, special educators foster environments that:

- (I) value diversity;
- (II) promote independence and productivity;
- (III) assist general education colleagues in integrating students with disabilities;
- (IV) use direct motivational and instructional interventions;
- (V) utilize positive behavior supports and crisis management techniques;
- (VI) guide and direct paraprofessionals and others; and
- (VII) provide specialized school health practices and techniques for health and safety.

(vi) Understands typical and atypical language development and uses strategies to enhance language development and teach communication skills to students with disabilities. This is accomplished by using:

- (I) effective language models;
- (II) augmentative, alternative and assistive technologies;
- (III) communication strategies and resources to facilitate understanding of subject matter for students with disabilities and those

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students with disabilities whose primary language is not English; and

(IV) matching communication methods to the student's language proficiency and cultural and linguistic differences.

(vii) Develops long- and short-range instructional plans anchored in both general and special education curricula emphasizing:

- (I) effective modeling;
- (II) efficient guided practice;
- (III) modifications based on ongoing analysis of the individuals learning progress;
- (IV) collaboration;
- (V) individualized transition plans;
- (VI) use of appropriate technologies; and
- (VII) positive behavior supports.

(viii) Understands legal policies and ethical principals of multiple types of assessment information related to referral, eligibility, program planning, instruction and placement of students with disabilities including those from culturally and linguistically diverse backgrounds. Special educators use assessment information to identify supports and adaptations required for students with disabilities to access general and special curricula and participate in school, system and statewide assessment programs. Special educators regularly monitor students' progress and use appropriate technologies to support assessments. Special educators must understand:

- (I) measurement theory and practices for addressing validity, reliability, norms, bias, and interpretation of assessment results and
- (II) appropriate use and limitations of various assessments.

(ix) Demonstrates knowledge and skills regarding legal, professional, and ethical practices including:

- (I) sensitivity to the many aspects of diversity;
- (II) engaging in professional growth as lifelong learners;
- (III) keeping current with evidence-based effective practices; and
- (IV) participating in professional activities that benefit individuals with disabilities and their families.

(x) Routinely and effectively collaborates with families, colleagues, related service providers, community agencies and other resources in positive and culturally responsive ways to assure that the needs of students with disabilities are addressed including facilitation of successful transitions of students with disabilities across settings and services.

(32) **Speech/drama/debate (Secondary).** The candidate for licensure and certification:

(A) Maintains a current knowledge of concepts of the field of speech communication including: oral interpretation of literature, theater, the electronic media, public speaking, argumentation, and critical thinking skills.

(B) Applies comprehension, analysis, interpretation, synthesis, and evaluation of vocal, verbal and nonverbal messages.

(C) Applies appropriate learning strategies for critical thinking, research, organization, and presentation of messages appropriate to participation in a democratic society.

(D) Communicates effectively in interpersonal, small group, and public communication situations using appropriate language and nonverbal signals.

(E) Understands the influence of social and historical contexts, and culture on public address and literature of the theater.

(F) Understands the impact of cultural diversity upon the communication process.

(G) Establishes a communication climate which encourages reflection, creativity, and critical thinking.

(H) Uses differing assessment strategies to evaluate student competencies in a variety of speaking/listening situations.

(I) Uses technology (i.e., videotaping of presentations, computers to generate visual aids and as a research tool) to enhance instruction.

(J) Understands and uses teaching strategies appropriate for the analysis and presentation of a variety of forms (genres) of public address and literature of the theater, available in electronic media and from printed sources.

(K) Understands the importance of effective communication skills in the personal and professional arenas.

(L) Understands the role of co-curricular and extracurricular activities in the development of student interest as an extension of the classroom instruction.

(M) Understands, teaches, and implements Oklahoma's Core Curriculum.

(33) **Speech-language pathologist.**

(A) The candidate for licensure and certification:

(i) Understands the models, theories and philosophies that provide the basis for the practice of speech/language pathology, in the following knowledge areas:

(I) content areas in speech/language pathology (language, articulation, voice, fluency, augmentative communication)

(II) etiologies which may contribute to communication impairments

(III) a working understanding of other assessments (medical, psychological, audiological, etc.)

(IV) modality (spoken, written, sign)

- (ii) Accommodates the individual learning styles and communication/educational needs of the student.
  - (iii) Demonstrates the ability to screen, evaluate, and diagnose students with suspected communication impairments using a variety of formal and informal procedures.
  - (iv) Plans and implements intervention strategies and the appropriate service delivery models for students with communication impairments, including:
    - (I) determines least restrictive environment
    - (II) provides ongoing assessment and monitors IEP progress
    - (III) develops individualized education program (IEP)
  - (v) Facilitates the development of the student's functional and literate communication skills (i.e., how communication occurs including written language) across environments, including:
    - (I) developing modifications/adaptations
    - (II) determining transition service needs
  - (vi) Recognizes and understands the relationship among behavior, social interaction and communication impairments, and is able to determine realistic expectations for the student's personal and social behavior in various settings.
  - (vii) Uses collaborative strategies in working with parents, school, and community to address the needs of students with communication impairments.
  - (viii) Promotes and maintains competence and integrity in the practice of speech/language pathology as follows:
    - (I) develops a plan for professional development
    - (II) identifies community agencies and resources
  - (ix) Implements practices that recognize the multicultural issues and the effect of cultural and linguistic diversity on students' communication skills and learning styles.
  - (x) Demonstrates knowledge of laws and regulations pertaining to students with communication impairments.
- (B) Competency for Speech-language Pathologist certification may also be verified by the Certificate of Clinical Competence (C.C.C.) from the American Speech-Language Hearing Association (ASHA).
- (34) **Agricultural education.** The candidate for licensure and certification shall possess the competencies specified in (A) through (F).
- (A) **Agricultural business/marketing.** The candidate for licensure and certification understands the fundamental principles of agricultural business/marketing and management including principles of basic recordkeeping and methods for acquiring and managing agricultural finances.
  - (B) **Animal science.** The candidate for licensure and certification:
    - (i) Selects and handles livestock, recognizes factors related to the safe handling of animals and animal products which become food for human consumption, and understands the importance of alternative agricultural enterprises.
    - (ii) Understands concepts and principles of animal reproduction and the importance of livestock health and nutrition.
  - (C) **Plant and soil science.** The candidate for licensure and certification:
    - (i) Understands concepts, principles, and laboratory skills related to plant and soil science including the importance of traditional crops and alternative enterprises.
    - (ii) Knows factors related to the safe handling of plants and plant products which become food for human consumption and identifies causes and characteristics of common plant pests and diseases.
  - (D) **Agricultural mechanics.** The candidate for licensure and certification practices:
    - (i) shop safety, including the operation and knowledge of hand/power tools,
    - (ii) basic principles/concepts of power and machinery, metals and metal processes, and
    - (iii) basic principles of building construction.
  - (E) **Natural resources.** The candidate for licensure and certification:
    - (i) Evaluates the relationship between agriculture and the management of water, land, and air quality, and
    - (ii) Understands concepts and principles of plant and animal environmental factors including the handling of chemicals.
  - (F) **Communications/leadership.** The candidate for licensure and certification:
    - (i) Acknowledges the foundations of agricultural education including its purpose, functions, and the background of Future Farmers of America (FFA).
    - (ii) Demonstrates an understanding of basic parliamentary procedure, effective oral and written communication skills, and promotes teamwork, motivation, and leadership principles.
- (35) **Marketing education.** The candidate for licensure and certification shall possess the competencies specified in (A) through (N).
- (A) **Orientation.** The candidate for licensure and certification applies principles of job search and preparation skills relating to resume and portfolio development, proper completion of application forms, interview preparation, career ladder analysis, and computer technology skills relating to word-processing and computerized presentations.

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(B) **Marketing.** The candidate for licensure and certification:

- (i) Applies principles and concepts related to marketing.
- (ii) Interprets the importance of the marketing concept and functions, how marketing affects society, factors to consider in selecting a channel of distribution, and the concept of target marketing.

(C) **Mathematical skills.** The candidate for licensure and certification:

- (i) Applies basic mathematical operations used in the marketing profession as it pertains to balancing a cash drawer and the automatic and manual methods of making change.
- (ii) Identifies the uses of basic algebra in marketing.

(D) **Human relations.** The candidate for licensure and certification:

- (i) Applies principles of communications, decision-making, and crisis management.
- (ii) Identifies characteristics of professionalism on the job and the importance of social skills.

(E) **Sales.** The candidate for licensure and certification:

- (i) Applies principles relating to sales, product information, customer buying decisions, motives for buying, and sales approaches.
- (ii) Demonstrates methods of handling customer/client complaints and objections.
- (iii) Explains the concept and use of sales quotas.

(F) **Security precautions.** The candidate for licensure and certification:

- (i) Identifies and explains prevention measures for the security problems of shoplifting, internal theft, burglary, robbery, and fraud.
- (ii) Identifies common types of fraud.
- (iii) Recognizes steps necessary to ensure security in shipping and receiving areas.
- (iv) Identifies precautions for safety on the job.

(G) **Economics.** The candidate for licensure and certification:

- (i) Applies principles related to the classification of goods and services and the types of economic resources.
- (ii) Compares the types of economic systems and their relationship to the economy.
- (iii) Identifies the factors which affect economics including economic utility (form, place, time, possession), competition, supply and demand, and the role of government in business.
- (iv) Understands the characteristics and importance of a private enterprise system and international trade.
- (v) Identifies the measure and importance of the gross domestic product (GDP) to marketing.

(H) **Promotion.** The candidate for licensure and certification:

- (i) Applies principles related to the use of promotional activities, including the use of media, design and display arrangements, and the print ad.

- (ii) Explains the role of the promotional plan.

(I) **Merchandising.** The candidate for licensure and certification applies principles related to shipping and receiving, inventory control systems, calculation of inventory shrinkage, and industrial purchasing.

(J) **Business ownership/entrepreneurship.** The candidate for licensure and certification:

- (i) Identifies the common types of business ownership in a free enterprise system and the advantages/disadvantages of each.

- (ii) Discusses the importance of marketing strategies to businesses as they apply the principles of the product mix, product/service planning, marketing decisions for a proposed business, structuring a business, and using four "Ps" of marketing - product, pricing, place, and promotional strategies.

(K) **Applied management.** The candidate for licensure and certification:

- (i) Applies principles of selecting store personnel, recruiting applicants for job openings, interviewing job candidates, and reducing labor turnover.

- (ii) Recognizes the importance of new-employee orientation.

- (iii) Understands knowledge of employee motivational theories.

(L) **Credit.** The candidate for licensure and certification:

- (i) Applies principles of extending credit to business and customers and the three Cs of credit: character, capacity to pay, and capital.

- (ii) Identifies the reasons for extending credit.

(M) **Business and industry.** The candidate for licensure and certification:

- (i) Develops relationships with business and industry through advisory committees, surveys, work-site learning opportunities, curriculum, and program visits.

- (ii) Communicates with business and industry regarding student competencies/credentials and job performance.

(N) **Student organizations and activities.** The candidate for licensure and certification:

- (i) Understands the role of student organizations in developing student professionalism and assists student organizations by coaching, chaperoning, and supervising activities.

- (ii) Encourages student participation through instruction and recognition of student achievements.

(36) **Technology education.** The candidate for licensure and certification shall possess the competencies specified in (A) through (J):

- (A) **Fundamentals of technology.** The candidate for licensure and certification:
- (i) Understands the fundamentals of technology including important events, developments, components, and current and future trends of technology.
  - (ii) Defines the terms, systems, characteristics, interrelationships, and economics of technology, and their utilization in modern business and industry.
  - (iii) Identifies general laboratory and personal safety practices.
- (B) **Problem-solving techniques.** The candidate for licensure and certification:
- (i) Identifies problem-solving techniques.
  - (ii) Understands and applies problem-solving techniques.
- (C) **Career opportunities.** The candidate for licensure and certification:
- (i) Explores career opportunities based on career clusters and identifies related terms and definitions.
  - (ii) Identifies activities that develop employability skills.
  - (iii) Recognizes educational requirements and paths for occupational attainment.
- (D) **Communication systems.** The candidate for licensure and certification:
- (i) Understands the principles, processes, and functions of communication.
  - (ii) Identifies types of communication technologies.
- (E) **Construction systems.** The candidate for licensure and certification:
- (i) Understands and applies the principles of construction technology.
  - (ii) Identifies construction technologies, their effects on society, basic principles of project planning, and steps in the construction process.
- (F) **Manufacturing systems.** The candidate for licensure and certification:
- (i) Understands principles of manufacturing and their application.
  - (ii) Identifies materials, equipment, processes, and strategies utilized in manufacturing technologies.
  - (iii) Analyzes the role, function, and responsibilities of manufacturing in a contemporary society.
- (G) **Energy, power and transportation systems.** The candidate for licensure and certification:
- (i) Understands the principles and applications of energy, power, and transportation.
  - (ii) Identifies forms of energy, their classification, and their characteristics.
  - (iii) Analyzes power systems and transportation technologies, as well as their characteristics.
  - (iv) Analyzes environmental and economic effects on society.
- (H) **Technology education delivery systems.** The candidate for licensure and certification:
- (i) Understands basic principles, terminology, system design, and issues related to technology education delivery systems and telecommunication.
  - (ii) Identifies terms, features, relationships, and procedures associated with the selection, operation, and maintenance of computer systems and technology education software.
  - (iii) Analyzes factors affecting the selection of computer hardware and software.
- (I) **Business and industry.** The candidate for licensure and certification develops relationships with business and industry through advisory committees, curriculum, and work-site learning opportunities.
- (J) **Student organizations and activities.** The candidate for licensure and certification:
- (i) Understands the role of student organizations in encouraging student participation and implementing activities that develop leadership traits.
  - (ii) Integrates student activities in instruction and recognizes student achievements.
- (37) **Vocational business.** The candidate for licensure and certification shall possess competencies specified in (A) through (D).
- (A) **Business foundations.** The candidate for licensure and certification:
- (i) Understands important events, developments and trends in the history of business.
  - (ii) Understands business organizational structures, organizational design and their implications.
  - (iii) Understands the basic principles of business law and the types and characteristics of legal instruments.
  - (iv) Analyzes legal issues related to business.
  - (v) Understands business communication.
- (B) **Business management.** The candidate for licensure and certification:
- (i) Understands principles of business management and their applications in the decision-making process
  - (ii) Applies procedures for managing human resources.
  - (iii) Analyzes issues related to economic and social responsibilities in business.
  - (iv) Analyzes factors affecting business marketing decisions.
- (C) **Technology systems.** The candidate for licensure and certification:
- (i) Understands basic principles and terminology related to computer technology.
  - (ii) Understands principles of computer system design.

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- (iii) Applies principles of computer technology to solve problems involving information gathering and analysis.
  - (iv) Applies principles of computer technology to solve problems related to project and business management.
  - (v) Understands information processing systems.
  - (vi) Analyzes data storage, retrieval and transmission systems.
  - (vii) Understands principles of telecommunications and applications of telecommunications in business.
  - (viii) Analyzes ethical and security issues involving technology systems.
- (D) **Business finance and economics.** The candidate for licensure and certification:
- (i) Understands basic principles and applications of accounting.
  - (ii) Applies procedures for processing accounting data.
  - (iii) Understands advanced accounting concepts and procedures.
  - (iv) Understands basic principles and applications of macroeconomics.
  - (v) Analyzes business situations in terms of microeconomic theory.
  - (vi) Applies basic principles of consumer economics and finance.
- (38) **Vocational family and consumer sciences.** The candidate for licensure and certification shall possess the competencies specified in (A) through (I).
- (A) **Child development.** The candidate for licensure and certification:
- (i) Applies child development concepts and guidance techniques in the care of infants, toddlers, preschool and school-age children, as well as children in crisis or with special needs.
  - (ii) Analyzes issues related to children's well-being, parenting, pregnancy, prenatal care, child birth, child care services, and community resources.
- (B) **Foods and nutrition.** The candidate for licensure and certification:
- (i) Analyzes the relationship between food, nutrients, and the body through the application of food science principles, and healthy food choices.
  - (ii) Understands proper food storage/handling techniques, recipe use, food product information, serving/dining etiquette, and consumer skills.
- (C) **Consumer economics and management.** The candidate for licensure and certification:
- (i) Applies principles related to money management, personal financial management, time management, and economics.
  - (ii) Analyzes advertising influences, factors related to housing selection and maintenance, factors related to motor vehicle selection and maintenance, wills, funerals, and consumer credit.
- (iii) Applies consumer protection practices and skills.
- (D) **Housing and interior design.** The candidate for licensure and certification:
- (i) Plans living space for human needs through the evaluation of housing and financial alternatives.
  - (ii) Applies elements and principles of interior design including exterior styles, interior spaces, interior treatments, furniture, accessories, and appliances.
- (E) **Interpersonal relationships.** The candidate for licensure and certification:
- (i) Applies principles of communications, decision making, and crisis management.
  - (ii) Discusses factors and issues related to parenting, family life, and aging.
  - (iii) Identifies the importance of self-respect and of practicing socially accepted behavior.
- (F) **Clothing and textiles.** The candidate for licensure and certification:
- (i) Applies wardrobe planning and grooming skills.
  - (ii) Applies clothing selection skills, methods of stretching the clothing dollar, care and maintenance practices, construction techniques, and knowledge of types of textiles.
- (G) **Careers.** The candidate for licensure and certification:
- (i) Investigates careers as they relate to personal and career goals.
  - (ii) Understands the job application process, factors related to work etiquette, the use of technology in the workplace, and economic principles.
- (H) **Business and industry.** The candidate for licensure and certification:
- (i) Develops partnerships with business and industry through advisory committees, surveys, work-site learning opportunities, curriculum, and program visits.
  - (ii) Communicates with business and industry regarding student competencies/credentials and job performance.
- (I) **Student organizations and activities.** The candidate for licensure and certification:
- (i) Understands the role of student organizations in the recognition of student achievements through curricular activities.
  - (ii) Encourages student participation and the development of leadership traits.
- (39) **Occupational agriculture, occupational family and consumer sciences, trade and industrial education, and vocational health occupations.** Competency for occupational agriculture, occupational family and consumer sciences, trade and industrial education, and vocational health occupations will be verified by passing a state or

national licensure examination developed specifically to the occupation and/or occupational testing approved by the Oklahoma Department of Vocational and Technical Education. Non-degreed vocational teachers certified under rules promulgated by the State Board of Education are exempt from the provisions of House Bill 1549, except for those provisions concerning professional development programs.

(40) **Dance education.** The candidate for licensure and certification:

- (A) Has a sound philosophical understanding and knowledge of dance education and creative movement and can support, justify and implement the dance education.
- (B) Has a thorough knowledge of a sequential dance/creative movement curriculum that is developmentally appropriate for each grade level and inclusive of various student learning styles and those with special needs.
- (C) Understands the history of dance and its role in culture and the arts worldwide.
- (D) Has a working knowledge of dance integration and values the art-related competencies in Oklahoma's core curriculum.
- (E) Recognizes and respects diversity and establishes environments where individuals dance content and learning are held in high regard.
- (F) Understands the process of critical thinking and implements problem solving activities, analysis, reflection, decision making and creative exploration in dance.
- (G) Understands the elements of dance and technical skills in performing dance including:
  - (i) time (i.e., fast slow, even, uneven, accent, meters)
  - (ii) space (i.e., levels, direction, pathways)
  - (iii) force (i.e., energy, weight, flow)
  - (iv) locomotor movements (i.e., walk, run, skip, hop, jump, slide, gallop, leap)
  - (v) nonlocomotor movements (i.e., bend, stretch, twist, swing)
  - (vi) rhythmic activities and musicality
  - (vii) proper skeletal alignment
  - (viii) efficiency and mastery of technical skills in a variety of dance forms.
- (H) Understands the principals of choreography (i.e., dance improvisation, composition, and choreography).
- (I) Understands the components of healthy living and fitness and the benefits of daily participation in dance activities.
  - (i) fitness components
    - (I) flexibility
    - (II) muscular strength
    - (III) agility
    - (IV) motor skills development and coordination
    - (V) body awareness, control, and balance

- (VI) development and mastery of dance skills
- (VII) weight control
- (ii) wellness components
  - (I) release of stress and tension through positive dance activity
  - (II) positive self esteem and self-expression
  - (III) lifelong well being
  - (IV) weight control
- (J) Has a working knowledge of dance choreography and teaching strategies to help students create, study, interpret and evaluate works of art.
- (K) Has knowledge of dance resources including community resources, materials, equipment, and proper facilities, and can adapt a variety of resources and materials that supports students as they learn through and about dance.
- (L) Promotes the understanding of dance as an artistic, kinesthetic, educational, social, cultural and theatrical experience.
- (M) Provides a safe environment and creates a setting for productive learning.
- (N) Collaborates with colleagues, artists and agencies in the community to promote arts education opportunities.
- (O) Recognizes the important role of technology in dance education.
- (P) Uses a variety of assessment and evaluation methods and can evaluate student learning.

(41) **English as a second language (ESL) PK-12.** The candidate for licensure and certification:

- (A) **Language.** The candidate for licensure and certification:
  - (i) Demonstrates knowledge, understanding, and application of the fundamentals of linguistics as related to the development of listening, speaking, reading, and writing for social and academic purposes.
  - (ii) Understands and applies knowledge of current theories and practices that facilitate second language acquisition and literacy development in the classroom.
  - (iii) Understands the role of the primary language in acquiring English as a new language.
  - (iv) Understands and applies knowledge of how sociocultural variables effect individual learners in facilitating the process of learning English.
- (B) **Culture.** The candidate for licensure and certification:
  - (i) Knows, understands, and uses the major concepts, principles, theories, and research related to the nature and role of culture in language development and academic achievement that support individual student's learning.
  - (ii) Understands and applies knowledge about home/school communication to enhance ESL

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teaching and build partnerships with students' families.

(iii) Knows, understands, and uses knowledge of how cultural groups and ESL students' cultural identities affect language learning and school achievement.

(iv) Understands and applies knowledge about world events that have an impact on ESL students' learning.

(v) Knows and uses teaching strategies that are developmentally appropriate and inclusive of various learning styles and is sensitive to the needs of diverse cultural groups.

**(C) Planning, implementation, and managing instruction.** The candidate for licensure and certification:

(i) Knows, understands, and applies concepts, research, and best practices to plan standards-based instruction based on language development and the Oklahoma core curriculum that provides for students of varying educational backgrounds in a supportive and accepting environment.

(ii) Knows, manages, and implements instruction around standards-based subject matter and language learning objectives that incorporates a variety of activities and learning opportunities that integrate listening, speaking, reading, writing, and comprehension for a variety of academic and social purposes.

(iii) Knows and is able to use a variety of resources and instructional strategies to teach ESL students the English language and content areas.

(iv) Understands and applies the following competencies in reading instruction as appropriate to the abilities of the student.

(I) Knows the stages of language development and the structure of the English language and alphabetic writing system including phonology, morphology, and orthography and their relationships to spelling and meaning.

(II) Understands that primary language (oral) directly impacts the secondary languages (reading, writing, spelling). Knows and applies knowledge of implicit and explicit instruction in developing oral language. Knows the relationship of oral language to literacy.

(III) Knows the developmental process of reading in order to assess, interpret, describe, develop appropriate instruction, monitor, reteach and reassess student's reading performance for concepts about print, phonological and phonemic awareness, phonics, spelling, word recognition, vocabulary, comprehension, fluency, and writing.

(IV) Identifies and applies all developmental levels of phonemic awareness to provide appropriate instruction in understanding words

are made up of phonemes and that phonemes can be rearranged and manipulated to make different words that compose oral speech.

(V) Knows and provides appropriate systematic explicit and implicit phonological instruction for the application of spelling-sound correspondences for word analysis and for structural analysis for word recognition and word meaning development.

(VI) Knows and applies the relationships between spelling patterns and sounds of speech; knows how to support the student at each stage of spelling development; knows how to focus direct and indirect instruction to guide the student toward spelling proficiency.

(VII) Knows and applies knowledge of appropriate explicit and implicit instruction for vocabulary development (e.g., prefixes, suffixes, roots, singular, and plural).

(VIII) Knows and applies strategies that promote comprehension and strategies to support children's understanding for the various elements of the different genres of text.

(IX) Knows and applies strategies and instructional approaches to support response to text and promote comprehension for literal, inferential, and critical/evaluative level (e.g., guided reading, literature and research circles).

(X) Knows and applies knowledge of instructional techniques to assist students with self-monitoring and self-corrections; (i.e., semantics, syntax, and graphophonics).

(XI) Knows and applies the instructional strategies which contribute to the development of fluent reading.

(XII) Knows how to promote children's interest and engagement in reading and writing.

**(D) Assessment.** The candidate for licensure and certification:

(i) Understands various issues of standardized assessments as they affect ESL students' learning and academic performance.

(ii) Understands different types of assessments and their purposes.

(iii) Understands and is able to use a variety of language proficiency assessment instruments.

(iv) Interprets and integrates assessment information into instructional plans.

(v) Understands the importance of different assessment strategies and uses them in the evaluation and modification of teaching and learning.

**(E) Professionalism.** The candidate for licensure and certification:

(i) Demonstrates knowledge of history, research, and current practices in the field of ESL and applies this knowledge to improve teaching and student achievement.

- (ii) Pursues personal professional growth opportunities and serves as a professional resource to colleagues.
  - (iii) Serves as a resource liaison and advocate for ESL students and builds partnerships with students' families.
  - (iv) Demonstrate English fluency in listening, speaking, reading, and writing the English language.
- (42) **Computer Science.** The candidate for licensure and certification shall possess the competencies specified in (A) through (E).

(A) **Programming and algorithm design.** The candidate for licensure and certification will demonstrate programming proficiency in a modern high-level programming language. The candidate will:

- (i) Demonstrate knowledge of and skill regarding the syntax and semantics of a high-level programming language, its control structures, and its basic data representations.
- (ii) Demonstrate knowledge of and skill regarding common data abstraction mechanisms (e.g., data types or classes such as stacks, trees, lists, etc.).
- (iii) Demonstrate knowledge of and skill regarding program correctness issues and practices (e.g., testing program results, test data design).

(B) **Multiple paradigms.** The candidate for licensure and certification will demonstrate an understanding of and flexibility with differing approaches/paradigms in programming (e.g., imperative, functional, object-oriented). The candidate will design, implement, and test programs in languages from two different programming paradigms in a manner appropriate to each paradigm.

(C) **Computer systems - components, organization, and operation.** The candidate for licensure and certification will demonstrate in-depth knowledge of how computer systems work individually and collectively. The candidate will:

- (i) Use a variety of computing environments (e.g., various operating systems)
- (ii) Describe the operation of a computer system-CPU and instruction cycle, peripherals, operating system, network components, and applications indicating their purposes and interactions among them.

(D) **Data representation and information organization.** The candidate for licensure and certification will demonstrate an understanding of data and information representation and organization at a variety of levels--machine level representation (for program correctness), data structures (for program implementation), problem representation (for solution design), files and databases (for general applications), and interactions among systems and people (for overall system design and effectiveness). The candidate will:

- (i) Describe how data is represented at the machine level (e.g., character, boolean, integer, floating point).
  - (ii) Identify and provide usage examples of the various data structures and files provided by a programming language (e.g., objects, various collections, files).
  - (iii) Describe the elements (people, hardware, software, etc.) and their interactions within information systems (database systems, the Web, etc.).
- (E) **Social aspects of computing.** The candidate for licensure and certification will conduct independent learning on specific, unfamiliar topics in general areas central to computer science and provide their candidates with opportunities to do the same. The candidate will:

- (i) Demonstrate awareness of social issues related to the use of computers in society and principles for making informed decisions regarding them (e.g., security, privacy, intellectual property, equitable access to technology resources, gender issues, cultural diversity, differences in learner needs, limits of computing, rapid change).
- (ii) Analyze various social issues involving computing, producing defensible conclusions.
- (iii) Demonstrate an understanding of significant historical events relative to computing.

[OAR Docket #07-1473; filed 10-26-07]

**TITLE 210. STATE DEPARTMENT OF EDUCATION  
CHAPTER 35. STANDARDS FOR ACCREDITATION OF ELEMENTARY, MIDDLE LEVEL, SECONDARY, AND CAREER AND TECHNOLOGY SCHOOLS**

[OAR Docket #07-1474]

**RULEMAKING ACTION:**

EMERGENCY adoption

**RULES:**

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]

**AUTHORITY:**

70 O. S. § 3-104, State Board of Education

**DATES:**

**Adoption:**

September 27, 2007

**Approved by Governor:**

October 22, 2007

**Effective:**

Immediately upon Governor's approval

**Expiration:**

Effective through July 14, 2008, unless superseded by another rule or disapproved by the Legislature.

**SUPERSEDED EMERGENCY ACTIONS:**

N/A

**INCORPORATIONS BY REFERENCE:**

N/A

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## FINDING OF EMERGENCY:

Public schools are required to implement the rules beginning with the 2008-2009 school year. The Passport to Financial Act, 70 O. S. § 11-1-3.6g-h, became effective July 1, 2007.

## ANALYSIS:

The proposed rule amendments revise the core curriculum to comply with the requirements set forth in 70 O. S. § 11-103.6h. Beginning with the 2008-2009 school year the law requires public schools to provide personal financial literacy education in Grades 7-12. The law outlines 14 areas of instruction that the student must demonstrate satisfactory completion in order to obtain a *Passport to Financial Literacy*, which will be required to graduate with a standard diploma.

## CONTACT PERSON:

Connie Holland, 405-521-3308

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O. S., SECTION 253 (D):**

## 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

Every student at every high school shall have the opportunity to acquire all the competencies to matriculate at a comprehensive graduate institution of the Oklahoma State System of Higher Education without the necessity of enrolling at the university in secondary-level courses. Each student will have the opportunity to attain proficiency in the Priority Academic Student Skills.

(1) Effective with the school year 2000-2001 through 2001-2002 a high school student must demonstrate competency in at least 21 units of credit or sets of competencies in Grades 9-12 which must include the state-mandated curriculum (Priority Academic Student Skills) and meet all other state and local mandates to be eligible for graduation.

- (A) Language Arts: 4 units or sets of competencies
- (B) Science: 2 units or sets of competencies
- (C) Mathematics: 3 units or sets of competencies
- (D) Social Studies: 2 units or sets of competencies (must include American History and Oklahoma History)
- (E) The Arts: 2 units or sets of competencies (Visual Art and General Music)
- (F) Total minimum Core Curriculum: 13 units or sets of competencies
- (G) Total minimum Elective courses: 8 units or sets of competencies
- (H) Total minimum graduation requirements: 21 units or sets of competencies

(2) Beginning with students graduating from high school in the school year 2002-2003, graduation requirements specified in subsection (1) of this section are superseded by requirements specified in this subsection. Units of credit required for high school graduation with a Standard Diploma (effective 2002-2003 and thereafter) are:

- (A) Language Arts: 4 units or sets of competencies, to consist of 1 unit or set of competencies of grammar and composition, and 3 units or sets of competencies which may include, but are not limited to, the following courses: American Literature, English Literature, World Literature, Advanced English Courses, or other English courses with content and/or rigor equal to or above grammar and composition;
- (B) Mathematics: 3 units or sets of competencies, to consist of 1 unit or set of competencies of Algebra I or Algebra I taught in a contextual methodology, and 2 units or sets of competencies which may include, but are not limited to, the following courses: Algebra II, Geometry or Geometry taught in a contextual methodology, Trigonometry, Math Analysis or Precalculus, Calculus, Statistics and/or Probability, Computer Science, or other mathematics courses with content and/or rigor equal to or above Algebra I. Provided credit may be granted for Applied Mathematics I and II and Computer Science whether taught at the comprehensive high school or at a career and technology center;
- (C) Science: 3 units or sets of competencies, to consist of 1 unit or set of competencies of Biology I or Biology I taught in a contextual methodology, and 2 units or sets of competencies in the areas of life, physical, or earth science or technology which may include, but are not limited to, the following courses: Chemistry I, Physics, Biology II, Chemistry II, Physical Science, Earth Science, Botany, Zoology, Physiology, Astronomy, Applied Physics, Principles of Technology, qualified agricultural education courses, or other science courses with content and/or rigor equal to or above Biology I. Provided, credit may be granted for Applied Biology/Chemistry, Physics, and Principles of Technology whether taught at the comprehensive high school or at a career and technology center;
- (D) Social Studies: 3 units or sets of competencies, to consist of 1 unit or set of competencies of United States History, 1/2 to 1 unit or set of competencies of United States Government, 1/2 unit or set of competencies of Oklahoma History, and 1/2 to 1 unit or set of competencies which may include, but are not limited to, the following courses: World History, Geography, Economics, Anthropology, or other social studies courses with content and/or rigor equal to or above United States History, United States Government, and Oklahoma History; and

(E) Arts: 2 units or sets of competencies which may include, but are not limited to, courses in Visual Arts and General Music.

(F) Passport to Financial Literacy: Fourteen (14) areas of instruction as detailed.

(i) Effective with the 2008-2009 and beginning with the seventh grade, students shall fulfill the requirements for a Passport to Financial Literacy in order to graduate from a public high school accredited by the State Board of Education with a standard diploma. The requirements for a Passport to Personal Financial Literacy shall be the satisfactory completion and demonstration of satisfactory knowledge in all 14 areas of instruction during grades seven through twelve. The fourteen areas of instruction are:

(I) understanding interest, credit card debt, and online commerce;

(II) rights and responsibilities of renting or buying a home;

(III) savings and investing;

(IV) planning for retirement;

(V) bankruptcy;

(VI) banking and financial services;

(VII) balancing a checkbook;

(VIII) understanding loans and borrowing money, including predatory lending and payday loans;

(IX) understanding insurance;

(X) identity fraud and theft;

(XI) charitable giving;

(XII) understanding the financial impact and consequences of gambling;

(XIII) earning an income; and

(XIV) understanding state and federal taxes. Instruction in these fourteen areas must align and meet the Personal Financial Literacy Priority Academic Student Skills (PASS) as adopted by the Oklahoma State Board of Education.

(ii) School districts shall have the option of determining when each of the 14 areas of instruction listed above shall be presented to students. Options include integration into one or more existing courses of study or provided for in a separate Personal Financial Literacy course.

(iii) Teachers providing instruction in any of the 14 areas of instruction of Personal Financial Literacy must receive six (6) hours of documented professional development in the areas of instruction. Teachers providing instruction in personal financial literacy in a mathematic course and/or a social studies/economics course must be highly qualified in the respective area of mathematics and/or social studies.

(iv) In order to facilitate the monitoring of student progress towards achieving the Passport to Financial Literacy, districts will attach a Passport to Financial Literacy transcript to each student's

permanent academic record. The Passport (transcript) will document student progress in each of the 14 areas of instruction, the course or courses into which it was integrated, and the student's performance level (grade). These records will accompany the student when transferring to a new district.

(v) Districts shall file a yearly plan online for Personal Financial Literacy instruction with the State Department of Education detailing the district's scope and sequence for the 14 areas of instruction; into which course or courses personal financial literacy is integrated; documentation of highly qualified teacher status as required; and resources utilized to teach the areas of instruction. An annual end-of-the-year report shall be submitted online documenting the district's implementation of the plan and student progress towards achieving the Passport to Financial Literacy.

(vi) Dependent districts, PK-8, may enter into a vertical articulated curriculum agreement with an independent district, PK-12, for facilitating and sharing of the personal financial literacy curriculum.

(vii) The school district may offer personal financial literacy instruction in a before school class, an after school class, a night school class, and/or in a summer school class.

(viii) Proficiency-based competency by students will be permitted. Districts may use the State Department of Education online assessments to determine a student's knowledge level in one or more of the 14 areas of instruction. Students demonstrating at least a 70% level on any online assessment will be considered as having satisfactory knowledge in that area or areas of instruction. The school district may exempt the student from completing or repeating instruction in that area or areas of personal financial literacy. 70 O.S. § 11-103.6h

(~~FG~~) Total minimum Core Curriculum: 15 units or sets of competencies

(~~GH~~) Total minimum Elective courses: 8 units or sets of competencies

(~~HI~~) Total minimum graduation requirements: 23 units or sets of competencies

(3) No student shall receive credit for high school graduation more than once for completion of the same unit or set of competencies to satisfy the core curriculum requirements.

(4) "Qualified agricultural courses" means courses that have been determined by the State Board of Education to offer the sets of competencies in the Priority Academic Student Skills (PASS) for one or more science content areas and which correspond to academic science courses. Qualified agricultural education courses shall include, but are not limited to, Horticulture, Plant and Soil Science, Natural Resources and Environmental Science, and Animal Science.

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(5) A "unit" means a Carnegie Unit which is given for the successful completion of a course that meets the equivalent of 120 clock hours within the school year.

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

(7) Each high school's academic program shall be designed to prepare all students for employment and/or postsecondary education. The secondary academic program shall be designed to provide the teaching and learning of the skills and knowledge in the Priority Academic Student Skills. Beginning with 1999-2000 school year all high schools accredited by the State Department of Education shall offer the core curriculum required for the Standard Diploma during a student's high school career. To meet graduation requirements, local options may include courses taken by advanced placement, concurrent enrollment, correspondence courses or courses bearing different titles.

(8) The secondary academic programs may also provide the traditional units of credit to be offered in Grades 9-12 with each secondary school offering and teaching at least 38 units or their equivalent each school year. Four (4) of these units may be offered on a two-year alternating plan with 34 units or their equivalent to be taught in the current school year. In schools with other than a four-year organization, these units shall be offered and taught in conjunction with the affiliated schools containing those grade levels. ~~Career and technology center courses in which secondary students are enrolled may count toward the 38 required units of credit or their equivalent.~~

(9) District boards of education can make exceptions to state high school graduation requirements for students who move to this state from another state after their junior year of high school.

(A) After a student from another state enrolls in an accredited Oklahoma high school the school board can make an exception to the high school graduation requirements of Section 11-103.6 of Title 70 of the Oklahoma Statutes. Individual exceptions can only be made when there are differing graduation requirements between the two states and completing Oklahoma graduation requirements will extend the student's date of graduation beyond the graduation date for the student's class.

(B) The district must report all exceptions made to state graduation requirements for these senior students to the State Department of Education each school year. All exceptions made at each district high school will be forwarded to the State Department of Education on or before July 1 of each year. Districts may report the information on the Annual Statistical Report. This reporting provision does not include students who have individualized education

programs pursuant to the Individuals with Disabilities Education Act (IDEA) and who satisfy graduation requirements through the individualized education program.

(10) In order for a course offered by a supplemental educational organization to be counted for purposes of student academic credit and towards graduation requirements the local board of education must verify that the course meets all requirements in 70 O.S. § 11-103.6.

(11) Upon verification the local school board of education's request for course approval shall be submitted to the State Board of Education for final approval.

[OAR Docket #07-1474; filed 10-26-07]

### TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 5. ADULT PROTECTIVE SERVICES

[OAR Docket #07-1434]

**RULEMAKING ACTION:**  
EMERGENCY adoption

**RULES:**

Subchapter 1. General Provisions

340:5-1-6 [AMENDED]

Subchapter 3. Reports of Maltreatment of Vulnerable Adults

340:5-3-1 [AMENDED]

Subchapter 5. Investigation of Adult Protective Services Referrals

340:5-5-6 [AMENDED]

(Reference APA WF 07-19)

**AUTHORITY:**

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; and 43A O.S. §§ 10-103, 10-104, and 10-108.

**DATES:**

**Adoption:**

September 25, 2007

**Approved by Governor:**

October 16, 2007

**Effective:**

November 1, 2007

**Expiration:**

Effective through July 14, 2008, unless superseded by another rule or disapproved by the Legislature.

**SUPERSEDED EMERGENCY ACTIONS:**

n/a

**INCORPORATIONS BY REFERENCE:**

n/a

**FINDING OF EMERGENCY:**

Emergency rulemaking approval is requested as OKDHS finds compelling public interest to amend rules to comply with changes made in 43A O.S. §§ 10-103, 10-104, and 10-108 effective November 1, 2007.

**ANALYSIS:**

The proposed revisions to Subchapters 1, 3, and 5 of Chapter 5 amend the rules to bring them into compliance with Sections 10-103, 10-104, and 10-108 of Title 43A of the Oklahoma Statutes (43A O.S. §§ 10-103, 10-104, and 10-108) effective November 1, 2007 as provided in Senate Bill 398 to: (1) define financial neglect; (2) expand the list of persons who are required to report maltreatment of vulnerable adults; (3) promulgate rules for the sale of real and personal property of a vulnerable adult in the temporary guardianship of the Oklahoma Department of Human Services (OKDHS) and the enforcement of involuntary court orders; (4) add clarifying information; and (5) update form numbers.

**CONTACT PERSON:**

Dena Thayer at (405)521-4326

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR, AS SET FORTH IN 75 O.S., SECTION 253(D), WITH A LATER EFFECTIVE DATE OF NOVEMBER 1, 2007:

SUBCHAPTER 1. GENERAL PROVISIONS

340:5-1-6. Definitions

The following words and terms, when used in this Subchapter shall have the following meaning, unless the context clearly indicates otherwise.

"Abuse" means causing or permitting the:

- (A) infliction of physical pain, injury, sexual abuse, sexual exploitation, unreasonable restraint or confinement, or mental anguish; or
(B) deprivation of nutrition, clothing, shelter, health care, or other care or services without which serious physical or mental injury is likely to occur to a vulnerable adult by a caretaker or other person providing services to a vulnerable adult.

"Activities of daily living (ADLs)" means basic self-care activities such as toileting, transfer, feeding, bathing, and dressing.

"Adult" means a person 18 years of age or older.

"APS specialist" means an Oklahoma Department of Human Services (OKDHS) worker who has successfully completed Adult Protective Services (APS) New Worker Academy or is working under the oversight of a more experienced APS specialist.

"Caretaker" means a person who is responsible for the care of or financial management for a vulnerable adult as a result of family relationship or has assumed responsibility for care of a vulnerable adult voluntarily, by contract, or by friendship; or who serves as a legally appointed guardian, limited guardian, or conservator.

"Emergency" means a situation in which a vulnerable adult is likely to suffer death or serious physical harm without immediate intervention.

"Evidence" means all documentation, photographs, interviews, observations, objects, and other information collected, observed, or otherwise obtained during the course of an investigation.

"Exploitation" means unjust or improper use of the person or resources of a vulnerable adult for the profit or advantage of another person through undue influence, coercion, harassment, duress, deception, false representation, or false pretense.

"Financial neglect" means repeated instances by a caretaker or other person who has assumed the role of financial management of failure to use the resources available to restore or maintain the health and physical well-being of a vulnerable adult, including but not limited to:

- (A) squandering or negligently mismanaging the money, property, or accounts of a vulnerable adult;

- (B) refusing to pay for necessities or utilities in a timely manner; or

- (C) providing substandard care to a vulnerable adult despite the availability of adequate financial resources.

"Guardian" means one of the types of guardianship specified in the Oklahoma Guardianship and Conservatorship Act, Title 30 of the Oklahoma Statutes.

(A) General guardian. A general guardian is a person appointed by the court to serve as the guardian of an incapacitated person to ensure that the essential requirements for the health and safety of the person are met, to manage the estate of the person, or both.

(B) Limited guardian. A limited guardian is a person appointed by the court to serve as the guardian of a partially incapacitated person and is authorized by the court to exercise only certain powers of a guardian over the person, or estate or financial resources of the person, or both.

(C) Special guardian. A special guardian is a person appointed by the court to exercise certain specified powers to alleviate a situation in which there is a threat of serious impairment to the health or safety of an incapacitated or partially incapacitated person, or a situation in which the financial resources of the person will be seriously damaged or dissipated unless immediate action is taken.

"Incapacitated adult" means a vulnerable adult whose ability to receive and evaluate information effectively or to make and to communicate responsible decisions is impaired to such an extent that the person lacks the capacity to manage his or her financial resources or to meet essential requirements for the person's mental or physical health or safety without assistance.

"Indecent exposure" means forcing or requiring a vulnerable adult to:

- (A) look upon the body or private parts of another person or upon sexual acts performed in the presence of the vulnerable adult; or
(B) touch or feel the body or private parts of another person.

"Instrumental activities of daily living (IADLs)" means abilities necessary for an adult to function independently in the community, such as preparing meals, using the telephone, driving or arranging for transportation, shopping, and handling finances.

"Maltreatment" means abuse, neglect, self-neglect, exploitation, sexual exploitation, or verbal abuse.

"Neglect" means:

- (A) failure to provide protection for a vulnerable adult who is unable to protect his or her own interest;
(B) failure to provide adequate shelter, nutrition, health care, or clothing for a vulnerable adult; or
(C) negligent acts or omissions that result in harm or unreasonable risk of harm to a vulnerable adult through action or inaction, or lack of supervision by a caretaker providing direct services.

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**"Power of attorney"** means authority granted by a legal document authorizing a person or other entity to act for the principal, subject to the extent of the power authorized. The power is revoked upon:

- (A) written revocation of the principal;
- (B) incapacity of the principal unless it is a durable power of attorney;
- (C) death of the principal;
- (D) a termination date if specified in the document;
- (E) order of the court; or
- (F) the appointment of a guardian, in most cases.

**"Self-neglect"** means neglect brought about by a vulnerable adult's own actions or inactions which causes the vulnerable adult to fail to meet the essential requirements for physical or mental health and safety due to the vulnerable adult's lack of awareness, incompetence, or incapacity.

**"Services which are necessary to aid an individual to meet essential requirements for mental or physical health and safety"** means services which include, but are not limited to the:

- (A) identification of adults in need of protective services;
- (B) provision of medical care for physical or mental health needs; and
- (C) provision of assistance in personal hygiene, food, clothing, adequately heated and ventilated shelter, protection from health and safety hazards, protection from physical maltreatment, guardianship referral, outreach, and transportation necessary to secure any of such needs. This excludes taking the adult into physical custody without the adult's consent except through proper procedures for the provision of involuntary services.

**"Sexual abuse"** means:

- (A) oral, anal, or vaginal penetration of a vulnerable adult by or through the union with the sexual organ of a caretaker or other person providing services to the vulnerable adult, or the anal or vaginal penetration of a vulnerable adult with any other object by a caretaker or other person providing services to the vulnerable adult;
- (B) for the purpose of sexual gratification, the touching, feeling, or observation of the body or private parts of a vulnerable adult by a caretaker or other person providing services to the vulnerable adult; or
- (C) indecent exposure by a caretaker or other person providing services to the vulnerable adult.

**"Sexual exploitation"** means and includes, but is not limited to, a caretaker causing, allowing, permitting, or encouraging a vulnerable adult to engage in prostitution or in lewd, obscene, or pornographic photographing, filming, or depiction of the vulnerable adult as those acts are defined by Oklahoma law.

**"Substantiated"** means more than 50% of the evidence collected during an APS investigation determines that maltreatment occurred.

**"Temporary guardian"** means a person or other entity appointed by the court under Title 43A of the Oklahoma

Statutes with authority only to consent on behalf of an incapacitated adult to the provision of protective services determined necessary to remove conditions creating an emergency need and other services approved by the court. A temporary guardian serves in that capacity only until the expiration of the order appointing him or her.

**"Unsubstantiated"** means evidence found during an APS investigation was insufficient to determine maltreatment occurred.

**"Verbal abuse"** means the use of words, sounds, or other communication including, but not limited to, gestures, actions, or behaviors, by a caretaker or other person providing services to a vulnerable adult that are likely to cause a reasonable person to experience humiliation, intimidation, fear, shame, or degradation.

**"Vulnerable adult"** means an adult who, because of physical or mental disability or other impairment, may be subject to maltreatment and is substantially impaired in his or her ability to independently:

- (A) provide adequately for his or her own care or custody;
- (B) manage his or her property and financial affairs effectively;
- (C) meet essential requirements for mental or physical health or safety; or
- (D) protect himself or herself from maltreatment without assistance. This determination is not made based on a person's eligibility for disability benefits from any source or on the impairment being permanent, but solely on the adult's reported physical or mental condition at the time an APS referral is made and the APS specialist's assessment of that condition during investigation.

### SUBCHAPTER 3. REPORTS OF MALTREATMENT OF VULNERABLE ADULTS

#### 340:5-3-1. Reporting a need for protective services

(a) **Mandatory requirement to report.** Any person having reasonable cause to believe that a vulnerable adult is suffering from abuse, neglect, or exploitation is mandated by law [Section 10-104.A of Title 43A of Oklahoma Statutes] to make a report to the Oklahoma Department of Human Services (OKDHS), the office of the district attorney in the county in which the suspected incident occurred, or local law enforcement.

- (1) State law provides that any person who knowingly and willfully fails to promptly report any abuse, neglect, or exploitation is, upon conviction, guilty of a misdemeanor.
- (2) Any person who willfully or recklessly makes a false report or a report without a reasonable basis is liable in a civil suit for any actual damages suffered by any person named in the report and any punitive damages set by the court or jury.
- (3) Any person exercising good faith and due care in making a report of alleged abuse, neglect, or exploitation

has immunity from any civil or criminal liability that might otherwise be incurred.

(4) Every person in Oklahoma is a mandatory reporter, and select groups who routinely have contact with vulnerable adults are specifically named in Oklahoma statutes, including:

- (A) social workers;
- (B) physicians;
- (C) operators of emergency response vehicles;
- (D) mental health professionals;
- (E) law enforcement;
- (F) staff of domestic violence programs;
- (G) long-term care facility personnel; including staff of:
  - (i) nursing facilities;
  - (ii) intermediate care facilities for persons with mental retardation;
  - (iii) assisted living facilities; and
  - (iv) residential care facilities;
- (H) persons entering into transactions with a caretaker or other person who has assumed the role of financial management for a vulnerable adult;
- (I) staff of:
  - (i) residential care facilities;
  - (ii) group homes; and
  - (iii) employment settings for individuals with developmental disabilities;
- (J) job coaches;
- (K) community service workers;
- (L) personal care assistants; and
- (M) other medical professionals.

(b) **Content of the report.** The law requires that the report of alleged abuse, neglect, or exploitation of vulnerable adults include the information in (1) through (3) of this subsection. Additional information which is useful in investigating a report is included on Form APS-1-08AP001E, Adult Protective Services Referral. The minimum information required by law is:

- (1) the name and address of the vulnerable adult;
- (2) the name and address of the caretaker, if any; and
- (3) a description of the situation of the vulnerable adult.

(c) **Obtaining the name of the reporter.** Although the person making the report is not required by law to provide a name, address, or telephone number, such information is helpful in the event the APS specialist has further questions or needs to clarify any points of the complaint.

**SUBCHAPTER 5. INVESTIGATION OF ADULT PROTECTIVE SERVICES REFERRALS**

**340:5-5-6. Provision of protective services to clients receiving APS services**

(a) **Voluntary protective services.** Protective services may be provided on a voluntary basis when a vulnerable adult consents to provision of services, requests services, and is willing to allow the Adult Protective Services (APS) specialist to provide or arrange for services as authorized by Section 10-106 of Title 43A of the Oklahoma Statutes (43A O.S. § 10-106).

(b) **Payment for protective services.** The cost of providing voluntary or involuntary protective services is borne by the client if the APS specialist determines that the person is financially able to make payment or by any private or public programs for which the vulnerable adult is eligible. If a caretaker controls the person's funds and refuses to pay for necessary services, this may be construed as caretaker interference and is handled as described in OAC 340:5-5-6(b)(3) (3) of this subsection.

(1) **Payment for voluntary services.** If voluntary services are required to meet an emergency need and no other payment source is available, procedures described in OAC 340:5-5-6(b)(3) (3) of this subsection are followed. In cases where the services are not to meet an emergency need, the APS specialist arranges for voluntary services if:

- (A) services can be provided free of charge;
- (B) the client has funds and agrees to pay for the services; or
- (C) there is a public or private assistance program available to pay for the services.

(2) **Payment for involuntary services.** Payment for involuntary protective services is made from the client's funds only upon order of the court. If payment is required for involuntary services, procedures described in OAC 340:5-5-6(b)(3) (3) of this subsection are followed if:

- (A) no funds are available from the client's assets; and
- (B) no private or public payment source is available.

(3) **Payment for emergency protective services.** The Oklahoma Department of Human Services (OKDHS) maintains a limited APS Emergency Fund that may be accessed only when specific criteria are met. This fund is used as a short-term measure for crisis situations until other arrangements are made.

(c) **Court-related services.** All petitions or motions filed with the court regarding a vulnerable adult require the signature of the district attorney (DA), assistant district attorney (ADA), or OKDHS Legal Division attorney.

(d) **Non-cooperation of caretaker.** When a vulnerable adult consents to receive protective services but the caretaker refuses to allow the provision of services, OKDHS may petition the court for an injunction prohibiting the caretaker from interfering with the provision of protective services in accordance with OAC 340:5-5-6(e) subsection (e).

(e) **Petitioning the court - order enjoining caretaker.** When the client's caretaker refuses to allow the provision of protective services to which the client has consented or otherwise interferes in the provision of services, OKDHS may petition the court for an Order to Enjoin Caretaker.

(f) **Refusal to consent to protective services.** If a vulnerable adult does not consent to the provision of needed services, or withdraws consent after it is given, the APS specialist documents the client's refusal in the case narrative or on Form APS-2 08AP002E, Adult Protective Services Report of Investigation. Services are terminated unless OKDHS determines that the person lacks capacity to consent. In that case, the APS specialist considers action as outlined in OAC 340:5-1-4.

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(g) **Involuntary protective services.** Involuntary protective services are authorized by ~~Section 43A O.S. § 10-107 of Title 43A of the Oklahoma Statutes.~~ If a vulnerable adult is suffering from abuse, neglect, or exploitation that presents a substantial risk of death or immediate and serious physical harm to self, or significant and unexplained depletion of the adult's estate, but lacks the capacity to consent to receive protective services and no consent can be obtained from anyone acting as caretaker, the services may be ordered by the court on an involuntary basis. The court authorizes provision of specific services that the court finds least restrictive of the rights and liberty of the person involved.

(h) **Petitioning the court - emergency order for involuntary protective services.** OKDHS may petition the court for an order to provide emergency protective services. The petition is made in the county of the client's residence or in a county where any of the protective services are provided.

(1) If an emergency order to provide protective services is issued by the court, the order includes the appointment of a temporary guardian for the person in need of services. The temporary guardian may be either OKDHS or an interested person. The order gives the temporary guardian authority only to consent to the specified protective services on behalf of the person.

(2) The vulnerable adult, temporary guardian, or any other interested person may at any time petition the court to have the emergency order set aside or modified.

(i) **Notice to recipient.** The court sets a date to hear the case. The hearing is scheduled within five days of the date the judge signs the notice to the recipient of protective services. The vulnerable adult must receive notice 48 hours in advance of the hearing. Notice may be waived by the court in emergency cases, as described in ~~OAC 340:5-5-6(i)(2)~~ (2) of this subsection.

(1) A court order is issued showing OKDHS has petitioned the court for an order to provide protective services, and giving the date, time, and place of the hearing. The order specifies who serves the notice to the client.

(2) When petitioning the court for an order for emergency protective services, OKDHS may file a motion to waive notice if there is a risk that immediate and reasonably foreseeable death or serious physical harm to the person will result from a delay. This action is authorized by ~~Section 43A O.S. § 10-108.D of Title 43A of the Oklahoma Statutes.~~ In response, the court may enter a 72-hour verbal order if not during regular court hours or issue a limited order during regular hours and order written notice be served on the client and attorney, if known, of a hearing to be held within that 72-hour period.

(3) If the hearing is declined, the court may either terminate the emergency temporary guardianship or enter a temporary 30-day order to provide involuntary protective services.

(j) **Emergency services responsibilities for out-of-home placements.** As a result of a substantiated investigation, ~~determination of capacity to consent, needs, and risk assessment,~~ the APS specialist develops a service plan to address

the identified needs and safety issues. All out-of-home placements, including any change of placement, of clients under APS guardianship, are reported to and subject to approval of the court. Only protective services that are necessary to remove the conditions immediately threatening the life and well-being of the person are ordered. Protective services that may be authorized by an emergency court order include a change of residence only if the court gives specific approval for such action and names the facility in its order. Emergency placements may be made to nursing homes, personal medical institutions, other home placements, or other appropriate facilities. Emergency placement is not made to facilities for the acutely mentally ill.

(1) When the service plan recommends out-of-home placement for safety, health, and care needs, the APS specialist discusses this plan with the client. The client is provided with all the information necessary to make an informed decision. This may include visits to a variety of placement options arranged or facilitated by the APS specialist. The client's family, if appropriate and approved by the client, ~~are~~ is included in the planning stages. The client or family is provided with all the information available to the APS specialist regarding the quality of care provided by the identified and selected placement.

(2) Information on current quality issues of specific nursing facilities are obtained from a variety of sources to determine the appropriateness of a facility for a client receiving APS services. Placements are determined by the local APS specialist and supervisor, with approval from the county director and area APS field liaison. If a facility has any Oklahoma State Department of Health (OSDH) deficiencies at or above the actual harm level, or has had more than three substantiated Long Term Care Investigations (LTCI) reports in the past year, the placement must be approved by the APS state program office.

(k) **Time limits for providing involuntary emergency protective services.** Protective services under an emergency court order other than a 72-hour order may be provided for 30 days. If the APS specialist determines protective services are required past this 30-day period, a petition is filed for continuation of involuntary protective services in accordance with (I) of this Section.

(l) **Continuation of services.** Continuation of services is authorized by ~~Section 43A O.S. § 10-108.L of Title 43A of the Oklahoma Statutes.~~

(1) If, upon expiration of the original 30-day order, the vulnerable adult continues to require protective services, OKDHS immediately files a motion for the court to order either or both:

- (A) appointment of a guardian; and
- (B) commitment of the vulnerable adult to a nursing home, personal medical institution, home placement, or other appropriate facility other than a facility for the acutely mentally ill.

(2) Before the court enters a six-month order for continued protective services, the court directs that a comprehensive evaluation of the vulnerable adult is conducted

and submitted to the court within 30 days at a review hearing. The evaluation includes at least:

- (A) the address where the person resides and the name of any persons or agencies presently providing care, treatment, or services;
- (B) a summary of the professional treatment and services provided the person by OKDHS or other agency, if any, in connection with the problem creating the need for protective services; and
- (C) a medical, psychological or psychiatric, and social evaluation and review, including recommendations for or against maintenance of partial legal rights and recommendations for placement consistent with the least restrictive environment required.

(3) The original order continues in effect until the evaluation is submitted and the hearing is held on the motion.

(4) Notice of this hearing is served as described in ~~OAC 340:5-5-6(i)~~ subsection (i).

(5) The APS specialist is responsible for assembling the required information and submitting it to the court of jurisdiction.

(6) When an investigation indicates that the vulnerable adult is likely to need assistance with his or her affairs for an extended period of time, consideration is given to identifying a relative, friend, or other person interested in the well-being of the client to serve as permanent guardian. Any person interested in the welfare of a person believed incapacitated or partially incapacitated may file a guardianship petition with the court. Procedures for filing the petition are given in ~~Section 30 O.S. § 3-101 of Title 30 of the Oklahoma Statutes~~, the Oklahoma Guardianship and Conservatorship Act. Interested persons are referred to the office of the district court clerk for further information and assistance.

(m) **Continuation of services for an additional period.** If after the hearing the vulnerable adult is found in need of continued protective services, the court issues an order to continue the temporary guardianship to provide specified protective services for an additional period not to exceed ~~six months~~ 180 calendar days, as authorized by ~~Section 10-108.L of Title 43A of the Oklahoma Statutes~~ 43A O.S. § 10-108. If after the 180 calendar days the vulnerable adult is still found in need of protective services, the court may renew the order every six months as needed.

(n) **Sale of real property.** In the event that temporary guardianship extends for more than one year and the client owns real property that must be sold in order to qualify for SoonerCare (Medicaid), OKDHS may as temporary guardian sell the real property of the vulnerable adult pursuant to the provisions of the Oklahoma Guardianship and Conservatorship Act and as directed by the OKDHS Legal Division. The fact that the vulnerable adult would be in jeopardy for receipt of SoonerCare (Medicaid) if the property was not sold shall be stated in the court order directing the sale of the real property.

(o) **Sale of personal property.** The court may issue an order authorizing OKDHS to sell personal property of a vulnerable adult when additional resources are required to pay for necessary care for the vulnerable adult.

(~~np~~) **Responsibilities of the temporary guardian of the person or estate.** The APS specialist as temporary guardian is responsible for ensuring, to the extent possible, protection of the client residence, resources, and belongings. This includes:

- (1) securing the residence, checking and gathering the mail, and feeding or arranging for care for the client's domestic animals or livestock;
- (2) inventorying the client's home and personal property, using a video camera where available.

(A) For enhanced accountability a minimum of two people must be present during the inventory, one of whom is a law enforcement representative or non-OKDHS employee.

(B) All persons present during the inventory must sign a document attesting to the authenticity of the inventory and/or the video recording;

(3) establishing an account at a local financial institution and depositing any cash and uncashed checks; and

(4) securing other valuables located during the inventory. The APS specialist:

(A) arranges to have the locks changed or padlocks the residence to secure it from intrusion, if necessary; and

(B) advises all parties that no one is allowed to enter the residence unless accompanied by a representative of OKDHS, for as long as the temporary guardianship is in effect.

(~~eq~~) **Additional responsibilities of temporary guardian of the estate.** The APS specialist responsible for the temporary guardianship of the estate:

(1) opens a guardianship account in a local financial institution and regularly collects and deposits monies due to the client;

(2) submits an accounting to the court as ordered by the court, no less than quarterly;

(3) works with the court, the client's attorney, the DA, and the OKDHS Legal Division to obtain a professional accountant to manage the estate; and

(4) absent the availability of professional financial management, is responsible for regular financial activities as dictated by the client's circumstances, which include, but are not limited to, the timely:

(A) payment and documentation of the client's expenses, and other bills as they occur. Cash transactions require documentation of APS supervisory approval and a signed and witnessed receipt from the recipient of the cash;

(B) deposit of funds received;

(C) redirection of incoming funds to the new account; and

(D) protection of existing accounts.

(~~pr~~) **Responsibility of APS specialist - involuntary protective services.** In cases where temporary guardianship of the person has been granted to OKDHS, the APS specialist provides, arranges, or facilitates the protective services ordered by the court. This may include, but is not limited to:

(1) hiring of in-home caregivers to provide in-home care and protection for the client;

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- (2) placement in a medical facility for treatment of health related problems;
- (3) placement in a safe and anonymous location;
- (4) placement in a facility for either short or long term care needs. Long term care facilities include:
  - (A) residential care facilities;
  - (B) group homes;
  - (C) nursing homes;
  - (D) intermediate care facilities for persons with mental retardation;
  - (E) assisted living centers;
  - (F) skilled nursing facilities; or
  - (G) ~~or~~ any other type of facility licensed to provide 24-hour care and/or services for vulnerable adults.

**(e)s Responsibility of APS specialist - emergency out-of-home placement - ex-parte hearing.** When an emergency situation requires immediate placement, the APS specialist places the client in a licensed facility that, to the best of the APS specialist's knowledge, provides the required services needed to ameliorate the current emergency situation. Reasons for this choice are documented in the case record and provided to the court at the 72-hour hearing.

**(t) Enforcement of involuntary court orders.** In order to enforce the involuntary order of protective services, the court may order:

- (1) forcible entry of the premises of the vulnerable adult to be protected;
- (2) transportation of the vulnerable adult to another location; or
- (3) the eviction of a person from any property owned, leased, or rented by the vulnerable adult and restricting that person from further access to any property of the vulnerable adult.

[OAR Docket #07-1434; filed 10-24-07]

## TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 10. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)

[OAR Docket #07-1432]

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

Subchapter 15. Conditions of Eligibility - Citizenship and Alienage  
340:10-15-1 [AMENDED]  
(Reference APA WF 07-17)

### AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; 56 O.S. § 71; and 74 O.S. § 20j.

### DATES:

#### Adoption:

September 25, 2007

#### Approved by Governor:

October 16, 2007

#### Effective:

November 1, 2007

#### Expiration:

Effective through July 14, 2008, unless superseded by another rule or disapproved by the Legislature.

### SUPERSEDED EMERGENCY ACTIONS:

n/a

### INCORPORATIONS BY REFERENCE:

n/a

### FINDING OF EMERGENCY:

Emergency rulemaking approval is requested as OKDHS finds compelling public interest to amend rules to add requirements regarding verification of the lawful presence in the U.S. for persons 14 years of age or older who are applying for state or federal public benefits. If the proposed rule revisions are not implemented, OKDHS will not be in compliance with 56 O.S. § 71 and 74 O.S. § 20j effective November 1, 2007.

### ANALYSIS:

The proposed revisions to Subchapter 15 of Chapter 10 amend rules to bring rules into compliance with Section 71 of Title 56 and Section 20j of Title 74 of the Oklahoma Statutes (56 O.S. § 71 and 74 O.S. § 20j) effective November 1, 2007 as provided in House Bill 1804; that mandates the Oklahoma Department of Human Services (OKDHS) establish rules regarding the verification of the lawful presence in the United States (U.S.) for persons 14 years of age or older who are applying for state or federal public benefits.

### CONTACT PERSON:

Dena Thayer at (405)521-4326

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D) AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR OR NOVEMBER 1, 2007, WHICHEVER IS LATER:**

## SUBCHAPTER 15. CONDITIONS OF ELIGIBILITY - CITIZENSHIP AND ALIENAGE

### 340:10-15-1. Citizenship and alien status

(a) An individual eligible to be included in a Temporary Assistance for Needy Families (TANF) benefit, must be either:

- (1) a citizen or a national of the United States (U.S.), including the 50 states, District of Columbia, commonwealth of Puerto Rico, Virgin Islands, Guam, American Samoa and Northern Mariana Islands. An individual may be a citizen of the U.S. by being born in the U.S. or by being born in some other country but moving to the U.S. and being granted U.S. citizenship through the U.S. Citizenship and Immigration Services (USCIS) a bureau of the U.S. Department of Homeland Security; or
- (2) a qualified alien described as:

(A) an alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA);

(B) an alien who is paroled into the U.S. under Section 212(d)(5) of ~~such Act~~ INA for a period of at least one year;

(C) an alien who is granted conditional entry pursuant to Section 203(a)(7) of ~~such Act~~ INA as in effect prior to April 1, 1980;

(D) an alien who is granted asylum under Section 208 of ~~such Act~~ INA;

(E) a refugee who is admitted to the U.S. under Section 207 of ~~such Act~~ INA;

(F) an alien whose deportation is withheld under Section 243(h) or Section 241(b)(3) of ~~such Act~~ INA;

(G) an alien who is a Cuban or Haitian entrant as defined in Section 501(e) of the Refugee Education Assistance Act of 1980;

(H) battered aliens and their children or parents as defined in Section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act as amended; or [8 U.S.C. 1641(c)]

(I) an alien and his or her eligible relatives who are victims of a severe form of trafficking pursuant to Section 107(b) of the Trafficking Victims Protection Act of 2000 which was reauthorized and amended by the Trafficking Victims Protection Reauthorization Act of 2003.

(b) A qualified alien who enters the U.S. on or after August 22, 1996, is not eligible for TANF benefits for a five year period beginning on the date of the alien's entry into the U.S. with a qualified alien status unless the alien is:

- (1) admitted to the U.S. as a refugee;
- (2) granted asylum;
- (3) one whose deportation is being withheld;
- (4) a Cuban or Haitian entrant;
- (5) admitted to the U.S. as an Amerasian immigrant;
- (6) lawfully residing in the state and is a veteran of the U.S. armed forces, on active duty, or is that person's spouse or unmarried dependent child; or
- (7) is a victim of a severe form of trafficking.

(c) A declaration of citizenship and alien status is required for all adults and children in the TANF benefit. This requirement is met when an adult member in the assistance unit ~~completes and signs Form FSS 1, Comprehensive Application and Review, the application or review form~~ attesting to the citizenship and alien status for all members of the assistance unit. Refer to OAC 340:65-3-1(g) for additional citizenship requirements for persons 14 years of age and older pursuant to Section 71 of Title 56 and Section 20j of Title 74 of the Oklahoma Statutes.

(d) Declaration on behalf of a newborn child may be delayed provided the delay does not exceed the date of the assistance unit's next eligibility redetermination.

(e) Persons determined as having satisfactory alien status must have the status verified through Systematic Alien Verification for Entitlements (SAVE). In situations which require a written inquiry to the USCIS, the worker must not delay, deny, terminate, or reduce benefits to an alien pending USCIS verification of submitted documentation.

(f) All persons born in the U.S. are, with rare exceptions, U.S. citizens. Documents of citizenship or national status of individuals from certain U.S. territories or possessions listed in (a)(1) of this Section may not be in their possession nor available. Their status can usually be determined by birth certificate, passport, or other official document.

[OAR Docket #07-1432; filed 10-24-07]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES  
CHAPTER 20. LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)**

[OAR Docket #07-1431]

**RULEMAKING ACTION:**

EMERGENCY adoption

**RULES:**

Subchapter 1. Low Income Home Energy Assistance Program

340:20-1-8 [AMENDED]

(Reference APA WF 07-20)

**AUTHORITY:**

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; 56 O.S. § 71; and 74 O.S. § 20j.

**DATES:**

**Adoption:**

September 25, 2007

**Approved by Governor:**

October 16, 2007

**Effective:**

November 1, 2007

**Expiration:**

Effective through July 14, 2008, unless superseded by another rule or disapproved by the Legislature.

**SUPERSEDED EMERGENCY ACTIONS:**

n/a

**INCORPORATIONS BY REFERENCE:**

n/a

**FINDING OF EMERGENCY:**

Emergency rulemaking approval is requested as OKDHS finds compelling public interest to amend rules to add requirements regarding verification of the lawful presence in the U.S. for persons 14 years of age or older who are applying for state or federal public benefits. If the proposed rule revisions are not implemented, OKDHS will not be in compliance with 56 O.S. § 71 and 74 O.S. § 20j effective November 1, 2007.

**ANALYSIS:**

The purpose of the proposed rules is to bring Chapter 20 rules into compliance with Section 71 of Title 56 and Section 20j of Title 74 of the Oklahoma Statutes (56 O.S. § 71 and 74 O.S. § 20j) effective November 1, 2007 as provided in House Bill 1804; that mandates the Oklahoma Department of Human Services (OKDHS) establish rules regarding the verification of the lawful presence in the United States (U.S.) for persons 14 years of age or older who are applying for state or federal public benefits and to update policy regarding who is an eligible alien.

**CONTACT PERSON:**

Dena Thayer at (405)521-4326

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR, AS SET FORTH IN 75 O.S., SECTION 253(D), WITH A LATER EFFECTIVE DATE OF NOVEMBER 1, 2007:**

**SUBCHAPTER 1. LOW INCOME HOME ENERGY ASSISTANCE PROGRAM**

**340:20-1-8. Legalized aliens Citizenship and alien status**

(a) ~~Pursuant to the Immigration and Reform Act of 1986 [P.L. 99-603], former illegal aliens who met Immigration and Naturalization Services (INS) requirements could be granted~~

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~~temporary resident status beginning May 1987 and ending May 1988. These legalized, or amnesty, aliens were ineligible for all components of LIHEAP for a five year period beginning with the date lawful temporary resident status was granted. The five year ineligibility period for all amnesty aliens (and certain nationals of Afghanistan, Ethiopia, Poland and Uganda) has expired. To be eligible for Low Income Home Energy Assistance Program (LIHEAP) benefits an individual must be:~~

- ~~(1) a United States (U.S.) citizen;~~
  - ~~(2) a U.S. non-citizen national;~~
  - ~~(3) an alien who is both qualified and eligible; or~~
  - ~~(4) an alien not required to meet qualified alien status.~~
- (b) Legalized or amnesty aliens are now eligible to participate in LIHEAP. Aliens who were granted lawful status should have a unique identification card issued by INS, either an I-688 (Temporary Resident Card) for lawful temporary residents, or an I-551 (Resident Alien Card or "green card") for lawful permanent residents. Pursuant to Section 71 of Title 56 and Section 20j of Title 74 of the Oklahoma Statutes, all persons 14 years of age and older must declare whether they are residing in the U.S. lawfully and may be required to sign Form 08MP005E, Citizenship Affidavit, in accordance with OAC 340:65-3-1(g).

[OAR Docket #07-1431; filed 10-24-07]

## TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 25. CHILD SUPPORT ENFORCEMENT DIVISION

[OAR Docket #07-1435]

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

Subchapter 5. Operational Policies  
Part 27. State Tax Refund Offset Program  
340:25-5-244 [AMENDED]  
(Reference APA WF 07-15)

### AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; Section 303.102 of Title 45 of the Code of Federal Regulations; Section 205.2 of Title 68 of the Oklahoma Statutes; and Sections 11-6 through 11-11 of Chapter 50 of Title 710 of the Oklahoma Administrative Code.

### DATES:

#### Adoption:

September 25, 2007

#### Approved by Governor:

October 16, 2007

#### Effective:

November 1, 2007

#### Expiration:

Effective through July 14, 2008, unless superseded by another rule or disapproved by the Legislature.

### SUPERSEDED EMERGENCY ACTIONS:

n/a

### INCORPORATIONS BY REFERENCE:

n/a

### FINDING OF EMERGENCY:

Emergency approval is requested to bring the Oklahoma Administrative Code into compliance with state law. Senate Bill 814, approved by the Governor and effective July 1, 2007, changes the number of days a non

custodial parent can request a hearing if their state tax was taken for the purpose of paying past due child support. This legislation also clarifies the 30 day time frame begins from the mailing date of the notice to the debtor that the state tax offset has occurred.

### ANALYSIS:

The proposed revisions bring the Oklahoma Department of Human Services (OKDHS) into compliance with Senate Bill 814 that amended Title 68 § 205.2 of the Oklahoma Statutes providing non custodial parents 30 days, from the date the notice of offset was mailed, to request a hearing when tax refunds have been taken for the payment of past due child support.

### CONTACT PERSON:

Dena Thayer at (405)521-4326

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR, AS SET FORTH IN 75 O.S., SECTION 253(D), WITH A LATER EFFECTIVE DATE OF NOVEMBER 1, 2007:**

## SUBCHAPTER 5. OPERATIONAL POLICIES

### PART 27. STATE TAX REFUND OFFSET PROGRAM

#### 340:25-5-244. Review procedures for state tax refund offset program

(a) The Oklahoma Department of Human Services Child Support Enforcement Division (CSED) follows the provisions of this Section in conducting administrative hearings of state tax offsets if the initial annual notice process under Section 237A of Title 56 of the Oklahoma Statutes and OAC 340:25-5-213 has not been completed.

(1) If the initial annual notice process has been completed, CSED requests collection through state tax offset without additional notice.

(2) The noncustodial parent, non-obligated spouse, or debtor whose state tax refund was offset may request a hearing as instructed in the notice of offset. The review must be requested in writing within the time specified in the notice of offset.

(b) CSED may release or refund the offset in whole or in part to the noncustodial parent or debtor if CSED finds there has been a mistake of fact or identity.

(c) A non-obligated spouse may request a refund of the offset within the time specified in the notice of offset. The non-obligated spouse requesting a refund must submit copies of federal and state tax forms and all attachments to CSED. If the non-obligated spouse reports income on the tax return, CSED may release or refund the offset in whole or in part to the non-obligated spouse, prorated based on the income of the noncustodial parent and the non-obligated spouse.

(d) Upon receipt of a written request for hearing within ~~60~~ 30 days ~~after the receipt of from the date of mailing~~ the debtor's notice of tax offset, CSED schedules the matter for an administrative hearing before the Office of Administrative Hearings: Child Support (OAH). OAH conducts a hearing and enters an order determining the contested issues.

(e) The administrative order may be appealed to the district court within 30 days by any aggrieved party.

[OAR Docket #07-1435; filed 10-24-07]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES  
CHAPTER 50. FOOD STAMP PROGRAM**

[OAR Docket #07-1430]

**RULEMAKING ACTION:**

EMERGENCY adoption

**RULES:**

Subchapter 5. Non-Financial Eligibility Criteria  
Part 7. Related Provisions  
340:50-5-67 [AMENDED]  
(Reference APA WF 07-21)

**AUTHORITY:**

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; 56 O.S. § 71; and 74 O.S. § 20j.

**DATES:**

**Adoption:**

September 25, 2007

**Approved by Governor:**

October 16, 2007

**Effective:**

November 1, 2007

**Expiration:**

Effective through July 14, 2008, unless superseded by another rule or disapproved by the Legislature.

**SUPERSEDED EMERGENCY ACTIONS:**

n/a

**INCORPORATIONS BY REFERENCE:**

n/a

**FINDING OF EMERGENCY:**

Emergency rulemaking approval is requested as OKDHS finds compelling public interest to amend rules to add requirements regarding verification of the lawful presence in the U.S. for persons 14 years of age or older who are applying for state or federal public benefits. If the proposed rule revisions are not implemented, OKDHS will not be in compliance with 56 O.S. § 71 and 74 O.S. § 20j effective November 1, 2007.

**ANALYSIS:**

The purpose of the proposed rules is to bring Subchapter 5 of Chapter 50 rules into compliance with Section 71 of Title 56 and Section 20j of Title 74 of the Oklahoma Statutes (56 O.S. § 71 and 74 O.S. § 20j) effective November 1, 2007 as provided in House Bill 1804; that mandates the Oklahoma Department of Human Services (OKDHS) establish rules regarding the verification of the lawful presence in the United States (U.S.) for persons 14 years of age or older who are applying for state or federal public benefits.

**CONTACT PERSON:**

Dena Thayer at (405)521-4326

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D) AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR OR NOVEMBER 1, 2007, WHICHEVER IS LATER:**

**SUBCHAPTER 5. NON-FINANCIAL ELIGIBILITY CRITERIA**

**PART 7. RELATED PROVISIONS**

**340:50-5-67. Citizenship and alien status**

(a) To be eligible for food stamp benefits an individual must be:

- (1) a United States (U.S.) citizen;
- (2) a U.S. non-citizen national;
- (3) an alien who is both qualified and eligible; or
- (4) an alien not required to meet qualified alien status.

(b) Pursuant to Section 71 of Title 56 and Section 20j of Title 74 of the Oklahoma Statutes, all persons 14 years of age and older must declare whether they are residing in the U.S. lawfully and may be required to sign Form 08MP005E, Citizenship Affidavit, in accordance with OAC 340:65-3-1(g).

[OAR Docket #07-1430; filed 10-24-07]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES  
CHAPTER 65. PUBLIC ASSISTANCE PROCEDURES**

[OAR Docket #07-1433]

**RULEMAKING ACTION:**

EMERGENCY adoption

**RULES:**

Subchapter 3. Eligibility for Benefits  
340:65-3-1 [AMENDED]  
340:65-3-8 [AMENDED]  
(Reference APA WF 07-18)

**AUTHORITY:**

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; 56 O.S. § 71; and 74 O.S. § 20j.

**DATES:**

**Adoption:**

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**Approved by Governor:**

October 16, 2007

**Effective:**

November 1, 2007

**Expiration:**

Effective through July 14, 2008, unless superseded by another rule or disapproved by the Legislature.

**SUPERSEDED EMERGENCY ACTIONS:**

n/a

**INCORPORATIONS BY REFERENCE:**

n/a

**FINDING OF EMERGENCY:**

Emergency rulemaking approval is requested as OKDHS finds compelling public interest to amend rules to add requirements regarding verification of the lawful presence in the U.S. for persons 14 years of age or older who are applying for state or federal public benefits. If the proposed rule revisions are not implemented, OKDHS will not be in compliance with 56 O.S. § 71 and 74 O.S. § 20j effective November 1, 2007.

**ANALYSIS:**

The proposed revisions to Subchapter 3 of Chapter 65 amend rules to: (1) bring rules into compliance with Section 71 of Title 56 and Section 20j of Title 74 of the Oklahoma Statutes (56 O.S. § 71 and 74 O.S. § 20j) effective November 1, 2007 as provided in House Bill 1804; that mandates the Oklahoma Department of Human Services (OKDHS) establish rules regarding the verification of the lawful presence in the United States (U.S.) for persons 14 years of age or older who are applying for state or federal public benefits; (2) amend application/review form names and numbers to reflect changes made to the application/review forms to address citizenship and to make the forms easier for clients to complete; (3) add a new citizenship affidavit form;

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(4) add comprehensive information by program regarding when: an interview is required for an application or a review/recertification and a signature is required on a review/recertification form; (5) add clarifying information regarding time frames for when a review/recertification must be completed by program; and (6) update form numbers.

## CONTACT PERSON:

Dena Thayer at (405)521-4326

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D) AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR OR NOVEMBER 1, 2007, WHICHEVER IS LATER:**

## SUBCHAPTER 3. ELIGIBILITY FOR BENEFITS

### 340:65-3-1. Determination of eligibility

(a) **Eligibility determination.** The determination of eligibility is a continuous process that begins with an application. It includes the final disposition of the application and all subsequent activities related to determining continuing eligibility. The ~~client~~ applicant has the right and the responsibility to participate in the eligibility determination and is relied on as the first source of information.

(1) In instances when it is difficult for the applicant to complete the application, someone acting on the applicant's behalf such as an authorized representative or a person with power-of-attorney may complete the application for all programs except Temporary Assistance for Needy Families (TANF).

(2) When someone other than the applicant applies on behalf of the applicant, he or she must bring a signed statement from the applicant giving this person permission to act on behalf of the applicant or the applicant must have designated this person as his or her authorized representative on the signed application. The SoonerCare (Medicaid) programs allows others to apply for the applicant without a written designation.

(b) **Application forms.** A signed application is required to determine initial eligibility for benefits. The client completes Application forms used include:

(1) ~~Form FSS 1 08MP001E, Comprehensive Application and Review Request for Benefits, Form 08MP002E, Eligibility Information for Benefits, and Form 08MP003E, Responsibilities and Signature for Benefits, to apply for:~~

- (A) food benefits;
- (B) State Supplemental Payment (SSP);
- (C) Supplemental Security Income-Disabled Children's Program (SSI-DCP);
- (D) ~~Temporary Assistance for Needy Families (TANF); or~~
- (E) SoonerCare (Medicaid) benefits, Form SC-1, SoonerCare Health Benefits Application, may be used instead for pregnant women and families with children; or

(F) child care benefits; or

(2) ~~Form FSS 1 or K 2, Application for Child Care Services, to apply for child care benefits. Computer-generated Form 08LH001E, Application for Low Income Home Energy Assistance (Heating), or Form 08LH002E, Application for Low Income Home Energy Assistance - Walk-In, to apply for Low Income Home Energy Assistance Program (LIHEAP).~~

(c) **Signatures ~~Signature~~ requirements.** The ~~client~~ applicant, guardian, or someone acting on the ~~client's~~ applicant's behalf such as an authorized representative or ~~someone a person~~ with power-of-attorney must sign ~~Form FSS 1 or K 2 the application form.~~ For TANF applications, if a client must be signed by the applicant. and If the applicant is living with his or her spouse are living together, both must sign the application form. The client applicant may voluntarily withdraw the request for assistance benefits or services either before or after signing the application form. A client An applicant who is:

- (1) eligible for Medicare signs the application using the name on his or her Medicare Health Insurance Benefits (HIB) card; or
- (2) not eligible for Medicare signs the application using the name shown on his or her Social Security card.

(d) **Interview requirements.** Whether an interview is required varies depending on the program.

(1) Prior to approval for benefits, the applicant must complete a face-to-face interview for the:

- (A) Food Stamp Program. Exceptions are found at OAC 340:50-3-2(b); or
- (B) TANF Program.

(2) A telephone or face-to-face interview is required for the:

- (A) Child Care Program;
- (B) SSP Program;
- (C) SoonerCare (Medicaid) long-term care programs such as Advantage Waiver, nursing home care, or personal care; or
- (D) SoonerCare (Medicaid) programs that categorically relate to the aged, blind, and disabled population such as Qualified Medicare Beneficiary (QMB), Specified Low-Income Medicare Beneficiary (SLMB), Qualified Disabled and Working Individuals (QDWI), or Qualified Medicare Beneficiary Plus (QMBP).

(3) An interview is not required prior to approval for SoonerCare (Medicaid) for pregnant women and families with children or LIHEAP benefits.

(de) **Worker responsibilities.** The worker is responsible for:

(1) advising the client applicant during the application process of the:

- (A) ~~of the~~ Oklahoma Department of Human Services (OKDHS) responsibility for reaching a decision and notifying the client applicant of eligibility or ineligibility within the appropriate time limits;
- (B) ~~of his or her applicant's~~ right to request a fair hearing per OAC 340:2-5, either orally or in writing, and be represented at the hearing by any person the

~~client applicant~~ chooses if. A hearing may be requested when there is a:

- (i) delay beyond the established time limits for determining eligibility per OAC 340:65-3-5; or
- (ii) disagreement with any action taken on the case;
- (C) ~~of his or her applicant's~~ legal responsibility for reporting all facts pertinent to eligibility;
- (D) ~~of the~~ types of changes the client applicant must report within ten calendar days;
- (E) ~~of the~~ penalty for failure to report changes;
- (F) ~~of~~ information needed to establish eligibility. When requesting information or verification from the client applicant, the worker uses Form ~~ADM 92 08AD092E, County~~ Client Contact and Information Request, and gives the client applicant at least ten calendar days to respond to the request; ~~per OAC 340:65-3-2.1;~~
- (G) ~~of the~~ assistance provided by OKDHS ~~can give~~ in establishing eligibility;
- (H) ~~that by signing the application he or she is giving permission the applicant gives~~ OKDHS ~~permission~~ to obtain information from sources other than the client applicant by signing the application; and
- (I) requirement that he or she the applicant must cooperate with state and federal officials if ~~his or her the applicant's~~ case is selected for a Quality Control review;

(2) collecting information necessary for determining the client's applicant's initial and continuing eligibility. Information considered verified upon receipt if that information is not questionable or inconsistent with known facts, and the provider of the information is the primary source of the information, is the:

- (A) client's applicant's statement concerning:
  - (i) residency;
  - (ii) relationship;
  - (iii) age;
  - (iv) living in the home of a relative payee;
  - (v) minor parent living in the home of a relative;
  - (vi) Social Security number (SSN);
  - ~~(vii) citizenship;~~
  - ~~(viii)~~ vii non-liquid resources;
  - ~~(ix)~~ viii household members;
  - ~~(x)~~ ix school attendance; and
  - ~~(xi)~~ x third party insurance;
- (B) unearned income information obtained through:
  - (i) Beneficiary and Earnings Data Exchange System (BENDEX), from the Social Security Administration (SSA);
  - (ii) Supplemental Security Income (SSI)/State Data Exchange System (SDX), from SSA;
  - (iii) Unemployment Insurance Benefits (UIB), from the Oklahoma Employment Security Commission (OESC);

- (iv) workers' compensation documents from Workers' Compensation Court; and
  - ~~(v)~~ C alien status information obtained through Systematic Alien Verification for Entitlements (SAVE), from the United States Citizenship and Immigration Services (USCIS);
  - (3) contacting other persons who may be able to help in establishing eligibility if the client applicant is unable to participate in the eligibility determination because of physical or mental disability, inability to speak English, or other difficulties;
  - (4) recognizing expressed or implied needs;
  - (5) determining whether there is a need for crisis intervention;
  - (6) making appropriate referrals;
  - (7) ensuring all of the client's applicant's social services needs are addressed and met; and
  - (8) denying the application if sufficient facts are available to substantiate ineligibility.
- (ef) **Requirement for SSN.** A verifiable SSN or application for a SSN is required for every person whose needs are included for food ~~stamp~~ benefits, SSP, SSI-DCP, or TANF benefits. The requirement for a verifiable SSN also applies to all persons whose needs are included for SoonerCare (Medicaid) benefits, except newborn children deemed eligible and aliens who are residing in the United States (U.S.) unlawfully.

(1) The worker accepts the client's applicant's statement to document the SSN unless the information is inconsistent or there are other facts or observations which cause the worker to question the statement.

(A) Persons for whom a SSN is required but not available must be referred to the appropriate SSA office for SSN enumeration.

(i) The worker uses Form ~~ADM 404 08AD101E~~, SSN Enumeration Referral, ~~is used~~ to refer persons to the SSA office for a SSN application.

(ii) The return of Form ~~ADM 404 08AD101E~~ to the human services center (HSC) validates the application(s) or indicates which persons have not provided to SSA appropriate original evidence of age, identity, and citizenship.

(B) Parents of newborns who participate in Enumeration at Birth (EAB) receive from hospital personnel Form SSA-2853-OP3, Message From Social Security. This receipt form is verification the newborn was enumerated at birth.

(2) ~~An~~ The worker denies the application for assistance is denied or does not include the person's needs are not included person for benefits if the person fails or refuses to furnish or to apply for a SSN.

(A) For TANF purposes, the person's needs are included; however, a 25% payment standard reduction penalty is imposed until an application for or a SSN is provided.

(B) For food benefit and SoonerCare (Medicaid) purposes, only the needs of the person for whom a SSN is not provided or applied for are not included.

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(g) **Citizenship requirement.** All persons who are applying for state or federal public benefits such as child care, food benefits, LIHEAP, SoonerCare (Medicaid), SSP, or TANF must declare whether they are residing in the U.S. lawfully. Initially, the applicant must declare the citizenship or alien status for each household member applying for such benefits on the application form. Citizenship and alien status for persons applying for SoonerCare (Medicaid) benefits is determined using specific program requirements found at OAC 317:35-5-25. The following citizenship requirements are pursuant to Section 71 of Title 56 and Section 20j of Title 74 of the Oklahoma Statutes. Form 08MP022E, Declaration of Citizenship Status, is completed to declare the citizenship or alien status of additional household members who request benefits after certification. The application form and Form 08MP022E contain a statement advising the applicant that fraudulent claims of citizenship or lawful alien status are reported to the U.S. Attorney and may be subject to criminal prosecution.

(1) When the applicant declares that some or all of the household members applying for benefits are aliens, the worker must follow the SAVE procedures described at OAC 340:65-3-4 to determine if the documents provided to verify legal alien status are valid.

(2) The worker also must follow specific program policy regarding citizenship and alien status requirements to determine benefit eligibility found at:

(A) OAC 340:40-7-5 and OAC 340:10-15-1 for child care;

(B) OAC 340:50-5-67 for food benefits;

(C) OAC 340:20-1-8, OAC 340:20-1-10, and OAC 340:50-5-67 for LIHEAP;

(D) OAC 317:35-5-25 for SSP; and

(E) OAC 340:10-15-1 for TANF.

(3) Lawful status in the U.S. is considered verified if each person applying for benefits has furnished a SSN or Form 08AD101E from SSA indicating that the person has completed the application to apply for a SSN. OKDHS then through an automated data exchange transaction attempts to match SSN data exchange information with SSA.

(4) When OKDHS is unable to match the SSN with SSA for a person 14 years of age or older who is applying for benefits, that person must sign and have notarized Form 08MP005E, Citizenship Affidavit, attesting to his or her U.S. citizenship or alien status unless lawful status has been verified by a U.S. birth certificate, U.S. passport, or a Certificate of Naturalization.

(5) When the person fails or refuses to sign and have notarized Form 08MP005E, benefits are denied or closed for that person.

(6) When the worker finds that a person who signed Form 08MP005E attesting to U.S. citizenship or legal alien status made a false claim:

(A) the worker sends to Family Support Services Division (FSSD) any applicable evidence and a memo that includes:

(i) the benefits the person fraudulently applied for or obtained;

(ii) the time frame benefits were received; and

(iii) how the worker knows the claim was false;

(B) staff in FSSD in consultation with staff from the Legal Division review the memo and any evidence provided by the worker; and

(C) when FSSD and Legal Division staff determine the person made a false claim, a complaint is filed with the U.S. Attorney for the applicable district based upon the venue in which the affidavit was executed.

### 340:65-3-8. Determination of continuing eligibility

(a) **Determination of continuing eligibility.** ~~Eligibility determination~~ Determining continuing eligibility is a ~~continuing~~ process which must be carried out at appropriate intervals. The appropriate interval for reviewing eligibility depends on the ~~type(s)~~ type of ~~benefit(s)~~ benefit received. ~~An eligibility review may be scheduled to synchronize with other benefit reviews.~~ The worker is responsible for:

(1) advising the recipient at each contact of the recipient's responsibility to report changes within ten calendar days of the date the change becomes known;

(2) making contacts at unspecified intervals to ensure continuing eligibility;

(3) synchronizing the review dates for all benefits received by the household whenever possible; and

(34) determining continuing eligibility.

(b) **Eligibility review or recertification forms.** Form 08MP001E, Request for Benefits, Form 08MP002E, Eligibility Information for Benefits, and Form 08MP003E, Responsibilities and Signature for Benefits, are used as the review or recertification forms for food benefits, subsidized child care benefits, Temporary Assistance for Needy Families (TANF), State Supplemental Payment (SSP), or SoonerCare (Medicaid) benefits. Other forms that may be used include:

(1) computer-generated Form 08MA007E, Recertification of Eligibility for SoonerCare Health Benefits, for pregnant women and families with children approved for SoonerCare (Medicaid) benefits;

(2) computer-generated Form 08MP004E, Benefit Review Report, for persons subject to benefit review. These may include recipients of food, child care, or SoonerCare (Medicaid) benefits; or

(3) Form 08MA017E, SSI-DCP Service Plan, for children receiving Supplemental Security Income-Disabled Children's Program (SSI-DCP) services per OAC 340:70-8-1.

(c) **Signature requirements.** The review or recertification form must be signed by the recipient, guardian, or a person acting on the recipient's behalf, such as an authorized representative or a person with power-of-attorney. TANF reviews must be signed by the recipient. If the recipient is living with his or her spouse, both must sign the review form. The only exception to the signature requirement is for a SoonerCare (Medicaid) review completed over the telephone using Form 08MA007E or Form 08MP004E.

(A d) Review or recertification time frames. A periodic review of eligibility is completed at 12 month intervals for: or recertification time frame varies depending on the program.

(1) The worker completes a review at six month intervals with a:

(iA) ~~a Temporary Assistance for Needy Families (TANF) recipient except when six month intervals are required~~ due to:

- (i) protective payments;
- (ii) pending required immunizations;
- (iii) payment standard reductions ~~due to~~ because of intentional program violations;
- (iv) hardship extension approvals;
- (v) earned income;
- (vi) ~~a work-eligible individual person exempt from TANF Work activities due to~~ because of incapacity; or
- (vii) ~~a work-eligible individual person exempt from TANF Work activities due to~~ caring to care for an disabled family member living in the household;

(B) child care recipient who is receiving child care benefits because of a protective or preventive reason per OAC 340:40-7-8; or

(C) food benefit recipient subject to semi-annual benefit reporting per OAC 340:50-9-5(i).

(2) The worker completes a review or recertification at 12-month intervals with a:

(A) TANF recipient unless an earlier review date is warranted;

(B) a State Supplemental Payment (SSP) recipient based on the review of need for Health Benefits SoonerCare (Medicaid);

(C) a child receiving SoonerCare (Medicaid) who is in state or tribal custody;

(D) child care benefits except when:

- (i) ~~there is an expected or reported change in the days and hours child care is needed;~~
- (ii) ~~there is an anticipated change in income; or~~
- (iii) ~~protective or preventive child care is approved~~ recipient unless an earlier review date is warranted per OAC 340:40-9-1;

(E) a non-public assistance (non-PA) food benefit household, unless the household contains an able bodied adult without dependents who is not meeting work requirements or is not otherwise exempt, or all adult household members are elderly or disabled with no earned income who is subject to semi-annual benefit reporting per OAC 340:50-9-5(i) must complete a recertification form. A benefit review is completed at six month intervals by sending Form 08MP004E, Benefit Review Report, to the household in the fifth Non-PA food benefit recipients subject to annual benefit reporting must complete Form 08MP004E in the 11<sup>th</sup> month of certification; and or

(viF) ~~Health Benefits recipients except those who are SoonerCare (Medicaid) recipient unless benefits are approved for less than 12 months. A benefit review is completed at 12 month intervals by sending Form 08MP004E, to the recipient in the 11th month of certification.~~

(B3) ~~A periodic review of eligibility is completed~~ The worker completes a food benefit recertification form at 24-month intervals for a non-PA food benefit household with all adult members elderly or disabled with no earned income who is subject to annual benefit reporting per OAC 340:50-9-5(g). A benefit review is completed at 12 month intervals by sending Form 08MP004E to the household in the 11<sup>th</sup> month of certification.

(e) Interview requirements. Whether an interview is required varies depending on the program.

(1) A face-to-face interview is required for the:

(A) Food Stamp Program at recertification. Exceptions are found at OAC40:50-3-2(b);

(B) TANF Program; or

(C) SSI-DCP service plan review.

(2) A telephone or face-to-face interview is required for the Child Care Program review.

(3) An interview is not required for any of the SoonerCare (Medicaid) programs as long as the review form is complete, including the signature, all required verification provided, and none of the information is questionable. When information is not complete or is questionable, the worker contacts the recipient to obtain needed information.

[OAR Docket #07-1433; filed 10-24-07]

## TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 75. CHILD WELFARE

[OAR Docket #07-1436]

**RULEMAKING ACTION:**

EMERGENCY adoption

**RULES:**

Subchapter 1. General Provisions of Child Welfare Services

Part 1. Scope and Applicability

340:75-1-16 through 340:75-1-18.1 [AMENDED]

340:75-1-20 [AMENDED]

Subchapter 6. Permanency Planning

Part 11. Permanency Planning and Placement Services

340:75-6-85 [AMENDED]

Subchapter 7. Foster Home Care

Part 2. Development of Resources

340:75-7-15 [AMENDED]

Subchapter 15. Adoptions

Part 10. Adoptive Family Assessment and Preparation Process

340:75-15-84 [AMENDED]

340:75-15-87 through 340:75-15-88 [AMENDED]

(Reference APA WF 07-22)

**AUTHORITY:**

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; SB 553; SB 469; HB 1927; and Title 10 of the Oklahoma Statutes.

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## **DATES:**

### **Adoption:**

September 25, 2007

### **Approved by Governor:**

October 16, 2007

### **Effective:**

November 1, 2007

### **Expiration:**

Effective through July 14, 2008, unless superseded by another rule or disapproved by the Legislature.

## **SUPERSEDED EMERGENCY ACTIONS:**

### **Superseded rule:**

Subchapter 7. Foster Home Care  
Part 2. Development of Resources  
340:75-7-15 [AMENDED]

(Reference APA WF 07-12)

### **Gubernatorial approval:**

August 3, 2007

### **Register publication:**

25 OK Reg 20

### **Docket number:**

07-1358

## **INCORPORATIONS BY REFERENCE:**

n/a

## **FINDING OF EMERGENCY:**

Emergency rulemaking approval is requested as OKDHS finds compelling public interest to bring rules into compliance with SB 553, SB 469, and HB 1927. If proposed revisions are not implemented, children could be placed at risk.

## **ANALYSIS:**

The proposed revisions to Subchapter 1, 6, 7, and 15 of Chapter 75 amend the rules to bring the Oklahoma Department of Human Services (OKDHS) adoptive and foster home approval process and court hearing procedures into compliance with: (1) Senate Bill 553 (SB 553); (2) House Bill 1927 (HB 1927) in repealing the OKDHS authority to enter an objection to the release of a child from state custody; and (3) Senate Bill 469 (SB 469) to comply with legislative intent that every effort be made to place children with a member of the child's family.

340:75-1-16 is amended to: (1) state that every effort should be made to place a child with a member of the child's family in a safe and appropriate placement; (2) require OKDHS to provide to any custodian or other person caring for the child information regarding OKDHS programs available to the child; (3) require written notice of any further proceedings to any foster or preadoptive parents or relatives providing care for the child; (4) clarify that the district attorney and attorney for the child may make an objection to the release of a child from the state's custody and clarify the Child Welfare worker's ability to recommend an objection; (5) clarify time frame for filing of written application to review a court order; (6) repeal OKDHS authority to enter an objection to release of child from state custody; (7) clarify that a right to be heard at all proceedings is provided by the court to the current foster parent of the child, the child's guardian ad litem, and to any preadoptive parent or relative providing care for the child; and (8) update sentence structure.

340:75-1-17 is amended to: (1) clarify that prior written notice of the adjudicatory hearing is to be provided to the current foster parent of the child, any preadoptive parent or relative providing care for the child; (2) clarify that a right to be heard is provided by the court to the current foster parent of the child, any preadoptive parent or relative providing care for the child but such right does not require any foster parent, preadoptive parent, or relative be made a party to such action; and (3) add a subsection tagline.

340:75-1-18 is amended to: (1) require that identification of appropriate in-state and out-of-state placements be made; (2) clarify that every effort is made to place a child with a member of the child's family in a safe and appropriate home; (3) clarify that prior written notice of the dispositional hearing is to be provided to the current foster parent of the child, any preadoptive parent or relative providing care for the child; and (4) clarify that such caregivers are provided by the court a right to be heard in any proceeding but such right does not require the caregivers to be made a party to the action.

340:75-1-18.1 is amended to: (1) clarify that information regarding the child's independent living plan and in-state and out-of-state placement options considered for the child should be included in permanency hearing court reports; (2) delete inadvertent requirement for OKDHS to provide notice of hearing to the child's guardian ad litem; and (3) clarify that the court provide the current foster parents of the child, any preadoptive parent, or relative providing care for the child a right to be heard at permanency hearings;

340:75-1-20 is amended to clarify at review hearings: (1) the court report should address consideration of in-state or out-of-state placement options; (2) the court inquires, or causes inquiry to be made of the child, regarding any proposed independent living plan; and (3) the court provides a right to be heard to the current foster parents of the child, any preadoptive parent, or relative providing care for the child.

340:75-6-85 is amended to require that every effort is made to place a child with a member of the child's family in a safe and appropriate home.

340:75-7-15 was recently revised but requires further revision to mirror proposed adoption policy regarding child abuse and neglect registry checks. This amendment will: (1) clarify that out-of-state child abuse and neglect registry checks are done for any foster parent applicant or adult household member who has not lived continuously in Oklahoma for the past five years; (2) clarify that the prospective resource parent is not approved without the results of the state-maintained child abuse and neglect registry checks if a registry is maintain in the applicable state; and (3) direct that any available information be obtained from the applicable state if no child abuse and neglect registry exists.

340:75-15-84 is amended to: (1) require fingerprinting and a Federal Bureau of Investigation (FBI) check of each adoptive applicant and adult household member regardless of length of residence in Oklahoma; and (2) require a search of all applicable out-of-state child abuse and neglect registries when an adoptive applicant or adult household member has not resided continuously in Oklahoma for the past five years.

340:75-15-87 is amended to: (1) clarify that Oklahoma Statutes mandate a Child Abuse and Neglect Information System check for all public agency and private adoptive parent applicants and all other household members 18 years and older; (2) require a search of out-of-state child abuse and neglect registries when an applicant or adult household member has not maintain continuous residency in Oklahoma for the past five years; (3) direct that any available information be obtained from the applicable state if no child abuse and neglect registry exists; and (4) authorize an exception to fingerprinting in limited, case-specific circumstances and authorize an alternate procedure for obtaining a national criminal records check for any applicant or adult residing in the home who has a severe condition that precludes such person from being fingerprinted.

340:75-15-88 is amended to delete language that allows the court to conditionally approve the home of an adoptive applicant or adult household member with certain criminal convictions.

### **CONTACT PERSON:**

Dena Thayer at (405)521-4326

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR, AS SET FORTH IN 75 O.S., SECTION 253(D), WITH A LATER EFFECTIVE DATE OF NOVEMBER 1, 2007:**

## **SUBCHAPTER 1. GENERAL PROVISIONS OF CHILD WELFARE SERVICES**

### **PART 1. SCOPE AND APPLICABILITY**

#### **340:75-1-16. Custody hearings, placement hearings, and court orders**

##### **(a) Emergency custody hearing.**

(1) Within two judicial days after a child is taken into emergency or protective custody as an alleged deprived child, the child's parent(s), legal guardian, or custodian is entitled to an emergency custody hearing, and thereafter at such intervals as determined by the court. ~~The court conducts a~~ **At the hearing, the court to:**

(A) ~~determine~~ **determines** whether to place the child into or continue the child in emergency custody,

if continuation of the child in the child's home is contrary to the health, safety, or welfare of the child;

(B) ~~determine~~ determines whether to release the child to the parent(s), legal guardian, custodian, or other responsible adult, with or without conditions as the court finds reasonably necessary to ensure the health, safety, or welfare of the child.

(i) When a child has been removed from the custodial parent and, in the best interests of the child, the court is unable to release the child to the custodial parent, the court gives priority for placement of the child with the noncustodial parent of the child unless such placement would not be in the child's best interests.

(ii) When the court cannot place the child with the noncustodial parent, custody is awarded consistent with the preferences set forth in Section 21.1 of Title 10 of the Oklahoma Statutes, which are:

- (I) grandparent;
- (II) person indicated by deceased parent;
- (III) relative;
- (IV) person in whose home the child has been living in a wholesome and stable environment, including, but not limited to, a foster parent; or
- (V) any other person deemed suitable by the court and able to provide adequate and proper care and guidance for the child.

(iii) Every effort should be made to place a child with a member of the child's family in a safe and appropriate placement.

~~(iiiiv)~~ When custody of the child cannot be made pursuant to these preferences, the reason for such determination is documented in the court record.

~~(ivv)~~ When the court returns the child to the custody of a parent, relative, or other responsible party, the court may order the Oklahoma Department of Human Services (OKDHS) to provide supervision of the child; and

(C) ~~obtain~~ obtains information from the parent, legal guardian, or custodian necessary to identify and locate kinship placement resources.

(D) requires OKDHS to provide to any custodian or other person caring for the child information on OKDHS programs available to the child; and

(E) requires OKDHS to provide written notice of any further proceedings to any foster or preadoptive parents or relatives providing care for the child.

(2) The purpose of the emergency custody hearing is to show cause why the child was taken into custody or why custody should not return to the parent(s).

(A) An order for removal of a child from the home must make a determination:

(i) that continuation of the child in his or her home is contrary to the child's health, safety, or welfare or is in the child's best interests; and

(ii) whether reasonable efforts to prevent removal were made or, in the absence of preventive efforts, if removal of the child is due to an emergency and is for the child's safety. [10 O.S. § 7003-2.4(G)(1)(a) through (d)]

(B) The judge may enter an order that reasonable efforts are not required, per OAC 340:75-1-18.4.

(C) The emergency custody order may not remain in effect for more than 60 days absent a showing that future extension is necessary to ensure the health, safety, or welfare of the child and is in the best interests of the child.

(b) **Opportunity to be heard in placement and custody decisions.** At any hearing under the Oklahoma Children's Code for the purpose of determining the placement of a child or whether a child in the state's custody, whether protective, emergency, temporary, or permanent, is to be released from such custody, the court provides an opportunity for a representative from OKDHS, the current foster parent, guardian ad litem, and child, if of sufficient age, to present sworn testimony regarding this placement or release. [10 O.S. § 7003-6.2A]

(1) The Child Welfare (CW) worker may be cross-examined by the court and the parties to the case.

(2) The hearing is on the record and the court must issue a written finding.

(3) OKDHS does not have the same right to be heard when the district attorney is declining to file a petition and the child is released by operation of law.

(c) **Objection to release from the state's custody and review of court order.** At any hearing where a child is to be released from the state's custody, whether protective, emergency, temporary, or permanent custody, a determination must be made about whether the court order releasing the child from the state's custody creates a serious risk of danger to the health or safety of the child. The DA and attorney for the child may make an objection to the release of a child from the state's custody.

~~(1) Determination of serious risk of danger to the health or safety of the child.~~ The OKDHS representative makes the determination of serious risk of danger to the health or safety of the child based upon the considerations in this paragraph.

~~(A) Any circumstance in which the child will be placed in the custody of an unsafe caregiver where there is likelihood that significant injury, life threatening consequences, or sexual abuse will occur. Examples include, but are not limited to, a caregiver who;~~

- ~~(i) has an untreated mental illness;~~
- ~~(ii) has significant history of child abuse, substantial neglect, or domestic violence;~~
- ~~(iii) uses alcohol or drugs to the extent it interferes with day to day functioning;~~
- ~~(iv) displays aimless and chronically dangerous parenting practices;~~
- ~~(v) previously harmed a child, which resulted in significant injury, life threatening consequences, sexual abuse, or death;~~

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~~(vi) previously had parental rights terminated or relinquished parental rights to a child due to child abuse or neglect; or~~

~~(vii) allows or will continue to allow others who have displayed any of the conditions in (A) to have access to the child.~~

~~(B) Significant injury and life threatening consequences are more likely to occur to a child three years of age or younger; or to a child of any age who has a disability or any other condition that renders the child totally dependent on the care of others.~~

~~(2) **Review of court order.** The court is required to stay the order when the DA or attorney for the child objects, pending the filing of an application by the objecting party. When verbal notice of an objection is given, the procedure in (A)(1) through (C)(3) of this subsection is followed.~~

~~(A)1) The party giving notice of objection and intention to seek review of the court order files with the presiding judge of the administrative judicial district, no later than 5:00 p.m. the following judicial day within three judicial days from the custody order, a written application to review the order. If OKDHS is the only one to object to the court order, the written application to review the court order is filed by OKDHS.~~

~~(B)2) If the written application is not filed timely or a written notification is received that the objection is withdrawn, the objection is considered abandoned and the stay is lifted.~~

~~(C)3) When the application is filed timely, the presiding judge of the administrative judicial district assigns a juvenile judge within the judicial district to complete a review of the order.~~

~~(i)A) The review is completed within five judicial days of the filing of the written application for review.~~

~~(ii)B) When there is no finding of serious risk of danger, the reviewing judge orders the stay lifted and the child released according to the order under review.~~

~~(iii)C) When the reviewing judge finds a serious risk of danger, the court issuing the order under review is required to enter another order. [10 O.S. § 7003-6.2]~~

~~(d) **Directed placement not allowed.** If the court determines it would be in the best interests of a child, the court may place the child in the legal custody of OKDHS. If the child is placed in OKDHS custody, the court may not direct OKDHS to place the child in a specific home or placement.~~

~~(e) **Right to be heard.** A right to be heard at all proceedings is provided by the court to the current foster parent of a child, the child's guardian ad litem, and to any preadoptive parent or relative providing care for the child. Such notice and right to be heard is not construed as requiring any foster parent, preadoptive parent, or relative be made a party to such action.~~

### 340:75-1-17. Adjudicatory hearing

(a) **Adjudicatory hearing.** The adjudicatory hearing is a proceeding in which the district attorney, representing the State, must prove that the allegations of the deprived petition are supported by evidence and whether the child should be

adjudged a ward of the court. Oklahoma Statutes provide that pre-adjudicatory custody orders are in effect for only a 60 day period. An extension can be ordered by the court after the court has been shown that further extension is necessary to insure the health, safety, or welfare of the child and is in the best interests of the child. In such cases where the district attorney has requested in the petition that reasonable efforts are not required, a finding of such may be made by the court. A permanency hearing is required within 30 days after the court has made a determination that reasonable efforts are not required. The order of adjudication must include a statement that advises the parents, legal guardians or custodians that failure to comply with the requirements of the court may result in the loss of custody of the child or the termination of their parental rights.

(b) **Notification of hearing.** Prior written notice of the hearing, Form 04MP030E, Hearing Notification, is provided by OKDHS to the current foster parent of the child, any preadoptive parent or relative providing care for the child. A right to be heard is provided by the court to the current foster parent of the child, any preadoptive parent or relative providing care for the child. A right to be heard is not construed as requiring any foster parent, preadoptive parent, or relative be made a party to such action.

### 340:75-1-18. Dispositional hearing

(a) **Dispositional hearing.** After a child is adjudicated deprived, the court holds a dispositional hearing, per Section 7003-5.5 of Title 10 of the Oklahoma Statutes. The court must enter a dispositional order on the same day or within 40 days of adjudication, unless the court finds on the record that the child's best interests are served by granting a delay.

(1) If the court grants a delay, the court must state why the delay is necessary and the minimum amount of time needed to resolve the reasons for delay.

(2) If the child is removed from the parent(s)' custody, the court or the Oklahoma Department of Human Services (OKDHS), as applicable, immediately considers concurrent permanency planning, to ensure permanency for the child at the earliest opportunity. Identification of appropriate in-state and out-of-state placement should be made so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child.

(b) **Dispositional hearing purpose.** The purpose of the dispositional hearing is to determine the service needs of the child and family and custody of the child during the deprived case. The court considers all evidence that is helpful in determining the disposition that is in the child's best interests.

(1) At the hearing, the recommended treatment and service plan is presented to the court. The judge makes the final decision regarding whether the proposed treatment and service plan is accepted and whether a court order is issued regarding compliance with any or all recommendations. The family is ultimately responsible for only those recommendations that are court-ordered, per OAC 340:75-6-40.4.

(2) The dispositional order includes a statement informing the child's parent(s) that the consequences

of non-compliance with the court's requirements may include, as applicable, loss of custody of the child or termination of the parent(s)' rights to the child. If reasonable efforts are required for the return of the child to the child's home, the parent(s) of the child must be given at least three months to correct conditions that led to the adjudication of the child, prior to requesting termination of parental rights.

(3) The dispositional order is reviewed by the court at least once every six months until:

- (A) conditions that caused the child's adjudication are corrected;
- (B) the parent(s)' rights to the child are terminated and a final adoption is decreed;
- (C) permanent care and custody of the child is awarded to another person or a kinship guardian is granted; or
- (D) the court terminates jurisdiction.

(c) **Special rules regarding custody orders.** Before placing custody of a child with the parent(s), legal guardian, legal custodian, or other suitable person, the court must consider the order of custody preference and the person's background, per Sections 21.1 and 7003-8.1 of Title 10 of the Oklahoma Statutes.

(1) **Order of custody preference.** Every effort is made to place a child with a member of the child's family in a safe and appropriate home. When a child is removed from the custodial parent and the court, in the child's best interests, is unable to release the child to the custodial parent, or, as the next priority preference, give placement to the noncustodial parent, custody is awarded, per Section 21.1 of Title 10 of the Oklahoma Statutes, to a:

- (A) grandparent;
- (B) person indicated by wishes of a deceased parent;
- (C) relative of either parent;
- (D) person in whose home the child has been living in a wholesome and stable environment; or
- (E) any other person deemed by the court to be suitable. If the court determines custody of the child cannot be made according to the order of preference, the court must document the reasons in the court record.

(2) **Background considerations.** The court is prohibited from placing custody of a child with a person who is subject to the Oklahoma Sex Offenders Registration Act or with a person who is married to or living with a person who is subject to the Oklahoma Sex Offenders Registration Act.

- (A) "Person" does not include a parent, legal guardian, or legal custodian of a child.
- (B) Before awarding custody, the court must inquire whether the person has been previously convicted of any felony, relevant misdemeanor, or has such charges pending. A person requesting custody must respond to the court's inquiry by affidavit or sworn testimony and provide the court with an Oklahoma criminal history record.

(3) **Presumptions against placement.** Custody or visitation with a child is not granted to any person if the custody or visitation established will likely expose the child to a foreseeable risk of material harm. There is a rebuttable presumption that it is not in the child's best interests to have custody or visitation granted to a person who:

- (A) is or has been subject to, or resides with anyone who is subject to the Oklahoma Sex Offenders Registration Act;
- (B) was convicted of or resides with a person who was convicted of a crime of child abuse, neglect, or of a sexual nature;
- (C) was convicted of or resides with a person who was convicted of domestic abuse within the past five years; or
- (D) is found alcohol or drug dependent by clear and convincing evidence and expected in the near future to inflict or attempt to inflict serious bodily harm to self or others as a result of dependency.

(d) **Dispositional options.** Subject to the conditions and restrictions per OAC 340:75-1-18(c), the court makes one or more dispositional orders, including:

- (1) placing the child under supervision by OKDHS in the child's own home with the child's custodial parent, legal guardian, or legal custodian from whom the child was removed, or placement with the noncustodial parent. The court may specify conduct to be followed by the parent and any other adult in the home. Supervision by OKDHS may not exceed one year unless extended by the court;
- (2) placing the child with a suitable person, including a grandparent, relative, or other person specified in OAC 340:75-1-18(c)(1);
- (3) placement of the child in the custody of a private institution or agency;
- (4) ordering the child to receive counseling or other community-based services;
- (5) committing the child to the custody of OKDHS;
- (6) ordering the parent, legal guardian, legal custodian, stepparent, or other adult living in the home, or other person or agency receiving custody of the child, to follow any treatment and service plan prescribed by OKDHS;
- (7) ordering a child's permanent care and custody transferred to another person upon the written consent of the parent(s) of the child, per OAC 340:75-1-18.2;
- (8) ordering a child's permanent care and custody transferred to a kinship guardian, per OAC 340:75-1-18.3; and
- (9) dismissing the petition and terminating its jurisdiction at any time for good cause when in the child's best interests.

(e) **Additional court determinations.** The court makes a determination whether:

- (1) reasonable efforts:
  - (A) have been made to reunite the child with his or her family;
  - (B) are no longer feasible and are being made to secure an alternate permanent placement for the child;

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(C) have been taken to finalize the permanent placement of the child including, if appropriate, through an interstate placement; or

(D) to reunite the child with the family are not required, per OAC 340:75-1-18.4;

(2) an out-of-home placement continues to be appropriate and in the child's best interests; and

(3) services provided to assist any youth, 16 years of age or older, in the transition from out-of-home care to independent living are appropriate.

**(f) Notification of hearing.** Prior written notice of the hearing, Form 04MP030E, Hearing Notification, is provided by OKDHS to the current foster parent of the child, any preadoptive parent or relative providing care for the child. A right to be heard is provided by the court to the current foster parent of the child, any preadoptive parent or relative providing care for the child. A right to be heard is not construed as requiring any foster parent, preadoptive parent, or relative be made a party to such action.

### **340:75-1-18.1. Permanency hearings**

(a) **Permanency hearing.** State and federal law determine the requirements for permanency hearings. The judge conducts the hearing and makes determinations, per Section 7003-5.6d of Title 10 of the Oklahoma Statutes. Oklahoma Department of Human Services (OKDHS) Child Welfare (CW) workers are responsible for providing the court with the necessary information to conduct the hearing. A permanency hearing is held for any case regarding a child alleged or adjudicated deprived no later than:

(1) six months from the date of the child's placement in out-of-home care and every six months thereafter; and

(2) 30 days after a determination that reasonable efforts are not required and every six months thereafter.

(b) **Permanency report.**

(1) Prior to a permanency hearing, the CW worker prepares a report regarding the child for the court's review by contacting:

- (A) the child's current foster parent;
- (B) the parent(s) or parent(s)' attorney;
- (C) a post adjudication review board (PARB) member;
- (D) the child's guardian ad litem, if applicable; and
- (E) the child's attorney.

(2) Information gathered from these persons is used by the CW worker to assist in the preparation of Form 04KI009E, Court Report, or 04KI014E, Individualized Service Plan (ISP) Progress Report, as applicable. The applicable court report includes, at a minimum, the:

- (A) efforts and progress demonstrated by the child's parent(s) to complete an individual treatment and service plan;
- (B) extent to which the parent(s) or legal guardian cooperated and used the services provided;
- (C) status of the child, including the child's mental, physical, and emotional health; and
- (D) permanency plan for the child and, if the child is age 16 or older, the independent living plan.

(E) in and out-of-state placement options considered for the child.

(c) **Notification of hearing and opportunity right to be heard.** Prior written notice of the hearing, Form 04MP030E, Hearing Notification, is provided by OKDHS to the current foster parent of the child, any preadoptive parent or relative providing care for the child, ~~and the child's guardian ad litem.~~ An opportunity A right to be heard is provided by the court. Such notice and ~~opportunity right~~ to be heard is not construed as requiring any foster parent, preadoptive parent, or relative be made a party to such action.

### **340:75-1-20. Six-month judicial review**

(a) **Review requirements.** Section 7003-5.6 of Title 10 of the Oklahoma Statutes requires that the court review every case regarding a child alleged or adjudicated deprived no later than six months after the date of the child's out-of-home placement and at least once every six months thereafter until the child is returned to the custody of the parent(s), legal guardian, or legal custodian and the conditions that caused the child to be adjudicated deprived have been corrected, permanent care and custody has been awarded to a suitable custodian or kinship guardian, or the parent(s)' rights have been terminated and final adoption decreed.

(1) A child is considered to have entered out-of-home placement the earlier of:

- (A) the date of adjudication; or
- (B) 60 days after the child's removal from the home.

(2) The six-month judicial review requirement applies to a child who was removed from and returned to the home of the parent(s), legal guardian, or legal custodian until the court orders the case dismissed.

(3) A review hearing may be held concurrently with a permanency hearing.

(b) **Judicial review report.** The legal custodian of the child prepares the report for the court. Oklahoma Department of Human Services (OKDHS) prepares the report when OKDHS has court-ordered supervision of the child.

(1) The report includes:

- (A) a summary of the parent(s)' current situation;
- (B) the child's physical, mental, and emotional condition;
- (C) the conditions existing in the child's home or out-of-home placement and the child's adjustment;
- (D) the child's progress in school;
- (E) visitation exercised by the child's parent(s) or other persons authorized by the court;
- (F) if applicable, independent living services provided to a youth, 16 years of age or older, since the last court hearing; and
- (G) when OKDHS is the legal custodian of the child, any efforts by the parent(s) to correct the conditions that caused the child to be adjudicated deprived.

(2) The court's determination, in part, is based upon the report that must specifically address, recommend, and provide reasons, whether:

(A) the child should be returned to the child's parent(s) or placed with willing and suitable kinship relations, taking into consideration in-state and out-of-state placement options. Before a return to the child's parent(s) is ordered, the court must find the parties have:

- (i) complied with, performed, and completed the terms and conditions of the court-ordered individual treatment and service plan that are essential and fundamental to the child's health, safety, or welfare as determined by the court;
- (ii) corrected conditions that caused the child to be adjudicated and that the court determines essential and fundamental to the child's health, safety, or welfare;
- (iii) made marked progress towards reunification with the child; and
- (iv) maintained a close and positive relationship with the child;

(B) the child should continue in out-of-home placement for a specified period. The court projects a likely date by which the child may be returned to and safely maintained in the home, placed with a suitable guardian or custodian, placed for adoption, or other permanent arrangement;

(C) the rights of the child's parent(s) should be terminated and the child placed for adoption, placed with a guardian or custodian, or provided with another permanent arrangement;

(D) the child, because of exceptional circumstances, should remain in long-term out-of-home placement as a permanent plan or with a goal of independent living;

(E) reasonable efforts have been made to provide for the child's safe return to the home;

(F) reasonable efforts are being made to place the child in a timely manner in accordance with the permanency plan and complete the steps necessary to finalize permanent placement for the child, when the court determines that reasonable efforts are not required or that continuation of reasonable efforts to reunite the child with the child's family is inconsistent with the permanency plan;

(G) when applicable, the youth, 16 years of age or older, receives appropriate services that assist in making the transition from out-of-home care to independent living. The court inquires or causes inquiry to be made of the child regarding any proposed independent living plan;

(H) the nature and extent of the services provided to the child and parent(s) ensure the safety of the child and protection from further physical, mental, or emotional harm, and, if necessary, order additional services to correct the conditions that led to the child's adjudication; and

(I) to modify the existing individual treatment and service plan as the court determines it is in the child's

best interests and necessary for the correction of the conditions that led to the child's adjudication.

(c) **Review hearing.** At the review hearing the Child Welfare (CW) worker provides information similar to that offered at the dispositional hearing, with special emphasis on the progress on the court-ordered treatment and service plan. The court reviews all evidence that assists in decision-making including, but not limited to, oral and written reports presented by CW and others involved in the case.

(d) **Notice of hearing.** OKDHS provides written notice of review hearings via Form ~~DCFS 83-04MPO30E~~, Hearing Notification, to the preadoptive parent(s), relative, and current foster parent. The court provides the opportunity right to be heard to the current foster parent of the child, any preadoptive parent or relative providing care for the child, ~~and the child's guardian ad litem~~. Such notice and opportunity right to be heard is not construed as requiring any foster parent, preadoptive parent, or relative be made a party to such deprived proceedings.

**SUBCHAPTER 6. PERMANENCY PLANNING**

**PART 11. PERMANENCY PLANNING AND PLACEMENT SERVICES**

**340:75-6-85. Placement responsibilities**

(a) **CW responsibilities.** The Child Welfare (CW) worker is responsible for the placement of a child who is removed from the home and placed in the custody of Oklahoma Department of Human Services (OKDHS) by law enforcement and court order.

(1) OKDHS follows the provisions of the Multiethnic Placement Act of 1994 and the Interethnic Adoption Provisions of 1996, per OAC 340:75-1-9, unless the court finds that the Indian Child Welfare Act applies to the child.

(2) When determining placement for a child who is removed from the custodial parent and placed in emergency OKDHS custody, priority is given to placement with the noncustodial parent unless such placement is not in the child's best interest.

(3) If OKDHS determines that placement with the noncustodial parent is not in the child's best interest, placement preference per Section 21.1 of Title 10 of the Oklahoma Statutes (10 O.S. § 21.1) is followed, such as:

- (A) grandparent;
- (B) person indicated by deceased parent;
- (C) relative; and
- (D) person in whose home the child has been living in a wholesome and stable environment, including, but not limited to, foster parent, or any other person deemed suitable by the court.

(4) If custody of the child cannot be made pursuant to 10 O.S. § 21.1, the reason for such determination is specified in the CW case record and provided to the court.

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- (5) Placement responsibility includes, per 10 O.S. § 7003-7.1 and OAC 340:75-6-85.1 through 340:75-6-85.4, ensuring the provision of:
- (A) food;
  - (B) clothing;
  - (C) shelter;
  - (D) medical care;
  - (E) education;
  - (F) basic care;
  - (G) protection; and
  - (H) safety for the child.
- (6) When the court determines it would be in the best interests of the child, the court may place the child in the legal custody of OKDHS. If the child is placed in OKDHS custody, the court may not direct OKDHS to place the child in a specific home or placement.
- (b) **Appropriate placement.** OKDHS has the responsibility to determine whether a placement is an appropriate placement for a child in OKDHS custody, and to remove a child from a placement when it is in the child's best interest, per 10 O.S. § 7202.
- (1) Every effort is made to place the child within his or her own community, school district, or both, in order to minimize the disruption for the child and ensure consistency with education. When a child is placed with a noncustodial parent, the noncustodial parent's home is considered the child's home community.
  - (2) The federal Indian Child Welfare Act (FICWA), 25 United States Code § 1915, Oklahoma Indian Child Welfare Act (OICWA), 10 O.S. § 40.6, and OAC 340:75-19-14 define placement preferences for Indian children.
  - (3) Consideration is given to the parent(s)' wishes regarding religious preference in the selection of a placement provider for the child.
  - (4) In order to promote stability and healthy growth of the child, it is the intent of OKDHS to limit the number of times a child is moved in out-of-home placement.
    - (A) If reunification is not feasible or is delayed, the placement made is the best available placement to provide permanency for the child.
    - (B) A request by a placement provider for immediate removal of a child is examined and assessed regarding whether the situation can be resolved in order to prevent disruption of the placement.
- (c) **Prescribed standards.** All placements utilized by OKDHS are approved or licensed by specified procedures and meet prescribed standards. A child in the custody of OKDHS is not placed in a home, whether temporary or closely related, prior to the provider meeting standards per OAC 340:75. Placements must be safe, have sufficient space to allow the child privacy, and the provider must:
- (1) support and participate in the child's permanency plan;
  - (2) adhere to OKDHS rules, such as not using physical discipline; and
  - (3) support the child's preferred religion and cultural choices.
- (d) **Child's placement preference.** The child's statements and placement preferences are considered in making case decisions and are recorded on Form 04KI011E, Preadjudication Court Report, 04KI013E, Individualized Service Plan (ISP) Dispositional Report, 04KI009E, Court Report, or 04KI014E, Individualized Service Plan (ISP) Progress Report, when the child's age and developmental abilities allow. Since the child's preferences are not the sole consideration in determining placements and case plan decisions, preferences are evaluated regarding reasons or causes, degree of consistency, and implications for the permanency plan.
- (e) **Court decisions regarding the child's placement.** The court does not place a child in the custody of a person who is subject to the Sex Offenders Registration Act or a person living with someone subject to the Sex Offenders Registration Act.
- (1) "Person" does not include a parent, legal guardian, or legal custodian of the child.
  - (2) The court inquires, prior to placing custody of a child with the person, whether the person has been convicted of a felony or a relevant misdemeanor, including assault and battery, alcohol or drug offenses, domestic abuse, and other charges, or has any charges pending.
  - (3) Prior to the custody order being issued, the person requesting custody must present an affidavit or sworn testimony to the court and provide an Oklahoma criminal history background check, per 10 O.S. § 7003-8.1.
- (f) **Foster home placements.** The provisions in (1) through (8) apply to placements in a paid or non-paid kinship, foster, or therapeutic foster home.
- (1) **Preplacement visit.** Whenever possible, a preplacement visit for any child five years of age or older is held with the foster parent. The CW worker involved in the preplacement visit makes every effort to discuss with the child how the care, supervision, and guidance, including, but not limited to, parental substitute authority, will be achieved.
  - (2) **Foster parents may submit reports or present testimony in court.** Foster parents are entitled to provide the court with written reports or verbal testimony concerning the strengths, needs, behavior, important experiences, and relationships regarding the child, and may provide information requested by the court.
  - (3) **Foster parents informed of hearings.** The foster parent and child are given adequate prior written notice by the CW worker of all court hearings, including the date, time, place of hearing, name of judge, docket number, and the right to participate, per OAC 340:75-1-20. The foster parent is advised of the decisions made by the court regarding the child.
  - (4) **Foster parents preferred placement.** When a child re-enters out-of-home care and a relative or kinship placement is unavailable, the foster parent who previously cared for the child is the preferred placement option if the placement is in the child's best interest and the best interest of any other child in the foster home.
  - (5) **Foster parents informed of review meetings, permanency planning meetings, and special staffing.** Foster parents are advised of any local post adjudication

review board meetings and special staffing, including scheduled permanency planning review meetings and the foster parent's right to participate.

(6) **Previous placement information.** Foster parents are provided the opportunity to contact and communicate with a previous foster parent for the child in order to share information about the child, if authorized by the previous foster parent. The foster parent is informed of the number of times a child has been moved and the reasons why.

(7) **Court-approved treatment and service plan.** Foster parents are provided a copy of the court-approved treatment and service plan.

(8) **Eligibility to adopt the child.** During any permanency hearing, if the court determines the child is to be placed for adoption and the child has resided with the foster parent for at least one year, the court must also consider the foster parent eligible to adopt the child unless there is an existing, loving, emotional bond with a relative of the child, by blood or marriage, who is willing, able, and eligible to adopt the child.

(g) **Respect for the foster parents or placement providers.** The CW worker treats the foster parent or placement provider as a professional member of the CW team and with dignity, respect, and consideration. The CW worker cooperates with the foster parent or placement provider to provide a mutual exchange of information, including, but not limited to:

- (1) the child's physical and emotional development;
- (2) significant statements and behaviors that may affect the child's permanency plan and progress;
- (3) school events; and
- (4) any other concern.

(h) **Foster parents' relationship with the child.** Foster parents provide the child's basic needs, such as food, clothing, and shelter, and nurturing, emotional support, and direction and guidance for the child's growth and development.

(1) The foster relationship may be recorded through photographs, Life Book, exchange of gifts, and contact after the placement is completed.

(2) Section 7206.1 of Title 10 of the Oklahoma Statutes and OAC 340:75-7-37 recognize foster parents as essential participants in the decisions related to the growth, development, care, protection, and treatment of a child placed in their home with whom they have established a familial relationship.

(i) **Least restrictive.** Placements are made in the least restrictive or most home-like setting that will meet the child's needs and provide for the child's safety, per OAC 340:75-6-85 through 340:75-6-85.4. Every effort is made to place a child with a member of the child's family in a safe and appropriate home. 10 O.S. § 7004-1.1 prohibits a child adjudicated deprived from being placed in an institution. The least to the most restrictive placements are:

- (1) kinship home, which includes:
  - (A) relative home; and
  - (B) close family relationship;
- (2) regular foster home;
- (3) therapeutic foster home; and
- (4) group home or residential child care facility.

(j) **Close proximity.** Placements are made consistent with the needs of the child in the nearest geographic proximity to the child's own home.

(1) Exceptions may be made when the child's needs and safety cannot be met in a placement closer to the child's own home.

(2) Arrangements for transportation are made to ensure regular family visits.

SUBCHAPTER 7. FOSTER HOME CARE

PART 2. DEVELOPMENT OF RESOURCES

340:75-7-15. Background investigation and assessment of results

(a) **Requirements.** A background investigation is conducted on all adults in the foster applicant's home as a safeguard for children placed in Oklahoma Department of Human Services (OKDHS) custody. Background investigations are conducted at the time of application and include, but are not limited to:

- (1) an Oklahoma State Bureau of Investigation (OSBI) name and records criminal history search, including the Department of Public Safety (DPS) and Sex Offenders Registry, of the applicant and any adult living in the applicant's household;
- (2) a Federal Bureau of Investigation (FBI) national criminal history search, based on the fingerprints of the applicant and any adult members of the household;
- (3) a search of any court involvement;
- (4) a search of all OKDHS records, including Child Welfare (CW) records, for past confirmation of child maltreatment involving the applicant and any adult living in the household;
- (5) a search of all applicable out-of-state child abuse and neglect registries for any applicant or adult household member who has not lived continuously in Oklahoma for the past five years. The prospective resource home is not approved without the results of the state-maintained child abuse and neglect registry checks, if a registry is maintained in the applicable state, for all adult household members living in the home. If no child abuse and neglect registry is maintained in the applicable state, the resource specialist requests any information that can be provided; and
- (56) a search of Juvenile Justice Information System (JOLTS) records for any child older than 13 years of age in the applicant's household.

(b) **Criminal history search.** The applicant and adult household members provide consent for an OSBI and FBI criminal history search by signing Form 04AD003E, Request for Background Check.

(c) **Exception to fingerprinting.** The Director of OKDHS or designee may authorize an exception to the fingerprinting requirement, and authorize use of an alternative procedure for obtaining a national criminal records check for any person residing in the home who has a severe condition that precludes

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such person being fingerprinted. In limited, case specific circumstances, OKDHS may not be able to obtain:

- (1) an individual's fingerprints as a result of the individual's disability; or
  - (2) legible fingerprints due to low quality fingerprints, as a result of age, occupation or otherwise, thereby making it impossible for the national crime information databases (NCID) to provide results.
- (d) **Residence time frame.**
- (1) If every person age 18 or older residing in the applicant's home has resided in Oklahoma for at least five consecutive years immediately preceding approval, the initial approval may occur upon completion of the entire home assessment process using results per OAC 340:75-7-15(a).
  - (2) Fingerprints are submitted to the FBI for a national criminal history records search before initial approval. Final approval, per OAC 340:75-7-18(b)(3), is contingent upon receipt of the results of the national criminal history records search.
  - (3) Applicants or adult household members who have lived in Oklahoma for less than five years must also provide the equivalent background records check from previous state(s) of residence prior to placement.
    - (A) Equivalent records check includes, but is not limited to, a state's criminal history search, including Department of Public Services DPS and Sex Offenders Registry.
    - (B) ~~Kinship applicants must provide the records check within 30 days of placement. OKDHS obtains the child abuse and neglect registry check from the previous state(s) of residence.~~
- (e) **Occupancy of the household.** A criminal history search is completed for every adult who sleeps in the household more than 30 days per calendar year or engages in a pattern of overnight visitation that meets this test. Such persons are considered household members.
- (f) **New occupants in the foster home.** The foster parent notifies OKDHS within 24 hours of any person taking up residence in the foster home. OKDHS completes a background investigation, per OAC 340:75-7-15, for persons age 18 years or older. The foster parent's child who reaches age 18 is considered in this category. Adults in this category have no provider responsibility until the background investigation is complete. A foster family's failure to notify OKDHS of a new household member or refusal of a household member to consent to a background check is grounds for cancellation of the foster care contract.
- (g) **Kinship applicant criminal background records search after normal business hours or on a holiday.** When OKDHS considers placement of a child with a prospective kinship foster family in an emergency situation, after normal business hours or on a holiday, OKDHS requests that local law enforcement conduct a name based National Crime Information Center (NCIC) criminal history search. This is based upon submission of the name, race, gender, date of birth, and Social Security number of each person age 18 years or older

living in the household. Each person completes and signs Form 04AD003E to initiate the search.

- (h) **Assessment of background investigation results.**
- (1) **History of felony convictions.** OKDHS denies a resource home application if the applicant, or any person residing in the home of the applicant, has a criminal conviction record for any of the felony offenses listed in (A) through (E). The criminal conviction of an approved foster parent or any person residing in the foster home of any of the felony offenses listed in (A) through (E) requires the closure of the foster home, cancellation of the foster care contract, and removal of each child in OKDHS custody. The felony offenses are:
    - (A) physical assault, battery, or a drug-related offense within the five year period preceding the application date;
    - (B) child abuse or neglect;
    - (C) domestic abuse;
    - (D) a crime against a child, including, but not limited to, child pornography; or
    - (E) a crime involving violence, including, but not limited to, rape, sexual assault, or homicide, but excluding physical assault or battery. Homicide includes manslaughter.
  - (2) **Exceptions to history of felony convictions.**
    - (A) OKDHS does not grant exceptions regarding felony convictions, per OAC 340:75-7-15(h)(1), of a prospective or approved foster parent or of anyone residing in the foster home. Approval may be granted by the county director on a case-by-case basis, per OAC 340:75-7-15(h)(4), for any applicant who has, or is living with a person who has, a prior conviction or charges pending for any other felony or a relevant misdemeanor.
      - (B) ~~A prospective adoptive parent or long term placement provider for a specific child in OKDHS custody, who has not been approved as a placement provider due to a conviction of a felony offense specified in OAC 340:75-7-15(h)(1)(A) within five years preceding the application date, may be approved only by the court after:~~
        - (i) ~~an evaluation is made and accepted by the court that considers the:~~
          - (I) ~~nature and seriousness of the crime in relation to the long term placement;~~
          - (II) ~~time elapsed since the commission of the crime;~~
          - (III) ~~circumstances under which the crime was committed;~~
          - (IV) ~~degree of rehabilitation; and~~
          - (V) ~~number of crimes committed by the person involved; and~~
        - (ii) ~~a showing by clear and convincing evidence that the child will not be at risk by such placement.~~
    - (3) **Sex related crimes.** OKDHS denies the application of an applicant if the applicant, or any person residing in the applicant's home, has been convicted, whether upon

a verdict or a plea of guilty or upon a plea of nolo contendere, for any crime specified per Section 582 of Title 57 of the Oklahoma Statutes. OKDHS denies the application of an applicant if the applicant is subject to, living with, or married to a person who is subject to the Oklahoma Sex Offenders Registration Act.

(4) **History of crimes, charges, or other convictions.** Approval of any applicant who has, or is living with a person who has, a history of arrests, charges, or convictions for any felony other than those listed in OAC 340:75-7-15(h)(1) or a relevant misdemeanor may be approved on a case-by-case basis. A relevant misdemeanor includes, but is not limited to, assault and battery, alcohol or drug related offenses, crimes involving domestic abuse, and other such offenses.

(5) **History of child abuse and neglect investigations.** OKDHS determines the approval of any applicant with a history of child abuse and neglect investigations on a case-by-case basis. The county director considers the:

- (A) nature and seriousness of the CW history;
- (B) time elapsed since the CW history;
- (C) circumstances of the CW history;
- (D) degree of rehabilitation;
- (E) risk, if any, to the child by such placement; and
- (F) results of appeals, if applicable.

(6) **History of child abuse and neglect investigations on closed foster homes.** OKDHS determines whether to pursue the approval of any applicant that was previously a foster home with a history of child abuse and neglect investigations as a foster parent. The Children and Family Services Division Foster Care Section reviews investigations where there have been abuse or neglect allegations and confirmed findings.

(7) **JOLTS information.** The information obtained from a JOLTS search on the child older than 13 years of age living in the applicant's home is used to determine whether that child poses a risk to a child in OKDHS custody.

## SUBCHAPTER 15. ADOPTIONS

### PART 10. ADOPTIVE FAMILY ASSESSMENT AND PREPARATION PROCESS

#### **340:75-15-84. Application process**

(a) **Application to adopt.** The applicant is referred to the adoption specialist for the county in which the applicant lives. The adoption specialist responds promptly to prospective applicants. The applicant is invited to attend a group orientation meeting or an individual intake interview is scheduled upon request of the applicant. If the applicant chooses to apply, the adoption specialist provides an application packet. The adoption specialist discusses with the applicant information about the adoption program described in (1) through (10).

(1) The program is child focused. A family is selected who will best meet the child's long-term best interests and

individual needs. Families inquiring about adopting a child of a certain age, race, or other characteristic OKDHS reasonably believes may not be available for adoption in the foreseeable future are advised their application will not be processed.

(2) The completed resource family assessment summary is the basis for selection.

(3) Oklahoma Department of Human Services (OKDHS) contracts with licensed child-placing agencies to complete resource family assessments.

(4) There is no assurance that a child will be placed as a result of the application. This includes foster parents and relative applicants.

(5) There is no fee for services provided by OKDHS to applicants who apply to adopt a child in the legal custody of OKDHS.

(6) A family is referred to licensed child-placing agencies if the family is interested in adopting a specific type of child that is not available through OKDHS.

(7) ~~A~~ The requirement of a criminal background and Child Abuse and Neglect Information System check is required and which includes, but is not limited to:

(A) fingerprinting and a Federal Bureau of Investigation (FBI) check of each applicant and adult residing in the household ~~if he or she has lived in the state less than ten consecutive years;~~

(B) an Oklahoma State Bureau of Investigation (OSBI) check that includes Department of Public Safety check and Sex Offenders Registry check for each adult household member;

(C) a Child Abuse and Neglect Information System check and OKDHS records check for each adult household member;

(D) a search of all applicable out-of-state child abuse and neglect registries when an applicant or adult household member has not lived continuously in Oklahoma for the past five years;

~~(DE)~~ an Oklahoma State Courts Network check at [www.oscn.net](http://www.oscn.net);

~~(EF)~~ an Oklahoma District Court Records check (ODCR) at [www.odcr.com](http://www.odcr.com);

~~(FG)~~ an offender information and offender lookup through Oklahoma Department of Corrections (DOC) at [www.doc.state.ok.us](http://www.doc.state.ok.us);

~~(GH)~~ a Juvenile Justice Information System (JOLTS) records check for each child in the family 13 years of age or older; and

~~(HI)~~ a discharge from military duty, DD Form 214, Certificate of Release of Discharge From Active Duty, that is provided by the applicant.

(8) Verification of marriages, divorces, legal separations, or annulments, employment, and income are required.

(9) Applicants are required to complete 27 hours of pre-service training, including six hours of Behavior Crisis Management Training (BCMT), per OAC 340:75-7-14.

(10) Applicants are responsible for providing copies to OKDHS of any non-OKDHS assessments or evaluations,

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including previous adoptive, foster home, relative, divorce custody, or other custody assessments.

(11) OKDHS inquires whether the applicant has applied or been an approved foster or adoptive home in another state. OKDHS requests from all states that apply, any history of child abuse or neglect or criminal history from the appropriate state agency.

(b) **Application to adopt by OKDHS employees.** OKDHS employees may apply to adopt from OKDHS, though no preferential treatment is given.

(c) **Reapplication to adopt.** When previous adoptive parents apply to adopt again, the adoption application information is updated.

(d) **Denial or withdrawal of applications.** When it becomes apparent that the applicant does not meet the resource family requirements set out in Form 04AF002E, Guidelines for Resource Family Assessment, the resource family assessment process may be discontinued and the application withdrawn or denied.

(1) The reasons for discontinuing the assessment prior to completion, per OAC 340:75-15-88, are explained to the applicant in person when possible and are stated in a letter to the applicant regardless whether personal contact is made.

(2) The applicant may voluntarily withdraw the application. If the applicant declines to withdraw the application, local staff denies the application.

(3) Families desiring to adopt a child of a certain age, race, or other characteristic OKDHS reasonably believes may not be available for adoption in the foreseeable future are referred to licensed child-placing agencies that are more likely to place children matching this request.

(e) **Out-of-state adoptive applicants.** OKDHS does not process applications from adoptive applicants outside of Oklahoma, but accepts certified resource family studies or assessments from a licensed agency or the public agency in another state.

(1) In cooperation with a licensed adoption agency in another state, an adoptive family may be considered for a child in Oklahoma.

(2) Children and Family Services Division Adoption Services Section coordinates placement and supervision with an agency in the state where the adoptive family resides.

(3) All provisions of the Interstate Compact on the Placement of Children are followed, per OAC 340:75-15-61 and 340:75-15-82.

### 340:75-15-87. Assessment and preparation process

(a) **Assessment.** The assessment process is a tool for Oklahoma Department of Human Services (OKDHS) to assist the family in determining the family's ability to parent a child with special needs. The family is provided basic background information required to understand the adoption process, laws, and types of parenting issues faced by parents who adopt children with special needs. All services provided to the family in preparation for placement are designed to increase the family's

ability to problem solve, access help, and cope with parenting a child with a unique history and needs.

(b) **Joint approval of foster and adoptive families.** OKDHS may jointly approve Child Welfare (CW) foster homes that are also approved as adoptive homes. Before the home may be approved as a CW foster home and an adoptive home, the home must meet eligibility standards of both programs, per OAC 340:75-7-19. The differences in the goals of the two programs are explained to the family. The family is advised that children in foster care are not moved in order to place an adoptive child in the home. All children in the home, including children in foster care placement, are considered in making placement decisions regarding an adoptive placement.

(c) **Interviews with applicants.** Individual and joint interviews are held with each family and household member with a minimum of two home visits on separate days. Information regarding the current family structure, family history, and social support is gathered through the interviews.

(d) **Reference information.** Signed Form 04AF001E, Resource Family Assessment Application, grants OKDHS permission to contact the listed references. Forms are mailed to appropriate references.

(e) **Health and age.** Form 04AF008E, Medical Examination Report, or other medical examination report by a doctor for each household member must be submitted before the assessment is complete. An application to adopt a specific child elicits information to assess the adoptive applicant's ability to provide care for the child into adult years, given the applicant's health history and age.

(f) **Background checks.**

(1) **Authorization.** Section 7505-5.3 of Title 10 of the Oklahoma Statutes mandates a criminal background check and Child Abuse and Neglect Information System check for all public agency and private adoptive parent applicants and all other household members 18 years and older. The background check includes a search of:

(A) Oklahoma Department of Public Safety records;

(B) Oklahoma State Bureau of Investigation (OSBI) records;

(C) Federal Bureau of Investigations (FBI) national criminal history records search;

(D) Department of Corrections (DOC) files maintained pursuant to the Sex Offenders Registration Act;

(E) Oklahoma State Courts Network (OSCN);

(F) Oklahoma District Court Records (ODCR); **and**

(G) Child Abuse and Neglect Information System; **and**

(H) all applicable out-of-state child abuse and neglect registries when an applicant or adult household member has not lived continuously in Oklahoma for the past five years. If no registry is maintained in the applicable state, the adoption specialist requests any information that can be provided. The prospective adoptive parent is not approved without the results of the state-maintained child abuse and neglect

registry check if a registry is maintained in the applicable state.

(2) **Fingerprint search.** A national criminal history records search based upon submission of fingerprints is required for adoptive applicants and other household members 18 years and older ~~who have not lived continuously in Oklahoma for the past ten years.~~

(A) When a fingerprint search has been done in the past five years and is available for review by the person conducting the adoptive home study, then only an OSBI criminal background check is required.

(B) A home study is not initiated if any applicant or adult household member refuses to submit the forms granting permission for the background check.

(i) All adult household members age 18 and older complete and sign Form 04AD003E, Request for Background Check, and submit fingerprint cards authorizing OKDHS to conduct a records check.

(ii) Background information is considered in making a final recommendation. Information that reveals a risk to the child is used in denying the application, per OAC 340:75-15-88.

(3) **Fingerprinting charges.** Once an applicant receives fingerprint cards, law enforcement or a private fingerprinting company may fingerprint the applicant. There is no charge to OKDHS applicants. Non-OKDHS adoptive applicants are responsible for any charges incurred for this service.

(4) **Obtaining fingerprinting services.** Law enforcement is not mandated to provide the fingerprinting service. Local law enforcement is contacted to ascertain their willingness and availability to provide this service and the cost per person.

(5) **Time frames.** If the fingerprinting is not done correctly, the cards are rejected by either the OSBI or Federal Bureau of Investigation (FBI). The applicant must be reprinted when this occurs. If the fingerprint cards are found unacceptable the second time, the applicant must pay the fee to be re-fingerprinted and non-OKDHS applicants must pay the search fee. The estimated time frame to receive all results from the OSBI and FBI is approximately eight weeks.

(6) **Exception to fingerprinting.** The Director of OKDHS or designee may authorize an exception to the fingerprinting requirement, and authorize use of an alternative procedure for obtaining a national criminal records check for any adult residing in the home who has a severe condition that precludes such person being fingerprinted. The alternative procedure may be used in limited, and case-specific circumstances when OKDHS may not be able to:

(A) obtain an individual's fingerprints as a result of the individual's disability; or

(B) obtain legible fingerprints due to low quality fingerprints, as a result of age, occupation or otherwise, thereby making it impossible for the national

crime information databases (NCID) to provide the results.

(g) **Marriage history.** The applicant provides copies of present marriage license and any divorce decrees, legal separations, and annulments, if applicable. Documentation of the validity of the present marriage is necessary to determine eligibility to adopt and protect the legal status of the prospective adoptive child. If there is a child from a previous marriage, the child's role in the family is discussed and child support is documented.

(h) **Financial statement.** The applicant completes Form 04AF010E, Resource Family Financial Assessment, and provides documentation of employment and income. Management of resources is more important than the family's income and is addressed in the assessment summary.

(i) **Photographs.** Recent photographs of the applicant are provided as part of the final assessment summary.

(j) **Pre-service training.** Each adoptive applicant must complete a prescribed course of pre-service training consisting of approximately 27 hours of instruction designed to assist the applicant in evaluating the strengths, needs, and challenges in parenting a child with special needs, per OAC 340:75-7-14.

## **340:75-15-88. Completed resource family assessment and recommendation**

(a) **Resource family assessment.** The resource family assessment is conducted as outlined in Form 04AF002E, Guidelines for Resource Family Assessment. The completed assessment includes impressions of the family, their strengths and risks in adopting, and the special needs, age range, and gender of the child(ren) they wish to adopt.

(1) A copy of the resource family assessment, excluding the verification and reference sections, is reviewed with the family prior to completion of the final written assessment summary. The reference and verification sections are confidential and are not provided to the family.

(2) The family is given an opportunity to correct errors prior to completion of the final written assessment.

(3) Once the assessment is finalized, it is signed by the resource family applicant and contractor and submitted to the area adoption supervisor for approval. A copy of the final supervisor approved resource family assessment, excluding the verification and reference sections, is provided to the applicant by the adoption specialist.

(b) **Approval.** The resource family assessment is approved by the area adoption supervisor if the applicant meets requirements as outlined in Form 04AF002E and Oklahoma Department of Human Services (OKDHS) policy.

(c) **Resource family relocation.** When a family moves to another county within Oklahoma the assigned adoption specialist transfers the resource family record. An evaluation is done to reflect the adoptive family's new home and situation.

(d) **Denial.** Reasons for denial may include, but are not limited to:

(1) a lack of a stable, adequate income to meet the applicant's own or total family needs or poor management of available income;

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- (2) a physical facility that is inadequate to accommodate the addition of children to the home or that presents health or safety concerns;
- (3) the applicant or any person residing in the home has a history of alleged or confirmed child abuse, neglect, or both;
- (4) the applicant or any person residing in the home has a history of arrests or convictions.
- (A) A felony conviction for any of the offenses listed in (i) through (iii) results in an automatic denial of the application.
- (i) A crime involving violence including, but not limited to, rape, sexual assault, or homicide, but excluding physical assault or battery.
- (ii) Child abuse or neglect.
- (iii) A crime against a child, including, but not limited to, child pornography.
- (B) A felony conviction for physical assault, domestic abuse, battery, or a drug related offense within a five year period preceding the date of the application results in denial of the application ~~unless special approval is obtained from the court, following initial approval by Children and Family Services Division (CFSD) Adoption Services Section, per OAC 340:75-15-88(e).~~
- (C) The application is denied if the applicant has been convicted of a sex offense and subject to or married to or living with a person subject to the Oklahoma Sex Offenders Registration Act;
- (5) the age, health, or any other condition of the applicant would impede his or her ability to provide care for a child on a permanent basis into adult years;
- (6) relationships in the household are unstable and unsatisfactory;
- (7) the mental health of the applicant or other family or household member would impede the applicant's ability to provide care for a child;
- (8) references are guarded or have reservations in recommending the applicant;
- (9) the applicant does not complete the required pre-service training within one year of application, unless the applicant has previously completed Parent(s)' Resource for Information, Development and Education (PRIDE). Exceptions must be requested from the Adoption Services Section;
- (10) the applicant has applied to adopt a child of a certain age, race, or other characteristic that OKDHS reasonably believes may not be available for adoption in the foreseeable future, per OAC 340:75-15-84; and
- (11) one or more other factors concerning the applicant, a family, or household member or conditions in the home as described in the denial letter renders the applicant or home environment inappropriate as an adoptive resource.
- ~~(e) An applicant with a conviction, per OAC 340:75-15-88(d)(4)(B), may be considered on a case by case basis prior to initial placement of the child following consultation with and recommendation by the Adoption Services Section.~~

- ~~(1) If the applicant provides verifiable information that the applicant has been evaluated by a qualified professional who concluded that the applicant no longer poses a risk of harm to others, the factors listed in (2)(A) through (E) of this subsection are considered in determining whether to conditionally approve the home, subject to final approval by the court.~~
- ~~(2) The child is not placed in the applicant's home until evidence is presented to the court that clearly and convincingly indicates that no child will be at risk in the applicant's home and the court has given approval after reviewing the:~~
- ~~(A) nature and seriousness of the crime in relation to the adoption;~~
- ~~(B) time elapsed since the crime was committed;~~
- ~~(C) circumstances under which the crime was committed;~~
- ~~(D) degree of rehabilitation; and~~
- ~~(E) number of crimes committed by the person involved.~~

[OAR Docket #07-1436; filed 10-24-07]

### TITLE 365. INSURANCE DEPARTMENT CHAPTER 25. LICENSURE OF PRODUCERS, ADJUSTERS, BAIL BONDSMEN, COMPANIES, PREPAID FUNERAL BENEFITS, AND VIATICAL AND LIFE SETTLEMENTS PROVIDERS AND BROKERS

[OAR Docket #07-1417]

*EDITOR'S NOTE: This emergency rule document was originally published in the 11-1-07 issue, but Appendix T was inadvertently omitted by the publisher. For the text of the other rules in this document, as well as the ERRATA explaining the publication error, see pages 172 through 180 of the 11-1 issue.*

#### RULEMAKING ACTION:

EMERGENCY adoption

#### RULES:

Appendix T. Insurance Company Training Program Affidavit [NEW]

*EDITOR'S NOTE: Appendix T was inadvertently omitted when this emergency rule document was published in the 11-1-07 issue of the Register. For additional information, see the ERRATA added to pages 179 and 180 of that issue.*

#### AUTHORITY:

Insurance Commissioner, 36 O.S. §§ 307.1, 1435.7 (A)(3), 1435.19, 1435.29 (B)(3), B(4) and (H).

#### DATES:

##### Adoption:

September 11, 2007

##### Approved by Governor:

October 2, 2007

##### Effective:

November 1, 2007

##### Expiration:

Effective through July 14, 2008, unless superseded by another rule or disapproved by the Legislature.

#### SUPERSEDED EMERGENCY ACTIONS:

n/a

#### INCORPORATION BY REFERENCE:

n/a

## FINDING OF EMERGENCY:

A compelling public interest requires emergency rules to implement the recent changes to the Producer and Adjuster Licensing Acts. Effective July 1, 2007 and pursuant to House Bill 1960, the Commissioner may require applicants for resident producer licenses to either hold a provisional producer license or participate in an approved insurance company training program. Emergency rules are needed to implement the requirements for provisional producer licenses and insurance company training programs.

Effective July 1, 2007, continuing education requirements for producers and adjusters were amended. Prior to the statutory amendments, specific professional designation programs qualified for continuing education credit. A process of approval is now utilized to expand the number of professional designation programs available for continuing education credit. The statutory revision requires standardized criteria to review professional designation programs for approval. Rules are also necessary to define participation in approved professional designation programs.

Furthermore, certain continuing education programs offered by specified professional associations may receive presumptive approval. The promulgation of emergency rules is necessary to implement standards for presumptive approval.

## ANALYSIS:

The rules state the requirements for obtaining a resident producer license. The rules clarify how many provisional licensees a sponsor may supervise and the length of time an applicant must hold a provisional producer license prior to applying for a producer license. The rules also define an approved insurance company training program and set forth the criteria for approval of such programs.

The rules further interpret and implement the recent amendments to producer and adjuster continuing education requirements. For example, the rules define an approved professional designation program and the requirements for receiving continuing education credit through this method of instruction. Finally, the rules include standardized criteria for presumptive approval of certain continuing education courses.

Comments regarding the proposed emergency rules were received from Reserve National Insurance Company and the American Council of Life Insurers ("ACLI"). Reserve National Insurance Company suggested that the emergency rules include rules for completing a pre-licensing course of study. The emergency rules do not address pre-licensing courses of study because the Commissioner is not requiring a pre-licensing course of study. The Commissioner is requiring either a provisional producer license or participation in an approved insurance company training program.

Proposed rule 365:25-3-1.3(c) was amended at ACLI's suggestion. The insurance company training program participation form is now required to be submitted with the producer application.

Proposed rule 365:25-3-1(g)(2)(D) was amended at ACLI's suggestion. The word "course" was included in paragraph (g)(2)(D) for similarity to paragraph (g)(1)(A).

Proposed rule 365:25-365:25-3-1(g)(2), (g)(3), and (g)(4) was not amended as suggested by ACLI. Professional designation programs are not approved as continuing education courses. The proposed rule allows continuing education credit for participating in an approved professional designation program. The proposed rule was amended to indicate that the program is being approved.

Professional designation programs recognized by the National Association of Insurance Commissioners ("NAIC") for waiver of pre-licensing education are approved as professional designation programs without submission requirements. Proposed rule 365:25-3-1-(g)(4) refers to the designations found in the NAIC's Uniform Licensing Standards for pre-licensing education training. The proposed rule does not apply to long term care designations. A list of approved designations will be published. The designations currently approved are CEBS, ChFC, CIC, CFP, CLU, FLMI, LUTCF, RHU, REBC, HIA, AAI, ARM, and CPCU.

Proposed Appendix T was amended to include role playing and customer interaction case studies for business training. Experienced agents new to a particular insurance company or new to a line of insurance are not required to participate in a company training program.

An approved insurance company training program must include instruction in Oklahoma statutes and regulations. Training received as part of the licensing process in Oklahoma satisfies this requirement in part.

## CONTACT PERSON:

Karl F. Kramer, First Assistant General Counsel, (405) 521-2746

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S. SECTION 253(D), WITH A LATER EFFECTIVE DATE OF NOVEMBER 1, 2007:**

### **APPENDIX T. INSURANCE COMPANY TRAINING PROGRAM AFFIDAVIT [NEW]**

**KIM HOLLAND**  
**OKLAHOMA INSURANCE COMMISSIONER**  
P.O. Box 53408  
Oklahoma City, OK 73152-3408  
(405)-521-3916 Fax (405)522-3642

#### **INSURANCE COMPANY TRAINING PROGRAM AFFIDAVIT**

Our training program for resident producers includes the following components and satisfies the requirements of 36 O.S. § 1435.7 and OKLA. ADMIN. CODE § 365:25-3-1.3.

1. Instruction in insurance coverage for each line of authority the producer seeks to be licensed.
2. Business practice training associated with placing and servicing contracts of insurance. The training includes, but is not limited to, supervised interaction with customers or prospective customers, role playing, and customer interaction case studies.
3. Standards for measuring successful completion for each segment of the training program.
4. Instruction in Oklahoma statutes and regulations affecting industry and producer licensing, the regulatory and consumer assistance roles of the Oklahoma Insurance Department, and the role of the National Association of Insurance Commissioners in setting policy for the insurance industry.

The training program requirements are standard for all participating resident producer trainees. The instructional material is developed and administered in accordance with corporate requirements for our company. The company is responsible for ensuring course materials and programs satisfy the requirements of this affidavit.

**ACKNOWLEDGEMENT**

I, (name of authorized individual), on behalf of (Name of Insurance Company) certify that the above requirements are met for insurance company resident producer training as required by the Oklahoma Insurance Department ("Department"). The details of the program are available upon request by the Department.

(Signature of authorized individual)

STATE OF: \_\_\_\_\_  
COUNTY OF: \_\_\_\_\_

This instrument was acknowledged before me on (date) by (name(s) of person(s) as (type of authority, e.g., officer, trustee, etc.) of (name of party on behalf of whom instrument was executed).

(Signature of notarial officer)

(Seal, if any)

Title (and Rank)  
(My commission expires:)

*[OAR Docket #07-1417; filed 10-9-07]*

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# Emergency Adoptions

## TITLE 465. OKLAHOMA MOTOR VEHICLE COMMISSION CHAPTER 20. TEMPORARY LICENSE PLATES

[OAR Docket #07-1423]

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

Subchapter 1. General Provisions [NEW]

465:20-1-1. [NEW]

Subchapter 3. Design and Placement [NEW]

465:20-3-1. [NEW]

465:20-3-2. [NEW]

465:20-3-3. [NEW]

### AUTHORITY:

Oklahoma Motor Vehicle Commission, Title 47, Sections 563(F), Title 47, Section 1137.3, Title 75, Section 302(A)(2), and Title 75, Section 250, et seq.

### DATES:

#### Adoption:

September 11, 2007

#### Approved by Governor:

October 2, 2007

#### Effective:

Immediately upon Governor's approval

#### Expiration:

Effective through July 14, 2008, unless superseded by another rule or disapproved by the Legislature

### SUPERSEDED EMERGENCY ACTIONS:

n/a

### INCORPORATIONS BY REFERENCE:

n/a

### FINDING OF EMERGENCY:

The Commission finds that a compelling public interest exists for the adoption of these Emergency Rules, due to the recent legislative mandate found in Title 47, Section 1137.3, effective November 1, 2007.

### ANALYSIS:

Title 47, Section 1137.3 requires that new motor vehicle dealers begin using a new weatherproof temporary license plate approved by the Oklahoma Motor Vehicle Commission. The law directs this Commission to immediately adopt rules relating to the design and content of these temporary plates, so the new motor vehicle dealers can attempt to be in compliance by November 1, 2007. These Rules develop additional requirements and parameters to discourage or prevent illegal duplication and use of the temporary license plates.

### CONTACT PERSON:

Marilyn Maxwell, Deputy Director, Oklahoma Motor Vehicle Commission, 4334 N.W. Expressway, Suite 183, Oklahoma City, OK 73116, (405) 607-8227, ext 101.

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D):**

## SUBCHAPTER 1. GENERAL PROVISIONS

### 465:20-1-1. Purpose

The rules of this Chapter have been adopted for the purpose of complying with the provisions of 75 O.S. Section 250 et. seq. and 47 O.S. Section 1137.3, as amended. This chapter will provide a description of the design and use of the temporary license plate for dealers who sell new motor vehicles, travel trailers, or commercial trailers.

## SUBCHAPTER 3. DESIGN AND PLACEMENT

### 465:20-3-1. Form and substance of the temporary license plate

(a) **Plate size.** The temporary license plate for all new motor vehicles, travel trailers, and commercial trailers, except motorcycles and scooters, shall be  $11\frac{1}{2}$  inches in length and 6 inches in height.

(b) **Cycle plate size.** A temporary license plate for new motorcycles and scooters shall be 7 inches in length and 4 inches in height.

(c) **Substance.** The temporary license plate shall be of a weatherproof non-glare plastic-impregnated white substance with ink absorbing characteristics capable of withstanding continual exposure to the natural elements such as water, mud and wind, without the loss of form or content for a period in excess of thirty (30) days.

(d) **Fastening.** Fastener holes for placing the temporary license plate to the vehicle shall be at an appropriate location for use of the factory installed mounting holes on the vehicle on which the temporary license plate shall be placed.

### 465:20-3-2. Content of the temporary license plate

(a) **Format.** There shall be two rectangular shaped blocks for the month, two rectangular shaped blocks for the day of the month, and two rectangular shaped blocks for the year indicating the date of the sale of the vehicle. The blocks shall be of a size of at least  $1\frac{3}{4}$  inches in height and  $1\frac{1}{2}$  inches in width and pale or light toned green in color. The rectangular blocks for the motorcycle and scooter temporary license plates shall be 1 inch in height and  $\frac{3}{4}$  inch in width. Preprinted below the two blocks on the left shall be the words "SOLD MONTH"; below the middle two blocks shall be the words "SOLD DAY"; and below the two blocks on the right shall be the words "SOLD YEAR".

(b) **Ink type.** Any writing on the temporary license plate not preprinted shall be applied by an instrument using indelible black ink. The ink marker for writing in the date blocks should be capable of making a mark of at least  $\frac{1}{4}$  inch in width.

(c) **Required verbiage.** The temporary license plate shall have the following preprinted language: The selling dealer's company name, the selling dealer's license number which is issued by the Oklahoma Tax Commission, the word "Oklahoma" or "Okla", and the words "30 Day Temporary Tag", and a line with the words "Vehicle Year, Make, Model" below the line.

(d) **Unique sequential number.** In addition to the preprinted information recited in paragraphs (a) and (c), the temporary license plate shall have a preprinted unique sequential number of no fewer than six digits approximately one inch in height. The height of the preprinted unique sequential number for a motorcycle temporary license plate shall be no less than  $\frac{1}{2}$  inch. The dealer shall record the temporary license plate's unique sequential number on the front of the vehicle's bill of sale in a conspicuous location. A dealer shall not issue more than one sequentially numbered temporary license plate for the same vehicle sale.

(e) **Purchaser information.** The name of the purchaser shall be written on the temporary license plate; or, in lieu of the name of the purchaser, the words "see bill of sale" may be used. If the term "see bill of sale" is used, the purchaser shall retain the bill of sale in the vehicle at all times until the vehicle has been registered in the purchaser's name.

**465:20-3-3. Location of the temporary license plate**  
Upon the sale of a new motor vehicle, the temporary license plate shall be placed on the vehicle at the location provided for the permanent license plate.

[OAR Docket #07-1423; filed 10-16-07]

**TITLE 715. TEACHERS' RETIREMENT SYSTEM  
CHAPTER 10. GENERAL OPERATIONS**

[OAR Docket #07-1422]

**RULEMAKING ACTION:**  
EMERGENCY adoption

**RULES:**  
Subchapter 13. Contributions for Membership Service  
715:10-13-3.1 [AMENDED]  
715:10-13-3.2 [NEW]  
715:10-13-3.3 [NEW]

**AUTHORITY:**  
Board of Trustees; 70 O.S. Section 17-101, et seq., especially Section 17-106

**DATES:**  
**Adoption:**  
August 22, 2007  
**Approved by Governor:**  
October 2, 2007

**Effective:**  
Immediately upon Governor's approval

**Expiration:**  
Effective through July 14, 2008, unless superseded by another rule or disapproved by the Legislature.

**SUPERCEDED EMERGENCY ACTIONS:**  
None

**INCORPORATIONS BY REFERENCE:**  
None

**FINDING OF EMERGENCY:**  
The rules will provide a more efficient administration of the System. These rules are necessitated by Senate Bill 357, which was enacted by the 2007 Legislature and increases employer contributions and the effective dates of those changes for TRS remitting entities.

**ANALYSIS:**  
Proposed amendments to **OAC 715:10-13-3.1** remove language outdated by Senate Bill 357.

Proposed new rule **OAC 715:10-13-3.2** lists employer contribution rates and their effective dates for TRS remitting entities other than comprehensive and four-year regional universities.

Proposed new rule **OAC 715:10-13-3.3** lists employer contribution rates and their effective dates for comprehensive and four-year regional universities.

**CONTACT PERSON:**  
Jacqueline Scott Shannon, Rules Liaison/Communications Director, 2500 N. Lincoln Blvd., 5<sup>th</sup> Floor, Oklahoma City, Oklahoma, 73105, (405) 521-4743.

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE**

**UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D):**

**SUBCHAPTER 13. CONTRIBUTIONS FOR MEMBERSHIP SERVICE**

**715:10-13-3.1. Employer contribution rates through June 30, 2007**

(a) Beginning July 1, 1998, through June 30, 2000, the local employer shall pay four and eight-tenths percent (4.8%) of the regular annual compensation of the member, up to the member's applicable maximum compensation level.

(b) Beginning July 1, 2000, through June 30, 2001, the employer shall pay five and eight-tenths percent (5.8%) of the regular annual compensation of the member up to the member's applicable maximum compensation level

(c) Beginning July 1, 2001, through June 30, 2002, the employer shall pay six and eight-tenths percent (6.8%) of the regular annual compensation of the member up to the member's applicable maximum compensation level.

(d) Beginning July 1, 2002, the employer shall pay seven and five-hundredths percent (7.05%) of the regular annual compensation of the member up to the member's applicable maximum compensation level. In addition to the contribution rate of 7.05% on each active member's applicable regular annual compensation, the employer shall pay seven and five-hundredths percent (7.05%) of the regular annual compensation of any retired member as defined in OAC 715:10-17-1 and 715:10-17-5.

(e) Beginning January 1, 2007, through June 30, 2007, all remitting entities other than comprehensive and four-year regional universities, shall pay seven and six-tenths percent (7.6%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member.

The employer contribution rate increase provided in this subsection shall not become effective unless the appropriation level to each of the affected remitting entities is increased so that the additional employer contribution obligation is funded.

~~(f) Beginning July 1, 2007, through June 30, 2008, all remitting entities other than comprehensive and four year regional universities, shall pay seven and eighty five hundredths percent (7.85%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member.~~

~~(g) Beginning July 1, 2008, through June 30, 2009, and for each fiscal year thereafter, all remitting entities other than comprehensive and four year regional universities, shall pay eight percent (8%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member.~~

~~(h) The employer contribution rate increase provided in subsections e, f and g of this section shall not become effective unless appropriation levels to each of the affected remitting entities are increased so that the additional employer contribution obligation is funded.~~

~~(i) Beginning July 1, 2009, through June 30, 2010, all remitting entities other than comprehensive and four year regional universities, shall pay seven and six-tenths percent (7.6%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member.~~

~~(j) Beginning July 1, 2010, through June 30, 2011, all remitting entities other than comprehensive and four year regional universities, shall pay seven and six-tenths percent (7.6%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member.~~

~~(k) Beginning July 1, 2011, through June 30, 2012, all remitting entities other than comprehensive and four year regional universities, shall pay seven and six-tenths percent (7.6%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member.~~

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### **715:10-13-3.2. Employer contribution rates for employers other than comprehensive and regional four-year universities beginning July 1, 2007**

(a) Beginning July 1, 2007, through December 31, 2007, all remitting entities other than comprehensive and four-year regional universities shall pay seven and eighty-five hundredths percent (7.85%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member.

(b) Beginning January 1, 2008, through June 30, 2008, all remitting entities other than comprehensive and four-year regional universities shall pay eight and thirty-five hundredths percent (8.35%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member.

(c) Beginning July 1, 2008, through December 31, 2008, all remitting entities other than comprehensive and four-year regional universities shall pay eight and five-tenths percent (8.5%) of the regular annual compensation of the member not in excess of the maximum compensation level of the member.

(d) Beginning January 1, 2009, through December 31, 2009, all remitting entities other than comprehensive and four-year regional universities shall pay nine percent (9%) of the regular annual compensation of the member not in excess of the maximum compensation level of the member.

(e) Beginning January 1, 2010, through June 30, 2010, and for each fiscal year (July 1 through June 30) thereafter, all remitting entities other than comprehensive and four-year regional universities shall pay nine and five-tenths percent (9.5%) of the regular annual compensation of the member not in excess of the maximum compensation level of the member.

(f) The employer contribution rate increase provided in this section shall not become effective unless appropriation levels to each of the affected remitting entities are increased so that the additional employer contribution obligations are funded.

### **715:10-13-3.3. Employer contribution rates for comprehensive and regional four-year universities beginning July 1, 2007**

(a) Beginning July 1, 2007, through December 31, 2007, comprehensive and four-year regional universities shall pay seven and five hundredths percent (7.05%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member.

(b) Beginning January 1, 2008, through December 31, 2008, comprehensive and four-year regional universities shall pay seven and fifty-five hundredths percent (7.55%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member.

(c) Beginning January 1, 2009, through December 31, 2009, comprehensive and regional four-year universities shall pay eight and five hundredths percent (8.05%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member.

(d) Beginning January 1, 2010, through June 30, 2010, and for each fiscal year (July 1-June 30) thereafter, comprehensive

and regional four-year universities shall pay eight and fifty-five hundredths percent (8.55%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member.

(e) The employer contribution rate increase provided in this section shall not become effective unless appropriation levels to each of the affected remitting entities are increased so that the additional employer contribution obligations are funded.

[OAR Docket #07-1422; filed 10-11-07]

## **TITLE 800. DEPARTMENT OF WILDLIFE CONSERVATION CHAPTER 10. SPORT FISHING RULES**

[OAR Docket #07-1476]

### **RULEMAKING ACTION:**

EMERGENCY adoption

### **RULES:**

Subchapter 1. Harvest and Possession Limits  
800:10-1-5. Bag limits on fish [AMENDED]

### **AUTHORITY:**

Title 29 O.S., Section 3-103; 4-101; 5-401 and Section 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation.

### **DATES:**

#### **Adoption:**

October 1, 2007

#### **Approved by Governor:**

October 18, 2007

#### **Effective:**

Upon Governor Approval

#### **Expiration:**

Effective through July 14, 2008, unless superseded by another rule or disapproved by the Legislature.

### **SUPERSEDED EMERGENCY ACTION:**

n/a

### **INCORPORATED BY REFERENCE:**

n/a

### **FINDING OF EMERGENCY:**

On September 4, 2007, the Wildlife Conservation Commission approved a pilot Paddlefish Management and Caviar Program. As part of this program, anglers will be required to obtain a free paddlefish permit and be required to attach the permit number to each fish harvested. These procedures will: 1) facilitate collecting biological data from the fish anglers donate to the program; and 2) information will be entered into a database from which future demographic information from paddlefish anglers can be obtained. It is critical to the management of this unique population of fish that this program be in place before the spring spawning period.

### **CONTACT PERSON:**

Barry Bolton, Chief, Fisheries Division, 405/521-3721 or APA Liaison, Rhonda Hurst, Administrative Assistant, 405/522-6279.

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D):**

## **SUBCHAPTER 1. HARVEST AND POSSESSION LIMITS**

### 800:10-1-5. Bag limits on fish

No person shall, during any one day, take, attempt to take, kill, or harvest more than:

(1) Six (6) largemouth, smallmouth, and/or spotted bass or six in aggregate, except at Lake Hefner where the limit on smallmouth bass is one (1) fish 18 inches or longer, in "Close To Home" fishing water where all largemouth bass caught must be returned to the water unharmed immediately after being taken (no harvest allowed), at Texoma Reservoir where the limit is five (5), at Lake Konawa, McGee Creek Lake, Lake Nanih Waiya, Dripping Springs Lake, Lake Raymond Gary and Crowder Lake (Washita County) the limit is six (6) of which only one (1) may be twenty-two (22) inches or longer, at Broken Bow, Skiatook and Tenkiller lakes where the limit on spotted bass is fifteen (15) per day, in Baron Fork Creek, Flint Creek, Illinois River upstream from the Baron Fork Creek confluence, Lee Creek, and Little Lee Creek where the aggregate limit is six (6), of which only one (1) smallmouth bass may be twelve (12) inches or longer, and in the Glover River from the confluence with the Little River upstream to the "Forks of the Glover River" where the aggregate limit is six (6), of which only three (3) may be smallmouth bass.

(2) Fifteen (15) channel and/or blue catfish, or fifteen (15) in aggregate, except at all U.S. Forest Service and State Park lakes (not including Lake Murray) and Department of Wildlife Management Area ponds and all Department of Wildlife Conservation fishing areas, in "Close To Home" fishing waters and all waters within the Wichita Mountains National Wildlife Refuge, where the limit is six (6). For scuba divers with spearguns, the limit is three (3) per day or three (3) in aggregate from May 1 through August 31, annually.

(3) Thirty-seven (37) crappie (*Pomoxis* sp.) except at Blue River Public Fishing and Hunting Area where the limit is six (6) and at lakes Arbuckle, Tenkiller, Hudson, Ft. Gibson including all tributaries and upstream to Markham Ferry Dam and Grand Lake including all tributaries to state line where the limit is fifteen (15).

(4) Six (6) rainbow trout - possession limit of twelve (12) after first day, except in the lower Mountain Fork River trout stream from the Lost Creek water control structure downstream to the first Highway 259 Scenic bridge, including Evening Hole and the Lost Creek stream channel, and from the State Park Dam downstream to the mouth of Rough Branch Creek, and in the lower Illinois River trout stream from the USGS stream gauge downstream to the gravel pit county road where the limit is one (1) rainbow trout per day twenty (20) inches or longer in total length (no culling); and in the Blue River from its entry onto the Plaster Wildlife Management Unit/Landrum Wilderness downstream approximately  $\frac{1}{2}$  mile to a marker cable where all trout caught must be released immediately from November 1 to March 1 (thereafter, statewide trout bag limit applies).

(5) Six (6) brown trout, except in the lower Mountain Fork River trout stream below Broken Bow dam downstream to the U. S. Highway 70 bridge, and in the lower Illinois River trout stream from Tenkiller Dam downstream to US Highway 64 bridge where the limit is one (1) fish per day twenty (20) inches or longer in total length.

(6) One (1) Northern pike.

(7) One (1) muskellunge.

(8) Five (5) walleye, sauger and/or saugeye, or five (5) in aggregate.

(9) Fifteen (15) striped bass of which only five (5) may be twenty (20) inches or longer, except in the discharge area of Sooner Reservoir where the daily bag limit is five (5) and at Great Salt Plains Reservoir where the daily bag is twenty (20) of which only five (5) may be twenty (20) inches or longer (no culling).

(10) Ten (10) striped bass and/or striped bass hybrids or ten (10) in aggregate of which only two (2) may be twenty (20) inches or longer in Texoma Reservoir and five (5) striped bass and/or striped bass hybrids or five (5) in aggregate in the Red River below Denison Dam (no culling). This paragraph shall become effective September 1, 1996.

(11) Ten (10) flathead catfish, except in Lake Texoma where the daily limit is five (5), and for noodlers and scuba divers the daily limit is three (3) from May 1 through August 31, annually.

(12) Twenty (20) striped bass hybrids and/or white bass, or twenty (20) in aggregate, of which only five (5) may be twenty (20) inches or longer in lakes Altus-Lugert, Birch, Canton (Canton Lake boundaries are from State Highway 281 to one thousand (1,000) feet below Canton Dam), Carl Blackwell, Foss, Ft. Cobb, Great Salt Plains, Konawa, Ft. Supply, Tom Steed, Sooner and Waurika, including tailwaters and Grand including all tributaries to stateline and below Grand River Dam (Pensacola Dam) downstream to State Highway 82 bridge and Oologah Lake including upstream on all tributaries to stateline and downstream below the dam to the mouth of the Caney River.

(13) Five (5) striped bass hybrids of which only two (2) may be 20 inches or longer in Skiatook Lake.

(14) Five (5) striped bass hybrids in Lake Carl Etling.

(15) Five (5) striped bass hybrid and/or white bass in Optima Reservoir and the discharge area of Sooner Reservoir.

(16) Twenty-five (25) white bass in Lake Texoma.

(17) One (1) paddlefish (*Polydon spathula*) per day, statewide. The catch and release of paddlefish is permitted year round by use of rod and reel, trotline and throwlines. Paddlefish must be released immediately unless kept for the daily limit. Paddlefish taken by bow and arrow, gigs, spears or spearguns shall not be released. Paddlefish caught and placed on a stringer or otherwise held in possession must be tagged immediately and cannot be released (no culling). Each person must keep their own paddlefish distinctly separate from paddlefish taken by other fishermen. Each cleaned paddlefish, or its meat, eggs, or carcass, must also be tagged and kept separate from all other cleaned paddlefish or its parts. Tagged means plainly labeled with the taker's paddlefish permit

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number, first and last name, address, and fishing license number.—Paddlefish or their parts must remain tagged until the person in possession of the paddlefish or paddlefish parts has reached their residence. All paddlefish must have all viscera (internal organs) removed from the paddlefish before leaving the state. Persons fishing trotlines or throwlines must release all paddlefish on their lines, except the one (1) paddlefish held in possession for their daily limit, before leaving the trotline or throwline. Fishermen must cease snagging when they have taken their daily limit of paddlefish into possession.

(18) It shall be unlawful for any person, regardless of residency, age or disability, to fish for paddlefish or be in possession of paddlefish parts without having first secured from the Department of Wildlife Conservation or its authorized agency, an annual paddlefish permit. This permit must be carried on their person while fishing and/or in possession of paddlefish or parts and be produced for inspection upon the demand of any Oklahoma citizen or game warden.

~~(1819)~~ Release of striped bass and/or striped bass hybrids caught and placed on a stringer, in a live well or otherwise held in possession is prohibited statewide (no culling).

~~(1920)~~ Other fish do not have bag or possession limits.

*[OAR Docket #07-1476; filed 10-26-07]*

## TITLE 800. DEPARTMENT OF WILDLIFE CONSERVATION CHAPTER 25. WILDLIFE RULES

*[OAR Docket #07-1475]*

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

Subchapter 17. Black-Footed Ferrets and Prairie Dogs  
800:25-17-4. Poisons [AMENDED]  
800:25-17-5. State school lands [REVOKED]

### AUTHORITY:

Title 29 O.S., Section 3-103; 5-401 and 4-135 Section 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation.

### DATES:

#### Adoption:

June 4, 2007

#### Approved by Governor:

October 18, 2007

#### Effective:

Upon Governor Approval

#### Expiration:

Effective through July 14, 2008, unless superseded by another rule or disapproved by the Legislature.

### SUPERSEDED EMERGENCY ACTION:

n/a

### INCORPORATED BY REFERENCE:

n/a

### FINDING OF EMERGENCY:

This rule will allow the Oklahoma Department of Wildlife Conservation to issue prairie dog control permits to public entities to control prairie dogs on public property for health and safety concern.

### CONTACT PERSON:

Alan Peoples, Chief, Wildlife Division, 405/521-2739 or APA Liaison, Rhonda Hurst, Administrative Assistant, 405/522-6279.

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D):**

## SUBCHAPTER 17. BLACK-FOOTED FERRETS AND PRAIRIE DOGS

### 800:25-17-4. Poisons

The following restrictions apply to the use of poisons in prairie dog control:

- (1) Prairie dog control with poisons shall not be permitted in any area until adequate determinations by qualified personnel are made that black-footed ferrets do not exist within a five mile radius of the proposed control area.
- (2) Permits for the use of poisons may not be issued by the Wildlife Department to reduce prairie dogs in any county to fewer than 1000 prairie dogs.
- (3) ~~Killing of prairie dogs with poisons shall not be permitted on public lands.~~

### 800:25-17-5. State school lands [REVOKED]

~~(a) Permits for the total or partial control of prairie dogs on the State School Lands may be issued by the Director of the Oklahoma Department of Wildlife Conservation.~~

~~(b) Prior to issuing such permits, the Commissioners of the Land Office shall advise the Oklahoma Department of Wildlife Conservation of the sites to be included in their annual program. Each site shall be evaluated for the presence of endangered, threatened or otherwise unique or uncommon wildlife species and the potential adverse impact which might be caused by a control program. Permits will be conditioned as necessary to assure that the control efforts do not threaten the continued existence of other species of concern which may be found in association with prairie dog towns.~~

*[OAR Docket #07-1475; filed 10-26-07]*

# Executive Orders

As required by 75 O.S., Sections 255 and 256, Executive Orders issued by the Governor of Oklahoma are published in both the *Oklahoma Register* and the *Oklahoma Administrative Code*. Executive Orders are codified in Title 1 of the *Oklahoma Administrative Code*.

Pursuant to 75 O.S., Section 256(B)(3), "Executive Orders of previous gubernatorial administrations shall terminate ninety (90) calendar days following the inauguration of the next Governor unless otherwise terminated or continued during that time by Executive Order."

## TITLE 1. EXECUTIVE ORDERS

**1:2007-41.**

### EXECUTIVE ORDER 2007-41

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the authority vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution and the Oklahoma Homeland Security Act, 74 O.S. §§ 51, *et seq.*, hereby direct and order as follows:

The purpose of the Oklahoma Office of Homeland Security ("OKOHS") is to coordinate efforts in the State of Oklahoma to prevent terrorist attacks, reduce our vulnerability to such attacks, and to prepare Oklahoma's response and recovery efforts subsequent to such events. The Oklahoma Homeland Security Director reports directly to the Governor on any such matters, and to ensure the Governor receives the best information related to the security of our state, it is important such a single point of contact exists.

OKOHS is directed to continue their efforts in combating terrorism, and shall continue to oversee the implementation of any and all initiatives or efforts mandated by the United States Department of Homeland Security, including the development of a state information fusion center. A fusion center is a collaborative effort of two or more agencies that provide resources, expertise, and information to the center with the goal of maximizing their ability to detect, prevent, investigate, and respond to criminal and terrorist activity. Data fusion involves the exchange of information from different sources - including law enforcement, public safety, and the private sector - and, with analysis, can result in meaningful and actionable information. OKOHS will create a Governance Board over the Fusion Center that will provide strategic direction, ensure objectives are achieved, risks are managed appropriately, and resources are used responsibly. The Oklahoma State Bureau of Investigation will manage the Oklahoma Information Fusion Center, and Center resources will be made available to all participating local, state, tribal and federal agencies in accordance with the Center's policies and procedures. All state agencies, boards and commissions are directed to cooperate and comply with the OKOHS in its efforts to develop the state fusion center

This Executive Order shall be distributed to all Cabinet and the Oklahoma Homeland Security Director for immediate implementation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 16th day of October, 2007.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Brad Henry

ATTEST:  
Kathy Jekel  
Acting Assistant Secretary of State

[OAR Docket #07-1425; filed 10-17-07]

**1:2007-42.**

### EXECUTIVE ORDER 2007-42

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the authority vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution and the Oklahoma Homeland Security Act, 74 O.S. §§ 51, *et seq.*, hereby direct and order as follows:

The lack of adequate interoperable communications for first responders at all levels has been a problem for many years. Significant advances have been made in interoperable communications over the past five years. Under my authority, the Oklahoma Office of Homeland Security (OKOHS) has made a number of investments in improving interoperable communications through funding from the United States Department of Homeland Security. To date over \$32 million in federal funds have been dedicated to increasing interoperable communications.

OKOHS is directed to continue their efforts to improve interoperable communications in the state of Oklahoma. The Oklahoma Homeland Security Director and OKOHS shall continue to oversee the implementation of any and all initiatives or efforts mandated by the United States Department of Homeland Security and its subdivisions. OKOHS shall remain the State Administering Agency for all federal funds related to homeland security, including the Public Safety Interoperable Communications grant program. OKOHS is further directed to oversee the development and implementation of a Statewide Interoperable Communications Plan pursuant to federal requirements.

## Executive Orders

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Recognizing the need for a state level strategy for communications, the Oklahoma Legislature appropriated funding to the Department of Public Safety for a study of state level communications capabilities and needs. OKOHS, in consultation with the Oklahoma Department of Public Safety, is directed to develop and oversee the state study. All state agencies, boards and commissions are directed to cooperate with the OKOHS in the study and development of state interoperable communications

This Executive Order shall be distributed to all Cabinet and the Oklahoma Homeland Security Director for immediate implementation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 16th day of October, 2007.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Brad Henry

ATTEST:  
Kathy Jekel  
Acting Assistant Secretary of State

*[OAR Docket #07-1426; filed 10-17-07]*

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**1:2007-43.**

### EXECUTIVE ORDER 2007-43

I, Brad Henry, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 8:00 a.m. until 5:00 p.m. on Friday, October 19, 2007, to honor Staff Sergeant Lillian Clamens an Oklahoma resident, who died on Wednesday, October 10, 2007, at age 35 while serving in Iraq.

This executive order shall be forwarded to the Director of Central Services who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 16 day of October, 2007.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Brad Henry

ATTEST:  
Kathy Jekel  
Acting Assistant Secretary of State

*[OAR Docket #07-1427; filed 10-17-07]*

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**1:2007-44.**

### EXECUTIVE ORDER 2007-44

I, Mike Morgan, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 8:00 a.m. until 5:00 p.m. on Monday, October 22, 2007, to honor Bill Wiseman, an Oklahoma resident and former Oklahoma legislator who died on Wednesday, October 17, 2007 at age 63.

Wiseman was elected to the Oklahoma House of Representatives in 1974. He served three terms. He served the people and the State of Oklahoma with honor and distinction.

This executive order shall be forwarded to the Director of Central Services who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 18th day of October, 2007.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mike Morgan

ATTEST:  
M. Susan Savage  
Secretary of State

*[OAR Docket #07-1428; filed 10-22-07]*

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**1:2007-45.**

### EXECUTIVE ORDER 2007-45

I, Brad Henry, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 8:00 a.m. until 5:00 p.m. on Wednesday, October 31, 2007, to honor

Admiral William J. Crowe Jr., an Oklahoma resident who died on Thursday, October 18, 2007 at age 82.

Crowe served as chairman for the Joint Chiefs of Staff for former Presidents Reagan and Bush. He was the U.S. Ambassador to the United Kingdom for President Clinton. Crowe attended Taft Junior High School, Classen High School and the University of Oklahoma. Admiral Crowe was a proud Oklahoman and a national hero, who served his county with intellect, integrity and bravery.

This executive order shall be forwarded to the Director of Central Services who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 22nd day of October, 2007.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Brad Henry

ATTEST:  
Michelle Waddell  
Acting Assistant Secretary of State

*[OAR Docket #07-1429; filed 10-23-07]*

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