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

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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 2. FEES

[OAR Docket #05-1255]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Fee Schedules

35:2-3-26. [AMENDED]

SUMMARY:

This rule revises the apiary program fees to be more reflective of costs associated with administering the program. House Bill 1809 amended the Oklahoma Apiary Act in 2005 and provided the Department the authority to revise and establish appropriate fees.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2) and (29), 3-100 et seq.

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 October 17, 2005 through November 16, 2005.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., November 16, 2005, in the Boardroom 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 October 17, 2005 through November 16, 2005.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained 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 address.

CONTACT PERSON:

Teena Gunter, (405) 522-4576, e-mail address: tgunter@oda.state.ok.us

[OAR Docket #05-1255; filed 9-23-05]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 30. PLANT INDUSTRY

[OAR Docket #05-1256]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 38. Apiaries [NEW]

SUMMARY:

These rules establish an apiary program for the State of Oklahoma pursuant to the requirements of the Oklahoma Apiary Act, as amended by the Oklahoma Legislature in 2005 through House Bill 1809. The rules establish the registration program for apiaries within the state and details the import permit requirements for migratory beekeepers.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2) and (29), 3-100 et seq.

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 October 17, 2005 through November 16, 2005.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m., November 16, 2005, in the Boardroom of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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Notices of Rulemaking Intent

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained 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 address.

CONTACT PERSON:

Teena Gunter, (405) 522-4576, e-mail address: tgunter@oda.state.ok.us

[OAR Docket #05-1256; filed 9-23-05]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 515. MANAGEMENT OF SOLID WASTE

[OAR Docket #05-1250]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

252:515-1-4. [AMENDED]

Subchapter 3. Permit Provisions and Applications

Part 3. Permit Applications and Modifications

252:515-3-35. [AMENDED]

252:515-3-40. [AMENDED]

Subchapter 13. Leachate Collection and Management

Part 1. General Provisions

252:515-13-1. [AMENDED]

Subchapter 17. Stormwater Management

252:515-17-3. [AMENDED]

Subchapter 19. Operational Requirements

Part 5. Cover and Soil Borrow Requirements for Land Disposal Facilities

252:515-19-51. [AMENDED]

Part 7. Additional Operational Requirements for MSWLFs

252:515-19-73. [AMENDED]

Subchapter 23. Regulated Medical Waste Management

Part 1. General Provisions

252:515-23-1. [AMENDED]

Subchapter 25. Closure and Post-Closure Care

Part 5. Post-Closure

252:515-25-54. [AMENDED]

Subchapter 27. Cost Estimates and Financial Assurance

Part 1. General Provisions

252:515-27-4. [AMENDED]

Part 7. Financial Assurance Mechanisms

252:515-27-81.1. [NEW]

Subchapter 35. Oklahoma Recycling Initiative

252:515-35-1. [AMENDED]

Appendix B. Uppermost Aquifer Protective Values [REVOKED]

Appendix B. Uppermost Aquifer Protective Values [NEW] SUMMARY

The proposed amendments to 252:515 are minor. They reflect language clarifications and corrections of legal citations and typographical errors. References to April 1 of each year was changed to April 9 of each year throughout Subchapter 27. One new proposed rule was added to clarify that other facilities, such as NIHW and C&D landfills, may take advantage of the corporate financial test to demonstrate financial assurance just as MSWLFs can. The arsenic value in Appendix B was changed from 0.05 to 0.01.

AUTHORITY:

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-2-201 and 2-10-101 *et seq.*

COMMENT PERIOD:

Deliver or mail written comments on the proposed rules to the contact person from October 17 through November 17, 2005. Oral comments may be made at the Solid Waste Management Advisory Council meeting on November 17, 2005, or at the Environmental Quality Board meeting on February 24, 2006.

PUBLIC HEARINGS:

Before the Solid Waste Management Advisory Council at a special meeting at 9:00 a.m. on November 17, 2005, in the Multi-Purpose Room, first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102.

Before the Environmental Quality Board at 9:30 a.m. on February 24, 2006 in the Multi-Purpose Room, first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Department requests that business entities affected by these proposed rules provide the Department, within the comment period and in dollar amounts if possible, the increase or decrease in the level of direct costs such as fees and the 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.

COPY OF PROPOSED RULE CHANGES:

A copy of the proposed rules may be obtained from the contact person or may viewed on the DEQ web site at www.deq.state.ok.us or may be reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

The Rule Impact Statement for the proposed rules will be on file at the Department of Environmental Quality and may be requested from the contact person.

CONTACT PERSON:

Dee Ready, Land Protection Division, Solid Waste Management Section, P.O. Box 1677, Oklahoma City, OK 73101-1677, e-mail at dee.ready@deq.state.ok.us, phone 405-702-5100, or fax 405-702-5101.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the public hearing to be held before the Solid Waste Management Advisory Council and need assistance should notify the contact person three days in advance of the meeting during business hours at 405-702-5100 or by using TDD relay number 1-800-522-8506.

[OAR Docket #05-1250; filed 9-21-05]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 515. MANAGEMENT OF SOLID WASTE**

[OAR Docket #05-1251]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Permit Provisions and Applications
 - Part 1. General Provisions
 - 252:515-3-1. [AMENDED]
 - Part 3. Permit Applications and Modifications
 - 252:515-3-39.1. [NEW]
- Subchapter 21. Waste Tire Processing, Certification, Permits and Compensation
 - Part 1. General Provisions
 - 252:515-21-2. [AMENDED]
 - 252:515-21-3. [AMENDED]
 - 252:515-21-5. [NEW]
 - Part 3. Waste Tire Facilities
 - 252:515-21-31. [REVOKED]
 - 252:515-21-32. [AMENDED]
 - 252:515-21-32.1. [NEW]
 - Part 7. Compensation from the Waste Tire Indemnity Fund
 - 252:515-21-71. [AMENDED]
 - 252:515-21-73. [AMENDED]
 - Part 9. Erosion Control, River Bank Stabilization and Other Conservation Projects
 - 252:515-21-91. [AMENDED]
 - 252:515-21-92. [AMENDED]

SUMMARY

The proposed amendments to 252:515, Subchapters 3 and 21, arise from legislation enacted in 2005, effective June 2005. Legal citations were updated. There is minor cleanup language as well. Definitions contained in the Act were deleted in the rules and new definitions were added where necessary, i.e. Erosion Control Installer. Waste tires used by permitted facilities were included in the term "recycling". Some proposed rules were reformatted with minor amendments. Permit application information required for tire derived fuel (TDF) facilities that store more than 50 waste tires was added. Community wide or other special collection events were added to reasons dumps were placed on the PCL. Requirements for TDF facilities that choose to collect and transport waste tires to

the facility were added. Monthly, quarterly and annual reports were moved to a new rule. Language was added to clarify and emphasize that certain entities are eligible to receive compensation only for collection and transportation of waste tires that are listed by the Oklahoma Tax Commission in its rules. Rim diameter restrictions were deleted, and provisions for Erosion Control Installer to comply with certain provisions of the Act were added.

AUTHORITY:

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-2-201 and 2-11-401 *et seq.*

COMMENT PERIOD:

Deliver or mail written comments on the proposed rules to the contact person from October 17 through November 17, 2005. Oral comments may be made at the Solid Waste Management Advisory Council meeting on November 17, 2005, or at the Environmental Quality Board meeting on February 24, 2006.

PUBLIC HEARINGS:

Before the Solid Waste Management Advisory Council at a special meeting at 9:00 a.m. on November 17, 2005, in the Multi-Purpose Room, first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102.

Before the Environmental Quality Board at 9:30 a.m. on February 24, 2006 in the Multi-Purpose Room, first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Department requests that business entities affected by these proposed rules provide the Department, within the comment period and in dollar amounts if possible, the increase or decrease in the level of direct costs such as fees and the 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.

COPY OF PROPOSED RULE CHANGES:

A copy of the proposed rules may be obtained from the contact person or may viewed on the DEQ web site at www.deq.state.ok.us or may be reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

The Rule Impact Statement for the proposed rules will be on file at the Department of Environmental Quality and may be requested from the contact person.

CONTACT PERSON:

Dee Ready, Land Protection Division, Solid Waste Management Section, P.O. Box 1677, Oklahoma City, OK 73101-1677, e-mail at dee.ready@deq.state.ok.us, phone 405-702-5100, or fax 405-702-5101.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the public hearing to be held before the Solid Waste Management

Notices of Rulemaking Intent

Advisory Council and need assistance should notify the contact person three days in advance of the meeting during business hours at 405-702-5100 or by using TDD relay number 1-800-522-8506.

[OAR Docket #05-1251; filed 9-21-05]

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TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 515. MANAGEMENT OF SOLID WASTE

[OAR Docket #05-1252]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Appendix H. Procedure for Calculating Closure Cost Estimates for Financial Assurance [REVOKED]

Appendix H. Procedure for Calculating Closure Cost Estimates for Financial Assurance [NEW]

Appendix I. Procedure for Calculating Post-closure Cost Estimates for Financial Assurance [REVOKED]

Appendix I. Procedure for Calculating Post-closure Cost Estimates for Financial Assurance [NEW]

SUMMARY

The solid waste rules, specifically OAC 252:515-27-4, require revision of closure and post-closure cost data in Appendices H and I every five years. The cost estimates included in Appendices H and I have been updated to reflect current cost estimates for financial assurance.

AUTHORITY:

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-2-201 and 2-10-101 *et seq.*

COMMENT PERIOD:

Deliver or mail written comments on the proposed rules to the contact person from October 17 through November 17, 2005. Oral comments may be made at the Solid Waste Management Advisory Council meeting on November 17, 2005, or at the Environmental Quality Board meeting on February 24, 2006.

PUBLIC HEARINGS:

Before the Solid Waste Management Advisory Council at a special meeting at 9:00 a.m. on November 17, 2005, in the Multi-Purpose Room, first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102.

Before the Environmental Quality Board at 9:30 a.m. on February 24, 2006 in the Multi-Purpose Room, first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Department requests that business entities affected by these proposed rules provide the Department, within the comment period and in dollar amounts if possible, the increase

or decrease in the level of direct costs such as fees and the 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.

COPY OF PROPOSED RULE CHANGES:

A copy of the proposed rules may be obtained from the contact person or may viewed on the DEQ web site at www.deq.state.ok.us or may be reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

The Rule Impact Statement for the proposed rules will be on file at the Department of Environmental Quality and may be requested from the contact person.

CONTACT PERSON:

Dee Ready, Land Protection Division, Solid Waste Management Section, P.O. Box 1677, Oklahoma City, OK 73101-1677, e-mail at dee.ready@deq.state.ok.us, phone 405-702-5100, or fax 405-702-5101.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the public hearing to be held before the Solid Waste Management Advisory Council and need assistance should notify the contact person three days in advance of the meeting during business hours at 405-702-5100 or by using TDD relay number 1-800-522-8506.

[OAR Docket #05-1252; filed 9-21-05]

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TITLE 527. STATE BOARD OF EXAMINERS OF PERFUSIONISTS CHAPTER 10. PRACTICE/LICENSURE/EXAMINATION

[OAR Docket #05-1241]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

527:10-1-2. Practice of perfusion/general licensure provisions [AMENDED]

SUMMARY:

This rule establishes the requirements for applying for a full or provisional license to practice perfusion. Amendments are being made to allow the Board to require criminal background checks on all applicants.

AUTHORITY:

TITLE 59 O.S., Section 2055, State Board of Examiners of Perfusionists

COMMENT PERIOD:

Written comments may be submitted from October 17, 2005 to November 24, 2005 to the following address: Board of Examiners of Perfusionists, P.O. Box 18256, Oklahoma City, Oklahoma 73154-0256. Oral comments may be made at the public hearing.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on December 1, 2005 at 7:00 p.m. at the office of the Board of Medical Licensure and Supervision, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma 73118. Written notice of intent to make oral comment must be received by this office no later than November 24, 2005.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the office of the Board, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma 73118.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and available after October 17, 2005 at the office of the Board, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

Jan Ewing, Deputy Director (405) 848-6841, ext. 104

[OAR Docket #05-1241; filed 9-15-05]

Submissions for Review

Within 10 calendar days after adoption by an agency of a proposed PERMANENT rulemaking action, the agency must submit the proposed rules to the Governor and the Legislature for review. In addition, the agency must publish in the *Register* a "statement" that the rules have been submitted for gubernatorial/legislative review.

For additional information on submissions for gubernatorial/legislative review, see 75 O.S., Section 303.1, 303.2, and 308.

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 250. FEE SCHEDULE FOR
CONSUMER HEALTH SERVICES**

[OAR Docket #05-1254]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

Subchapter 3. License Classifications and Associated Fees
For Consumer Health Services

310:250-3-1. [AMENDED]

310:250-3-6. [AMENDED]

SUBMITTED TO GOVERNOR:

September 23, 2005

SUBMITTED TO HOUSE:

September 23, 2005

SUBMITTED TO SENATE:

September 23, 2005

[OAR Docket #05-1254; filed 9-23-05]

**TITLE 800. DEPARTMENT OF WILDLIFE
CONSERVATION
CHAPTER 10. SPORT FISHING RULES**

[OAR Docket #05-1242]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 5. Area Restrictions and Special Fees
800:10-5-3. Designated trout areas [AMENDED]

SUBMITTED TO GOVERNOR:

September 13, 2005

SUBMITTED TO HOUSE:

September 13, 2005

SUBMITTED TO SENATE:

September 13, 2005

[OAR Docket #05-1242; filed 9-15-05]

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 #05-1246]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 3. Priority Academic Student Skills
Part 5. Language Arts
210:15-3-22. [AMENDED]
210:15-3-23. [AMENDED]

AUTHORITY:

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

DATES:

Adoption:

July 7, 2005

Approved by Governor:

August 24, 2005

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2006, 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 change provides clarity and detail to the Priority Academic Student Skills, Oklahoma's core curriculum. By changing "and" to "or" public educators responsible for implementing the curriculum at Grades 11 and 12 will be able to pursue in-depth studies of American and British literature aligned to state standards.

ANALYSIS:

The proposed rule change is to comply with review requirements set forth in 70 O. S. §11-103.6 and will benefit educators by providing clear academic content standards for curriculum planning and implementation purposes.

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 3. PRIORITY ACADEMIC STUDENT SKILLS

PART 5. LANGUAGE ARTS

210:15-3-22. Language arts for grade 11

(a) **Reading/literature.** The student will apply a wide range of strategies to comprehend, interpret, evaluate, appreciate, and respond to a wide variety of texts.

(1) **Standard - vocabulary.** The student will expand vocabulary through word study, literature, and class discussion. Apply a knowledge of word origins (words from other languages, history, or literature) to determine the meaning of new words encountered in reading and use of those words accurately.

(A) Apply knowledge of Greek, Latin, and Anglo-Saxon roots and word parts to draw inferences about the meaning of scientific and mathematical terminology.

(B) Use reference material such as glossary, dictionary, thesaurus, and available technology to determine precise meaning and usage.

(C) Analyze the meaning of analogies encountered, analyzing specific comparisons as well as relationships and inferences.

(D) Rely on context to determine meanings of words and phrases such as figurative language, connotations and denotations of words, analogies, idioms, and technical vocabulary.

(E) Use word meanings within the appropriate context and verify those meanings by definition, re-statement, example, and analogy.

(2) **Standard - comprehension.** The student will interact with the words and concepts on the page to understand what the writer has said. Read and understand grade-level-appropriate material. Analyze the organization patterns and evaluate authors' argument and positions. At Grade 11, in addition to regular classroom reading, read a wide variety of classic and contemporary literature, poetry, magazines, newspapers, reference materials, and online information.

(A) **Literal understanding.**

(i) Identify the structures and format of various informational documents and explain how authors use the features to achieve their purpose.

(ii) Select and explain specific devices an author uses to accomplish purpose (persuasive

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techniques, style, literary forms or genre, portrayal of themes, language).

(iii) Use study strategies such as note taking, outlining, and using study-guide questions to better understand texts.

(iv) Constructs images such as graphic organizers based on text descriptions and text structures.

(B) Inferences and interpretation.

(i) Interpret the possible inferences of the historical context on literary works.

(ii) Describe the development of plot and identify conflict and how they are addressed and resolved.

(iii) Investigate influences on a reader's response to a text (e.g., personal experience and values; perspective shapes by age, gender, class, or nationality).

(iv) Make reasonable assertions about author's arguments by using elements of the text to defend and clarify interpretations.

(C) Summary and generalization.

(i) Determine the main idea and supporting details by producing summaries of text.

(ii) Use text features and elements to support inferences and generalizations about information.

(iii) Summarize and paraphrase complex, implicit hierarchic structures in informational texts, including relationships among concepts and details in those structures.

(D) Analysis and evaluation.

(i) Compare and contrast aspects of texts such as themes, conflicts, and allusions both within and across texts.

(ii) Analyze the structure and format of informational and literary documents and explain how authors use the features to achieve their purposes.

(iii) Examine the way in which clarity of meaning is affected by the patterns of organization, repetition of the main ideas, organization of language, and word choice in the text.

(iv) Analyze the way in which authors have used archetypes (universal modes or patterns) drawn from myth and tradition in literature, film, political speeches, and religious writings.

(3) Standard - literature. The student will read, construct meaning, and respond to a wide variety of literary forms. Read and respond to grade-level-appropriate historically or culturally significant works of British, American, and/or world literature. Conduct in-depth analysis of themes, styles, and trends of these works across historical periods.

(A) Literary genres. Demonstrate a knowledge of and an appreciation for various forms of literature.

(i) Analyze the characteristics of genres including short story, novel, drama, poetry, and essay.

(ii) Analyze the characteristics of subgenres including allegory and ballad.

(B) Literary elements. Demonstrate knowledge of literary elements and techniques and show how they affect the development of a literary work.

(i) Analyze the way in which the theme or meaning of a selection represents a view or comment on life, using textual evidence to support the claim.

(ii) Analyze the way in which irony, tone, mood, the author's style, and the "sound" of language achieve specific rhetorical (communication) or aesthetic (artistic) purposes or both.

(iii) Analyze characters' traits by what the characters say about themselves in narration, dialogue, and soliloquy (when they speak out loud to themselves).

(iv) Evaluate the significance of various literary devices and techniques, including imagery, irony, tone, allegory (the use of fictional figures and actions to express truths about human experiences), and symbolism (the use of symbols to represent an idea or theme), and explain their appeal.

(v) Evaluate the author's purpose and the development of time and sequence, including the use of complex literary devices, such as foreshadowing (providing clues to future events) or flashbacks (interrupting the sequence of events to include information about an event that happened in the past).

(C) Figurative language and sound devices.

Identify figurative language and sound devices and analyze how they affect the development of a literary work.

(i) Identify and explain figurative language including analogy, hyperbole, metaphor, personification, and simile.

(ii) Identify and explain sound devices including alliteration and rhyme.

(iii) Analyze the melodies of literary language, including its use of evocative words, rhythms and rhymes.

(D) Literary works. Read and respond to historically and culturally significant works of literature.

(i) Analyze and evaluate works of literature and the historical context in which they were written.

(ii) Analyze and evaluate literature from various cultures to broaden cultural awareness.

(iii) Compare works that express the recurrence of archetypal (universal) characters, settings, and themes in literature and provide evidence to support the ideas expressed in each work.

(iv) Analyze the clarity and consistency of political assumptions in a selection of literary works or essays on a topic.

(4) Standard - research and information. The student will conduct research and organize information.

(A) Accessing information. Select the best source for a given purpose.

- (i) Access information from a variety of primary and secondary sources.
 - (ii) Skim text for an overall impression and scan text for particular information.
 - (iii) Use organizational strategies as an aid to comprehend increasingly difficult content material (e.g., compare/contrast, cause/effect, problem/solution, sequential order).
- (B) **Interpreting information.** Analyze and evaluate information from a variety of sources.
- (i) Summarize, paraphrase, and/or quote relevant information.
 - (ii) Determine the author's viewpoint to evaluate source credibility and reliability.
 - (iii) Synthesize information from multiple sources to draw conclusions that go beyond those found in any of the individual studies.
 - (iv) Identify complexities and inconsistencies in the information and the different perspectives found in each medium, including almanacs, microfiche, news sources, in-depth field studies, speeches, journals, technical documents, or internet sources.
 - (v) Develop presentations by using clear research questions and creative and critical research strategies, such as field studies, oral histories, interviews, experiments, and Internet sources.
- (b) **Writing/grammar/mechanics and usage.** The student will express ideas effectively in written modes for a variety of purposes and audiences. Write coherent and focused texts that show a well defined point of view and tightly reasoned argument. The writing demonstrates progression through the stages of the writing process (prewriting, writing, editing, and revising).
- (1) **Standard - writing process.** The student will use the writing process to write coherently.
- (A) Use a writing process to develop and refine composition skills. Students are expected to:
- (i) use prewriting strategies to generate ideas such as brainstorming, using graphic organizers, keeping notes and logs, to develop voice and plan
 - (ii) develop multiple drafts both alone and collaboratively to categorize ideas, organizing them into paragraphs, and blending paragraphs into larger text.
 - (iii) organize and reorganize drafts and refine style to suit occasion, audience, and purpose.
 - (iv) proofread writing for appropriateness of organization, content and style.
 - (v) edit for specific purposes such as to insure standard usage, varied sentence structure, appropriate word choice, mechanics and spelling.
 - (vi) refine selected pieces frequently to publish for general and specific audiences.
- (B) Demonstrate an understanding of the elements of discourse, such as purpose, speaker, audience, and form when completing narrative expository, persuasive, or descriptive writing assignments.
- (C) Use language in creative and vivid ways to establish a specific tone.
- (D) Use point of view, characterization, style, and related elements for specific rhetorical (communication) and aesthetic (artistic) purposes.
- (E) Structure ideas and arguments in a sustained and persuasive way and support them with precise and relevant examples.
- (F) Evaluate own writing and others' writing to highlight the individual voice, improve sentence variety and style, and enhance subtlety of meaning and tone in ways that are consistent with the purpose, audience, and form of writing.
- (2) **Standard - modes and forms of writing.** The student will write for a variety of purposes and audiences using narrative, descriptive, expository, persuasive, and reflective modes. At Grade 11, continue to combine the rhetorical strategies of narration, exposition, persuasion, reflection, and description to produce text of at least 1,500 words. Refine reflective compositions and historical investigation reports and become familiar with forms of job applications and resumes. Deliver multimedia presentations on varied topics. Demonstrate a command of Standard English and the research, organization, and drafting strategies outlined in the writing process. (Writing demonstrates an awareness of the audience [intended reader] and purpose for writing.)
- (A) Write fictional, biographical or autobiographical narratives that:
- (i) narrate a sequence or events and communicate their significance to the audience.
 - (ii) identify scenes and incidents in specific places.
 - (iii) describe with specific details the sight, sounds, and smells of a scene and the specific actions, movements, gestures, and feelings of the character; use interior monologue (what character says silently to self) to show the character's feelings.
 - (iv) present action segments to accommodate changes in time and mood. Example: Read several short essays by writers on the practice of writing such as an excerpt from Anne Lamott's *BIRD BY BIRD* or essays by Wallace Stegner or other authors on writing. Write an essay on how reading and/or writing have been significant in your life.
- (B) Job applications and resumes that:
- (i) provide clear and purposeful information and address the intended audience appropriately.
 - (ii) indicate varied levels, patterns, and types of language to achieve intended effects and aid comprehension.
 - (iii) modify the tone to fit the purpose and audience.
 - (iv) follow the conventional style for that type of document (resume, cover letter of application)

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- and use page format, fonts (typeface), and spacing that contribute to the readability and impact of the document. Example: Write a resume outlining job experience, extra curricular activities and other skills. Format the document so that the information is clearly represented for the intended audience.
- (C) Write historical investigations that:
- use expository, narration, description, argumentation, or some combination of rhetorical strategies to support the main argument.
 - analyze several historical records of a single event, examining critical relationships between elements of the topic.
 - explain the perceived reason or reasons for the similarities and differences in historical records with information derived from primary and secondary sources to support or enhance the presentation.
 - include information from all relevant perspectives and take into consideration the validity and reliability of sources.
 - include a formal bibliography. Example: Compose an essay on Alexis de Tocqueville's 1830's observations on American political and social life. Examine other historical documents to determine how accurate and perspective de Tocqueville's analysis was, and how his views of society reflect the United States today.
- (D) Write reflective compositions that may address one of the following purposes:
- explore the significance of personal experiences, events, conditions, or concerns by using rhetorical strategies, including narration, description, exposition, and persuasion.
 - draw comparisons between specific incidents and broader themes that illustrate the writer's important beliefs or generalizations about life.
 - maintain a balance in describing individual incidents and relate those incidents to more general and abstract ideas. Example: Select a quotation that is particularly meaningful. Explain the significance of the quotation.
- (E) Write responses to literature that:
- demonstrate a comprehensive understanding of the significant ideas in works or passages.
 - analyze the use of imagery language, universal themes, and unique aspects of the text.
 - support important ideas and viewpoints through accurate and detailed reference to the text or to other works.
 - demonstrate an understanding of author's style and an appreciation of the effects created.
 - identify and assess the impact of ambiguities, nuances, and complexities within the text. Example: After reading, "THE FALL OF THE HOUSE OF USHERS" by Edgar Allan Poe (an example of observer narration), "THE PRISON" by Bernard Malamud (an example of single character point of view), and "THE BOARDING HOUSE" by James Joyce (an example of the multiple character point of view), analyze in an essay how the authors' choices of literary narrator made a difference in the response of the reader. Reference examples from throughout the works in support of a position.
- (F) Write for different purposes and to a specific audience or person, adjusting tone and style as necessary to make writing interesting. Continue to produce other writing forms introduced in earlier grades. Example: Write stories, reports, and letters showing a variety of word choices, or review a favorite book or film.
- (G) Write documented papers incorporating the techniques of Modern Language Association (MLA) or similar parenthetical styles.
- (3) **Standard - grammar/usage and mechanics.** The student will demonstrate appropriate practices in writing by applying Standard English conventions to the revising and editing stages of writing.
- (A) **Standard English usage.** Demonstrate correct use of Standard English in speaking and writing.
- Distinguish commonly confused words (e.g., there, their, they're; two, too, to; accept, except; affect, effect).
 - Use correct verb forms and tenses.
 - Use correct subject-verb agreement.
 - Use active and passive voice.
 - Use correct pronoun/antecedent agreement and clear pronoun reference.
 - Use correct forms of comparative and superlative adjectives.
- (B) **Mechanics and spelling.** Demonstrate appropriate language mechanics in writing.
- Demonstrate correct use of capitals.
 - Use correct formation of plurals.
 - Demonstrate correct use of punctuation and recognize its effect on sentence structure.
 - Use correct spelling of commonly misspelled words and homonyms.
- (C) **Sentence structure.** Demonstrate appropriate sentence structure in writing.
- Use parallel structure.
 - Correct dangling and misplaced modifiers.
 - Correct run-on sentences.
 - Correct fragments.
- (D) Apply appropriate manuscript conventions in writing including title page presentation, pagination, spacing and margins, and integration of sources and support material, by citing sources within the text, using direct quotations, and paraphrasing.
- (c) **Oral language/listening and speaking.** The student will demonstrate thinking skills in listening and speaking. Formulate thoughtful judgments about oral communication. Deliver focused and coherent presentations that convey clear and distinct perspectives and solid reasoning. Deliver polished

formal and extemporaneous presentations that combine the traditional speech strategies of narration, exposition, persuasion, and description. Use gestures, tone, and vocabulary appropriate to the audience and purpose. Use the same Standard English conventions for oral speech that are used in writing.

- (1) **Standard - listening.** The student will listen for information and for pleasure.
 - (A) Demonstrate proficiency in critical empathetic, appreciative, and reflective listening to interpret, respond and evaluate speaker's messages.
 - (B) Use effective strategies for listening such as prepares for listening, identifies the types of listening, and adopts appropriate strategies.
 - (C) Listen and respond appropriately to presentations and performances of peers or published works such as original essays or narratives, interpretations of poetry, and individual or group performances.
 - (D) Use effective strategies to evaluate own listening such as asking questions for clarification, comparing and contrasting interpretations with others, and researching points of interest or contention.
 - (E) Use effective listening to provide appropriate feedback in a variety of situations such as conversations and discussions and informative, persuasive, or artistic presentations.
- (2) **Standard speaking.** The student will express ideas and opinions in group or individual situations.
 - (A) Use a variety of verbal and nonverbal techniques in presenting oral messages such as pitch and tone of voice, posture, and eye contact, and demonstrate poise and control while presenting.
 - (B) Use logical, ethical, and emotional appeals that enhance a specific tone and purpose.
 - (C) Evaluate when to use different kinds of effects (including visuals, music, sound, and graphics) to create effective presentations.
 - (D) Ask clear questions for a variety of purposes and respond appropriately to the questions of others.
- (d) **Visual literacy.** The student will interpret, evaluate, and compose visual messages.
 - (1) **Standard - interpret meaning.** The student will interpret and evaluate the various ways visual image-makers including graphic artists, illustrators, and news photographers represent meaning.
 - (A) Use a range of strategies to interpret visual media (e.g., draw conclusions, make generalizations, synthesizes material viewed, refer to images or information in visual media to support point of view).
 - (B) Describes how editing shapes meaning in visual media (e.g., omission of alternative perspectives; filtered or implied viewpoints; emphasis of specific ideas, images, or information in order to serve particular interests).
 - (2) **Standard - evaluate media.** The student will evaluate visual and electronic media, such as film, as they compare with print messages.
 - (A) Uses a variety of criteria (e.g., clarity, accuracy, effectiveness, bias, relevance of facts) to evaluate

informational media (e.g., Web sites, documentaries, news programs.

- (B) Identifies the rules and expectations about genre that can be manipulated for particular effects or purposes (e.g., combining or altering conventions of different genres, such as presenting news as entertainment; blurring of genres, such as drama-documentaries).
- (3) **Standard - compose visual messages.** The student will create a visual message that effectively communicates an idea.
 - (A) Design and develop genres such as nightly news, news magazines, and documentaries and identify the unique properties of each.
 - (B) Compare, contrast, and critique various media coverage of the same events such as in newspapers, television, and on the Internet and compose a study of the results.

210:15-3-23. Language arts for grade 12

- (a) **Reading/literature.** The student will apply a wide range of strategies to comprehend, interpret, evaluate, appreciate, and respond to a wide variety of texts.
 - (1) **Standard - vocabulary.** The student will expand vocabulary through word study, literature, and class discussion. Apply a knowledge of word origins (words from other languages, history, or literature) to determine the meaning of new words encountered in reading and use those words accurately.
 - (A) Apply knowledge of Greek, Latin, and Anglo-Saxon roots and word parts to draw inferences about new words that have been created in the fields of science and mathematics (gene splicing, genetic engineering).
 - (B) Research unfamiliar words based on characters or themes or historical events.
 - (C) Analyze the meaning of analogies encountered, analysing specific comparisons as well as relationships and inferences.
 - (D) Rely on context to determine meanings of words and phrases such as figurative language, connotations and denotations of words, analogies, idioms, and technical vocabulary.
 - (2) **Standard - comprehension.** The student will interact with the words and concepts on the page to understand what the writer has said. Read and understand grade-level-appropriate material. Analyze the organization patterns and evaluate authors' argument and positions. At Grade 12, in addition to regular classroom reading, read a wide variety of classic and contemporary literature, poetry, magazines, newspapers, reference materials, and online information.
 - (A) **Literal understanding.**
 - (i) Identify the structures and format of various informational documents and explain how authors use the features to achieve their purpose.
 - (ii) Explain specific devices an author uses to accomplish purpose (persuasive techniques,

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style, literary forms or genre, portrayal of themes, language).

(iii) Use study strategies such as note taking, outlining, and using study-guide questions to better understand texts.

(iv) Construct images such as graphic organizers based on text descriptions and text structures.

(v) Read silently with comprehension for a sustained period of time.

(B) Inferences and interpretation.

(i) Interpret the possible inferences of the historical context on literary works.

(ii) Describe the development of plot and identify conflict and how they are addressed and resolved.

(iii) Identify influences on a reader's response to a text (e.g., personal experience and values; perspective shapes by age, gender, class, or nationality).

(iv) Make reasonable assertions about authors' arguments by using elements of the text to defend and clarify interpretations.

(C) Summary and generalization.

(i) Determine the main idea and supporting details by producing summaries of text.

(ii) Use text features and elements to support inferences and generalizations about information.

(iii) Summarize and paraphrase complex, implicit hierarchic structures in informational texts, including relationships among concepts and details in those structures.

(iv) Compare and contrast elements of text such as themes, conflicts, and allusions both within and across text.

(D) Analysis and evaluation.

(i) Investigate both the features and the rhetorical (communication) devices of different types of public documents, such as policy statements, speeches, or debates, and the ways in which authors use those features and devices.

(ii) Examine the structure and format of informational and literary documents and explain how authors use the features to achieve their purposes.

(iii) Analyze the way in which clarity of meaning is affected by the patterns of organization, repetition of the main ideas, organization of language, and word choice in the text.

(iv) Analyze the way in which authors have used archetypes (universal modes or patterns) drawn from myth and tradition in literature, film, political speeches, and religious writings.

(v) Evaluate the credibility of information sources, including how the writer's motivation may affect that credibility.

(3) **Standard - literature.** The student will read, construct meaning, and respond to a wide variety of literary forms. Read and respond to grade-level-appropriate historically or culturally significant works of British,

American, ~~and~~ world literature. Conduct in-depth analysis of themes, styles, and trends of these works across historical periods.

(A) **Literary genres.** Demonstrate a knowledge of and an appreciation for various forms of literature.

(i) Analyze the characteristics of genres including short story, novel, drama, poetry, and essay.

(ii) Analyze the characteristics of subgenres including allegory, ballad, elegy, ode, parody, pastoral, satire and tragedy.

(B) **Literary elements.** Demonstrate knowledge of literary elements and techniques and show how they affect the development of a literary work.

(i) Evaluate the way in which the theme or meaning of a selection represents a view or comment on life, using textual evidence to support the claim.

(ii) Analyze the way in which irony, tone, mood, the author's style, and the "sound" of language achieve specific rhetorical (communication) or aesthetic (artistic) purposes or both.

(iii) Analyze characters' traits by what the characters say about themselves in narration, dialogue, and soliloquy (when they speak out loud to themselves).

(iv) Evaluate the significance of various literary devices and techniques, including imagery, allegory (the use of fictional figures and actions to express truths about human experiences), and symbolism (the use of symbols to represent an idea or theme), and explain their appeal.

(v) Evaluate the author's purpose and the development of time and sequence, including the use of complex literary devices, such as foreshadowing (providing clues to future events) or flashbacks (interrupting the sequence of events to include information about an event that happened in the past).

(C) **Figurative language and sound devices.**

Identify figurative language and sound devices and analyze how they affect the development of a literary work.

(i) Identify and explain figurative language including analogy, hyperbole, metaphor, personification, and simile.

(ii) Identify and explain sound devices including alliteration and rhyme.

(iii) Analyze the melodies of literary language, including its use of evocative words, rhythms and rhymes.

(D) **Literary works.** Read and respond to historically and culturally significant works of literature.

(i) Analyze and evaluate works of literature and the historical context in which they were written.

(ii) Analyze and evaluate literature from various cultures to broaden cultural awareness.

- (iii) Compare works that express the recurrence of archetypal (universal modes or patterns) characters, settings, and themes in literature and provide evidence to support the ideas expressed in each work.
 - (iv) Analyze the clarity and consistency of political assumptions in a selection of literary works or essays on a topic.
- (4) **Standard - research and information.** The student will conduct research and organize information.
- (A) **Accessing information.** Select the best source for a given purpose.
- (i) Access information from a variety of primary and secondary sources.
 - (ii) Skim text for an overall impression and scan text for particular information.
 - (iii) Use organizational strategies as an aid to comprehend increasingly difficult content material (e.g., compare/contrast, cause/effect, problem/solution, sequential order).
- (B) **Interpreting information** - Analyze and evaluate information from a variety of sources.
- (i) Summarize, paraphrase, and or quote relevant information.
 - (ii) Determine the author's viewpoint to evaluate source credibility and reliability.
 - (iii) Synthesize information from multiple sources to draw conclusions that go beyond those found in any of the individual studies.
 - (iv) Identify complexities and inconsistencies in the information and the different perspectives found in each medium, including almanacs, microfiche, news sources, in-depth field studies, speeches, journals, technical documents, or internet sources.
 - (v) Develop presentations by using clear research questions and creative and critical research strategies, such as field studies, oral histories, interviews, experiments, and Internet sources.
 - (vi) Compiles written ideas and information into reports, summaries, or other formats and draw conclusions.
- (b) **Writing/grammar/mechanics and usage.** The student will express ideas effectively in written modes for a variety of purposes and audiences. Write coherent and focused texts that show a well defined point of view and tightly reasoned argument. The writing demonstrates a progression through the stages of the writing process (prewriting, writing, editing, and revising).
- (1) **Standard - writing process.** The student will use the writing process to write coherently.
- (A) Use a writing process to develop and refine composition skills. Students are expected to:
- (i) use prewriting strategies to generate ideas such as brainstorming, using graphic organizers, notes and logs, to develop voice, and plan.
 - (ii) develop multiple drafts both alone and collaboratively to categorize ideas organizing them into paragraphs, and blending paragraphs into larger text.
- (iii) organize and reorganize drafts and by refining style to suit occasion, audience, and purpose.
- (iv) proofread writing for appropriateness of organization, content and style.
- (v) edit for specific purposes such as to insure standard usage, varied sentence structure, appropriate word choice, mechanics and spelling.
- (vi) refine selected pieces frequently to publish for general and specific audiences.
- (B) Demonstrate an understanding of the elements of discourse, such as purpose, speaker, audience, and form when completing narrative expository, persuasive, or descriptive writing assignments.
- (i) Enhance meaning by using rhetorical devices, including the extended use of parallelism, repetition, and analogy and the issuance of a call for action.
 - (ii) Use point of view, characterization, style, and related elements for specific rhetorical (communication) and aesthetic (artistic) purposes.
 - (iii) Structure ideas and arguments in a sustained and persuasive way and support them with precise and relevant examples.
 - (iv) Evaluate own writing and others' writing to highlight the individual voice, improve sentence variety and style, and enhance subtlety of meaning and tone in ways that are consistent with the purpose, audience, and form of writing.
 - (v) Further develop unique writing style and voice, improve sentence variety, and enhance subtlety of meaning and tone in ways that are consistent with the purpose, audience, and of writing.
- (2) **Standard - modes and forms of writing.** The student will write for a variety of purposes and audiences using narrative, descriptive, expository, persuasive, and reflective modes. At Grade 12, continue to combine the rhetorical strategies of narration, exposition, persuasion, and description: to produce reflective compositions, historical investigation reports, and deliver multimedia presentations. The writing demonstrates a command of Standard English and the research, organization, and drafting strategies outlined in the writing process. Writing demonstrates an awareness of the audience (intended reader) and purpose for writing.
- (A) Write fictional, biographical or autobiographical narratives that:
- (i) narrate a sequence of events and communicate their significance to the audience.
 - (ii) locate scenes and incidents in specific places.
 - (iii) describe with specific details the sight, sounds, and smells of a scene and the specific actions, movements, gestures, and feelings of the character; use interior monologue (what character says silently to self) to show the character's feelings.

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- (iv) present action segments to accommodate changes in time and mood. Example: After reading from Geoffrey Chaucer's *The Canterbury Tales*, write your own version of a traveler's tale.
- (B) Write historical investigations that:
- (i) use expository, narration, description, argumentation, or some combination of rhetorical strategies to support the main argument.
 - (ii) analyze several historical records of a single event, examining critical relationships between elements of the topic.
 - (iii) explain the perceived reason or reasons for the similarities and differences in historical records with information derived from primary and secondary sources to support or enhance the presentation.
 - (iv) include information from all relevant perspectives and take into consideration the validity and reliability of sources.
 - (v) include a formal bibliography. Example: Write a historical investigation report on the death of Diana, Princess of Wales. Include perspectives from newspapers or accounts of witnesses. Place the event into the larger societal context of the time, and indicate how or if the event has impacted the British and people from around the world.
- (C) Write reflective compositions that may address one of the following purposes:
- (i) explore the significance of personal experiences, events, conditions, or concerns by using rhetorical strategies, including narration, description, exposition, and persuasion.
 - (ii) draw comparisons between specific incidents and broader themes that illustrate the writer's important beliefs or generalizations about life.
 - (iii) maintain a balance in describing individual incidents and relate those incidents to more general and abstract ideas. Example: Write a reflective essay for fellow students on the significance of family in one's life or on growing up at the turn of the 21st century. Make personal observations, but connect them to a larger theme of interest to your audience.
- (D) Write responses to literature that:
- (i) demonstrate a comprehensive understanding of the significant ideas in works or passages.
 - (ii) analyze the use of imagery, language universal themes, and unique aspects of the text.
 - (iii) support important ideas and viewpoints through accurate and detailed reference to the text or to other works.
 - (iv) demonstrate an understanding of author's style and an appreciation of the effects created.
 - (v) identify and assess the impact of ambiguities, nuances, and complexities within the text. Example: Analyze the events, point of view, and characterization in Virginia Woolf's novel *Mrs. Dalloway*. Write an essay arguing whether or not criticism of her work is valid.
- (E) Write for different purposes and to a specific audience or person, adjusting tone and style as necessary to make writing interesting. Continue to produce other forms of writing introduced in earlier grades. Example: Write stories, reports, and letters showing a variety of word choices, or review a favorite book or film.
- (F) Write documented papers incorporating the techniques of Modern Language Association (MLA) or similar parenthetical styles.
- (3) **Standard - grammar/usage and mechanics.** The student will demonstrate appropriate practices in writing by applying Standard English conventions to the revising and editing stages of writing.
- (A) **Standard English usage.** Demonstrate correct use of Standard English in speaking and writing.
- (i) Distinguish commonly confused words (e.g., there, their, they're; two, too, to; accept, except; affect, effect).
 - (ii) Use correct verb forms and tenses.
 - (iii) Use correct subject-verb agreement.
 - (iv) Distinguish active and passive voice.
 - (v) Use pronouns effectively, correct pronoun/antecedent agreement, and clear pronoun reference.
 - (vi) Use correct forms of comparative and superlative adjectives.
- (B) **Mechanics and spelling.** Demonstrate appropriate language mechanics in writing.
- (i) Demonstrate correct use of capitals.
 - (ii) Use correct formation of plurals.
 - (iii) Demonstrate correct use of punctuation and recognize its effect on sentence structure.
 - (iv) Use correct spelling of commonly misspelled words and homonyms.
- (C) **Sentence structure** - The student will demonstrate appropriate sentence structure in writing.
- (i) Use parallel structure.
 - (ii) Correct dangling and misplaced modifiers.
 - (iii) Correct run-on sentences.
 - (iv) Correct fragments.
- (D) Apply appropriate manuscript conventions in writing including title page presentation, pagination, spacing and margins, and integration of sources and support material, by citing sources within the text, using direct quotations, and paraphrasing.
- (c) **Oral language/listening and speaking.** The student will demonstrate thinking skills in listening and speaking. Formulate thoughtful judgments about oral communication. Deliver focused and coherent presentations that convey clear and distinct perspectives and solid reasoning. Deliver polished formal and extemporaneous presentations that combine the traditional speech strategies of narration, exposition, persuasion, and description. Use gestures, tone, and vocabulary appropriate to the audience and purpose. Use the same Standard English conventions for oral speech that are used in writing.

(1) **Standard - listening.** The student will listen for information and for pleasure.

(A) Demonstrate proficiency in critical empathetic, appreciative, and reflective listening to interpret, respond and evaluate speaker's messages.

(B) Use effective strategies for listening such as prepares for listening, identifies the types of listening, and adopts appropriate strategies.

(C) Listen and respond appropriately to presentations and performances of peers or published works such as original essays or narratives, interpretations of poetry, and individual or group performances.

(D) Use effective strategies to evaluate own listening such as asking questions for clarification, comparing and contrasting interpretations with others, and researching points of interest or contention.

(E) Use effective listening to provide appropriate feedback in a variety of situations such as conversations and discussions and informative, persuasive, or artistic presentations.

(2) **Standard - speaking.** The student will express ideas and opinions in group or individual situations.

(A) Use a variety of verbal and nonverbal techniques in presenting oral messages such as pitch and tone of voice, posture, and eye contact, and demonstrate poise and control while presenting.

(B) Use language and rhetorical strategies skillfully in informative and persuasive messages.

(C) Use logical, ethical, and emotional appeals that enhance a specific tone and purpose.

(D) Use effective and interesting language, including informal expressions for effect, Standard English for clarity, and technical language for specificity.

(E) Evaluate when to use different kinds of effects (including visuals, music, sound, and graphics) to create a presentation.

(F) clear questions for a variety of purposes and respond appropriately to the questions of others.

(d) **Visual literacy.** The student will interpret, evaluate, and compose visual messages.

(1) **Standard - interpret meaning.** The student will interpret and evaluate the various ways visual image-makers including graphic artists, illustrators, and news photographers represent meaning.

(A) Use a range of strategies to interpret visual media (e.g., draw conclusions, make generalizations, synthesizes material viewed, refer to images or information in visual media to support point of view).

(B) Demonstrate how editing shapes meaning in visual media (e.g., omission of alternative perspectives; filtered or implied viewpoints; emphasis of specific ideas, images, or information in order to serve particular interests).

(2) **Standard - evaluate media.** The student will evaluate visual and electronic media, such as film, as they compare with print messages.

(A) Uses a variety of criteria (e.g., clarity, accuracy, effectiveness, bias, relevance of facts) to evaluate

informational media (e.g., Web sites, documentaries, news programs).

(B) Identifies the rules and expectations about genre that can be manipulated for particular effects or purposes (e.g., combining or altering conventions of different genres, such as presenting news as entertainment; blurring of genres, such as drama-documentaries).

(3) **Standard - compose visual messages.** The student will create a visual message that effectively communicates an idea.

(A) Use the effects of media on constructing his/her own perception of reality.

(B) Use a variety of forms and technologies such as videos, photographs, and Web pages to communicate specific messages.

[OAR Docket #05-1246; filed 9-16-05]

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

[OAR Docket #05-1245]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 8. Six-Year Comprehensive Local Education Plan [NEW]

210:15-8-1. [NEW]

210:15-8-2. [NEW]

AUTHORITY:

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

DATES:

Adoption:

July 7, 2005

Approved by Governor:

August 24, 2005

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2006, 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 change is to promulgate rules for the Comprehensive Local Education Plan to meet legislative changes from the 2005 session. Senate Bill 966 contains information that changes current law and requires the State Board of Education to adopt rules to facilitate implementation of the law.

ANALYSIS:

The proposed rule change establishes the submission date for the Comprehensive Local Education Plan to the State Board of Education for school districts with one or more school sites which are identified for school improvement, to report to the Board the following plans: the Comprehensive Local Education Plan as required in Section 3-104.2; the school improvement plan as required in Section 5-117.4; the professional development plan as required in Section 6-194; the capital improvement plan as required in Section 18-153; and the Reading Sufficiency plan as required in Section 1210.508C.

CONTACT PERSON:

Connie Holland, 405-521-3308

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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 8. SIX-YEAR COMPREHENSIVE LOCAL EDUCATION PLAN

210:15-8-1. Purpose

The purpose of this rule is to establish the date for submission of the Six-Year Comprehensive Local Education Plan (CLEP) for schools in School Improvement status.

210:15-8-2. Date for submission of school district's Six-Year Comprehensive Local Education Plan

No later than three months after being identified as a school in need of school improvement districts shall submit to the State Board of Education the following plans.

- (1) Comprehensive Local Education Plan required by 70 O.S. § 3-104.2.
- (2) School Improvement Plan required by 70 O.S. § 5-117.4.
- (3) Professional Development Plan required by 70 O.S. § 6-194.
- (4) Capital Improvement Plan as required in 70 O.S. § 18-153.
- (5) Reading Sufficiency Plan required by 70 O.S. § 1210.508C.

[OAR Docket #05-1245; filed 9-16-05]

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

[OAR Docket #05-1249]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 27. Reading Sufficiency Act
210:15-27-1. [AMENDED]

AUTHORITY:

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

DATES:

Adoption:

July 7, 2005

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Immediately upon Governor's approval

Expiration:

Effective through July 14, 2006, 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 change is to amend the rules for the Reading Sufficiency Act to meet legislative changes from the 2005 session. Senate Bill 966, House Bill 1621, and House Bill 1020 all contain information that changes current law and requires the State Board of Education to adopt rules to facilitate implementation of the law.

ANALYSIS:

The proposed rule change update student eligibility for participation in the Reading Sufficiency Act, allowable expenditures, dates for reporting from districts, requirements for evaluation of the program, the claims process, and requirements for content, teaching training, and student eligibility for the new summer academy reading programs. The rules outline components important to implementation of the program.

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 27. READING SUFFICIENCY ACT

210:15-27-1. Reading Sufficiency Act

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

(b) ~~No later than the first Monday in October, each district will submit the number of students in kindergarten, first, second and third grades on reading assessment plans to the State Department of Education for funding and reporting purposes.~~

(c) ~~Contingent on the availability of appropriated funds, the State Department of Education will award up to \$150 to public school districts for each enrolled first, second, and third grade student of the current school year who is on a reading assessment plan.~~

(d) ~~If sufficient funds remain, the State Department of Education will conduct a second student count for students not previously reported and a second award will be made.~~

(e) ~~Reading sufficiency funds must be expended for multiple, ongoing assessments and remediation for students in the first, second and third grades who have been identified by the elementary site as needing a reading assessment plan.~~

(f) ~~The State Department of Education shall annually issue a Reading Report Card for each elementary site by August 30, 1999, and each year thereafter per requirements outlined in the Reading Sufficiency Act.~~

(g) ~~Districts will report receipt and expenditure of funds per Oklahoma Cost Accounting System requirements. The State Department of Education will periodically review expenditure reports.~~

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

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

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

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

(f) Reading sufficiency funds allocated under this section (e) must be used only for expenses relating to individual and small group tutoring, purchase of and training in the use of screening assessment measures, summer school programs, and Saturday school programs for students in the first, second and third grades who have been identified by the elementary site as in need of a program of reading instruction.

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

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

(i) Contingent on the availability of appropriated funds, the State Department of Education will award up to \$400 to public school districts for each eligible currently enrolled student who is found not to be reading at grade level and who subsequently participates in a summer academy reading program pursuant to the Reading Sufficiency Act.

(j) Each district will submit the number of eligible students who may participate in an approved summer academy reading program based on results from an approved assessment as outlined in the Reading Sufficiency Act. Submission date to be determined by the School Improvement Division of the State Department of Education.

(k) Reading Sufficiency funds allocated from the student count in (j) must be used for expenses relating to approved

summer academy reading programs for participating eligible students.

(l) Summer academy reading programs for students shall be courses that:

(1) provide at least four (4) weeks of tutoring a half (1/2) day each day for four days.

(2) incorporate the content of a reading program administered by the Oklahoma Commission for Teacher Preparation or a scientifically based reading program administered by the State Board of Education.

(3) are taught by teachers who have successfully completed a professional development institute in reading administered by the Oklahoma Commission for Teacher Preparation or a scientifically based reading professional development program administered by the State Board of Education.

(4) include only eligible students not reading at grade level based on results from an assessment approved by the State Board of Education.

(m) Superintendents of districts offering summer academy reading programs will sign and submit an assurance statement that their program has met the requirements in (k) prior to receipt of funding.

[OAR Docket #05-1249; filed 9-16-05]

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

[OAR Docket #05-1243]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 9. Professional Standards: Teacher Education and Certification

Part 19. Competencies for Licensure and Certification of Administrative Personnel

210:20-9-188. [RESERVED]

AUTHORITY:

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

DATES:

Adoption:

July 7, 2005

Approved by Governor:

August 24, 2005

Effective:

Immediately upon Governor's approval

Expiration:

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SUPERSEDED EMERGENCY ACTIONS:

Superseded rules:

210:20-9-188. [NEW]

Gubernatorial approval:

February 8, 2005

Register publication:

22 Ok Reg 555

Docket number:

05-266

INCORPORATIONS BY REFERENCE:

N/A

Emergency Adoptions

FINDING OF EMERGENCY:

The proposed rule change is due to new law creating the need to delete current rules.

ANALYSIS:

The proposed rule change is to delete rules superseded by new law. Effective July 1, 2005, 70 O. S. § 6-189 changed the requirements for attaining an alternative administrator certificate. New requirements are outlined in law.

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 19. COMPETENCIES FOR LICENSURE AND CERTIFICATION OF ADMINISTRATIVE PERSONNEL

210:20-9-188. Requirements for individuals seeking alternative superintendent and principal certification [RESERVED]

AGENCY NOTE: 70 O.S. § 6-189 changed the requirements to acquire an alternative administrator certificate. As a result, effective July 1, 2005, the emergency rule numbered at 210:20-9-188, which was approved as a new rule by the Governor and effective February 8, 2005, was preempted by a new statutory law, and the emergency rule is being terminated by this rulemaking action. New requirements are outlined in statutes.

[OAR Docket #05-1243; filed 9-16-05]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 20. STAFF

[OAR Docket #05-1248]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 17. Mentor Teacher
210:20-17-3. [AMENDED]

AUTHORITY:

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

DATES:

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SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The proposed rule change is so old rules will not be implemented as of the July 1, 2005, effective date of new legislation.

ANALYSIS:

The proposed rule change is to delete rules not reflected in new law on the selection process for mentor teachers. 70 O. S. § 6-182 changed the selection process for mentor teachers effective July 1, 2005.

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 17. MENTOR TEACHER

210:20-17-3. Mentor teachers; qualifications, selection and appointment, duties and responsibilities

(a) It is the intent of the regulations that mentor teachers be selected who possess the requisite knowledge and skills for assisting the beginning teacher. ~~Therefore, those persons responsible for submitting names for mentor teachers should use their best judgment in identifying teachers who possess leadership qualities that can provide the best assistance for a beginning teacher.~~

(b) Beginning school year 1980-81, every beginning teacher (zero years experience as a classroom teacher) employed shall serve under the guidance and assistance of a mentor teacher for a minimum of one (1) school year. However, no beginning teacher shall serve under the guidance and assistance of a mentor teacher for less than 120 days.

(c) Upon employment of a beginning teacher, the superintendent or chief administrative officer shall notify ~~the bargaining unit, where one exists, the principal~~ of the areas of certification and the teaching assignment of the beginning teacher.

(d) Within no more than ten (10) teaching days after the beginning teacher enters the classroom, the mentor teacher shall be selected.

(e) It is the responsibility of the school district to ensure that a mechanism be provided whereby the mentor teacher will provide guidance and assistance to the beginning teacher a minimum of seventy-two (72) hours per year in classroom observation and consultation.

~~(f) Submission and selection of mentor teachers shall be in the following rank order. Mentor teacher:~~

~~(1) Holds at least a standard certificate in the same area of the beginning teacher and is currently teaching in the same area as the beginning teacher.~~

~~(2) Holds at least a standard certificate in the same area as the beginning teacher and has had teaching experience in the same field as the beginning teacher.~~

~~(3) Holds at least a standard certificate and is teaching in the same area as the beginning teacher.~~

(4) ~~Holds at least a standard certificate and has had teaching experience in the same field as the beginning teacher.~~

(5) ~~Holds at least a standard certificate and has approval credentials in the same area as the beginning teacher.~~

(6) ~~Holds at least a standard certificate.~~

(gf) Emergency situations with regard to the selection and appointment of mentor teachers shall require State Board of Education action.

[OAR Docket #05-1248; filed 9-16-05]

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

[OAR Docket #05-1247]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 26. Academic Achievement Award Program [NEW]

210:20-26-1. [NEW]

210:20-26-2. [NEW]

210:20-26-3. [NEW]

AUTHORITY:

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

DATES:

Adoption:

July 7, 2005

Approved by Governor:

August 24, 2005

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2006, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

Rules are being established for the implementation of the Academic Achievement Award program as outlined in House Bill 1992, effective 1, 2005. Monetary awards shall be provided by January 31 of each year to certified, qualified, school district employees.

ANALYSIS:

The proposed rule will provide monetary awards to certified, qualified employees at schools that attain the highest overall student achievement and the highest annual improvement in student achievement as measured by the Academic Performance Index (API) in each of five groups based on average daily membership.

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 26. ACADEMIC ACHIEVEMENT AWARD PROGRAM

210:20-26-1. Purpose

Establishment of procedures for the implementation of the Academic Achievement Awards (AAA) program.

210:20-26-2. Selection and payment criteria

(a) Subsequent to the annual calculation of the Academic Performance Index (API), the State Department of Education shall determine the amount of funds available for the AAA Program established at 70 O.S. § 3-152.1.

(b) The State Department of Education will review the annual API results to determine which school in each of the following categories achieved the highest annual improvement in student achievement and the school with the highest overall student achievement:

(1) 0 to 135 ADM

(2) 136 to 235 ADM

(3) 236 to 345 ADM

(4) 346 to 505 ADM

(5) 506 or more ADM

210:20-26-3. Qualified employees

(a) Once the school in each group has been identified, the State Department of Education will determine the number of employees qualified by law to receive the award at each school. Verification in writing of each employee's qualifications to receive the award shall be provided by the principal. The amount of funds available for the Academic Achievement Awards will be divided by the total number of qualified employees.

(b) Prior to January 31 of each year, the State Department of Education will forward the monetary award to each school with employees qualified to receive such award.

[OAR Docket #05-1247; filed 9-16-05]

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

[OAR Docket #05-1244]

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. [AMENDED]

AUTHORITY:

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

DATES:

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Effective:

Immediately upon Governor's approval

Emergency Adoptions

Expiration:

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SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The proposed rule change is meet legislative changes made in the 2005 session. The intended effect of the rule change is to establish rules for approval of courses offered by supplemental education organizations as defined in Senate Bill 982.

ANALYSIS:

The rules for Supplemental Education Organizations establish the approval process for courses offered by these organizations to be counted for academic credit and toward meeting graduation requirements as described in 70 O. S. § 11-103.6. A district board of education shall submit the supplemental education organization documentation approved by the local board for approval by the State Board of Education.

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) Total minimum Core Curriculum: 15 units or sets of competencies

(G) Total minimum Elective courses: 8 units or sets of competencies

(H) 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.

(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 #05-1244; filed 9-16-05]

**TITLE 230. STATE ELECTION BOARD
CHAPTER 10. THE COUNTY ELECTION BOARD**

[OAR Docket #05-1234]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:

- Subchapter 3. Election Personnel
- Part 1. The County Election Board
- 230:10-3-8. Salary of the Secretary [AMENDED]
- Part 3. The Precinct Election Board
- 230:10-3-28.1. Special-purpose precinct workers [AMENDED]
- 230:10-3-33. Compensation of Inspector [AMENDED]
- 230:10-3-34. Compensation of Judges and Clerks [AMENDED]
- 230:10-3-35. No double compensation [AMENDED]

AUTHORITY:

Title 26 O.S., Section 2-107. Secretary of the State Election Board

Emergency Adoptions

DATES:

Adoption:

August 1, 2005

Approved by Governor:

September 1, 2005

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2006, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATION BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The Secretary of the State Election Board finds that a compelling public interest exists requiring the adoption of emergency rules. House Bill 1044 became effective on July 1, 2005. The bill includes language that limits increases in compensation for County Election Board Secretaries under certain circumstances and language that provides an increase in compensation for Precinct Officials.

County Election Board personnel rely on the rules of the State Election Board to perform their jobs. It is essential that these rules be accurate and up-to-date as possible. Because the statutory changes are already in effect, emergency amendments to the rules are required.

ANALYSIS:

Title 26, Section 2-118 was amended by HB1044 to specify that a County Election Board Secretary serving on April 30, 2004, shall not receive a salary increase if that Secretary is earning more than the scheduled salary for the county in which he or she serves. One Section is amended to include this language. Also, Title 26, Section 2-129 was amended by the same bill to provide an increase in compensation of \$20 per election for Precinct Officials. Several Sections are amended to reflect the increase. One section which contains an error is amended to correct the error. The Section contained language that limited the use of Provisional Voting Officers to federal elections only. This is incorrect. As of July 1, 2005, Provisional Voting Officers may be used in any election as provided by law and State Election Board rules.

CONTACT PERSON:

Suzanne Cox, Publications Editor, State Election Board. Telephone: (405) 521-2391.

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 3. ELECTION PERSONNEL

PART 1. THE COUNTY ELECTION BOARD

230:10-3-8. Salary of the Secretary

(a) The Secretary is paid on a monthly basis from county funds. Each month the State Election Board shall reimburse the county for the salary and fringe benefits paid to the Secretary, not to exceed 135 percent of the salaries specified. [26:2-118] The Secretary's salary is set by law and is based on the number of active registered voters in the county on January 1 of each odd-numbered year. [26:2-118]

(b) The Secretary of the State Election Board shall determine the appropriate salary level for each County Election Board Secretary, and shall notify the County Clerk in each county in January of each odd-numbered year. Any salary change shall take effect at the beginning of the County Election

Board Secretary's term on May 1 of each odd-numbered year and shall remain in effect throughout the two-year term.

(c) In the event that a County Election Board is under administrative supervision of the State Election Board, as outlined in 230:10-3-9.1, at the time a salary increase becomes effective, the Secretary of that County Election Board shall not receive the salary increase. [26:2-118] The Secretary shall be entitled to receive the salary increase at the time that the administrative supervision ends. The salary increase shall not be retroactive to the time the salary increase generally became effective.

(d) The salary of a County Election Board Secretary shall not fall below the level of the salary paid in the county on April 30, 2003, regardless of the number of active registered voters in the county. [26:2-118] The salary of a County Election Board Secretary who is reappointed to a new two-year term as Secretary shall not fall below the salary received in the immediately preceding term. [26:2-118] A County Election Board Secretary serving on April 30, 2004, shall not receive a salary increase if said Secretary is paid an amount greater than the amount of the scheduled salary for the county as provided by law. [26:2-118]

PART 3. THE PRECINCT ELECTION BOARD

230:10-3-28.1. Special-purpose precinct workers

(a) The County Election Board Secretary ~~may~~ is authorized to employ special-purpose precinct workers as needed for any county, school district, municipal, or other local election upon approval by the Secretary of the State Election Board. [26:2-128.2] The County Election Board Secretary may employ special-purpose precinct workers to assist the Inspector, Judge, and Clerk with specific tasks, but they are not members of the Precinct Election Board and shall not perform any other duties assigned to the Inspector, Judge, or Clerk. Employment of special-purpose precinct workers usually shall be reserved for elections at which a large turnout is anticipated or at which an unusually large number of voters may need to update their voter registrations or vote provisionally. Only one special-purpose precinct worker may be assigned to a precinct, but that person may serve as both a Registration Official and as a Provisional Voting Officer. Special-purpose precinct workers may be employed for the following purposes only.

(1) **Registration Officials.** A Registration Official is a special-purpose precinct worker employed to help voters fill out new Oklahoma Voter Registration Application forms needed to correct certain deficiencies in their voter registration records. The specific duties of a Registration Official are outlined in 230:35-5-60. When a Registration Official is not employed, the duties are performed by the Judge as part of the regular election duties without additional compensation.

(2) **Provisional Voting Officers.** A Provisional Voting Officer is a special-purpose precinct worker employed to help voters cast provisional ballots ~~in federal elections only.~~ The specific duties of the Provisional Voting Officer are outlined in 230:35-5-177. When a Provisional Voting Officer is not employed, the duties are performed by the

Inspector as part of the regular election duties without additional compensation.

(b) Special-purpose precinct workers shall be compensated at the same rate as the Judge and Clerk. [26:2-128.2] Compensation for special-purpose precinct workers shall be included on the Pre-Election Expense Claim for the election. The State Election Board shall pay for the compensation of special-purpose precinct workers only when such payment is authorized by the Secretary of the State Election Board in advance of the election. The Secretary of the State Election Board may establish a maximum number of special-purpose precinct workers in each county for which the State Election Board shall pay. The maximum number of state-funded special-purpose precinct workers per county shall be based on a percentage of the number of precincts in each county. The percentage used may change from election to election depending upon the availability of state funds for this purpose. The Secretary of the State Election Board shall notify the County Election Board Secretary of the maximum number of state-funded special-purpose precinct workers authorized for the county prior to the election. The County Election Board Secretary may employ other special-purpose precinct workers in addition to those funded by the State Election Board if sufficient funds are available to cover the expense.

230:10-3-33. Compensation of Inspector

(a) For any state election, the Inspector receives ~~\$77~~-\$97, plus mileage for two round trips from his home to the County Election Board office to receive and return election supplies and materials. [26:2-129] Of the ~~\$77~~-\$97, the State Election Board pays ~~\$75~~-\$95, and the county pays \$2. [26:2-129] For strictly county, or for city or school elections, the entire ~~\$77~~-\$97 is paid by the entity for which the election is held. Mileage is reimbursed at the rate currently allowed by the Internal Revenue Service for a business expense deduction.

(b) An Inspector assigned to a polling place located ten miles or more from his or her home shall be reimbursed for mileage for a one-way trip from home to the assigned polling place on election day in addition to the mileage reimbursement described in (a) of this Section. The Secretary of the County Election Board shall determine whether mileage shall be paid as outlined in 230:35-3-31.1.

230:10-3-34. Compensation of Judges and Clerks

(a) For any state election, each Judge and Clerk receives ~~\$67~~-\$87. Of the ~~\$67~~-\$87, the State Election Board pays ~~\$65~~-\$85 and the county pays \$2. [26:2-129] For strictly county, or for city or school elections, the entire ~~\$67~~-\$87 is paid by the entity for which the election is held.

(b) A Judge or Clerk assigned to a polling place located ten miles or more from his or her home shall be reimbursed for mileage for a round trip from the Judge or Clerk's home to the assigned polling place on election day. The Secretary of the County Election Board shall determine whether mileage shall be paid as outlined in 230:35-3-31.1.

230:10-3-35. No double compensation

In no event may compensation for an Inspector exceed ~~\$77~~-\$97 plus mileage, nor may compensation for a Judge or Clerk exceed ~~\$67~~-\$87 for any election or elections conducted on a single day. Except, however, a Judge or Clerk assigned to a polling place located ten miles or more from his or her home also may receive mileage as outlined in 230:10-3-34 and 230:35-3-31.1. The foregoing applies to Inspectors, Judges and Clerks who serve both a precinct and a subprecinct.

[OAR Docket #05-1234; filed 9-12-05]

**TITLE 230. STATE ELECTION BOARD
CHAPTER 15. VOTER REGISTRATION**

[OAR Docket #05-1235]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 11. Voter Registration List Maintenance
Part 1. Cancellation of Voter Registration
230:15-11-5. Potential Deletion Report [AMENDED]

AUTHORITY:

Title 26 O.S., Section 2-107. Secretary of the State Election Board

DATES:

Adoption:

August 1, 2005

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September 1, 2005

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Immediately upon Governor's approval

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Effective through July 14, 2006, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATION BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The Secretary of the State Election Board finds that a compelling public interest exists requiring the adoption of emergency rules. After many years of failed attempts, the State Election Board has recently begun to receive regular reports concerning felony convictions in federal courts. An emergency amendment is required to alert County Election Board personnel to the presence of this felony conviction information on a report used to notify them of other potential deletions from the voter registration records.

ANALYSIS:

The National Voter Registration Act (NVRA) requires the United States Attorney to provide election officials with information concerning felony convictions in federal court. The State Election Board has recently begun to receive regular reports from the federal court system in compliance with this requirement. One Section is amended to include information about the federal information in a description of the Potential Deletion Report. The Potential Deletion Report compiles information concerning persons who may have died, been convicted of felonies or moved to other states or other counties in Oklahoma. County Election Board personnel use this report to cancel the voter registrations of those persons who can be positively identified from the information on the report.

CONTACT PERSON:

Suzanne Cox, Publications Editor, State Election Board. Telephone: (405) 521-2391.

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN,
THE FOLLOWING EMERGENCY RULES ARE
CONSIDERED PROMULGATED AND EFFECTIVE**

Emergency Adoptions

UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D):

SUBCHAPTER 11. VOTER REGISTRATION LIST MAINTENANCE

PART 1. CANCELLATION OF VOTER REGISTRATION

230:15-11-5. Potential Deletion Report

The State Election Board shall prepare and transmit to each county on a monthly basis a Potential Deletion Report. This report compiles information received by the State Election Board from the State Health Department, from the federal court system, and from other counties in Oklahoma. This report lists persons who have died, persons who have been convicted of felonies in other counties or in federal court, and persons who have registered again in another county in Oklahoma. The voter registrations of persons listed on the Potential Deletion Report may be cancelled upon positive identification of the voter's registration record.

[OAR Docket #05-1235; filed 9-12-05]

TITLE 230. STATE ELECTION BOARD CHAPTER 30. ABSENTEE VOTING

[OAR Docket #05-1236]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 7. Absentee Voting Boards

230:30-7-13. In-person absentee voting procedure for uniformed services or overseas voter [AMENDED]

Subchapter 11. Receiving and Processing Absentee Ballots

230:30-11-6.1. Receiving voted absentee ballots by fax from uniformed services and overseas voters [AMENDED]

AUTHORITY:

Title 26 O.S., Section 2-107. Secretary of the State Election Board

DATES:

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August 1, 2005

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September 1, 2005

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Immediately upon the Governor's approval

Expiration:

Effective through July 14, 2006, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATION BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The Secretary of the State Election Board finds that a compelling public interest exists requiring the adoption of emergency rules. Earlier this year, permanent rules were adopted which permit the County Election Board to mark a substitute ballot to replace an absentee ballot received by fax or a write-in absentee ballot from a uniformed services or overseas absentee voter. These ballots previously had to be counted by hand by the County Election Board members. Marking a substitute ballot allows these votes to be counted by the

voting device designated to count absentee ballots. One section concerning the procedure for receiving voted absentee ballots by fax is amended to include the information about marking a substitute ballot. Another section is amended to correct a reference to a specific section of the State Election Board publication called the Precinct Problem Solver. These changes are necessary as emergency rules because of the special statewide election in September.

ANALYSIS:

State law and State Election Board rules permit uniformed services and overseas voters to return their voted ballots by fax if they receive their regular absentee ballots 30 days or less before an election. These same voters also are permitted to use either the federal write-in absentee ballot or the special state write-in absentee ballot if they are unable to receive their regular ballots in time to vote and return them by election day. Such ballots have been counted by hand by the members of the County Election Board in the past. New rules, however, permit the County Election Board members to mark a machine-readable ballot to substitute for the faxed or write-in ballot. The substitute ballot can be inserted in the voting device. The Board members follow a procedure similar to the one that has been in place since 1990 to replace a mutilated or damaged ballot that cannot be read by the voting device. The amended section still contains a reference to hand-counting these ballots. This amendment correctly refers to the new procedure. Another section contains an incorrect reference to a section of the State Election Board publication called the Precinct Problem Solver.

Both of these amendments might have been postponed until permanent rules are adopted in 2006 except for the special statewide election scheduled on September 13, 2005.

CONTACT PERSON:

Suzanne Cox, Publications Editor, State Election Board. Telephone: (405) 521-2391.

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 7. ABSENTEE VOTING BOARDS

230:30-7-13. In-person absentee voting procedure for uniformed services voter or overseas voter

If voter registration information for an in-person absentee ballot applicant cannot be found in the Central File or in OEMS and that applicant informs the Absentee Voting Board members that he or she is on leave or has recently been honorably discharged from the uniformed services of the United States or has recently been terminated in service or employment overseas, the applicant may be entitled to vote without being registered. [26:14-121] The spouse or dependent of such a person also is entitled to vote without being registered. [26:14-121] Refer to the ~~"Military Discharge or Military Leave"~~ Uniformed Services or Overseas Voter section of the ~~2002~~ PRECINCT PROBLEM SOLVER (230:35-5-114) and follow those instructions to assist this applicant ~~and to use the Military/Overseas Affidavit, if necessary to cast a provisional ballot.~~ Ask a County Election Board employee for help to determine the correct absentee ballot to issue to the voter.

SUBCHAPTER 11. RECEIVING AND PROCESSING ABSENTEE BALLOTS

230:30-11-6.1. Receiving voted absentee ballots by fax from uniformed services and overseas voters

(a) All uniformed services and overseas voters are entitled to fax their voted absentee ballot to the State Election Board or to the County Election Board that issued the ballot if they receive their regular mail absentee ballot 30 days or less before the date of the election. Uniformed services and overseas voters who request a faxed ballot for federal offices as described in ~~230:30-11-6.1~~ 230:30-9-5.1 must return said ballot by fax.

(b) A uniformed services or overseas voter described in (a) of this section may fax a copy of the voted ballot either to the State Election Board or to the County Election Board that issued the ballot in addition to mailing the original ballot to the issuing County Election Board. A fax cover sheet for this purpose may be downloaded and printed from the Federal Voting Assistance Program (FVAP) website: www.fvap.gov. Uniformed services voters may obtain copies of the fax cover sheet from the Voting Service Officers in their units. Overseas voters may obtain the cover sheet at United States embassies, consulates, and military installations. A voter who chooses to fax a voted ballot must sign a Secret Ballot Waiver and transmit it with the ballot. All faxed ballots must be received by the State Election Board or by the County Election Board no later than 7 p.m. (~~Oklahoma time~~ United States Central Time Zone) on the date of the election in order for the ballot to be counted. In the event that a voter's regular ballot is received by mail at the County Election Board prior to 7 p.m. on election day, only the voter's regular ballot shall be counted. The voter shall follow these instructions to fax a voted ballot to the State Election Board or to the County Election Board.

- (1) After marking the ballot, make a photocopy of the ballot, reduced as necessary to fit an 8 1/2" by 11" page. Do not alter the original ballot.
- (2) Fill out and sign the affidavit envelope included with the mail absentee ballot.
- (3) Fill out the fax cover sheet.
- (4) Fax the cover sheet, affidavit, and voted ballot to one of the secure numbers provided by the FVAP for ballot transmission.
- (5) Immediately mail the voted original ballot to the County Election Board. Follow the instructions included with the ballot.

(c) The Secretary of the State Election Board shall assign one or more employees to receive and process voted ballots faxed by uniformed services and overseas voters. Upon receipt by fax of a voted ballot, the assigned employees shall take the following steps to transmit the ballot and related information to the appropriate County Election Board Secretary.

- (1) Verify that each voted ballot is accompanied by a fax cover sheet that includes the following information:
 - (A) the voter's name
 - (B) the voter's county of residence in Oklahoma
 - (C) the voter's signature on the Secret Ballot Waiver
 - (D) the voter's signed Affidavit if the faxed ballot is a copy of the voter's regular mail absentee ballot

(2) Stamp the fax cover sheet with the date and time it was received and immediately transmit both the cover sheet and the ballot to the appropriate County Election Board Secretary. If the Secretary does not have a fax machine in the office, notify the Secretary that a voted absentee ballot is being transmitted.

(3) In the event that a voted ballot is received without an appropriate identifying cover sheet and/or without the voter's signature on the ~~Waiver of Right to Secret Ballot Waiver~~, the ballot shall be set aside in a secure place. If possible, immediately send a notice that the transmission was incomplete and that the ballot cannot be counted. Instruct the voter to send both the cover sheet and the ballot again. Document the receipt of the unidentified ballot and then destroy it.

(4) In the event that an identifying cover sheet is received without the voted ballot, set the cover sheet aside in a secure place. If possible, immediately send notice that the transmission was incomplete and the ballot was not received. Instruct the voter to send both the cover sheet and the ballot again. If the voter does not send the cover sheet and ballot again by 7 p.m. in the United States' Central time zone on election day, document the receipt of the cover sheet without the ballot, and notify the County Election Board Secretary that the voter attempted to return the ballot but the ballot was not received.

(5) Ballots received by fax after 7 p.m. on election day in Oklahoma shall not be counted.

(d) Upon receipt by fax of a voted ballot from the State Election Board, the Secretary of the County Election Board shall take the following steps.

(1) Attach the fax cover sheet to the ballot with a paper clip, fold the sheets in half and place in the locked absentee ballot box. If the ballot is received from the State Election Board on election day after the absentee ballot box has been opened, place the faxed ballot in a secure place until the County Election Board members are ready to count the ballot.

(2) Enter the date received in the voter's absentee application information in OEMS.

(3) After 7 p.m. on election day, the members of the County Election Board shall ~~count by hand any voted ballots returned by fax.~~

~~(4) The results of the hand count shall be recorded in the minutes of the County Election Board meeting and entered manually in OEMS according to the appropriate software instructions. mark a substitute ballot and count it as instructed in 230:30-19-6.~~

(e) Upon receipt by fax of a voted ballot from a uniformed services voter or an overseas voter, the Secretary of the County Election Board shall follow the same steps outlined in (c) of this section.

(f) A voter who faxes a voted ballot to the State Election Board as described in this section must sign a Secret Ballot Waiver. The Secret Ballot Waiver is part of the fax cover sheet provided by the FVAP, and also is part of the fax cover sheet provided by the County Election Board to voters who ask for a federal office ballot to be faxed as outlined in 230:30-9-5.1.

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However, if neither of these cover sheets is available, the voter must include the following signed statement among the materials faxed with the voted ballot. "I understand that by faxing my voted ballot I am voluntarily waiving my right to a secret ballot." This statement must be signed and dated by the voter.

[OAR Docket #05-1236; filed 9-12-05]

TITLE 230. STATE ELECTION BOARD CHAPTER 35. ELECTION CONDUCT

[OAR Docket #05-1237]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 3. County Election Board Responsibilities

Part 1. Before the Filing Period

230:35-3-3. Assembling precinct supplies [AMENDED]

Part 5. Precinct Official Payroll

230:35-3-30. Pre-Election Expense Claim [AMENDED]

Part 15. Certification of Results

230:35-3-91. Certifying county results [AMENDED]

Part 19. Verifying and County Provisional Ballots

230:35-3-130. Provisional ballot verification procedure for voter who disagrees with school district or municipal assignment [AMENDED]

230:35-3-131. Opening provisional ballot affidavit envelopes and counting provisional ballots [AMENDED]

Subchapter 5. Instructions for Precinct Election Officials

Part 34. Provisional Voting Procedures

230:35-5-175. Uniformed Service or Overseas Voter [AMENDED]

230:35-5-176. Filling out a Provisional Ballot Voucher [AMENDED]

230:35-5-177. Provisional voting procedure [AMENDED]

Subchapter 9. HAVA Requirements

Part 3. Provisional Voting

230:35-9-7. Voters who may cast a provisional ballot [AMENDED]

AUTHORITY:

Title 26 O.S., Section 2-107. Secretary of the State Election Board

DATES:

Adoption:

August 1, 2005

Approved by Governor:

September 1, 2005

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2006, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATION BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The Secretary of the State Election Board finds that a compelling public interest exists requiring the adoption of emergency rules. House Bill 1044 became effective on July 1, 2005. Included in the bill was language providing an increase in compensation of \$20 per election for Precinct Officials. Other amendments are required to remove references to obsolete forms and to correct several errors or omissions in rules amended earlier this year.

Except for Precinct Official compensation, all these amendments might have been postponed until permanent rules are adopted in 2006 except for the special statewide election scheduled September 13, 2005.

ANALYSIS:

Earlier this year, permanent amendments were adopted by the Secretary to implement the requirements of 2004's Senate Bill 1346 which applies the requirements of the federal Help America Vote Act to all elections conducted by the County Election Board. These amendments represented massive text revisions. Some errors and omissions were discovered after the permanent rules were adopted and submitted for review. Those errors and omissions are

corrected by these emergency rules. In addition to these corrections, language contained in House Bill 1044 providing an increase in compensation for Precinct Officials is implemented.

One Section contains a reference to two forms that became obsolete on July 1, 2005. Several of the errors corrected concern the content of new forms used to administer provisional voting and voter identification requirements.

CONTACT PERSON:

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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 3. COUNTY ELECTION BOARD RESPONSIBILITIES

PART 1. BEFORE THE FILING PERIOD

230:35-3-3. Assembling precinct supplies

(a) Well in advance of any election, the Secretary shall assemble supplies for every precinct and shall pack them in an envelope, a box, a bag, a binder, or another container. The Secretary may use the Supply Envelope and the Supply Box provided by the State Election Board or any other adequate container. Each election supply container shall be labeled for the appropriate precinct. (Some materials cannot be included in the supplies until after ballots are printed.) The Secretary shall prepare and use a Precinct Checklist for each precinct to verify that all necessary supplies are included.

(b) The following items shall be included in the election supplies for each precinct. The quantities listed are recommended minimum quantities.

(1) **Publications.** One each of the following publications shall be included in the election supplies for each precinct.

(A) MANUAL FOR PRECINCT ELECTION OFFICIALS

(B) PRECINCT PROBLEM SOLVER

(C) VOTING DEVICE HANDBOOK FOR PRECINCT OFFICIALS

(2) **Forms and handouts.** The following forms and handouts shall be included in the election supplies for each precinct.

(A) Address Information Requested handouts

(B) Ballot Accounting Form

(C) FORMS FOR USE BY PRECINCT OFFICIALS booklet

(D) Oklahoma Voter Registration Application forms

(E) Procedure for Watchers

(F) ~~School District Research Request form (for precincts with two or more school districts in school elections only)~~

- (G) ~~Municipal Boundary Assignment Research Request form (for precincts partially within a municipality's boundary)~~
- (H) Secrecy folders
- (~~H~~G) Voting Device Report
- (3) **Envelopes.** One of each of the following envelopes shall be included in the election supplies for each precinct.
 - (A) Envelope for Totals Printout
 - (B) Green envelope for mailing Totals Printout to State Election Board (statewide elections only)
 - (C) Precinct Expense Claim Envelope
 - (D) Voting Device Key Envelope (and key chain with keys)
- (4) **Signs and Maps.** The following ~~envelopes—signs and maps~~ shall be included in the election supplies for each precinct.
 - (A) One Attention Voter poster for each voting booth in the precinct
 - (B) One Oklahoma Election Procedures --- Important Voter Information sign (English)
 - (C) One Oklahoma Election Procedures --- Important Voter Information sign (Spanish)
 - (D) One Election Law Violations sign
 - (E) One Vote Here sign
 - (F) One Voter Eligibility - Municipal Elections
 - (G) One Voter Eligibility - School Elections
 - (H) Precinct Map - municipality
 - (I) Precinct Map - school districts
 - (J) Precinct Map - other entity
- (5) **Other Supplies.** The following additional supplies shall be included in the election supplies for each precinct.
 - (A) American flag
 - (B) Twenty ballot marking pens
 - (C) Twenty ink pens
 - (D) One long white State Election Board seal for each ballot transfer box required for the precinct
 - (E) Official Exit Poll stickers, as needed
 - (F) Two plastic seals for ballot box sides
 - (G) Paper clips
 - (H) Magnifier
 - (I) Memory pack bag
 - (J) Rubber bands
 - (K) Scissors
 - (L) Tape
 - (M) Thumbtacks
- (6) **Provisional voting supplies.** The following provisional voting supplies shall be included in the election supplies for each precinct.
 - (A) Provisional Voting Forms booklet
 - (i) Absentee Voter Affidavit
 - (ii) Voter Assistance Form
 - (B) Provisional Voting Information handouts
 - (C) Identification Required sign
 - (D) Provisional Ballot Voucher forms
 - (E) Oklahoma Provisional Ballot Affidavit ~~Envelopes envelopes~~
 - (F) Provisional Ballot Rosters

- (G) Orange ~~provisional ballot bag~~ Provisional Ballot Bag
- (H) Blue plastic seal for provisional ballot bag
- (7) **Precinct Registry, Voting Device, and ballots.** The Precinct Registry, voting device, and ballots are issued to the Inspector along with the election supplies for each precinct. See 230:35-3-6, 230:35-3-7, 230:35-3-57, and 230:35-3-68.1.

PART 5. PRECINCT OFFICIAL PAYROLL

230:35-3-30. Pre-Election Expense Claim

(a) When the state, the county, a school district, a municipality, or any other governmental entity calls an election to be conducted by the County Election Board, the Secretary of the County Election Board shall prepare an estimate of the number of Precinct Officials, Absentee Voting Board members, and any authorized special-purpose precinct workers required for the election, and the amount of compensation for all Precinct Officials ~~and~~ Absentee Voting Board members, and any special-purpose precinct workers. [26:3-105.1(A)] The estimate also shall include mileage reimbursement for Inspectors to pick up and return election supplies and materials, for Precinct Officials and special-purpose precinct workers assigned to polling places located ten miles or more from their homes, and for one member of each nursing home Absentee Voting Board. The Secretary shall prepare the estimate, which shall be known as a Pre-Election Expense Claim, in OEMS using the appropriate Pre-Election Expense Claim report. The Pre-Election Expense Claim shall be submitted to the entity not less than 35 days prior to the election. [26:3-105.1(A)]

(b) The compensation for Precinct Officials, Absentee Voting Board members, and any authorized special-purpose precinct workers shall be billed as follows.

(1) **Inspector.** The Inspector shall receive a total of ~~\$77—\$97~~ for an election. The Inspector also shall be reimbursed for mileage for two round trips from his home to the County Election Board office at the rate currently allowed by the Internal Revenue Service for a business expense deduction. An Inspector assigned to a polling place located ten miles or more from his or her home also may be reimbursed for one-way mileage from home to the assigned polling place. See 230:35-3-31.1.

(A) **Statewide elections.** For a statewide election, the State Election Board shall be billed ~~\$75—\$95~~ per Inspector. The State Election Board also shall be billed for the total amount of mileage reimbursement for the Inspectors. The county shall be billed \$2 per Inspector for a statewide election.

(B) **Other elections.** For a county election, a school district election, a municipal election or any other election, the entity authorizing the election shall be billed ~~\$77—\$97~~ per Inspector, plus the total amount of mileage reimbursement for the Inspectors.

(2) **Judge and Clerk.** The Judge and Clerk each shall receive a total of ~~\$67—\$87~~ for an election. In addition, a Judge or Clerk assigned to a polling place located ten

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miles or more from his or her home may be reimbursed for round-trip mileage from home to the assigned polling place. See 230:35-3-31.1.

(A) **Statewide elections.** For a statewide election, the State Election Board shall be billed ~~\$65—\$85~~ per Judge and ~~\$65—\$85~~ per Clerk. The county shall be billed \$2 per Judge and \$2 per Clerk. The State Election Board also shall be billed for any mileage paid to Judges and Clerks.

(B) **Other elections.** For a county election, a school district election, a municipal election or any other election, the entity authorizing the election shall be billed ~~\$67—\$87~~ per Judge and ~~\$67—\$87~~ per Clerk. The entity also shall be billed for any mileage paid to Judges and Clerks.

(3) **Absentee Voting Board members.** Absentee Voting Board members each shall receive ~~\$67—\$87~~ for each day they serve for an election. In addition, one member of each nursing home Absentee Voting Board shall receive mileage reimbursement for the round trip from the County Election Board office to the nursing home or homes.

(A) **Statewide elections.** For a statewide election, the State Election Board shall be billed for the total amount of ~~\$67—\$87~~ per Absentee Voting Board member plus mileage for one member of each nursing home Absentee Voting Board.

(B) **Other elections.** For a county election, a school election, a municipal election, or any other election, the entity authorizing the election shall be billed ~~\$67—\$87~~ for each Absentee Voting Board member for each day served plus mileage for one member of each nursing home Absentee Voting Board.

(4) **Special-purpose precinct workers.** Special-purpose precinct workers, such as Provisional Voting Officers or Registration Officials, shall receive ~~\$67—\$87~~ for an election. In addition, a special-purpose precinct worker assigned to a polling place ten miles or more from his or her home may be reimbursed for round-trip mileage from home to the assigned polling place. ~~(Special-purpose precinct workers may only be employed when authorized by the Secretary of the State Election Board. See 230:10-3-28.1.)~~

(A) **Statewide elections.** For a statewide election, the State Election Board shall be billed ~~\$65—\$85~~ per special-purpose precinct worker. The county shall be billed \$2 per special-purpose precinct worker. The State Election Board also shall be billed for any mileage paid to special-purpose precinct workers.

(B) **Other elections.** For a county election, a school district election, a municipal election or any other election, the entity authorizing the election shall be billed ~~\$67—\$87~~ per special-purpose precinct worker. The entity also shall be billed for any mileage paid to special-purpose precinct workers.

(5) **Mileage.** Mileage is reimbursed at the rate currently allowed by the Internal Revenue Service for a business expense deduction.

(c) When two or more entities hold elections on the same date and two or more of the entities are involved in the same precinct, the cost of Precinct Official and special-purpose precinct worker compensation and mileage reimbursement shall be divided equally among the entities involved in each precinct and the cost of Absentee Voting Board compensation and mileage reimbursement shall be divided equally among all the entities involved in the election. However, if a school district election is held on the same date as a county election, the county shall assume the school district's share of Precinct Official, special-purpose precinct worker, and Absentee Voting Board compensation and mileage.

PART 15. CERTIFICATION OF RESULTS

230:35-3-91. Certifying county election results

(a) **Election night activities.** On election night, the County Election Board shall canvass the precinct and absentee results for all candidate elections, for all questions, and for all elections for which the county is an affected county. When all election results have been accumulated as outlined in 230:35-3-87, a copy of the unofficial Certification Report shall be printed. The unofficial Certification Report shall be proofread. The County Election Board shall not certify any election results on election night. The Secretary of the County Election Board shall cause the following tasks to be completed on election night.

(1) Determine the number of signatures on the Provisional Ballot Roster using the Provisional Ballot Precinct Log. Post a copy of the completed Provisional Ballot Precinct Log on the office door and, if state or federal offices are on the ballot, fax or e-mail a copy of the Log to the State Election Board. If any provisional ballots are cast in an election for which this is an affected county, also fax the Log to the parent county

(2) If the county is an affected county for a multi-county school district or municipal election, report the unofficial precinct and absentee results and the number of provisional ballots which may have been cast in the election to the parent County Election Board.

(3) On the night of the Runoff Primary Election only, follow the specific instructions received from the State Election Board to determine the number of outstanding absentee ballots from overseas uniformed services voters and overseas voters. Report that number to the State Election Board. See 230:30-19-16.

(b) **Friday following election.** The County Election Board shall meet on Friday following each election at the time set by the Secretary to open and count verified provisional ballots. If the Board meets prior to 5 p.m. to count provisional ballots and finishes the count before 5 p.m., the meeting shall be recessed until after 5 p.m. The Board then shall reconvene after the close of the contest period at 5 p.m. to certify the final election results for all candidate races and questions, providing no contests have been filed. The Secretary shall prepare the following materials to certify the election.

(1) After all verified provisional ballots have been counted and results updated in OEMS, and after final election results from affected counties of multi-county school districts and municipalities have been entered manually into OEMS, print at least two copies of the Official Certification Report. Proofread the Certification Report. Each copy of the Certification Report shall be signed by the members of the County Election Board and by the Secretary. The County Election Board seal shall be affixed to each signed copy of the Certification Report in the area of the signatures. For races and questions that cannot be certified due to a contest, print one copy of the unofficial Certification Report.

(2) The Secretary of an affected County Election Board in a multi-county school district or municipal election shall fax a copy of the ~~final election results signed Official Certification Report~~ to the parent County Election Board as soon as possible after 5 p.m. on Friday.

(3) If this is an election involving state or federal candidates or state questions, request the State Election Results process in OEMS, print the system log and corrections log, and run an election backup.

(c) **5 p. m. Tuesday next following election.** The State Election Board meets at 5 p.m. on Tuesday next following an election involving state or federal candidates or state questions to certify the final election results. The County Election Board, however, shall not be required to meet again on Tuesday next following the election, unless final election results were not certified on Friday evening for a reason other than a contest of election being filed.

(d) **Disposition of Certification Reports.** One copy of each signed, official Certification Report shall be maintained permanently by the County Election Board. Other copies shall be distributed as follows.

(1) In statewide elections, one copy of the signed Certification Report for all races and questions that must be certified by the State Election Board shall be mailed to the State Election Board on the day following the election.

(2) In multi-county elections for which the county is an affected county, one signed copy of the Certification Report shall be mailed to the parent county ~~on the day following the election~~ after 5 p.m. on Friday following the election.

(3) In all other elections, one copy of the signed Certification Report shall be provided to the entity for which the election was conducted. In some instances, an entity may request more than one copy of the Certification Report. The Secretary shall provide the number of copies requested by the entity.

(e) **List of nominees.** Following Primary and Runoff Primary Elections, the Board shall authorize the Secretary to certify the nominees of each party by preparing an official list of nominees. The original copy of the list of nominees shall be signed by the Secretary and maintained in the minutes of the County Election Board meeting at which the election results were certified. A copy of the list of nominees shall be posted on the door of the County Election Board office.

(f) **List of successful candidates and Certificates of Election.** Following General Elections, the Secretary shall compile a list of successful candidates and shall issue a Certificate of Election to each successful candidate.

(g) **Runoff Primary Election.** Absentee ballots from overseas absentee voters, including both overseas uniformed services voters and overseas civilian voters, who made timely applications for ballots for the Runoff Primary Election that are received by the Secretary of the County Election Board by 5 p.m. on the fourteenth day following the Runoff Primary Election shall be accepted, counted, and included in the final election results for federal offices only. [26:14-104.1] If no absentee ballots from overseas uniformed services or civilian voters remain outstanding at 5 p.m. on Friday following the Runoff Primary Election, the County Election Board may certify the final results for federal offices to the State Election Board as outlined in (b) of this Section. However, if any overseas uniformed services or civilian absentee ballots remain outstanding at 5 p.m. on Friday following the Runoff Primary Election, the County Election Board shall only canvass the county's precinct, absentee, and provisional ballot totals for federal offices and shall follow the specific instructions received from the State Election Board to report the results of the provisional ballot count. The County Election Board shall certify the final results for federal offices after 5 p.m. on the fourteenth day following the Runoff Primary Election.

PART 19. VERIFYING AND COUNTING PROVISIONAL BALLOTS

230:35-3-130. Provisional ballot verification procedure for voter who disagrees with school district or municipal assignment

When an application for voter registration is entered in OEMS, the Street Guide automatically assigns the residence address to the appropriate precinct, and within the precinct, the appropriate school district and municipality. See 230:15-9-18.1. In the event that a voter disagrees with the school district or municipal assignment indicated in the Precinct Registry, the voter is entitled to cast a provisional ballot in the school district or municipal election in which the voter claims eligibility. Such a provisional ballot may be counted only if evidence is found that confirms that the voter's residence address is in fact located within the appropriate school district or municipal boundary. The following steps shall be observed to investigate a provisional ballot cast as outlined in this section.

(1) Compare the voter's original registration form from the Central File with the voter registration information in OEMS to be certain that the address was entered correctly.

(2) If the voter submitted a new voter registration application form at the polling place, compare the address information on that new application with the information already in OEMS. If the address on the new application contains additional details, such as the quarter-quarter section designation, a 911 address, or a more specific physical

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description, check the Street Guide to determine if the address is assigned to the voter's preferred school district or municipality. If it is, the ballot shall be counted. Update the voter's registration address information in OEMS with the new address.

(3) Contact school district or municipal officials for any additional information which may be available.

230:35-3-131. Opening provisional ballot affidavit envelopes and counting provisional ballots

(a) The County Election Board members shall meet on Friday next following the election at such time as the Secretary may prescribe to open the verified provisional ballot affidavit envelopes and to count the provisional ballots. The Board members shall follow these steps to remove the provisional ballots from the envelopes.

(1) The Board members shall receive the verified provisional ballot affidavit envelopes, sorted by precinct, from the Secretary or a designated County Election Board employee.

(2) The Board members shall open the affidavit envelopes and remove the ballot secrecy envelopes. If an affidavit envelope indicates that the voter received two or more ballots, but that not all the ballots enclosed are to be counted, see (c) of this Section.

(A) Set the affidavit envelope aside.

(B) Place the ballot secrecy envelope in an appropriate container.

(3) When all the affidavit envelopes from a single provisional ballot precinct have been opened, the secrecy envelopes shall be mixed together.

(4) The Board members shall open the ballot secrecy envelopes and remove the ballots.

(A) Set the secrecy envelope aside.

(B) Unfold the ballot and place it in the designated container for the precinct.

(b) When all the verified provisional ballot envelopes for a precinct have been opened, the ballots shall be counted. The following procedure shall be observed.

(1) The Secretary shall assign a County Election Board employee to count the provisional ballots. The members of the County Election Board shall observe the counting process.

(2) The employee assigned to count the ballots shall take the following steps.

(A) The memory pack for the precinct shall be inserted in the voting device.

(B) Press the Print Totals key to obtain a Totals Printout. Verify that the totals match exactly the Totals Printout from election night.

(C) The polls shall be reopened so that the memory pack can read additional ballots.

(~~D~~) Insert the ballots, one at a time, into the device. If the device returns a ballot, do not remove the ballot. Use the override key to accept the ballot, then continue inserting ballots.

(~~E~~) After all the ballots have been counted but under no circumstance prior to 5 p.m., generate at least 3 Totals Printouts.

(3) The employee who counted the ballots and the members of the County Election Board each shall sign all the copies of the Totals Printout.

(4) The employee shall remove the counted provisional ballots and place them in a ballot transfer case. One signed copy of the Totals Printout shall also be placed in the ballot transfer case. The ballot transfer case shall be sealed with a long white State Election Board seal signed by the County Election Board members and the employee who counted the ballots. The seal shall be clearly marked to indicate the box contains counted provisional ballots.

(5) The sealed ballot transfer case shall be given to the Sheriff, who shall provide security for the counted ballots until 5 p.m. on Friday following the election or until the ballots are delivered to the district courtroom for a recount. Except, however, for a state or federal election, the Sheriff shall retain custody of the sealed ballot transfer case until 5 p.m. on Tuesday next following the election or until they are delivered to the courtroom.

(6) One copy of the provisional ballots Totals Printout shall be made available for inspection in the County Election Board office after 5 p.m.

(c) If a provisional voter was issued two or more ballots and, upon verification of the voter's information, it is determined that one or more of the ballots cannot be counted, the County Election Board members shall follow these steps when opening the affidavit envelope.

(1) Open the affidavit envelope and remove the secrecy envelope.

(2) Write "Count (TYPE BALLOT CODE OF BALLOT) ballot only" on the secrecy envelope in red ink.

(3) Place secrecy envelope in the container with other secrecy envelopes.

(4) When opening the secrecy envelopes, remove from the marked envelopes only the specific ballot or ballots to be counted. Put the ballots that cannot be counted back in the secrecy envelope and set it aside with the other uncounted provisional ballot materials.

SUBCHAPTER 5. INSTRUCTIONS FOR PRECINCT ELECTION OFFICIALS

PART 34. PROVISIONAL VOTING PROCEDURES

230:35-5-175. Uniformed Services or Overseas Voter

(a) Some persons may be entitled to vote a provisional ballot and to have that ballot counted without being registered if they are eligible to become registered voters, if they are residents of the precinct, and if they also meet one of the following requirements.

- (1) The person was honorably discharged from the Uniformed Services of the United States and has returned home 24 days or less before the election.
 - (2) The person is on officially authorized leave from the Uniformed Services of the United States and has returned home 24 days or less before the election.
 - (3) The person was terminated or is on leave from his or her service or employment overseas and returned home 24 days or less before the election.
 - (4) The person is the spouse or dependent of a person described in (1), (2) or (3) of this subsection.
- (b) The Inspector/Provisional Voting Officer follows this procedure.
- (1) Ask the voter to fill out and sign the Oklahoma Voter Registration Application form.
 - (2) Print the voter's name, address, political affiliation and the ballots to be issued to the voter in the appropriate spaces on the Oklahoma Provisional Ballot Affidavit ~~Envelope envelope~~.
 - (3) Tell the person to read the oath printed on the Oklahoma Provisional Ballot Affidavit ~~Envelope envelope~~.
 - (4) Tell the voter to sign the Oklahoma Provisional Ballot Affidavit ~~Envelope envelope~~.
 - (5) Tell the Clerk the voter's political affiliation, school district, and municipality, as applicable, and obtain the appropriate ballots.
 - (6) Fold each ballot in half before giving it to the voter. Give the voter the affidavit envelope, a secrecy envelope, and the ballots.
 - (7) Tell the voter to go to the provisional ballot voting booth to mark the ballot. Tell the voter to follow these steps to secure the ballot after marking it.
 - (A) Fold the ballot in half.
 - (B) Put the folded ballot in the secrecy envelope and seal the envelope.
 - (C) Put the sealed secrecy envelope containing the marked ballot inside the affidavit envelope and seal the affidavit envelope.
 - (D) Return to the Inspector or the Provisional Voting Officer with the sealed affidavit envelope.
 - (8) If necessary, follow the appropriate procedures for a spoiled ballot or for voter assistance using the Precinct Problem Solver.
 - (9) When the voter returns the sealed affidavit envelope, put it in the orange provisional ballot bag immediately.
 - (10) Make sure the voter takes a copy of the Provisional Voting Information handout.
- (c) Uniformed services and overseas voters who cast a provisional ballot as outlined in (b) of this section are required to swear ~~this oath by signing in the appropriate place on the Provisional Ballot Affidavit Envelope. "Do you swear or affirm that you have been honorably discharged, or that you are on leave from the uniformed services of the United States, or that you have been terminated or are on leave from your overseas service or employment and returned home 24 days or less before the election being conducted today, or that you are the spouse or dependent of such a person? [25:14 121]~~

~~Do you swear or affirm that you are eligible to vote in this precinct? [26:14 121] Do you swear or affirm that you have not voted by absentee ballot in the election being conducted today?" by signing in the appropriate place on the Oklahoma Provisional Ballot Affidavit envelope that they are eligible to cast the provisional ballot for one of the reasons outlined in (a) of this section.~~

230:35-5-176. Filling out a Provisional Ballot Voucher

The Judge shall fill out a Provisional Ballot Voucher for every voter who will cast a provisional ballot. Do not send a voter to the Inspector or Provisional Voting Officer without a voucher. Write the following information on the voucher in the spaces provided: the voter's name; the appropriate ballot codes; the school district code, if the voter is eligible to receive a school district ballot; the municipal code, if the voter is eligible to receive a municipal election ballot; and any other necessary information. If the Precinct Registry indicates that the voter has requested absentee ballots, mark the "Absentee Ballot Requested" box. If the voter disputes the political affiliation, school district, or municipality as indicated in the Precinct Registry, write the voter's preferred political affiliation, school district, or municipality on the voucher.

230:35-5-177. Provisional voting procedure

The Inspector or the Provisional Voting Officer greets the voter and follows these steps to help the voter cast a provisional ballot.

- (1) Take the provisional ballot voucher from the voter. If the voter did not receive a provisional ballot voucher from the Judge, make sure the voter has seen the Judge.
- (2) Give the voter a copy of the Provisional Voting Information handout.
- (3) Tell the voter that if County Election Board personnel cannot verify the voter's registration in this precinct, the provisional ballot will not be counted.
- (4) Give the voter an Oklahoma Voter Registration Application form and ask the voter to fill it out and sign it. A voter is not required to complete the registration application to receive a provisional ballot but should be encouraged to do so. If the voter completes the application, set it aside in a secure place.
- (5) Fill out a Provisional Ballot Affidavit Envelope for the voter.
 - (A) Write the election date, county name, and precinct number in the spaces provided at the top of the affidavit.
 - (B) Ask the voter for the following information and write it on the affidavit in the appropriate spaces.
 - (i) name
 - (ii) residence address
 - (iii) date of birth
 - (iv) Oklahoma driver license number, if available
 - (v) last four digits of Social Security number
 - (vi) political affiliation

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- (C) Place a checkmark beside the appropriate statement of the reason the voter is casting a provisional ballot.
- (i) **Voter Not in Precinct Registry.** If the voter offers any information about where and when he/she may have registered, last voted, or another name under which he/she may be registered, record the information in the spaces provided. If the voter has a voter identification card, ~~put it inside the affidavit envelope~~ take it and attach it with a paperclip to the voter registration application form.
- (ii) **Voter without acceptable form of identification.** Ask the voter to read ~~and sign the Affidavit of Identity~~ the statement on the affidavit envelope and the oath before signing the affidavit.
- (iii) **Voter disputes political affiliation indicated in Precinct Registry.** Write the political affiliation claimed by the voter in the space provided.
- (iv) **Voter disputes school district or municipal assignment in Precinct Registry.** Write the name of the school district or municipality in which the voter claims to reside.
- (v) **Uniformed Services or Overseas Voter.** Ask the voter to read and sign the Uniformed Services and Overseas Voter Oath on the affidavit envelope.
- (vi) **Other.** Record any explanation the voter offers concerning the reason he/she may be eligible to vote.
- (D) Record the ballot style or styles indicated on the voter's Provisional Ballot Voucher in the spaces provided on the Affidavit.
- (6) Ask the voter to review the information on the affidavit. Tell the voter to read the oath and to sign it. Also ask the voter to write his/her daytime telephone number in the space provided.
- (7) Sign the affidavit in the space provided for the Provisional Voting Officer.
- (8) Print the voter's name on the Provisional Ballot Roster and record the codes for the ballots issued to the voter in the space provided. Tell the voter to sign the roster.
- (9) If the voter's provisional ballot voucher indicates that the voter has requested absentee ballots, have the voter sign the Absentee Voter Affidavit.
- (10) Issue the appropriate ~~state ballot and any other~~ ballots indicated on the voucher. Fold each ballot in half before giving it to the voter. Put the voucher inside the affidavit envelope. Give the voter the affidavit envelope, a secrecy envelope, and the ballot.
- (11) Tell the voter to go to the provisional ballot voting booth to mark the ballot. Tell the voter to follow these steps to secure the ballot.
- (A) Fold the ballot in half.
- (B) Put the folded ballot inside the secrecy envelope and seal the envelope.

(C) Put the sealed secrecy envelope inside the affidavit envelope and seal the affidavit envelope.

(D) Return to the table with the sealed affidavit envelope.

(12) If necessary, follow the procedures for spoiled ballots (230:35-5-127) or voter assistance (230:35-5-120.1), using the Precinct Problem Solver.

(13) When the voter returns the sealed affidavit envelope, put it in the orange provisional ballot bag immediately.

(14) Tell the voter that information concerning disposition of the provisional ballot may be obtained from the County Election Board after 5 p.m. on Friday. Make sure the voter takes a copy of the Provisional Voting Information handout.

SUBCHAPTER 9. HAVA REQUIREMENTS

PART 3. PROVISIONAL VOTING

230:35-9-7. Voters who may cast a provisional ballot

Voters in the circumstances described as follows may cast provisional ballots.

(1) **Persons not listed in the Precinct Registry.** Persons who are not listed in the Precinct Registry for the precinct of their residence but who believe themselves to be registered voters eligible to vote in the election shall be entitled to cast a provisional ballot. [26:7-116.1]

(2) **Voters required to show identification.** Registered voters who are required to show identification when voting for the first time in a federal election and who do not have one of the acceptable forms of identification are entitled to cast a provisional ballot. [26:7-116.1]

(3) **Voters who dispute political affiliation indicated in Precinct Registry.** Registered voters who dispute the political affiliation indicated in the Precinct Registry for a primary election are entitled to cast a provisional ballot for their preferred political party. [26:7-116.1]

(4) **Uniformed services voters.** Uniformed services voters who have been honorably discharged or who are on authorized leave, and the spouses and eligible dependents of such voters, and who returned home too late to register to vote shall be entitled to cast a provisional ballot in the precinct of their residence and to have that ballot counted. [26:7-116.1; 26:14-121]

(5) **Overseas voters.** Overseas voters who have been terminated in their overseas service or employment or who are on leave from their overseas service or employment, and the spouses and eligible dependents of such voters, and who returned home too late to register to vote are entitled to cast a provisional ballot in the precinct of their residence and to have that ballot counted. [26:7-116.1; 26:14-121]

(6) **Voters who dispute school district or municipality indicated in Precinct Registry.** Registered voters who dispute the school district or municipality indicated

for them in the Precinct Registry or on the map are entitled to cast a provisional ballot for the school district or municipality in which they claim to reside.

[OAR Docket #05-1237; filed 9-12-05]

TITLE 230. STATE ELECTION BOARD
CHAPTER 40. TYPES OF ELECTIONS

[OAR Docket #05-1238]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

- Subchapter 3. Special Elections
Part 1. Calling Special Elections
230:40-3-1.1. Times for special elections [AMENDED]
Subchapter 5. Municipal Elections
Part 1. Cities With Home Rule Charters
230:40-5-5. Statutory election dates required for home rule charter cities [AMENDED]
Subchapter 7. School Elections
Part 1. Dates for Annual School Elections
230:40-7-4. Posting copy of legal notice of school election at County Election Board office [NEW]

AUTHORITY:

Title 26 O.S., Section 2-107. Secretary of the State Election Board

DATES:

Adoption:

August 1, 2005

Approved by Governor:

September 1, 2005

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2006, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATION BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The Secretary of the State Election Board finds that a compelling public interest exists requiring the adoption of emergency rules. Two bills passed by the 2005 legislature and signed into law by the Governor became effective July 1, 2005. House Bill 1378 provides that in any year when a Presidential Preferential Primary Election is held in February, the special election date for that month shall be the same date as the Presidential Preferential Primary Election and also that home rule charter municipalities may schedule primary and general elections not less than 35 days apart, except in the months of March and April when such elections may be scheduled with fewer than 35 days between elections. House Bill 1627 requires the Board of Education of technology center districts to post a legal notice announcing an election at the office of the County Election Board.

Because these laws already are in effect, it is necessary to adopt emergency rules to implement them. County Election Board personnel rely on these rules to perform their duties and it is important that they be accurate and up-to-date.

ANALYSIS:

One section is amended to include language from HB1378 regarding the special election date in February in years when a Presidential Preferential Primary Election is held in February. One Section is amended to change from 45 to 35 the number of days required between municipal primary and general elections and to add new language that permits home rule charter cities to schedule primary and general elections in March and April when there are fewer than 35 days between election dates. One new section is added that addresses the requirement to post a legal notice of an election from the Board of Education of a school district or technology center district at the County Election Board office.

CONTACT PERSON:

Suzanne Cox, Publications Editor, State Election Board. Telephone: (405) 521-2391.

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 3. SPECIAL ELECTIONS

PART 1. CALLING SPECIAL ELECTIONS

230:40-3-1.1. Times for special elections

(a) Special elections may be held by a county, school district, vocational-technical school district, municipality or other entity authorized to call elections only on the following days unless otherwise provided by law. [26:3-101(B)]

(1) Odd-numbered years. In odd-numbered years, special elections may be held on the second Tuesday in January, February, May, June, July, August, September, October, November and December; and on the first Tuesday in March and April. [26:3-101(B)]

(2) Even-numbered years. In even-numbered years, special elections may be held on the second Tuesday in January, February, March, May, and December; on the first Tuesday in March and April; on the last Tuesday in July; on the fourth Tuesday in August; and on the first Tuesday after the first Monday in November. [26:3-101(B)] In any year when a Presidential Preferential Primary Election is held in February, the date for special elections shall be the same date as the Presidential Preferential Primary Election. [26:3-101(B)]

(b) In the event that a regular or special election date occurs on an official state holiday, the election shall be scheduled for the next following Tuesday. [26:3-101(C)]

SUBCHAPTER 5. MUNICIPAL ELECTIONS

PART 1. CITIES WITH HOME RULE CHARTERS

230:40-5-5. Statutory election dates required for home rule charter cities

Effective July 1, 2005, no County Election Board shall be required to conduct elections for any municipality, including home rule charter municipalities, on any date other than an election date specified in state election law. [26:13-101.1] In addition to scheduling elections on statutory election dates, all municipalities that hold both primary and general elections shall provide no fewer than 45-35 days between the elections. [26:13-101.1] However, a home rule charter city may schedule elections on the identified election dates in March and April when there are fewer than 35 days between the election dates. [26:13-101.1]

SUBCHAPTER 7. SCHOOL ELECTIONS

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PART 1. DATES FOR ANNUAL ELECTIONS

230:40-7-4. Posting copy of legal notice of school election at County Election Board office

(a) The Board of Education of school districts and technology center school districts are required by law to publish a legal notice of all regular and special elections. In addition to publishing the notice as required by law, the Board of Education is required to post a copy of the legal notice at the County Election Board offices in all counties included in the district.

(b) Upon receipt of a copy of a legal notice described in (a) of this section, the Secretary of the County Election Board shall post the notice in a conspicuous location in the County Election Board office. The Secretary of the parent County Election Board of a multi-county district shall mail or fax a copy of the legal notice to each affected County Election Board, where it also shall be posted.

[OAR Docket #05-1238; filed 9-12-05]

TITLE 580. DEPARTMENT OF CENTRAL SERVICES CHAPTER 15. CENTRAL PURCHASING

[OAR Docket #05-1253]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 2. General Provisions

580:15-2-2. [AMENDED]

Subchapter 6. State Agency Provisions

580:15-6-21. [NEW]

580:15-6-22. [NEW]

580:15-6-23. [NEW]

580:15-6-24. [NEW]

AUTHORITY:

Department of Central Services, 62 O.S., Section 41.5t.

DATES:

Adoption:

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September 8, 2005

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Immediately upon gubernatorial approval

Expiration:

Effective through July 14, 2006, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The Department of Central Services finds that a compelling public interest requires these emergency rules be adopted to address the public concerns related to accessibility of state agency information technology for individuals with disabilities. In response to the issues and to ensure State agencies comply with the provisions of Section 508 of the Workforce Investment Act of 1998, the Oklahoma Legislature passed House Bill No. 2197, effective November 1, 2004. House Bill 2197 mandates the Office of State Finance and the Department of Central Services to promulgate rules to implement the provisions of the bill.

ANALYSIS:

House Bill 2197, effective July 1, 2004, was passed to assure state compliance regarding accessibility of information technology for individuals with disabilities based on the provisions of Section 508 of the Workforce

Investment Act of 1998. The mandates that the Information Services Division of the Office of State Finance work in conjunction with the Department of Central services to achieve this purpose. These proposed emergency rules revise and add requirements related to procurement of information technology to ensure agencies comply with the statutory mandates. New rules also reference new proposed rules adopted by the Office of State Finance to implement the new law.

CONTACT PERSON:

Gerry Smedley, Rules Liaison, 522-8519

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 2. GENERAL PROVISIONS

580:15-2-2. Definitions

The following words or terms, when used in this Chapter shall have the following meaning, unless the context clearly indicates otherwise:

"Acceptable Electronic Signature Technology" means technology that is capable of creating a signature that is unique to the person using it; is capable of verification, is under the sole control of the person using it, and is linked to the data in such a manner that if the data is changed, the electronic signature is invalidated.

"Acquisition authority" means the dollar amount within which a state agency is approved to make acquisitions without submitting a requisition to the State Purchasing Director.

"Affiliates" means associated business entities or individuals that directly or indirectly control or can control other business entities, or individuals that associate with a business entity but derive financial benefit from another business entity.

"Aircraft" means any device now known, or hereafter invented, used, or designed for navigation of or flight in the air or airspace.

"All or none bid" means a bid in which the bidder states only an award for all items or services included in the solicitation will be accepted.

"All or none solicitation" means a solicitation in which the state indicates it will award a contract to a single supplier for all items or service included in the solicitation.

"Alternate bid" means that with the submission of a bid that meets the requirements of the solicitation, a bidder, at the same time, includes another bid, which contains an intentional substantive variation to a basic provision, specification, term or condition of the solicitation.

"Authorized signature" means a manual, electronic or digital identifier uniquely linked to a person the supplier authorizes to sign documents the supplier submits to the State Purchasing Director.

"Bid bond", "performance bond" or "surety bond" means a form of surety or guaranty that the State Purchasing Director may require bidders to submit with a bid.

"Business days" means Monday through Friday and is exclusive of weekends and state holidays.

"Certified procurement officer or CPO" means a state agency procurement official certified by the State Purchasing Director under the provisions of the Oklahoma Central Purchasing Act.

"Clarification" means a bidder's explanation of all or part of a bid that does not change, alter or supplement the bid.

"Closing date" means the date and time a solicitation specifies after which a bid is considered late and the Purchasing Division or state agency will not accept a bid.

"Commodity classification" means numeric designations the State Purchasing Director assigns to classify goods and services into similar categories.

"Commodity list" means a list of all items and services in a commodity classification.

"Competitive bidding" means a process of acquisition wherein bidders submit bids to the Purchasing Division or a state agency pursuant to terms, conditions and other requirements of a solicitation. The competitive bidding process may be electronic when the terms of the solicitation expressly permit electronic submission and the requirement of the statutes and/or rules are met.

"Days" means calendar days unless otherwise specified.

"Debar" or **"debarment"** means action taken by the State Purchasing Director to exclude any business entity from inclusion on the suppliers list, bidding, offering to bid, or receiving an award of contract with the State of Oklahoma for acquisitions by state agencies or a contract the Department of Central Services awards or administers.

"Department" means the Department of Central Services.

"Director" means the Director of the Department of Central Services.

"Electronic Record" means a record created, generated, sent, communicated, received, or stored by electronic means.

"Electronic Signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record. Unless otherwise provided by this Chapter or law, an electronic signature may be used to sign a document and shall have the same force and effect as a written signature.

"Emergency acquisition" means an acquisition made by the State Purchasing Director or a state agency without seeking competitive bids to relieve an unforeseen condition believed to endanger human life, safety poses imminent danger to significant property or is condition certified by the Governor as a serious environmental situation.

"Firm bid" means an offer by a bidder which contains no conditions which may prevent acceptance and which, by its terms, remains open and binding until the State Purchasing Director accepts or rejects the bid.

"Fiscal year" means the period of time from July 1 of a calendar year through June 30 of the succeeding calendar year.

"Fixed rate" means a rate the Department establishes for contracts for services a supplier provides to persons directly benefiting from the services.

"Forms" means documents the Director prescribes and requires suppliers and state agencies to use to provide information to the Department or Purchasing Division.

~~**"Information Technology"** means data processing, telecommunications, and office systems technologies and services.~~

"Information technology" or "IT" means any electronic information equipment or interconnected system that is used in the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information, including audio, graphic, and text. [62 O.S., Section 41.5t.1]

"Internet" means the global information network of both federal and nonfederal systems that are linked together by a globally unique address and includes the subnetwork called the World Wide Web.

"Invitation to bid" means a type of solicitation a state agency or the State Purchasing Director sends to suppliers for submission of bids for acquisitions.

"Life Cycle Costing" means a procurement technique that takes into account demonstrable and documented operating, maintenance, the cost of money, other costs of ownership, usage, resale or residual value in addition to acquisition price in making an award on lowest and best or best value.

"Material deficiency" means failure to provide information necessary to evaluate a solicitation.

"Minor deficiency" or "minor informality" means an immaterial defect in a bid or variation in a bid from the exact requirements of a solicitation that may be corrected or waived without prejudice to other bidders. A minor deficiency or informality does not affect the price, quantity, quality, delivery or conformance to specifications and is negligible in comparison to the total cost or scope of the acquisition.

"Noncollusion affidavit" means a document a supplier submits pursuant to the Oklahoma Central Purchasing Act with bids or for acquisitions by contract.

"Nonbinding contract" means a contract that the State Purchasing Director or a state agency establishes based on historical usage of a service or product rather than a specified quantity of said service or product and which does not obligate the State to purchase any certain amount. (Example: A contract to treat special head injuries based on the number of cases for the special treatment provided by the State for previous years.)

"Nonencumbered contract" means a contract that the State Purchasing Director or a state agency establishes that provides for an unspecified quantity of items or services, or an unspecified delivery date for goods and services, when a state agency encumbers funds for each order pursuant to the contract.

"Nonresponsive" means a bid that does not conform to essential requirements in a solicitation.

"Office of State Finance" or "OSF" means the Oklahoma Office of State Finance.

"Oklahoma Central Purchasing Act" means 74 O.S., Sections 85.1 et seq.

"Oklahoma Correctional Industries" means a program of the State Department of Corrections for utilization of inmate labor for the manufacture or production of items or products for use by state agencies.

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"Oklahoma Information Technology Accessibility Standards" or "IT Accessibility Standards" or "Standards" means the accessibility standards adopted by the Office of State Finance together with the Department of Central Services, to address all technical standard categories of Section 508 of the Rehabilitation Act (29 U.S.C. 794d), as amended by the Workforce Investment Act of 1998 (P.L. 105-220), August 7, 1998 to be used by each state agency in the procurement of information technology, and in the development and implementation of custom-designed information technology systems, web sites, and other emerging information technology systems.

"Online Bidding" means an electronic procurement process in which state agencies receive bids from vendors for goods, services, construction, or information services over the Internet or other electronic medium in a real-time, competitive bidding event.

"Procurement" means buying, purchasing, renting, leasing, or otherwise acquiring any goods, services, construction, or information services. The term also means all functions that pertain to the obtaining of any goods, services, construction, or information services, including, but not limited to, the description of requirements, selection, and solicitation of sources, preparation and award of contracts, and all phases of contract administration.

"Purchasing Division" or "Division" means the Purchasing Division of the Department of Central Services.

"Ratification" means the act of approving an unauthorized commitment made by a state agency.

"Reciprocity" means a preference, which the State Purchasing Director shall apply against the price an out of state bidder submits for an acquisition whose home state applies a similar preference against Oklahoma bidders.

"Registered supplier" means a supplier that registers with the Purchasing Division pursuant to 580:15-4-2.

"Remedy" means to cure, alter, correct or change.

"Request for proposal" means a type of solicitation a state agency or the State Purchasing Director provides to suppliers requesting submission of proposals for acquisitions.

"Request for quotation" means a simplified written or oral solicitation a state agency or the State Purchasing Director sends to suppliers requesting submission of a quote.

"Requisition number" means an identifier the state agency or Purchasing Division assigns to a requisition.

"Requisitioning unit" means the unit in a state agency responsible for making acquisitions.

"Responsive offer" means an offer a supplier submits, which conforms in all material respects to requirements a solicitation states.

"Responsible supplier" means a supplier who demonstrates capabilities in all respects to fully perform the requirements of a contract that may include, but not limited to, finances, credit history, experience, integrity, perseverance, reliability, capacity, facilities and equipment, which will ensure good faith performance.

"Reverse Auctioning" means a procurement method wherein bidders are invited to bid on specified goods or services through real-time electronic bidding, with the award

being made to the lowest responsive and responsible bidder. During the bidding process, bidders' prices are revealed and bidders shall have the opportunity to modify their bid prices for the duration of the time period established for bid opening.

"Scheduled acquisition" means a recurring acquisition that consolidates multiple state agency requirements for a given commodity or group of commodities.

"Services" means the furnishing of labor, time, or effort by a contractor not required to deliver a specific end product, other than reports which are merely incidental to required performance.

"Settlement agreement" means a document that reflects an agreement between the state and an individual or business entity that ratifies an unauthorized commitment.

"Solicitation" means a request or invitation by the State Purchasing Director or state agency for a supplier to submit a priced offer to sell acquisitions to the state. A solicitation may be an invitation to bid, request for proposal or request for quotation.

"State official" means a person that works for a department, state agency, trusteeship, authority, school district, fair board, advisory group, task force or study group supported in whole or in part by public funds or administering or operating public property.

"State Purchasing Director" means the director of the Purchasing Division of the Department of Central Services appointed by the Director of the Department or the Purchasing Director's designee.

"State Use Committee" means a committee that certifies severely disabled individuals and sheltered workshops as qualified organizations that contract with the state to provide products and services made by severely disabled individuals, and establishes the State Use Committee procurement schedule for state agency use pursuant to 74 O.S., Sections 3001 et seq.

"Supplier complaint" or "performance evaluation" means information a state agency or the Purchasing Division provides to the State Purchasing Director, in a manner the Director prescribes, that documents supplier performance.

"Supplier registration" means a process a supplier uses to register with the Purchasing Division to receive solicitations for commodities on a commodity list for a specified period of time. The process for bidder registration for the receipt of online solicitations may be a separate list. Online bidders may be required to prequalify and online solicitations may be restricted to prequalified online bidders.

"Suppliers list" means a list of individuals or business entities that desire notification of solicitations for specified commodity lists.

"Suspension" means action by the State Purchasing Director to exclude an individual or business entity from the suppliers list.

"Written, Writing, and in Writing" shall include handwriting, printing, typewriting and all other methods and means of forming letters and characters upon paper, stone, wood, other materials, or any electronic medium, that can be read, retrieved, and reproduced. When used in these rules, a writing may include an electronic writing.

SUBCHAPTER 6. STATE AGENCY PROVISIONS

580:15-6-21. Procurement of information technology

(a) To ensure accessibility of information technology for individuals with disabilities and compliance with Title 62, Section 41.5t, procurement of information technology shall be subject to the Oklahoma Information Technology Accessibility Standards prescribed by the Office of State Finance and maintained by the OSF Information Services Division. These standards apply to all information technology purchased after the effective date of these rules and standards, providing the solicitation process was not initiated prior to the effective date.

(b) When developing and procuring information technology products (either directly or through administration of contracts or grants), each state agency, as defined in Title 62, Section 41.5t.1., shall ensure that the products comply with these standards, unless an undue burden would be imposed on the agency.

(c) When procuring a commercial, off-the-shelf product, the accessibility determination will be conducted as part of the objective evaluation and will be subservient to the general, technical and functional requirements of the procurement specifications. At a minimum, it will be done through review of vendor provided information submitted in the form of the Voluntary Product Accessibility Template (VPAT) or comparable document with judgments made regarding degree of conformance to the access standards. The relative accessibility weighing may be adjusted for due cause based on the specific procurement. Agencies cannot claim a product, as a whole is not commercially available because no product in the marketplace meets all the standards.

580:15-6-22. Information technology contract clauses

(a) All solicitations and contracts for information technology shall include a clause, prescribed by the Director pursuant to Title 74, Section 85.7d, ensuring compliance with IT Accessibility Standards, which are in effect on the date of issuance of said solicitation or contract.

(b) The information technology clause(s) and IT Accessibility Standards shall be made available at the principle office of the DCS Central Purchasing Division and published on the DCS website.

(c) A supplier shall provide a written certification, signed by an authorized officer of the supplier, that the product or service complies with applicable procurement clauses contained in such contracts or solicitations prior to the expenditure of state funds.

580:15-6-23. Exception to compliance with IT Accessibility Standards

(a) If a state agency determines that compliance with any provisions of the IT Accessibility Standards imposes an undue burden or is an exception pursuant to OAC 580:15-6-24, the agency shall submit a written explanation of why, and to what extent, such undue burden or exception exists, with its requisition.

(1) The explanation shall be submitted on a form prescribed by the Director and signed by the chief administrative officer of the agency.

(2) The explanation shall be retained with the requisition file.

(b) The Appointing Authority shall maintain summary and statistical information of procurement exceptions and undue burden. A report of such information shall be submitted on October 1st each year to DCS and to the OSF Information Services Division with the annual State Agency Long-Range Electronic Data Processing Plan.

580:15-6-24. General exceptions

(a) Unless an exception applies, acquisitions of IT supplies and services must meet the applicable accessibility standards. Exceptions to the Standards include:

(1) IT operated by state departments or agencies, the function, operation or use of which involves intelligence activities, crypto logic activities related to public safety, command and control of law enforcement, equipment that is an integral part of a weapon or weapons system or systems which are critical to the direct fulfillment of public safety or intelligence missions. Systems which are critical to the direct fulfillment of public safety or intelligence missions do not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics and personnel management applications);

(2) IT acquired by a contractor or grantee incidental to a contract or grant, provided the technology does not become State property upon the completion of the contract;

(3) IT located in spaces frequented only by service personnel for maintenance, repair or occasional monitoring of equipment;

(4) IT requiring a fundamental alteration in the nature of a product or its components;

(5) Except as required to comply with the Standards, state departments and agencies are not required to install specific accessibility-related software or attach an assistive technology device to information technology products unless required by other applicable State or Federal laws;

(6) When state agencies provide public access to information or data through information technology, agencies are not required to make products owned by the agency available for access and use by individuals with disabilities at a location other than where the information technology is provided to the public, or to purchase products for access and use by individuals with disabilities at a location other than that where the information technology is provided to the public;

(7) IT that would impose an undue burden on the agency.

(b) If an agency determines that compliance with any provision of the IT Accessibility Standards meets the criteria of a general exception, the agency shall maintain documentation in the agency acquisition file to support the procurement, which explains why, and to what extent, compliance with each such

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provision meets an exception or creates an undue burden on the agency.

(c) When compliance with these standards imposes an undue burden, agencies shall provide individuals with disabilities the information and data involved by an alternative means of access that allows the an individual to use the information and

data in accordance with other applicable State and Federal laws such as Title I and Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

[OAR Docket #05-1253; filed 9-23-05]

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

1:2005-24.

EXECUTIVE ORDER 2005-24

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 63 O.S. §§683.1 et seq., hereby declare that because there exists a state of emergency in the States of Louisiana and Texas due to Hurricane Rita, it is necessary to expedite restoration of services and relief in those States. In order to accommodate this need and to provide assistance to the citizens of Louisiana and Texas in this extraordinary situation, I hereby order that:

1. The requirements for special permits for use of overweight/oversized vehicles are temporarily suspended as they apply to vehicles used in these restoration efforts.

2. The requirements for licensing/operating authority/registration as required by the Oklahoma Corporation Commission are temporarily suspended as they apply to vehicles used for restoration efforts.

3. This temporary order shall terminate at the end of thirty (30) days

This Executive Order shall be forwarded to the Oklahoma Corporation Commission and the Commissioner of Public Safety, 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, this 28 day of September, 2005.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:

M. Susan Savage
Secretary of State

[OAR Docket #05-1259; filed 9-29-05]

