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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 17. WATER QUALITY

[OAR Docket #05-1382]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 4. Animal Waste Impoundments [NEW]

SUMMARY:

The proposed rules will allow the Department to ensure that impoundments used for truck washes and egg laying operations in limited circumstances are constructed properly in order to protect waters of the state of Oklahoma. The rules will provide for fees to obtain a license to operate these types of facilities if they are not on the site of another regulated facility.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2) and (29); 27A O.S. Supp. 2004 § 1-3-101(D)(1)(a); Article 6, Section 31, Constitution of the State of Oklahoma

COMMENT PERIOD:

Persons may submit written and oral comments to Teena Gunter at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 15, 2005 through January 17, 2006.

PUBLIC HEARING:

A public hearing will be held at 10:30 a.m., January 17, 2006, in the Animal Industry conference room, 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 December 15, 2005 through January 17, 2006.

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: teena.gunter@oda.state.ok.us

[OAR Docket #05-1382; filed 11-21-05]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 17. WATER QUALITY

[OAR Docket #05-1383]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 9. Agricultural Compost Facilities [NEW]

SUMMARY:

The proposed rules provide guidelines for constructing and managing compost facilities that use agricultural wastes. The rules will provide for Best Management Practices, construction requirements, as well as fees for licensing of the facilities.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2) and (29); 27A O.S. Supp. 2004 § 1-3-101(D)(1)(a); Article 6, Section 31, Constitution of the State of Oklahoma

COMMENT PERIOD:

Persons may submit written and oral comments to Teena Gunter at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 15, 2005 through January 17, 2006.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., January 17, 2006, in the Animal Industry conference room, 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 December 15, 2005 through January 17, 2006.

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: teena.gunter@oda.state.ok.us

[OAR Docket #05-1383; filed 11-21-05]

TITLE 158. CONSTRUCTION INDUSTRIES BOARD

CHAPTER 1. PROCEDURES OF THE OKLAHOMA CONSTRUCTION INDUSTRIES BOARD

[OAR Docket #05-1418]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Operation and Procedures
158:1-3-2. Office Hours [AMENDED]

SUMMARY:

The purpose of the proposed rules is to amend the office hours.

AUTHORITY:

Construction Industries Board; 59 O.S. § 1000.1 et seq.

COMMENT PERIOD:

Written and oral comments will be accepted between December 15, 2005 through January 16, 2006 during regular business hours at the office of the Administrator, Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107.

PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:30 p.m. on February 8, 2006 at a regular meeting of the Construction Industries Board at 2401 N.W. 23, Suite 5 Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Jeanne Britt

at the above address, before the close of the comment period on January 16, 2006.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107, before the close of the comment period on January 16, 2006.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared by December 30, 2005, and may be obtained from the Construction Industries Board at the above address.

CONTACT PERSON:

Jeanne Britt, Liaison Officer, 405.271.2771

[OAR Docket #05-1418; filed 11-22-05]

TITLE 158. CONSTRUCTION INDUSTRIES BOARD

CHAPTER 10. FINE SCHEDULE

[OAR Docket #05-1419]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Administrative Fine Schedule
158:10-3-1. Common Requirements under the Electrical License Act, the Mechanical Licensing Act and the Plumbing License Law of 1955 [AMENDED]
158:10-3-2. Other Requirements under the Electrical License Act and/or the Mechanical Licensing Act [AMENDED]

SUMMARY:

The purpose of the proposed rules is to clarify language in the administration of fines.

AUTHORITY:

Construction Industries Board; 59 O.S. § 1000.1 et seq.

COMMENT PERIOD:

Written and oral comments will be accepted between December 15, 2005 through January 16, 2006, during regular business hours at the office of the Administrator, Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107.

PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:30 p.m. on February 8, 2006, at a regular meeting of the Construction Industries Board at 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible,

the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Jeanne Britt at the above address, before the close of the comment period on January 16, 2006.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107, before the close of the comment period on January 16, 2006.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared by December 30, 2005, and may be obtained from the Construction Industries Board at the above address.

CONTACT PERSON:

Jeanne Britt, Liaison Officer, 405.271.2771

[OAR Docket #05-1419; filed 11-22-05]

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 30. PLUMBING INDUSTRY REGULATIONS**

[OAR Docket #05-1420]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 158:30-1-2. Definitions [AMENDED]
- 158:30-1-4. Standard of Installation [AMENDED]
- Subchapter 9. Examination Procedures, License and Registration Fees and Duration of Licenses
- 158:30-9-1. Examination Procedures [AMENDED]
- Subchapter 13. Procedure of the Variance and Appeals Boards, Plan Review Applications and Fees, Code Variance Applications and Fee, and Code Interpretation Appeals
- 158:30-13-2. Procedures of the Variance and Appeals Board [AMENDED]
- 158:30-13-3. Code Variance Applications and Fee [AMENDED]

SUMMARY:

158:30-1-4 The purpose of this rule is to incorporate the 2006 International Plumbing Code, 2006 International Fuel Gas Code, and the plumbing portion of the 2006 International Residential Code as the minimum standard for the installation of plumbing in Oklahoma where no ordinance or regulation of a government subdivision applies. 158:30-13-2 The purpose of this rule is to change the physical address of the Construction Industries Board and to reference the current

standard of installation in 158:30-1-4. 158:30-1-2, 158:30-9-1, 158:30-13-3 The purpose of these rules is to reference the current standard of installation in 158:30-1-4.

AUTHORITY:

Construction Industries Board; 59 O.S. § 1001 through 1023.1 et seq.

COMMENT PERIOD:

Written and oral comments will be accepted between December 15, 2005 through January 16, 2006, during regular business hours at the office of the Administrator, Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107.

PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:30 p.m. on February 8, 2006, at a regular meeting of the Construction Industries Board at 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Constructions Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Jeanne Britt at the above address, before the close of the comment period on January 16, 2006.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107, before the close of the comment period on January 16, 2006.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared by December 30, 2005, and may be obtained from the Construction Industries Board at the above address.

CONTACT PERSON:

Jeanne Britt, Liaison Officer, 405.271.2771

[OAR Docket #05-1420; filed 11-22-05]

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 40. ELECTRICAL INDUSTRY REGULATIONS**

[OAR Docket #05-1421]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

Notices of Rulemaking Intent

PROPOSED RULES:

- Subchapter 3. Procedures of the Committee and the Hearing Board
158:40-3-1. Procedures of the Committee [AMENDED]
Subchapter 7. License Classifications
158:40-7-2. Residential Electrical License [AMENDED]
Subchapter 13. Procedures of the Variance and Appeals Board, Plan Review Applications and Filing Fees, Code Variance Applications and Filing Fee and Code Interpretation Appeals
158:40-13-2. Procedures of the Variance and Appeals Board [AMENDED]

SUMMARY:

The rule changes provide a change of the principal office address of the Construction Industries Board. 158:40-7-2 The purpose of this rule is to clarify language and allow two thousand (2000) hours of maintenance and military experience as an option to satisfy the requirements of the residential electrical journeyman's license.

AUTHORITY:

Construction Industries Board; 59 O.S. § 1680 through §1697 et seq.

COMMENT PERIOD:

Written and oral comments will be accepted between December 15, 2005 and January 16, 2006, during regular business hours at the office of the Administrator, Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107.

PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:30 p.m. on February 8, 2006, at a regular meeting of the Construction Industries Board at 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Constructions Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Jeanne Britt at the above address, before the close of the comment period on January 16, 2006.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107, before the close of the comment period on January 16, 2006.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared by December 30, 2005, and may be obtained from the Construction Industries Board at the above address.

CONTACT PERSON:

Jeanne Britt, Liaison Officer, 405.271.2771

[OAR Docket #05-1421; filed 11-22-05]

TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 50. MECHANICAL INDUSTRY REGULATIONS

[OAR Docket #05-1422]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
158:50-1-2. Definitions [AMENDED]
158:50-1-4. Adopted References and Standard of Workmanship [AMENDED]
Subchapter 11. License Revocation or Suspension and Prohibited Acts
158:50-11-1. License Retention Requirements [AMENDED]
Subchapter 13. Procedures of the Variance and Appeals Board, Plan Review Applications and Fees, Code Variance Applications and Fee, Code Interpretation Appeals.
158:50-13-2. Procedures of the Variance and Appeals Board [AMENDED]
158:50-13-3. Code Variance Applications and Fee [AMENDED]
158:50-13-4. Code Interpretation Appeals [AMENDED]

SUMMARY:

158:50-13-2. This rule provides a change of the principal office address of the Construction Industries Board.
150:50-1-4. This rule change incorporates the International Mechanical Code/2006, International Gas Code/2006, and the International residential Code/2006, (Chapters 12 through 24) as the minimum standard for mechanical work in Oklahoma.
158:50-1-2, 158:50-11-1, 158:50-13-3, 158:50-13-4. The purpose of these rules is to reference the current standard of installation in 158:50-1-4.

AUTHORITY:

Construction Industries Board; 59 O.S. § 1850.1 through § 1860 et seq.

COMMENT PERIOD:

Written and oral comments will be accepted between December 15, 2005 and January 16, 2006, during regular business hours at the office of the Administrator, Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107.

PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:30 p.m. on February 8, 2006, at a regular meeting of the Construction Industries Board at 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Jeanne Britt at the above address, before the close of the comment period on January 16, 2006.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107, before the close of the comment period on January 16, 2006.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared by December 30, 2005, and may be obtained from the Construction Industries Board at the above address.

CONTACT PERSON:

Jeanne Britt, Liaison Officer, 405.271.2771

[OAR Docket #05-1422; filed 11-22-05]

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 60. INSPECTORS REGULATIONS**

[OAR Docket #05-1423]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

158:60-1-2. Definitions [AMENDED]

Subchapter 5. Categories and Classifications of Inspector Licenses, Qualifications for Inspector Licensure, License Requirements for Inspectors, Fee, Certification and Continuing Education for Inspectors, and Continuing Education Courses.

158:60-5-2. Qualifications for Inspector Licensure [AMENDED]

158:60-5-4. Fees, Certification and Continuing Education for Inspectors [AMENDED]

158:60-5-5. Continuing Education Courses [AMENDED]

SUMMARY:

This rule eliminates obsolete organizations. The rule change in 158:60-5-5 no longer requires the social security number on sign-in sheets in the continuing education classes.

AUTHORITY:

Construction Industries Board; 59 O.S. § 1031 et seq.

COMMENT PERIOD:

Written and oral comments will be accepted between December 15, 2005 and January 16, 2006, during regular business hours at the office of the Administrator, Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107.

PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:30 p.m. on February 8, 2006, at a regular meeting of the Construction Industries Board at 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Jeanne Britt at the above address, before the close of the comment period on January 16, 2006.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, Oklahoma, 73107, before the close of the comment period on January 16, 2006.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared by December 30, 2005, and may be obtained from the Construction Industries Board at the above address.

CONTACT PERSON:

Jeanne Britt, Liaison Officer, 405.271.2771

[OAR Docket #05-1423; filed 11-22-05]

Notices of Rulemaking Intent

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

[OAR Docket #05-1431]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Priority Academic Student Skills

Part 5. Language Arts

210:15-3-22. [AMENDED]

210:15-3-23. [AMENDED]

SUMMARY:

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.

AUTHORITY:

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

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., February 22, 2006, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Thursday, February 23, 2006, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on December 16, 2005.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #05-1431; filed 11-23-05]

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

[OAR Docket #05-1434]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

RULES:

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

210:15-31-1. [NEW]

210:15-31-2. [NEW]

SUMMARY:

The proposed rules for the Middle School Mathematics Laboratories outline components important to implementation of the program. The rules include identification criteria for the schools that will receive the laboratories, requirements and timelines for the vendor, and implementation requirements of the schools, including quarterly data reporting to the State Department of Education. The new rules will identify up to ten schools each year with low student achievement in mathematics, representing the demographics of the state of Oklahoma. The rules will direct the vendor regarding products and services to be provided using a timeline for implementation.

AUTHORITY:

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

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., February 22, 2006, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Thursday, February 23, 2006, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on December 16, 2005.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #05-1434; filed 11-23-05]

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

[OAR Docket #05-1433]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

RULES:

Subchapter 9. Professional Standards: Teacher Education and Certification

Part 17. Full (Subject Matter) Competencies for Licensure and Certification

210:20-9-172. [AMENDED]

SUMMARY:

The rule changes would add the reading competencies for elementary teachers to the competencies for special education teachers. The intended effect of the rule is for students to benefit academically by having teachers with increased reading skills.

AUTHORITY:

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

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., February 22, 2006, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Thursday, February 23, 2006, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on December 16, 2005.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #05-1433; filed 11-23-05]

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

[OAR Docket #05-1435]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

RULES:

Subchapter 19. Local Professional Development Programs

210:20-19-2. [AMENDED]

210:20-19-3. [AMENDED]

210:20-19-4. [AMENDED]

SUMMARY:

The proposed rule change will assure the State Board of Education rules are compatible with House Bill 1457. The term multicultural education has been replaced with the term racial and ethnic education. Local boards of education will need to establish new school board policy for the rule change. All certified and licensed teachers will be affected by the proposed rule change.

AUTHORITY:

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

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., February 22, 2006, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Thursday, February 23, 2006, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on December 16, 2005.

Notices of Rulemaking Intent

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #05-1435; filed 11-23-05]

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

[OAR Docket #05-1432]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

RULES:

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

Part 19. Standard X: School Facilities

210:35-3-186. [AMENDED]

SUMMARY:

The proposed rule change will require public schools to conduct two tornado drills each school year and to assure all public schools are preparing students and employees for the possibility of hazardous weather conditions.

AUTHORITY:

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

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., February 22, 2006, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Thursday, February 23, 2006, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on December 16, 2005.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #05-1432; filed 11-23-05]

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

[OAR Docket #05-1436]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

RULES:

Subchapter 9. Additional Standards for Secondary Schools
Part 7. Standard IV: Curriculum, Instruction, Assessment
and Climate

210:35-9-31. [AMENDED]

SUMMARY:

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.

AUTHORITY:

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

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., February 22, 2006, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Thursday, February 23, 2006, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building,

2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on December 16, 2005.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #05-1436; filed 11-23-05]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 100. AIR POLLUTION CONTROL**

[OAR Docket #05-1400]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
 - 252:100-1-3. [AMENDED]
- Subchapter 8. Permits for Part 70 Sources
 - Part 1. General Provisions
 - 252:100-8-1.1. [AMENDED]
 - Part 5. Permits for Part 70 Sources
 - 252:100-8-2. [AMENDED]
 - Part 7. Prevention of Significant Deterioration (PSD) Requirements for Attainment Areas
 - 252:100-8-30. [AMENDED]
 - 252:100-8-31. [AMENDED]
 - 252:100-8-32. [REVOKED]
 - 252:100-8-32.1. [NEW]
 - 252:100-8-32.2. [NEW]
 - 252:100-8-32.3. [NEW]
 - 252:100-8-33. [AMENDED]
 - 252:100-8-34. [AMENDED]
 - 252:100-8-35. [AMENDED]
 - 252:100-8-35.1. [NEW]
 - 252:100-8-35.2. [NEW]
 - 252:100-8-36. [AMENDED]
 - 252:100-8-36.1. [NEW]
 - 252:100-8-36.2. [NEW]
 - 252:100-8-37. [AMENDED]
 - 252:100-8-38. [NEW]
 - 252:100-8-39. [NEW]
 - Part 9. Major Sources Affecting Nonattainment Areas
 - 252:100-8-50. [AMENDED]
 - 252:100-8-50.1. [NEW]
 - 252:100-8-51. [AMENDED]
 - 252:100-8-51.1. [NEW]
 - 252:100-8-52. [AMENDED]
 - 252:100-8-53. [AMENDED]
 - 252:100-8-54. [AMENDED]
 - 252:100-8-55. [NEW]
 - 252:100-8-56. [NEW]
 - 252:100-8-57. [NEW]
 - Part 11. Visibility Protection Standards [NEW]
 - 252:100-8-70. [NEW]

- 252:100-8-71. [NEW]
- 252:100-8-72. [NEW]
- 252:100-8-73. [NEW]
- 252:100-8-74. [NEW]
- 252:100-8-75. [NEW]
- 252:100-8-76. [NEW]
- 252:100-8-77. [NEW]

SUMMARY:

The Department is proposing amendments to Subchapter 8, Permits for Part 70 Sources. The Department proposes to revise Parts 7 and 9 to incorporate the Environmental Protection Agency's revisions to the New Source Review (NSR) permitting program under the Federal Clean Air Act. These proposed amendments include revisions to the method of determining if a modification to an NSR source is a major modification and includes Plantwide Applicability Limitations (PAL) Exclusions. The Department proposes to update and clarify Parts 7 and 9. This will include federal revisions not previously incorporated by the Department. The Department proposes to move a number of definitions from Section 8-1.1 of Subchapter 8 to Subchapter 1 since these terms are used in more than one Subchapter in Chapter 100. Updates to a few definitions in OAC 252:100-1-3 are also being proposed.

The Department proposes to revise the definition of "insignificant activities" in Section 8-2 of Subchapter 8 due to the recent revision to Subchapter 41 and the promulgation of new Subchapter 42 and to move paragraph (B) of the definition of "begin actual construction" from Section 8-1.1 to Section 8-2.

The Department is proposing a new Part 11 which incorporates the federal Best Available Retrofit Technology (BART) requirements into Chapter 100. The BART requirements are part of the Regional Haze State Implementation Plan (SIP).

AUTHORITY:

Environmental Quality Board powers and duties, 27A O.S., §§ 2-2-101, 2-2-201; and Oklahoma Clean Air Act, §§ 2-5-101 *et seq.*

COMMENT PERIOD:

Written comments on the proposed rulemakings will be accepted prior to and at the hearing on January 19, 2006. For comments received at least 5 business days prior to the council meeting, staff will post written responses on the Department's web page at least 1 day prior to the Council meeting and provide hard copy written responses to these comments to the council and the public at that council meeting. Oral comments may be made at the January 19, 2006, council meeting and at the February 24, 2006, Environmental Quality Board meeting.

PUBLIC HEARINGS:

Before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, January 19, 2006, at the Oklahoma Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma. Before the Environmental Quality Board on February 24, 2006 in Oklahoma City.

DEQ proposes to submit Subchapter 8 to the EPA for inclusion in the Oklahoma SIP. This hearing shall also serve

Notices of Rulemaking Intent

as the public hearing to receive comments on the proposed revisions to the SIP under the requirements of 40 Code of Federal Regulations (CFR)§ 51.102 of the EPA regulations concerning the SIPs and 27A O.S. § 2-5-107(6)(c).

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Department requests that business entities or any other members of the public affected by these rules provide the Department, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

The proposed rules are available for review 30 days prior to the hearing at the Air Quality Division of the Department and on the Department's website (www.deq.state.ok.us), Air Quality Division, What's New, or copies may be obtained from the contact person by calling (405) 702-4100.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person.

CONTACT PERSON:

Please send written comments to Joyce Sheedy (e-mail: joyce.sheedy@deq.state.ok.us), Department of Environmental Quality, Air Quality Division, 707 N. Robinson, Oklahoma City, OK 73102. Mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677, FAX (405)702-4101.

PERSONS WITH DISABILITIES:

Should you desire to attend but have a disability and need an accommodation, please notify the Air Quality Division three (3) days in advance at (405)702-4100.

[OAR Docket #05-1400; filed 11-22-05]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 300. LABORATORY ACCREDITATION

[OAR Docket #05-1401]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Laboratory Accreditation Process

252:300-5-1. [AMENDED]

Subchapter 7. General Operations

252:300-7-3. [AMENDED]

Subchapter 17. Quality Assurance/Quality Control

Part 1. Quality Assurance/Quality Control [NEW]

Part 2. Standard Operating Procedures and Methods Manual [NEW]

252:300-17-21. [NEW]

252:300-17-22. [NEW]

252:300-17-23. [NEW]

252:300-17-24. [NEW]

252:300-17-25. [NEW]

Subchapter 19. Classifications

252:300-19-2. [AMENDED]

252:300-19-3. [AMENDED]

Appendix D. Analytes for Petroleum Hydrocarbon Laboratory Category [REVOKED]

Appendix D. Analytes for Petroleum Hydrocarbon Laboratory Category [NEW]

SUMMARY:

The proposed change to Subchapter 5 is a reference to the need for compliance with other DEQ rules chapters. In Subchapter 7, the proposed change is from one edition of the federal rules to more current one. The proposed new rules in Subchapter 17 are designed to be consistent with NELAC provisions about standard operating procedures. Subchapter 19 and Appendices proposed changes were made at the request of the Oklahoma Corporation Commission. Classifications were expanded to include the Oklahoma GRO and DRO methodologies. Accordingly, Appendix D was revoked and rewritten to reflect that change

AUTHORITY:

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-2-201 and Article IV., Laboratory Services and Certification, § 2-4-101 *et seq.*

COMMENT PERIOD:

Deliver or mail written comments on the proposed rules to the contact person from December 15, 2005 through January 17, 2006. Oral comments may be made at the Laboratory Certification Advisory Council meeting on January 19, 2006, or at the meeting of the Environmental Quality Board on February 24, 2006.

PUBLIC HEARINGS:

Before the Laboratory Certification Advisory Council at 1:30 p.m. on January 19, 2006, 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 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:

David Caldwell, Customer Services Division, Department of Environmental Quality, P.O. Box 1677, Oklahoma City, OK 73101-1677, e-mail at david.caldwell@deq.state.ok.us, phone 405-702-1000, or fax 405-702-1001.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the public hearing to be held before the Laboratory Certification 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 #05-1401; filed 11-22-05]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 305. LABORATORY SERVICES**

[OAR Docket #05-1399]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Appendix A. Samples Submitted by Governmental Entities [REVOKED]

Appendix A. Samples Submitted by Governmental Entities [NEW]

Appendix B. Samples Submitted by Private Citizens [REVOKED]

Appendix B. Samples Submitted by Private Citizens [NEW]

SUMMARY:

The proposed rule changes are necessitated by increased costs for providing analytical services to public water supplies, other governmental entities and the programs of the DEQ. This proposal includes the cost for replacement of equipment. Proposed fees are calculated on current costs of analyses. Some fees for individual analytes were lowered, but most were raised. Obsolete analytes were deleted; new analytes were added. Methods were updated. The overall impact is a 34% increase in fees.

AUTHORITY:

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-2-201 and Article IV., Laboratory Services and Certification, § 2-4-101 *et seq.*

COMMENT PERIOD:

Deliver or mail written comments on the proposed rules to the contact person from December 15, 2005 through January 17, 2006. Oral comments may be made at the Laboratory Certification Advisory Council meeting on January 19, 2006,

or at the meeting of the Environmental Quality Board on February 24, 2006.

PUBLIC HEARINGS:

Before the Laboratory Certification Advisory Council at 1:30 p.m. on January 19, 2006, 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:

Chris Armstrong, Customer Services Division, Department of Environmental Quality, P.O. Box 1677, Oklahoma City, OK 73101-1677, e-mail at chris.armstrong@deq.state.ok.us, phone 405-702-1000, or fax 405-702-1001.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the public hearing to be held before the Laboratory Certification Advisory Council and need assistance should notify the contact person three days in advance of the meeting during business hours at 405-702-1000 or by using TDD relay number 1-800-522-8506.

[OAR Docket #05-1399; filed 11-22-05]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 710. WATERWORKS AND WASTEWATER WORKS OPERATOR CERTIFICATION**

[OAR Docket #05-1402]

RULEMAKING ACTION:

Notice of PERMANENT rulemaking

Notices of Rulemaking Intent

PROPOSED RULES:

Subchapter 3. Certification [AMENDED]
252:710-3-31. [AMENDED]
Subchapter 5. Duties and Responsibilities [AMENDED]
252:710-5-54. [AMENDED]
252:710-5-59. [AMENDED]
Appendix A. Classification of Community and Nontransient Noncommunity Water Systems, Wastewater Systems and Laboratories [REVOKED]
Appendix A. Classification of Community and Nontransient Noncommunity Water Systems, Wastewater Systems and Laboratories [NEW]

SUMMARY:

The proposed amendments to 252:710 reflect language clarifications and corrections of typographical errors. A new provision includes adding clarification for plumbing contractors.

AUTHORITY:

Environmental Quality Board and Waterworks and Wastewater Works Advisory Council; 27A O.S. §§ 2-2-101 and 2-2-201; and 59 O.S. § 1101 *et seq.*

REQUEST FOR COMMENTS:

The DEQ requests that business entities or other members of the public affected by these rules provide the DEQ, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

COMMENT PERIOD:

Written comments may be delivered or mailed to the contact person from December 15, 2005 through January 20, 2006.

Oral comments may be made at the meeting of the Waterworks and Wastewater Works Advisory Council, January 20, 2006 and at the Environmental Quality Board meeting on February 24, 2006.

PUBLIC HEARINGS:

Before the Waterworks and Wastewater Works Advisory Council Meeting on January 20, 2006, at 10:00 a.m. at the Oklahoma City Office of the Department of Environmental Quality, Multi-Purpose Room, 707 N. Robinson, Oklahoma City, Oklahoma 73101.

Before the Environmental Quality Board on February 24, 2006, at 9:30 a.m. at the Oklahoma City Office of the Department of Environmental Quality, Multi-Purpose Room, 707 N. Robinson, Oklahoma City, Oklahoma 73101.

COPY OF PROPOSED RULE:

The proposed rules are available for review at the Water Quality Division of DEQ and on the DEQ website (www.deq.state.ok.us), Water Quality Division, What's New, or copies may be obtained from the contact person by calling (405) 702-8100.

RULE IMPACT STATEMENT:

The rule impact statement for the proposed rule will be on file at the Department of Environmental Quality and may be requested from the contact person.

CONTACT PERSON:

Contact Chris Wisniewski at chris.wisniewski@deq.state.ok.us or (405) 702-8100 (phone) or 702-8101 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three days in advance of the hearing. For hearing impaired, the TDD Relay Number is 1-800-722-0353 for TDD machine use only.

[OAR Docket #05-1402; filed 11-22-05]

TITLE 260. OFFICE OF STATE FINANCE CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #05-1416]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

260:1-1-1. through 260:1-1-5. [NEW]

SUMMARY:

These rules provide information and establish procedures related to the Office of State Finance, which include the principal location, office hours, chief administrative officer, availability of public records, organization of the agency and appeal process pursuant to the APA. To date, this information has not been formally promulgated and adopted as required by the APA. The rules are being submitted as the information in this chapter supplements proposed Chapter 15, which references the principal office of the agency.

AUTHORITY:

Office of State Finance, 75 O.S., Section 302

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on Monday, January 16, 2006, at the following address: Tony Hutchison, Office of State Finance, 2300 N. Lincoln Blvd., Suite 122, Oklahoma City, OK 73105.

PUBLIC HEARING:

A public hearing will be held at the Will Rogers Office Building, Suite 102/104, 2401 N. Lincoln Boulevard, Oklahoma City, OK, on Monday, January 16, 2006 at 10:00 a.m. Anyone who wishes to speak must sign in by 9:45 a.m. on that day.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Department with information, including, if possible, direct and indirect costs by type with dollar amounts, that a business entity may incur for rule compliance. Business entities may submit the information in writing by the conclusion of the public comment period and public hearing on January 16, 2006, at the Office of State Finance, 2300 N. Lincoln Blvd., Suite 122, Oklahoma City, OK 73105

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review on and after December 29, 2005 at the Office of State Finance, 2300 N. Lincoln Blvd., Suite 122, Oklahoma City, OK 73105.

CONTACT PERSON:

Joe Fleckinger, Director, Information Services Division, (405) 522-4026

[OAR Docket #05-1416; filed 11-22-05]

**TITLE 260. OFFICE OF STATE FINANCE
CHAPTER 15. ACCESSIBILITY OF
INFORMATION TECHNOLOGY**

[OAR Docket #05-1417]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

260:15-1-1. through 260:15-1-9. [NEW]

SUMMARY:

These rules provide information and establish procedures to assure state compliance regarding accessibility of information technology for individuals with disabilities based on the provisions of House Bill 2197 and 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. The rules provide definitions and establish the creation of Information Technology Accessibility Standards by which state agencies must procure, develop, maintain or use implement information technology products. The rules require state agencies to designate Accessibility Compliance Representatives to oversee the requirements of the law and rules and make reports to the Office of State Finance. The rules provide information and procedures for filing and processing public complaints related to accessibility.

AUTHORITY:

Office of State Finance, 62 O.S., Section 41.5t.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on Monday, January 16, 2006, at the following address: Tony Hutchison, Office of State

Finance, 2300 N. Lincoln Blvd., Suite 122, Oklahoma City, OK 73105.

PUBLIC HEARING:

A public hearing will be held at the Will Rogers Office Building, Suite 102/104, 2401 N. Lincoln Boulevard, Oklahoma City, OK, on Monday, January 16, 2006 at 10:00 a.m. Anyone who wishes to speak must sign in by 9:45 a.m. on that day.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Department with information, including, if possible, direct and indirect costs by type with dollar amounts, that a business entity may incur for rule compliance. Business entities may submit the information in writing by the conclusion of the public comment period and public hearing on January 16, 2006, at the Office of State Finance, 2300 N. Lincoln Blvd., Suite 122, Oklahoma City, OK 73105

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review on and after December 29, 2005 at the Office of State Finance, 2300 N. Lincoln Blvd., Suite 122, Oklahoma City, OK 73105.

CONTACT PERSON:

Joe Fleckinger, Director, Information Services Division, (405) 522-4026

[OAR Docket #05-1417; filed 11-22-05]

**TITLE 300. GRAND RIVER DAM
AUTHORITY
CHAPTER 1. OPERATIONS AND
PROCEDURES**

[OAR Docket #05-1403]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Operations and Procedures [NEW]

SUMMARY:

The rules describe the organization, operations and procedures of the Grand River Dam Authority with respect to its administration, rulemaking, and other activities and are intended to supplement and interpret pertinent provisions of state statutes.

AUTHORITY:

Grand River Dam Authority; 82 O.S. § 861 *et seq.*; 82 O.S. Supp.2005, § 861A(B)(1); 75 O.S. § 302

COMMENT PERIOD:

Written and oral comments will be accepted December 16, 2005 through January 17, 2006 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, OK 74301, Attention: Gretchen Zumwalt-Smith.

Notices of Rulemaking Intent

PUBLIC HEARING:

A public hearing will be conducted to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of five minutes to speak and each person must sign in at the door. The public hearing will be held on Wednesday, January 18, 2006 at 9:00 a.m. in the Board Room of Grand River Dam Authority, 226 West Dwain Willis Avenue, Vinita, Oklahoma 74301.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Grand River Dam Authority requests that business entities or any other members of the public affected by these rules provide the agency, 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 or public member due to compliance with the proposed rules. This information may be submitted in writing from December 16, 2005 through January 17, 2006 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, Attention: Gretchen Zumwalt-Smith.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Gretchen Zumwalt-Smith at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, (918) 256-5545.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement has been prepared and is available at the offices of Grand River Dam Authority, Legal Division, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301.

CONTACT PERSON:

Gretchen Zumwalt-Smith, Assistant General Counsel, (918) 256-5545

[OAR Docket #05-1403; filed 11-22-05]

TITLE 300. GRAND RIVER DAM AUTHORITY CHAPTER 15. SURPLUS PROPERTY

[OAR Docket #05-1404]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 15. Surplus Property [NEW]

SUMMARY:

The rules provide general information and provisions pertaining to the transfer, disposal and acquisition of Grand River Dam Authority surplus property for use by state agencies, authorized entities, individuals and business entities. Pursuant to 74 O.S.Supp.2005, § 62.3(D), the Grand River

Dam Authority is exempt from the provisions of the Oklahoma Surplus Property Act. These rules are promulgated to ensure that the Authority's surplus property is disposed of at fair market value, in an independent and ethical manner, and that the property or the value of the property has not been misrepresented.

AUTHORITY:

Grand River Dam Authority; 82 O.S. § 861 *et seq.*; 82 O.S.Supp.2005, § 861A(B)(1); 74 O.S.Supp.2005, § 62.3(D); 82 O.S.Supp.2005, § 874

COMMENT PERIOD:

Written and oral comments will be accepted December 16, 2005 through January 17, 2006 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, OK 74301, Attention: Gretchen Zumwalt-Smith.

PUBLIC HEARING:

A public hearing will be conducted to provide an opportunity for persons to orally present their views on the content of the proposed rules. Each person will be allowed a maximum of five minutes to speak and each person must sign in at the door. The public hearing will be held on Wednesday, January 18, 2006 at 9:00 a.m. in the Board Room of Grand River Dam Authority, 226 West Dwain Willis Avenue, Vinita, Oklahoma 74301.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Grand River Dam Authority requests that business entities or any other members of the public affected by these rules provide the agency, 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 or public member due to compliance with the proposed rules. This information may be submitted in writing from December 16, 2005 through January 17, 2006 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, Attention: Gretchen Zumwalt-Smith.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Gretchen Zumwalt-Smith at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, (918) 256-5545.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement has been prepared and is available at the offices of Grand River Dam Authority, Legal Division, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301.

CONTACT PERSON:

Gretchen Zumwalt-Smith, Assistant General Counsel, (918) 256-5545

[OAR Docket #05-1404; filed 11-22-05]

**TITLE 300. GRAND RIVER DAM
AUTHORITY
CHAPTER 20. PURCHASING POLICY**

[OAR Docket #05-1405]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 300:20-1-1. [AMENDED]
- 300:20-1-2. [AMENDED]
- 300:20-1-4. [AMENDED]
- 300:20-1-8. [AMENDED]
- 300:20-1-11. [AMENDED]
- 300:20-1-12. [AMENDED]
- 300:20-1-15. [NEW]

SUMMARY:

The proposed amendment clarifies that Grand River Dam Authority's purchasing policy does not apply to certain contracts and professional services as defined in Section 803 of Title 18. Such contracts shall be exempt from the competitive bidding procedures. The other proposed amendments relate to clarification of the Purchasing Policy, the procuring of products or services through the State Use Program, and the method for obtaining competitive bids. An addition to the purchasing policy sets forth procedures concerning business expenses necessary to the business of the district. Such business expenses shall meet current State of Oklahoma and Internal Revenue Service guidelines for business expense deductibility. The General Manager of Grand River Dam Authority shall designate individuals and the extent of their authority to expend monies for business expenses and shall approve all such expenses prior to reimbursement. Examples of possible business expenses are listed. Each individual expense shall be supported by a receipt or invoice which shall be maintained in accordance with Internal Revenue Service guidelines.

AUTHORITY:

Grand River Dam Authority; 82 O.S.Supp.2005, § 861A(B)(1); 82 O.S.Supp.2005, § 863.2(B)

COMMENT PERIOD:

Written and oral comments will be accepted December 16, 2005 through January 17, 2006 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, OK 74301, Attention: Gretchen Zumwalt-Smith.

PUBLIC HEARING:

A public hearing will be conducted to provide an opportunity for persons to orally present their views on the content of the proposed rules. Each person will be allowed a maximum of five minutes to speak and each person must sign in at the door. The public hearing will be held on Wednesday, January 18, 2006 at 9:00 a.m. in the Board Room of Grand River Dam Authority, 226 West Dwain Willis Avenue, Vinita, Oklahoma 74301.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Grand River Dam Authority requests that business entities or any other members of the public affected by these rules provide the agency, 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 or public member due to compliance with the proposed rules. This information may be submitted in writing from December 16, 2005 through January 17, 2006 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, Attention: Gretchen Zumwalt-Smith.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Gretchen Zumwalt-Smith at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, (918) 256-5545.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement has been prepared and is available at the offices of Grand River Dam Authority, Legal Division, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301.

CONTACT PERSON:

Gretchen Zumwalt-Smith, Assistant General Counsel, (918) 256-5545

[OAR Docket #05-1405; filed 11-22-05]

**TITLE 300. GRAND RIVER DAM
AUTHORITY
CHAPTER 25. LICENSE TO ENCROACH**

[OAR Docket #05-1406]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 25. License to Encroach [NEW]

SUMMARY:

As authorized by 82 O.S.Supp.2005, § 874.2, these rules establish procedures for obtaining a written license to encroach on Grand River Dam Authority ("GRDA") real property for improvements built prior to June 1, 2005. Improvements are defined as buildings, retaining walls, or other permanent or temporary structures or developments located on or attached to GRDA real property. These rules are designed to assist landowners with title and marketability issues, thus enabling the closure of real estate transactions on adjacent properties which include improvements on GRDA real property. These rules also contain term and termination conditions, transfer and assignment rights, and license violations. Provisions for establishing fair market value of the improvements are addressed in these rules. A stipulation is included that free public use of GRDA real property for recreational purposes may not be impeded. The GRDA Board of Directors is

Notices of Rulemaking Intent

reserving the right to refuse any or all applications for a license to encroach.

AUTHORITY:

Grand River Dam Authority; 82 O.S.Supp.2005, § 874.2; 82 O.S.2004, § 861A(B)(1)

COMMENT PERIOD:

Written and oral comments will be accepted December 16, 2005 through January 17, 2006 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, OK 74301, Attention: Gretchen Zumwalt-Smith.

PUBLIC HEARING:

A public hearing will be conducted to provide an opportunity for persons to orally present their views on the content of the proposed rules. Each person will be allowed a maximum of five minutes to speak and each person must sign in at the door. The public hearing will be held on Wednesday, January 18, 2006 at 9:00 a.m. in the Board Room of Grand River Dam Authority, 226 West Dwain Willis Avenue, Vinita, Oklahoma 74301.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Grand River Dam Authority requests that business entities or any other members of the public affected by these rules provide the agency, 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 or public member due to compliance with the proposed rules. This information may be submitted in writing from December 16, 2005 through January 17, 2006 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, Attention: Gretchen Zumwalt-Smith.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Gretchen Zumwalt-Smith at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, (918) 256-5545.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement has been prepared and is available at the offices of Grand River Dam Authority, Legal Division, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301.

CONTACT PERSON:

Gretchen Zumwalt-Smith, Assistant General Counsel, (918) 256-5545

[OAR Docket #05-1406; filed 11-22-05]

TITLE 300. GRAND RIVER DAM AUTHORITY CHAPTER 30. AIRCRAFT TRAVEL USE LOGS

[OAR Docket #05-1407]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 30. Aircraft Travel Use Logs [NEW]

SUMMARY:

The proposed rules provide compliance with 74 O.S.2001 § 500.6A(C) regarding the use, maintenance, and reporting requirements related to the Travel Use Log [OSF Form LOG (12/98)].

AUTHORITY:

Grand River Dam Authority; 82 O.S. § 861 *et seq.*; 74 O.S. § 500.6A; 82 O.S.Supp.2005, § 861A(B)(1)

COMMENT PERIOD:

Written and oral comments will be accepted December 16, 2005 through January 17, 2006 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, OK 74301, Attention: Gretchen Zumwalt-Smith.

PUBLIC HEARING:

A public hearing will be conducted to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of five minutes to speak and each person must sign in at the door. The public hearing will be held on Wednesday, January 18, 2006 at 9:00 a.m. in the Board Room of Grand River Dam Authority, 226 West Dwain Willis Avenue, Vinita, Oklahoma 74301.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Grand River Dam Authority requests that business entities or any other members of the public affected by these rules provide the agency, 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 or public member due to compliance with the proposed rules. This information may be submitted in writing from December 16, 2005 through January 17, 2006 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, Attention: Gretchen Zumwalt-Smith.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Gretchen Zumwalt-Smith at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, (918) 256-5545.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement has been prepared and is available at the offices of Grand River Dam Authority, Legal Division, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301.

CONTACT PERSON:

Gretchen Zumwalt-Smith, Assistant General Counsel,
(918) 256-5545

[OAR Docket #05-1407; filed 11-22-05]

**TITLE 300. GRAND RIVER DAM
AUTHORITY
CHAPTER 35. LAKE RULES**

[OAR Docket #05-1408]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 35. Lake Rules [NEW]

SUMMARY:

The Act (82 O.S.2001, § 861 *et seq.*, as amended) creating the Grand River Dam Authority prescribes the use that may be made of the properties and waters of GRDA and authorizes GRDA to promulgate, prescribe and enforce rules and regulations for the use, for recreational and commercial purposes, of its lakes and shorelands, including the use of firearms and the inspection of all vessels of every character proposing to operate or operating on said lakes. The travel of vessels on the waters of GRDA shall be in keeping with the following rules of GRDA in the interest of public health, safety and convenience in the use of the waters and the shorelands of GRDA.

AUTHORITY:

Grand River Dam Authority; 82 O.S. § 861 *et seq.*; 82 O.S.Supp.2005, § 862; 82 O.S. § 875

COMMENT PERIOD:

Written and oral comments will be accepted December 16, 2005 through January 17, 2006 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, OK 74301, Attention: Gretchen Zumwalt-Smith.

PUBLIC HEARING:

A public hearing will be conducted to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of five minutes to speak and each person must sign in at the door. The public hearing will be held on Wednesday, January 18, 2006 at 9:00 a.m. in the Board Room of Grand River Dam Authority, 226 West Dwain Willis Avenue, Vinita, Oklahoma 74301.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Grand River Dam Authority requests that business entities or any other members of the public affected by these rules provide the agency, 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 or public member due to compliance with the proposed rules. This information may be submitted in writing from December 16, 2005 through January 17, 2006 at Grand River Dam Authority, 226 West

Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, Attention: Gretchen Zumwalt-Smith.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Gretchen Zumwalt-Smith at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, (918) 256-5545.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement has been prepared and is available at the offices of Grand River Dam Authority, Legal Division, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301.

CONTACT PERSON:

Gretchen Zumwalt-Smith, Assistant General Counsel,
(918) 256-5545

[OAR Docket #05-1408; filed 11-22-05]

**TITLE 325. OKLAHOMA HORSE RACING
COMMISSION
CHAPTER 45. MEDICATION AND EQUINE
TESTING PROCEDURES**

[OAR Docket #05-1394]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULE:

325:45-1-2. Definitions [AMENDED]

SUMMARY:

Since the Oklahoma State Supreme Court has held that the use of "preponderance of the evidence" is an inappropriate standard of proof, a review of the current OHRC *Rules of Racing* was conducted to determine the use of the term for Commission consideration of repeal. The term is currently reflected in three definition rules: Rule 325:45-1-2, Definitions [Chapter on Medication and Equine Testing Procedures]; Rule 325:50-1-2, Definitions [Chapter on Human Substance Abuse Testing]; and Rule 325:70-1-2, Definitions [Chapter on Objections and Protests; Hearings and Appeals]. The Commission proposes to repeal the definition of "preponderance of evidence" under permanent rulemaking procedures.

AUTHORITY:

75 O.S., § 303; Title 3A O.S. § 204(A); Oklahoma Horse Racing Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, January 23, 2006, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107

PUBLIC HEARING:

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Monday, January 23, 2006, at the following address: Oklahoma Horse

Notices of Rulemaking Intent

Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107. Anyone who wishes to present oral comment at the public hearing must sign a speaker's register.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Horse Racing Commission requests that business entities affected by this proposed rule provide the Commission, within the comment period, in dollar amounts, if possible, 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 rule. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on January 23, 2006.

COPIES OF PROPOSED RULES:

A copy of the proposed rule amendment may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by December 1, 2005 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

CONTACT PERSON:

Bonnie Morris, Assistant to the Administrator, (405) 943-6472.

[OAR Docket #05-1394; filed 11-21-05]

TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 50. HUMAN SUBSTANCE ABUSE TESTING

[OAR Docket #05-1395]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULE:

325:50-1-2. Definitions [AMENDED]

SUMMARY:

Since the Oklahoma State Supreme Court has held that the use of "preponderance of the evidence" is an inappropriate standard of proof, a review of the current OHRC *Rules of Racing* was conducted to determine the use of the term for Commission consideration of repeal. The term is currently reflected in three definition rules: Rule 325:45-1-2, Definitions [Chapter on Medication and Equine Testing Procedures]; Rule 325:50-1-2, Definitions [Chapter on Human Substance Abuse Testing]; and Rule 325:70-1-2, Definitions [Chapter on Objections and Protests; Hearings and Appeals]. The Commission proposes to repeal the definition of "preponderance of evidence" under permanent rulemaking procedures.

AUTHORITY:

75 O.S., § 303; Title 3A O.S. § 204(A); Oklahoma Horse Racing Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, January 23, 2006, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107

PUBLIC HEARING:

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Monday, January 23, 2006, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107. Anyone who wishes to present oral comment at the public hearing must sign a speaker's register.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Horse Racing Commission requests that business entities affected by this proposed rule provide the Commission, within the comment period, in dollar amounts, if possible, 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 rule. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on January 23, 2006.

COPIES OF PROPOSED RULES:

A copy of the proposed rule amendment may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by December 1, 2005 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

CONTACT PERSON:

Bonnie Morris, Assistant to the Administrator, (405) 943-6472.

[OAR Docket #05-1395; filed 11-21-05]

TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 70. OBJECTIONS AND PROTESTS; HEARINGS AND APPEALS

[OAR Docket #05-1396]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULE:

325:70-1-2. Definitions [AMENDED]

SUMMARY:

Since the Oklahoma State Supreme Court has held that the use of "preponderance of the evidence" is an inappropriate standard of proof, a review of the current OHRC *Rules of*

Racing was conducted to determine the use of the term for Commission consideration of repeal. The term is currently reflected in three definition rules: Rule 325:45-1-2, Definitions [Chapter on Medication and Equine Testing Procedures]; Rule 325:50-1-2, Definitions [Chapter on Human Substance Abuse Testing]; and Rule 325:70-1-2, Definitions [Chapter on Objections and Protests; Hearings and Appeals]. The Commission proposes to repeal the definition of "preponderance of evidence" under permanent rulemaking procedures.

AUTHORITY:

75 O.S., § 303; Title 3A O.S. § 204(A); Oklahoma Horse Racing Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, January 23, 2006, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107

PUBLIC HEARING:

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Monday, January 23, 2006, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107. Anyone who wishes to present oral comment at the public hearing must sign a speaker's register.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Horse Racing Commission requests that business entities affected by this proposed rule provide the Commission, within the comment period, in dollar amounts, if possible, 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 rule. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on January 23, 2006.

COPIES OF PROPOSED RULES:

A copy of the proposed rule amendment may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by December 1, 2005 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

CONTACT PERSON:

Bonnie Morris, Assistant to the Administrator, (405) 943-6472.

[OAR Docket #05-1396; filed 11-21-05]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 10. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)**

[OAR Docket #05-1387]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 2. Temporary Assistance for Needy Families (TANF) Work Program
 - 340:10-2-2. [AMENDED]
 - 340:10-2-7. through 340:10-2-8. [AMENDED]
 - Subchapter 3. Conditions of Eligibility - Need
 - Part 1. Resources
 - 340:10-3-5. [AMENDED]
 - Part 3. Income
 - 340:10-3-32. [AMENDED]
 - 340:10-3-40. [AMENDED]
 - Part 5. Assistance Payments
 - 340:10-3-56. through 340:10-3-57. [AMENDED]
 - Subchapter 10. Conditions of Eligibility - Deprivation
 - 340:10-10-3. [AMENDED]
- (Reference APA WF# 05-11 and 05-17)

SUMMARY:

Temporary Assistance for Needy Families (TANF) proposed rule revisions: (1) amend rules which are out of date or duplicated elsewhere in OAC 340:10; (2) change language to reflect current usage; (3) improve readability; (4) eliminate unnecessary language; (5) clarify existing rules; (6) reflect an increase in the work activity payment and the daily participant allowance reimbursement rates; and (7) clarify the computation of self-employment income.

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3 and 4 of the Oklahoma Constitution; Sections 230.50, 230.52, 230.55, 230.56, 230.60, and 230.62 through 230.66 of Title 56 of the Oklahoma Statutes; and the Personal Responsibility and Work Opportunity Act of 1996.

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2005 through January 17, 2006 during regular business hours by contacting Sandy Stewart, Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-4396.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than January 17, 2006 at 5:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

Notices of Rulemaking Intent

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the above listed person.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available for review by contacting the above listed person.

CONTACT PERSON:

Dena Thayer, Programs Manager, 405-521-4326.

[OAR Docket #05-1387; filed 11-21-05]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 20. LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

[OAR Docket #05-1388]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Low Income Home Energy Assistance Program

Appendix B. Declaration of Income Eligibility [REVOKED]

Appendix C. Authorization/Agreement/Claim Form [REVOKED]

Appendix F. Benefit Levels (Unsubsidized) [REVOKED]

(Reference APA WF# 05-13)

SUMMARY:

Low Income Home Energy Assistance Program (LIHEAP) appendices are revoked as they are no longer used.

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; The Low Income Home Energy Assistance Act; Title XXVI of the Omnibus Budget Reconciliation Act of 1981, Public Law 97-35, as amended; 45 CFR Section 96.85(a) of Title 45 of the Code of Federal Regulations.

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2005 through January 17, 2006 during regular business hours by contacting Sandy Stewart, Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-4396.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than January 17, 2006 at 5:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the above listed person.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available for review by contacting the above listed person.

CONTACT PERSON:

Dena Thayer, Programs Manager, 405-521-4326.

[OAR Docket #05-1388; filed 11-21-05]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 45. EMERGENCY WELFARE SERVICES [REVOKED]

[OAR Docket #05-1389]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [REVOKED]

340:45-1-1. through 340:45-1-8. [REVOKED]

Subchapter 3. Individual and Family Grant Program [REVOKED]

340:45-3-1. through 340:45-3-8. [REVOKED]

(Reference APA WF # 05-18)

SUMMARY:

Revocation of Chapter 45 is proposed as the rules are superceded by provisions of the Oklahoma Emergency Management Act that designate the Oklahoma Department of Emergency Management as the agency responsible for preparation, coordination, and execution of emergency functions resulting from hostile actions or natural disasters. Information concerning Emergency Operating Plans for the Oklahoma Department of Human Services (OKDHS) has been moved to OKDHS internal regulations.

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3 and 4 of the Oklahoma Constitution; and Oklahoma Emergency Management Act of 2003.

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2005 through January 17, 2006 during regular business hours by contacting Sandy Stewart, Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-4396.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than January 17, 2006 at 5:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the above listed person.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available for review by contacting the above listed person.

CONTACT PERSON:

Dena Thayer, Programs Manager, 405-521-4326.

[OAR Docket #05-1389; filed 11-21-05]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 50. FOOD STAMP PROGRAM**

[OAR Docket #05-1390]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 5. Food stamp household
- Part 5. Students, Strikers, Resident Farm Laborers, Migrant Households, Sponsored Aliens, and School Employees
340:50-5-45. [AMENDED]
- Part 7. Related Provisions
340:50-5-64. [AMENDED]
- Subchapter 7. Financial Eligibility Criteria
- Part 1. Resources
340:50-7-2. [AMENDED]
- Part 3. Income
340:50-7-22. [AMENDED]
- (Reference APA WF# 05-14)**

SUMMARY:

Food Stamp Program proposed rule revisions: (1) require eligible students to work an average of 20 hours per week; (2) clarify the age exemption for able-bodied adults without dependents (ABAWDs); and (3) exclude additional types of income and resources in determining food stamp eligibility.

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; 2002 Farm Bill; and Section 183(c) of Title 38 of the United States Code.

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2005 through January 17, 2006 during regular business hours by contacting Sandy Stewart, Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-4396.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than January 17, 2006 at 5:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the above listed person.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available for review by contacting the above listed person.

CONTACT PERSON:

Dena Thayer, Programs Manager, 405-521-4326.

[OAR Docket #05-1390; filed 11-21-05]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 55. EMERGENCY REPATRIATION PROGRAM [REVOKED]**

[OAR Docket #05-1391]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

340:55-1-1. through 340:55-1-9. [REVOKED]
(Reference APA WF # 05-19)

SUMMARY:

Revocation of Chapter 55 rules is proposed as the Oklahoma Emergency Management Act of 2003 created the Oklahoma Department of Emergency Management. The Oklahoma Department of Emergency Management has been designated as the agency responsible for the coordination of all state organizations for emergency management within the state.

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; Sections 683.2 through 683.4, 683.6, and 683.8 through 683.9 of Title 63 of the Oklahoma Statutes.

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2005 through January 17, 2006 during regular business hours by contacting Sandy Stewart, Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-4396.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than January 17, 2006 at 5:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

Notices of Rulemaking Intent

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the above listed person.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available for review by contacting the above listed person.

CONTACT PERSON:

Dena Thayer, Programs Manager, 405-521-4326.

[OAR Docket #05-1391; filed 11-21-05]

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the above listed person.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available for review by contacting the above listed person.

CONTACT PERSON:

Dena Thayer, Programs Manager, 405-521-4326.

[OAR Docket #05-1392; filed 11-21-05]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 60. REFUGEE RESETTLEMENT PROGRAM

[OAR Docket #05-1392]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

340:60-1-1. through 340:60-1-3. [AMENDED]

340:60-1-4. [REVOKED]

340:60-1-5. through 340:60-1-6. [AMENDED]

340:60-1-7. [REVOKED]

(Reference APA WF # 05-20)

SUMMARY:

The Refugee Resettlement Program proposed rule revisions: (1) revoke rules that are no longer necessary; (2) revise rules that are out of date; (3) change language to reflect current usage; (5) improve readability; (6) eliminate unnecessary language; and (7) clarify existing rules.

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; the Personal Responsibility and Work Opportunity Act of 1996; the Refugee Act of 1980 [Public Law 96-212]; Title IV-A, Section 408(e) of the Social Security Act; Sections 1611(a) and 1641(b) of Title 8 of the United States Code (U.S.C.); and Section 7105(b)(1)(A) of Title 22 U.S.C.

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2005 through January 17, 2006 during regular business hours by contacting Sandy Stewart, Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-4396.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than January 17, 2006 at 5:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 75. CHILD WELFARE

[OAR Docket #05-1412]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions of Child Welfare Services

Part 1. Scope and Applicability

340:75-1-1. [REVOKED]

340:75-1-2. [AMENDED]

340:75-1-3. through 340:75-1-5. [REVOKED]

340:75-1-10. [REVOKED]

340:75-1-12.2. [AMENDED]

340:75-1-15. [REVOKED]

340:75-1-26. [AMENDED]

340:75-1-29. through 340:75-1-31. [NEW]

Part 9. Rules Regarding Human Immunodeficiency Virus (HIV)

340:75-1-110. through 340:75-1-112. [REVOKED]

340:75-1-113. through 340:75-1-120. [AMENDED]

Part 10. Oklahoma Children's Services (OCS)

340:75-1-150. and 340:75-1-151. [AMENDED]

340:75-1-151.2. [AMENDED]

340:75-1-152. [AMENDED]

340:75-1-152.3. through 340:75-1-152.9. [AMENDED]

340:75-1-154. through 340:75-1-155. [AMENDED]

Part 11. Comprehensive Home-Based Services (CHBS) [REVOKED]

340:75-1-175. through 340:75-1-176. [REVOKED]

340:75-1-179. [REVOKED]

Part 15. Training for Child Welfare Workers

340:75-1-231. [AMENDED]

Subchapter 3. Child Protective Services

340:75-3-1. through 340:75-3-2. [AMENDED]

340:75-3-6. through 340:75-3-7.1. [AMENDED]

340:75-3-8.1. through 340:75-3-8.3. [AMENDED]

340:75-3-9.1. [AMENDED]

340:75-3-10.2. through 340:75-3-10.3. [AMENDED]

340:75-3-13. [AMENDED]

Subchapter 4. Family-Centered and Community Services

Part 1. Voluntary Family-Centered Services
 340:75-4-9. [AMENDED]
 340:75-4-11. [REVOKED]
 340:75-4-12.1. through 340:75-1-12.2. [AMENDED]
 340:75-4-13. [AMENDED]
 Subchapter 6. Permanency Planning
 Part 7. Case Plans
 340:75-6-40.5. [AMENDED]
 Part 8. Role of the Child Welfare Worker
 340:75-6-47. through 340:75-6-48. [AMENDED]
 340:75-6-48.3. [NEW]
 Part 11. Permanency Planning and Placement Services
 340:75-6-85. [AMENDED]
 340:75-6-90. [REVOKED]
 Part 13. Independent Living
 340:75-6-115.3. through 340:75-6-115.4. [AMENDED]
 340:75-6-115.10. [AMENDED]
 Subchapter 7. Foster Home Care
 Part 2. Development of Resources
 340:75-7-14. [AMENDED]
 340:75-7-18. [AMENDED]
 340:75-7-24. [AMENDED]
 Part 5. Eligibility and Payments
 340:75-7-52. [AMENDED]
 Part 6. Foster Home Care Support Services
 340:75-7-65. [AMENDED]
 Subchapter 8. Therapeutic Foster Care and Developmental
 Disabilities Services ~~Division Services~~
 Part 1. Therapeutic Foster Care
 340:75-8-1. [AMENDED]
 Subchapter 13. Other Child Welfare Services and Medical
 Services for Children in Out-Of-Home Care
 Part 1. Eligibility for Substitute Care Services and Claims
 for Payment
 340:75-13-7. through 340:75-13-8. [AMENDED]
 340:75-13-10. [AMENDED]
 Part 2. Title IV-E Eligibility and Reimbursability
 340:75-13-18. [AMENDED]
 Part 3. Income and Resources of the Child
 340:75-13-26. [AMENDED]
 340:75-13-28. through 340:75-13-29. [AMENDED]
 Part 7. Medical Services
 340:75-13-64. through 340:75-13-65. [AMENDED]
 340:75-13-79. [AMENDED]
 340:75-13-81. [AMENDED]
 Subchapter 15. Adoptions
 Part 2. Legal Base and Scope of the Adoption Program
 340:75-15-6. through 340:75-15-8. [AMENDED]
 Part 6. Adoption Process
 340:75-15-41. through 340:75-15-43. [AMENDED]
 340:75-15-45. [AMENDED]
 Part 10. Adoptive Family Assessment and Preparation
 Process
 340:75-15-85. [AMENDED]
 340:75-15-87. [AMENDED]
 Part 12. Post Placement Services

340:75-15-107. [AMENDED]
 Part 14. Post Adoption Services
 340:75-15-126. [AMENDED]
 340:75-15-128.1. [AMENDED]
 340:75-15-128.4. [AMENDED]
 Subchapter 18. Continuous Quality Improvement
 340:75-18-2. [AMENDED]
 340:75-18-10. [AMENDED]
 340:75-18-13. [AMENDED]
 Subchapter 19. Working with Indian Children
 340:75-19-26. [AMENDED]
 340:75-19-26.1. [NEW]
 340:75-19-27. [REVOKED]
 340:75-19-28. through 340:75-19-30. [AMENDED]
 340:75-19-32. through 340:75-19-33. [AMENDED]
(Reference APA WF 05-10)

SUMMARY:

The proposed revisions to Subchapters 1, 3, 4, 6, 7, 8, 13, 15, 18, and 19 of Chapter 75 clarify: (1) mission and scope of Child Welfare (CW) services; (2) appeal process regarding investigations resulting in confirmed findings; (3) CW case records and responsibilities; (4) Address Confidentiality Program (ACP) services; (5) citizenship and immigration procedures when a child is determined a foreign national; (6) information regarding human immunodeficiency virus (HIV); (7) services through Oklahoma Children's Services (OCS); (8) training requirements for CW staff; (9) Child Protective Services (CPS) priorities, protocols, procedures, and findings; (10) Permanency Planning activities, including CW worker contacts; (11) Independent Living (IL) program services; (12) foster home requirements regarding sleeping arrangements, money payments, and child care; (13) child support requirements; (14) children's benefits; (15) consent for medical services; (16) efforts regarding life support, hydration and nutrition, resuscitation, and organ donation; (17) adoption services; (18) Child and Family Services Review practices and procedures, including Program Improvement Plans (PIPs) and case reviews; (19) services for Indian children in both Oklahoma Department of Human Services (OKDHS) and tribal custody; and (20) by revoking rules that are duplicative.

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; Sections 21.1; 7001-1.1 et seq., 7003-8.8, 7004-1.6, and 7201 et seq. of Title 10 of the Oklahoma Statutes; and Section 3230 of Title 70 of the Oklahoma Statutes.

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2005 through January 17, 2006 during regular business hours by contacting Millie Carpenter, OKDHS, P.O. Box 25352, Oklahoma City, OK 73125, 405-522-6325.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than 5:00 p.m. on January 17, 2006.

Notices of Rulemaking Intent

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the above listed person.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and will be available for review by contacting the above listed person.

CONTACT PERSON:

For information regarding processing of proposed rulemaking contact Dena Thayer, OKDHS Policy Management Unit, 405-521-4326.

[OAR Docket #05-1412; filed 11-22-05]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 100. DEVELOPMENTAL DISABILITIES SERVICES DIVISION

[OAR Docket #05-1393]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

340:100-1-2. [AMENDED]

Subchapter 3. Administration

Part 1. General Administration

340:100-3-4. AMENDED]

340:100-3-4.1. [REVOKED]

340:100-3-5.1. [AMENDED]

Part 3. Operations

340:100-3-27. through 340:100-3-27.1. [AMENDED]

340:100-3-28. through 340:100-3-29. [AMENDED]

340:100-3-38. [AMENDED]

Subchapter 5. Client Services

Part 3. Service Provisions

340:100-5-22.1. [AMENDED]

340:100-5-22.3. [REVOKED]

340:100-5-22.6. [NEW]

340:100-5-26.3. [NEW]

340:100-5-29. [AMENDED]

Part 5. Individual Planning

340:100-5-52. [AMENDED]

Appendix D. Dyskinesia Identification System
[REVOKED]

Appendix J. Application for Volunteer Guardianship
[REVOKED]

Appendix K. Volunteer Reference Letter [REVOKED]

(Reference APA WF# 05-07)

SUMMARY:

Developmental Disabilities Services Division rules are revised to: (1) add a definition for natural supports; (2) update requirements for assisting service recipients with personal funds; (3) revoke and move language to appropriate Sections; (4) remove references to revoked appendices; (5) include requirements for case managers to visit service recipients in their homes and work sites; (6) correct typographical errors; (7) delete requirement for child abuse registry check, which is no longer possible due to confidentiality requirements; (8) add respite, homemaker, respite homemaker, and alternative group homes to the list of specialized training requirements; (9) prohibit dangerous or deadly weapons and illegal substances in homes providing residential supports; (10) change requirements that copies of the Individual Plan (IP) are kept at any site in which the service recipient receives services; (11) issue rules regarding the provision of alternative group home services; and (12) issue rules specifying services that can be provided by direct support staff in accordance with statute.

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; Section 1020 of Title 56 of the Oklahoma Statutes (O.S); and Sections 1430.1 et seq. of Title 10 of O. S.

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2005 through January 17, 2006 during regular business hours by contacting Leslie Parks, Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-4974.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than January 17, 2006 at 5:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the above listed person.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available for review by contacting the above listed person.

CONTACT PERSON:

Dena Thayer, Programs Manager, 405-521-4326.

[OAR Docket #05-1393; filed 11-21-05]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 105. AGING SERVICES DIVISION**

[OAR Docket #05-1413]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Aging Services Division
340:105-1-4. [AMENDED]
- Subchapter 7. Adult Day Services
340:105-7-2. [AMENDED]
340:105-7-7. through 340:105-7-8. [AMENDED]
- Subchapter 10. Policies and Procedures Manual for Title III of the Older Americans Act of 1965, as Amended
 - Part 1. Introduction
340:105-10-3. [AMENDED]
 - Part 3. State Agency
340:105-10-11. through 340:105-10-12. [AMENDED]
340:105-10-15. [AMENDED]
340:105-10-19. [AMENDED]
340:105-10-21. [AMENDED]
340:105-10-24. through 340:105-10-25. [AMENDED]
 - Part 5. Area Agencies on Aging
340:105-10-41. [AMENDED]
 - Part 7. Program Standards for Services Funded Under Title III
340:105-10-51. [AMENDED]
340:105-10-54. [AMENDED]
340:105-10-59. [AMENDED]
340:105-10-63. [AMENDED]
340:105-10-68. [AMENDED]
340:105-10-70. [AMENDED]
340:105-10-72. [AMENDED]
340:105-10-75. [AMENDED]
340:105-10-79. [AMENDED]
340:105-10-82. [AMENDED]
340:105-10-84. [AMENDED]
340:105-10-90.1. [AMENDED]
340:105-10-91. [AMENDED]
 - Part 9. Fiscal and Administrative Policies for Area Agencies on Aging and Title III Projects
340:105-10-95. [AMENDED]
340:105-10-97. [AMENDED]
340:105-10-101. [AMENDED]
340:105-10-114. [AMENDED]
340:105-10-120. through 340:105-10-121. [AMENDED]
- Subchapter 11. Statewide Long-Term Care Ombudsman Program
Part 37. Statewide Long-Term Care Ombudsman Program
340:105-11-233. through 340:105-11-234. [AMENDED]

- 340:105-11-240. [AMENDED]
 - 340:105-11-245. [AMENDED]
 - 340:105-11-248. through 340:105-11-252. [AMENDED]
 - 340:105-11-255. [AMENDED]
- (Reference APA WF 05-05 and 05-09)**

SUMMARY:

The revisions to Subchapters 1, 7, 10, and 11 of Chapter 105: (1) clarify Oklahoma Department of Human Services (OKDHS) adult day services contracts, monitoring of services, reporting requirements of contractors, terminations, payment, and claim processing; (2) modify and clarify OKDHS Aging Services Division (ASD) financial management procedures; (3) bring rules into compliance with state and federal laws and regulations; (4) update language to be consistent with federal and state language currently in use; and (5) comply with House Bill (HB) 1963, effective June 9, 2005 that requires criminal background checks for ombudsman, ombudsman volunteers, and ombudsman staff at each Area Agency on Aging (AAA).

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; the Older Americans Act, as amended; House Bill 1963; Social Services Block Grant Act, as amended; Omnibus Budget Reconciliation Act of 1981; Public Law 97-35; Part 74 of Title 45 of the Code of Federal Regulations; and Federal Register Office of Management and Budget (OMB) Circulars A-87 and A-122.

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2005 through January 17, 2006 during regular business hours by contacting Beth Batman, OKDHS, P.O. Box 25352, Oklahoma City, OK 73125, 405-522-0726.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than 5:00 p.m. on January 17, 2006.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the above listed person.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and will be available for review by contacting the above listed person.

CONTACT PERSON:

For information regarding processing of proposed rulemaking contact Dena Thayer, OKDHS Policy Management Unit, 405-521-4326.

[OAR Docket #05-1413; filed 11-22-05]

Notices of Rulemaking Intent

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 110. LICENSING SERVICES

[OAR Docket #05-1414]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

Part 1. Licensing Services - Child Care

340:110-1-4.1. [AMENDED]

340:110-1-5. through 340:110-1-6. [AMENDED]

340:110-1-8. through 340:110-1-8.1. [AMENDED]

340:110-1-8.3. [AMENDED]

340:110-1-9. through 340:110-1-9.3. [AMENDED]

340:110-1-11. [AMENDED]

340:110-1-17. [AMENDED]

Subchapter 3. Licensing Standards for Child Care Facilities

Part 1. Requirements for Child Care Centers

340:110-3-29. [AMENDED]

Part 2. Requirements for Part-Day Children's Programs

340:110-3-49.5. [AMENDED]

Part 5. Requirements for Family Child Care Homes and
Large Family Child Care Homes

340:110-3-87. [AMENDED]

Part 9. Requirements for Residential Child Care Facilities

340:110-3-154.5. [AMENDED]

Part 14. Requirements for School-Age Programs

340:110-3-239. [AMENDED]

Subchapter 5. Requirements for Child-Placing Agencies

Part 1. Requirements for Child-Placing Agencies

340:110-5-1. through 340:110-5-4. [AMENDED]

340:110-5-6. through 340:110-5-11. [AMENDED]

340:110-5-11.1. [NEW]

110-5-12. through 340:110-5-14. [AMENDED]

Part 3. Requirements for Adoption Agencies

340:110-5-24. through 340:110-5-25. [AMENDED]

340:110-5-27. [AMENDED]

340:110-5-29. through 340:110-5-37.1. [AMENDED]

340:110-5-38. [AMENDED]

Part 5. Requirements for Foster ~~Family~~ ~~Homes~~ Home
Agencies

340:110-5-55. through 340:110-5-61. [AMENDED]

340:110-5-61.1. [NEW]

340:110-5-62. through 340:110-5-63. [AMENDED]

Part 9. Requirements for Independent Living Programs

340:110-5-115. [AMENDED]

340:110-5-117. through 340:110-5-124. [AMENDED]

(Reference APA WF 05-12, 05-15, and 05-16)

SUMMARY:

The revisions to Subchapters 1, 3, and 5 of Chapter 110 clarify: (1) and modify transportation licensing requirements for all licensed child care centers, school-age programs,

part-day programs, family child care homes, residential programs, children's shelters, and residential treatment programs, including increasing age of drivers to 21 years, additional driver training related to specific vehicles, training in child passenger restraint safety, and vehicle maintenance documentation; (2) and improve licensing requirements for child-placing agencies that assist families in adopting children and placing children in foster care; (3) that tuberculosis skin testing is not required for employees of licensed facilities and facilities comply with Oklahoma State Department of Health regarding tuberculosis testing; (4) requirements that the child-placing agency have a physical address in Oklahoma where the business is conducted, an advisory board with members who reside in Oklahoma, and maintain child-placing activity records in Oklahoma; (5) the requirement for a written request for a criminal history waiver, and Licensing staff responsibility for obtaining criminal history information from a previous state of residence; (6) Licensing staff response when an allegation of civil rights violation is received; and (7) and update language by deleting obsolete terminology, reorganizing placement of information, and making it consistent with current federal and state usage.

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; and The Oklahoma Child Care Facilities Licensing Act, Section 401 et seq. of Title 10 of the Oklahoma Statutes.

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2005 through January 17, 2006 during regular business hours by contacting Susan Case, OKDHS, P.O. Box 25352, Oklahoma City, OK 73125, 405-521-3561.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than 5:00 p.m. on January 17, 2006.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the above listed person.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and will be available for review by contacting the above listed person.

CONTACT PERSON:

For information regarding processing of proposed rulemaking contact Dena Thayer, OKDHS Policy Management Unit, 405-521-4326.

[OAR Docket #05-1414; filed 11-22-05]

**TITLE 575. STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS
CHAPTER 1. ORGANIZATION OF BOARD AND PROCEDURES FOR HANDLING COMPLAINT COMPLAINTS**

[OAR Docket #05-1409]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

575:1-1-3. Investigation of complaints [AMENDED]

575:1-1-4. Hearings for psychologists [AMENDED]

SUMMARY:

The proposed rule changes would rename a citizen's "complaint" to a "request for inquiry" to avoid confusion with the Board's formal complaint and to better characterize the nature of a citizen's request that an inquiry be made as one that has not been investigated.

The suggested amendments would make it clear that requests for inquiry not meeting the formal requirements of the Board rule may still be acted upon by the Board if they are otherwise reliable. They include language limiting discovery to the forms provided for in the Administrative Procedures Act and clarifying that the investigative reports prepared and submitted to the Board's Probable Cause Committee constitute confidential and privileged work product material, and not subject to disclosure. The amendments would also clarify the order of procedure at hearings.

AUTHORITY:

The State Board of Examiners of Psychologists has the authority to promulgate Rules for this area of control according to Title 59, O.S. 2001, Section 1352.1 (4) and (8).

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 2:00 p.m., January 27, 2006, at the office of the State Board of Examiners of Psychologists, 201 N.E. 38th Terrace, Suite 3, Oklahoma City, Oklahoma, 73105.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Saturday, January 28, 2006, in Room 419C of the State Capitol, 2300 N. Lincoln, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules are available for public inspection at the office of the State Board of Examiners of Psychologists, 201 N.E. 38th Terrace, Suite 3, Oklahoma City, Oklahoma. Contact Sue Fleming, Executive Officer, at 405-524-9094.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Section 303(D), a rule impact statement is being prepared and will be made available for review in the office of the Board of Examiners of Psychologists at the above address beginning December 30, 2005.

CONTACT PERSON:

Sue A. Fleming, Executive Officer, (405) 524-9094

[OAR Docket #05-1409; filed 11-22-05]

**TITLE 575. STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS
CHAPTER 10. LICENSURE OF PSYCHOLOGISTS**

[OAR Docket #05-1410]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

575:10-1-5. Psychologists' licenses; license status; public inquiries [AMENDED]

575:10-1-9. Fees after becoming licensed as a psychologist [AMENDED]

575:10-1-10. A Code of Ethics for psychologists [AMENDED]

SUMMARY:

The proposed rule amendments would increase the annual license renewal fee from \$300.00 to \$400.00, and adopt the 2005 revision of the ASPPB Code of Conduct with an exception regarding the requirement for records retention which would be changed from 5 to 6 years.

AUTHORITY:

The State Board of Examiners of Psychologists has the authority to promulgate Rules for this area of control according to Title 59, O.S. 2001, Section 1352.1 (7) and (8), Section 1361, and Section 1367.

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 2:00 p.m., January 27, 2006, at the office of the State Board of Examiners of Psychologists, 201 N.E. 38th Terrace, Suite 3, Oklahoma City, Oklahoma 73105.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Saturday, January 28, 2006, in Room 419C of the State Capitol, 2300 N. Lincoln, 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 by 2:00 p.m. on January 27, 2006, at the Oklahoma State Board of Examiners of Psychologists, 201 N.E. 38th Terrace, Suite 3, Oklahoma City, Oklahoma 73105.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules are available for public inspection at the office of the State Board of Examiners of

Notices of Rulemaking Intent

Psychologists, 201 N.E. 38th Terrace, Suite 3, Oklahoma City, Oklahoma. Contact Sue Fleming, Executive Officer, at 524-9094.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Section 303(D), a rule impact statement is being prepared and will be made available in the office of the Board of Examiners of Psychologists at the above address beginning December 30, 2005.

CONTACT PERSON:

Sue A. Fleming, Executive Officer, (405) 524-9094

[OAR Docket #05-1410; filed 11-22-05]

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

[OAR Docket #05-1415]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED 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]

SUMMARY:

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. Statutes mandate 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 rules add definitions, revise and add requirements related to procurement of information technology to ensure agencies comply with the statutory mandates. New rules also reference proposed rules adopted by the Office of State Finance to implement the requirements of the new law.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on Monday, January 16, 2006, at the following address: Gerry Smedley, Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218.

PUBLIC HEARING:

A public hearing will be held at the Department of Central Services, Will Rogers Office Building, Suite 102/104, 2401 N. Lincoln Boulevard, Oklahoma City, OK, on Monday, January

16, 2006 at 10:00 a.m. Anyone who wishes to speak must sign in by 9:45 a.m. on that day.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Department with information, including, if possible, direct and indirect costs by type with dollar amounts, that a business entity may incur for rule compliance. Business entities may submit the information in writing by the conclusion of the public comment period and public hearing on January 16, 2006, at the Department of Central Services, Administration Division, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained at a cost of 25 cents per page copying charge from the Department of Central Services, Administration Division, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review on and after December 29, 2005 at the Department of Central Services, Administration Division, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK.

CONTACT PERSON:

Gerry Smedley, Administrative Rules Liaison, (405) 521-2758

[OAR Docket #05-1415; filed 11-22-05]

TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM CHAPTER 10. PUBLIC EMPLOYEES RETIREMENT SYSTEM

[OAR Docket #05-1384]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Public Employees Retirement System
[AMENDED]

SUMMARY:

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. Proposed changes may include provisions intended to keep the Oklahoma Public Employees Retirement System ("OPERS") and the Uniform Retirement System for Justices and Judges ("URSJJ") in compliance with requirements of the federal tax laws and the rules of the Internal Revenue Service, references to the health insurance subsidy, the definition of rollovers into certain plans, clarifying full-time-equivalent employment for certain officials, and clarifying certain payments pursuant to a qualified domestic relations order. The agency is considering

other proposals which are designed to make the administration of the Public Employees Retirement System more efficient and member service oriented or to ensure continued Plan qualification.

AUTHORITY:

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. Section 1707 (B).

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on January 17, 2006, by mail or hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, January 19, 2006, in the Board Room of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Pat Ewald, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303(D), and will be available on and after December 30, 2005, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

Joseph A. Fox, General Counsel (405) 858-6737.

[OAR Docket #05-1384; filed 11-21-05]

**TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM
CHAPTER 15. UNIFORM RETIREMENT SYSTEM FOR JUSTICES AND JUDGES**

[OAR Docket #05-1385]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 15. Uniform Retirement System for Justices and Judges [AMENDED]

SUMMARY:

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. Changes may include topics related to keeping the Oklahoma Public Employees Retirement System ("OPERS") and the Uniform Retirement System for Justices and Judges ("URSJJ") in compliance with requirements of the federal tax laws and the rules of the Internal Revenue Service, clarifying the final benefit and death benefit payment, revoking obsolete language, and permitting the transfer of certain contributions by justices and judges into the Oklahoma State Employees Deferred Savings Incentive Plan. The agency is considering other proposals which are designed to make the administration of the Public Employees Retirement System more efficient and member service oriented or to ensure continued Plan qualification.

AUTHORITY:

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. Section 1707 (B).

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on January 17, 2006 by mail or hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, January 19, 2006, in the Board Room of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Pat Ewald, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303(D), and will be available on and after December 30, 2005, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

Joseph A. Fox, General Counsel (405) 858-6737.

[OAR Docket #05-1385; filed 11-21-05]

Notices of Rulemaking Intent

TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM CHAPTER 30. QUALIFIED DOMESTIC RELATIONS ORDER

[OAR Docket #05-1386]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 30. Qualified Domestic Relations Order
[AMENDED]

SUMMARY:

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. Changes may include topics related to the contents of the qualified domestic relations order. The agency is considering other proposals which are designed to make the administration of the Public Employees Retirement System more efficient and member service oriented.

AUTHORITY:

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S., Section 923 (B)(10).

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on January 17, 2006, by mail or hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, January 19, 2006, in the Board Room of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Pat Ewald, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303, and will be available on and after December 30, 2005, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

Joseph A. Fox, General Counsel

[OAR Docket #05-1386; filed 11-21-05]

TITLE 712. OKLAHOMA COMMISSION FOR TEACHER PREPARATION CHAPTER 10. TEACHER PREPARATION PROGRAM ACCREDITATION

[OAR Docket #05-1380]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Teacher Preparation Teacher Assessment
712:10-7-1. [AMENDED]
Subchapter 11. Education Leadership Oklahoma
712: 10-11-1. [AMENDED]

SUMMARY:

The proposed revision to Subchapter 7 would establish procedures and consequences to deal with examinees who fail to comply with test conditions and requirements. The proposed revision to Subchapter 11 would provide clarification for funding of Education Leadership Oklahoma scholarships.

AUTHORITY:

Oklahoma Commission for Teacher Preparation
70 O.S. Supp. 1998, §6-180 et seq. Oklahoma Teacher Preparation Act

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on January 16, 2006 at the following address: Ted Gillispie, Oklahoma Commission for Teacher Preparation, 4545 N. Lincoln Boulevard, Suite 275, Oklahoma City, OK 73105-3418.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Tuesday, January 17, 2006 in Room 236 of the Lincoln Plaza Office Park, 4545 North Lincoln Boulevard, Oklahoma City, OK, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency within the comment period, 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 Ted Gillispie, at the above address, before the close of the comment period.

COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained from the Commission for Teacher Preparation, 4545 North Lincoln Boulevard, Suite 275, Oklahoma City, OK 73105-3418.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303 (D), a rule impact statement will be prepared and may be obtained from the Commission for Teacher Preparation at the above address beginning on December 30, 2005.

CONTACT PERSON:

Ted Gillispie, Executive Director, (405) 525-2612

[OAR Docket #05-1380; filed 11-18-05]

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

[OAR Docket #05-1424]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

785:1-1-2. Definitions [AMENDED]

Subchapter 9. Time Periods for Permit and License
Issuance and Denial

785:1-9-2. Permit and license applications subject to rule
[AMENDED]

Subchapter 11. Complaints and Complaint Resolution

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

SUMMARY:

The staff of the Oklahoma Water Resources Board ("OWRB") is proposing to amend various provisions of Oklahoma Administrative Code ("OAC") 785: as follows:

Clarify the definition of "complaint" to acknowledge that any person, not just any 'interested person' can file a complaint.

Add language about the procedures for handling a complaint to clarify that if the subject of an inquiry or concern deals with a jurisdictional area of responsibility of another state environmental agency, the staff member receiving the inquiry or statement of concern may provide contact information for the appropriate state agency without logging in the matter or providing further status updates as required for formal complaints.

A list of permits and licenses subject to a rule about processing times needs to be revised to delete the reference to types of permits the Board no longer issues.

The Board may propose other amendments or provisions to these proposals or other provisions of Chapter 1 of its rules due to comments and input received in the rulemaking process.

AUTHORITY:

Oklahoma Water Resources Board, 27A O.S. § 1-1-204 and 82 O.S., § 1085.2.

COMMENT PERIOD:

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 17, 2006. In addition, persons may submit oral or written comments during the public hearing described below. It is currently anticipated that proposed amendments may be presented to the OWRB for consideration or action or both, at one or more of

its regular meetings on February 14, 2006 or March 14, 2006. The OWRB may or may not choose to consider additional comments at the meeting or meetings in which the proposed amendments are considered or acted upon.

PUBLIC HEARING:

A hearing on the proposed amendments is scheduled for January 17, 2006 at 10:00 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma. Persons may present their views on the proposed amendments orally or in writing during the hearing.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The OWRB requests that any business entities affected by these proposed rules provide the OWRB, within the Comment Period from December 15, 2005 through January 17, 2006, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dean Couch at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 17, 2006.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Dean Couch, General Counsel, 405/530-8800.

[OAR Docket #05-1424; filed 11-23-05]

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

[OAR Docket #05-1425]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Pre-Hearings Actions and Proceedings

785:4-5-4. [AMENDED]

785:4-5-6. [NEW]

785:4-5-7. [NEW]

Notices of Rulemaking Intent

SUMMARY:

The staff of the Oklahoma Water Resources Board ("OWRB") is proposing to amend and add various provisions of Oklahoma Administrative Code ("OAC") 785:4 as follows:

Create a distinction between formal "protests" and comments and objections; provide that persons commenting and objecting may be able to submit statements, but will not be considered "parties" for formal notice and participation in proceedings; amend provision on elements of protest to become a "party" to address issues of standing and due process; specifying that a person submitting a protest who does not provide a copy of the written protest to the applicant may not be considered a "party" except at the discretion of the hearing examiner; providing that the hearing examiner may allow statements that are not intended as evidence to be presented without cross examination; providing that persons who submit comments or objections only will not be considered parties, but may be allowed to make statements at hearings; and providing that abbreviated notice (by post card or e-mail) may be provided to persons who make comments or objections or statements at hearings.

A new rule is proposed that would provide that protests, comments and objections may be submitted by electronic mail is allowed by the Board by placement of an e-mail address in the notice of application; providing that the e-mail address used to submit a protest, objection or comment will be the e-mail address used for notice unless another e-mail address is given for notice; and providing that hard copies of e-mail messages will be made and placed into application files.

A new rule is proposed that would provide that a person submitting a motion or request to the Board will be responsible for providing notice of such motion or request to all other parties, that a certificate of mailing will be required, that a copy of the interlocutory order ruling on a motion or request will be mailed to all parties by the party filing the motion or request; and that the proposed final order of the Board will be served on all parties by the applicant and that proof of such service must be provided by the applicant to the Board before the Board will consider the proposed final order.

The Board may propose other amendments or provisions to these proposals or other provisions of Chapter 4 of its rules due to comments and input received in the rulemaking process.

AUTHORITY:

Oklahoma Water Resources Board, 82 O.S. § 1085.2.

COMMENT PERIOD:

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 17, 2006. In addition, persons may submit oral or written comments during the public hearing described below. It is currently anticipated that proposed amendments may be presented to the OWRB for consideration or action or both, at one or more of its regular meetings on February 14, 2006 or March 14, 2006. The OWRB may or may not choose to consider additional comments at the meeting or meetings in which the proposed amendments are considered or acted upon.

PUBLIC HEARING:

A hearing on the proposed amendments is scheduled for January 17, 2006 at 10:00 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma. Persons may present their views on the proposed amendments orally or in writing during the hearing.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The OWRB requests that any business entities affected by these proposed rules provide the OWRB, within the Comment Period from December 15, 2005 through January 17, 2006, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dean Couch at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 17, 2006.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Dean Couch, General Counsel, 405/530-8800.

[OAR Docket #05-1425; filed 11-23-05]

TITLE 785. OKLAHOMA WATER RESOURCES BOARD CHAPTER 5. FEES

[OAR Docket #05-1426]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

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

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

SUMMARY:

The staff of the Oklahoma Water Resources Board ("OWRB") is proposing to amend various provisions of Oklahoma Administrative Code ("OAC") 785:5 as follows:

Amend stream water right fees to increase various fees for filing applications, petitions and other requests.

Amend stream water right fees to delete language about annual file maintenance fee and scale for such fee by acre-feet authorized and replace with "water right administration fee" at one fee amount of \$100.00.

Amend groundwater right fees to increase various fees for filing applications, petitions and other requests.

Amend groundwater right fees by adding language concerning an annual water right administration fee for the fee amount of \$100.00.

The Board may propose other amendments or provisions to these proposals or other provisions of Chapter 5 of its rules due to comments and input received in the rulemaking process.

AUTHORITY:

Oklahoma Water Resources Board, 82 O.S., § 1085.2(9) and 82 O.S., §1085.4.

COMMENT PERIOD:

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 17, 2006. In addition, persons may submit oral or written comments during the public hearing described below. It is currently anticipated that proposed amendments may be presented to the OWRB for consideration or action or both, at one or more of its regular meetings on February 14, 2006 or March 14, 2006. The OWRB may or may not choose to consider additional comments at the meeting or meetings in which the proposed amendments are considered or acted upon.

PUBLIC HEARING:

A hearing on the proposed amendments is scheduled for January 17, 2006 at 10:00 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma. Persons may present their views on the proposed amendments orally or in writing during the hearing.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The OWRB requests that any business entities affected by these proposed rules provide the OWRB, within the Comment Period from December 15, 2005 through January 17, 2006, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dean Couch at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 17, 2006.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Dean Couch, General Counsel, 405/530-8800.

[OAR Docket #05-1426; filed 11-23-05]

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

[OAR Docket #05-1427]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Actions After Stream Water Right Obtained 785:20-9-5. Reports [AMENDED]

SUMMARY:

The staff of the Oklahoma Water Resources Board ("OWRB") is proposing to amend various provisions of Oklahoma Administrative Code ("OAC") 785:20 as follows:

Amend provision on annual water use reports by deleting reference to annual file maintenance fee and replacing with reference to annual water right administration fee as being proposed in Chapter 5 of the rules.

The Board may propose other amendments or provisions to this proposal or other provisions of Chapter 20 of its rules due to comments and input received in the rulemaking process.

AUTHORITY:

Oklahoma Water Resources Board, 82 O.S. §105.1 et seq. and 82 O.S. §1085.2(9).

COMMENT PERIOD:

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 17, 2006. In addition, persons may submit oral or written comments during the public hearing described below. It is currently anticipated that proposed amendments may be presented to the OWRB for consideration or action or both, at one or more of its regular meetings on February 14, 2006 or March 14, 2006. The OWRB may or may not choose to consider additional comments at the meeting or meetings in which the proposed amendments are considered or acted upon.

PUBLIC HEARING:

A hearing on the proposed amendments is scheduled for January 17, 2006 at 10:00 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma. Persons may present their views on the proposed amendments orally or in writing during the hearing.

Notices of Rulemaking Intent

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The OWRB requests that any business entities affected by these proposed rules provide the OWRB, within the Comment Period from December 15, 2005 through January 17, 2006, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dean Couch at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 17, 2006.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Dean Couch, General Counsel, 405/530-8800

[OAR Docket #05-1427; filed 11-23-05]

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

[OAR Docket #05-1428]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Groundwater Permits

785:30-5-9. Annual reports of water use [AMENDED]

SUMMARY:

The staff of the Oklahoma Water Resources Board ("OWRB") is proposing to amend various provisions of Oklahoma Administrative Code ("OAC") 785:30 as follows:

Amend provision on annual water use reports by adding a reference to annual water right administration fee as being proposed in Chapter 5 of the rules.

The Board may propose other amendments or provisions to this proposal or other provisions of Chapter 30 of its rules due to comments and input received in the rulemaking process.

AUTHORITY:

Oklahoma Water Resources Board, 82 O.S., § 1085 and 82 O.S., § 1085.2.

COMMENT PERIOD:

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 17, 2006. In addition, persons may submit oral or written comments during the public hearing described below. It is currently anticipated that proposed amendments may be presented to the OWRB for consideration or action or both, at one or more of its regular meetings on February 14, 2006 or March 14, 2006. The OWRB may or may not choose to consider additional comments at the meeting or meetings in which the proposed amendments are considered or acted upon.

PUBLIC HEARING:

A hearing on the proposed amendments is scheduled for January 17, 2006 at 10:00 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma. Persons may present their views on the proposed amendments orally or in writing during the hearing.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The OWRB requests that any business entities affected by these proposed rules provide the OWRB, within the Comment Period from December 15, 2005 through January 17, 2006, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dean Couch at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 17, 2006.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Dean Couch, General Counsel, 405/530-8800.

[OAR Docket #05-1428; filed 11-23-05]

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

[OAR Docket #05-1429]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 785-35-1-2. Definitions [AMENDED]
- Subchapter 3. Licensing and Certifications
- 785:35-3-1.1. Activities authorized; electrician and plumbers license [NEW]
- Subchapter 7. Minimum Standards for Construction of Wells
- 785:35-7-1. Minimum standards for construction of groundwater wells, fresh water observation wells, and water well test holes [AMENDED]
- 785:35-7-2. Minimum standards for construction of monitoring wells and geotechnical borings [AMENDED]

SUMMARY:

The staff of the Oklahoma Water Resources Board ("OWRB") is proposing to amend various provisions of Oklahoma Administrative Code ("OAC") 785:35 as follows:

Clarify the definition of 'pump' to coincide with a proposed new section of the rules about plumber licensing relative to pump installation licensing. Also, make grammatical change to the definition of 'sleeve'.

Add a new section to track the statute about electrician licensing and to track the informal agreement by the Construction Industries Board concerning the points at which an electrician's license or a plumber's license is required, and the points at which a well driller or pump installer license is effective.

Provide that licensed pump installers can plug abandoned water wells if the licensee successfully completes an examination to determine competency to plug water wells.

Add language in water well construction standards to require a 300-foot distance between water wells and injection wells; to clarify that sleeves must extend at least eight feet below ground level; that cement and water must be mixed to proper consistency before installing the same to seal a well (to prohibit installation of dry cement then adding water later in hopes that a proper seal will be created); and increasing from six percent to twenty percent the amount of bentonite that may be added to the cement grout slurry to seal a water well. Provide that minimum screen depth for monitoring wells shall be two and half feet below land surface.

The Board may propose other amendments or provisions to these proposals or other provisions of Chapter 35 of its rules due to comments and input received in the rulemaking process.

AUTHORITY:

Oklahoma Water Resources Board, 82 O.S.§1020.16 and 82 O.S.§1085.2.

COMMENT PERIOD:

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 17, 2006. In addition, persons may submit oral or written comments during the public hearing described below. It is currently anticipated that proposed amendments may be presented to the OWRB for consideration or action or both, at one or more of its regular meetings on February 14, 2006 or March 14, 2006. The OWRB may or may not choose to consider additional comments at the meeting or meetings in which the proposed amendments are considered or acted upon.

PUBLIC HEARING:

A hearing on the proposed amendments is scheduled for January 17, 2006 at 10:00 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma. Persons may present their views on the proposed amendments orally or in writing during the hearing.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The OWRB requests that any business entities affected by these proposed rules provide the OWRB, within the Comment Period from December 15, 2005 through January 17, 2006, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dean Couch at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 17, 2006.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Dean Couch, General Counsel, 405/530-8800.

[OAR Docket #05-1429; filed 11-23-05]

Notices of Rulemaking Intent

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

[OAR Docket #05-1430]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 50. Financial Assistance [AMENDED]

SUMMARY:

The staff of the Oklahoma Water Resources Board ("OWRB") is proposing to amend various provisions of Oklahoma Administrative Code ("OAC") 785:50 as follows:

OAC 785:50-9-35(a)(8), Documentation to be submitted prior to loan closing is proposed to be amended by deleting the requirement that all bid protests be resolved by the applicant before concurrence by the Board in the award of a construction contract. The circumstance which created the need for these amendments is that some bid protests cannot be resolved until a contract is awarded and executed and the rule requires that all bid protests be resolved before a contract is awarded. The circumstance becomes quite literally impossible to resolve in a manner that satisfies the rule. The intended effect is to remove the circular reasoning and allow OWRB staff to take the action necessary (including closing a loan) for the bid protest to be resolved.

OAC 785:50-7-5 and 785:50-8-5, Emergency grant priority point system and REAP grant priority point system are proposed to be amended by modifying the points awarded for systems charging certain water rates, certain water and sewer rates combined, and for certain median household income (MHI). The amendments may include listing the scoring system in one subchapter, eliminating the detailed breakout in the other subchapter, and including a reference in the non-detailed subchapter to the detailed breakout in the other subchapter. The circumstance which created the need for these amendments is that some grant applicants are charging rates far in excess of the rate for which maximum points are currently awarded. Those applicants are receiving no more points than applicants whose rates are only slightly above the rate for which maximum points are awarded. Because of general inflation, applicants whose median household income is rising each year are losing points even though the true purchasing power of the applicant's MHI may be constant or even falling. The intended effect is that the scoring criteria will accurately reflect the general increase in water rates, sewer rates and MHI since the criteria was last amended. By listing the detailed scoring criteria that applies to both REAP and Emergency grants in only one subchapter and referencing such criteria in the other subchapter, the rules will be more efficient and more concise, with less duplication of wording.

OAC 785:50-9-40, Building phase submittal is proposed to be amended by removing the requirement that a complete set of as-built drawings be submitted to the Board upon completion of all construction. The circumstance which created the need

for this amendment is that the Board currently has many more boxes of archived records than it has space to store. The Department of Environmental Quality is collecting the same as-built drawings, the Board does not have storage space available in which to store the as-built drawings, and the Board could obtain the as-built drawings from the DEQ if they were ever needed. The intended effect is to minimize the quantity of records required to be collected and stored and to eliminate duplication of effort between the Board and the DEQ.

OAC 785:50-9-41, Progress payments is proposed to be amended by replacing the requirement that requests for disbursement from the construction fund be certified with a requirement that such requests be only verified, or similar language. The circumstance which created the need for this amendment is that engineers interpret the word "certified" as requiring their seal and some are reluctant to seal such requests because of the potential liability that may attach to such a certification. If the rule requires the engineer's seal and the engineer is unwilling to use the seal, then progress payments for construction cannot be made. The engineers are willing to sign such requests to indicate that they have reviewed the request and supporting documentation. They believe a lesser degree of liability would attach to them for simply verifying the request than for certifying that the request is for properly performed construction. The intended effect is to obtain language that is familiar and comfortable to the engineering profession so that progress payments can be processed without undue hindrance.

OAC 785:50-9-42, Retainage is proposed to be amended by adding a requirement that all applicable tests of the construction be performed and satisfactory results thereof be obtained before retainage is released. The circumstance which created the need for these amendments is that testing for some things (such as concrete) can take up to a month from the time the construction is complete. In some instances, contractors were finishing their work and receiving their retainage before test results could be obtained. If test results came back as unacceptable, the project owner had no bargaining power with which to persuade the contractor to redo the work. The intended effect is to help insure that work performed in CWSRF funded construction projects is done according to specifications and in a quality manner such that it will pass all applicable tests or else be redone by the responsible party before final payment is released.

OAC 785:50-9-44-(b)(1), Accounting is proposed to be amended by clarifying that loan funds left over after the planned project is complete may be used for other CWSRF eligible purposes as approved by Board staff. Also, the requirement that any interest earned on the account be applied toward principal reduction on the loan will be loosened to allow such interest to be used in the same manner as left over funds. The circumstance which created the need for this amendment is that sometimes projects finish under or right at budget, leaving some money (if only the contingency) unspent. Many times borrowers have other projects that are eligible for CWSRF funding. The language in the Board's Order regarding each

loan allows staff to approve amendments to the scope of the funded project as long as doing so does not adversely impact the loan. The intended effect is to insure that the rules not be interpreted to prohibit staff from approving such amendments to the project scope.

OAC 785:50-9-60, Requirement of Environmental review is proposed to be amended to clarify that non-point source projects that can not be defined as section 212 projects (treatment works) and are not funded with funds directly made available from capitalization grants do not require an environmental review. The proposed amendment would also clarify that loans for design studies (engineering fees) are not subject to the environmental review process and approval. The circumstance which created the need for this amendment is that the rule makes reference to the Federal statute that sets forth numerous requirements, one of which is an environmental review. Greater specificity within the rule is desirable to clarify the requirements to those not familiar with the Federal statutes, regulations and terminology. The intended effect is to make the rule easier to understand while remaining consistent with the underlying Federal statutes and regulations.

OAC 785:50-9-9, Definition of Excessive Inflow/Infiltration ("I/I") is proposed to be amended by adding a numeric quantifier of 140 gallons per capita per day (GPCD). The 140 GPCD limit may be incorporated as either a strict standard or as a rule of thumb guideline. The circumstance which created the need for this amendment is that recent industry standards as evidenced in textbooks tend to use 140 GPCD as a point of distinction between excessive and non-excessive I/I. New engineers are trained in school to use this standard and put it in to practice. The intended effect is to give Board staff greater guidance in determining whether a certain level of I/I is excessive while keeping in tune to standards in the industry.

OAC 785:50-9-21(a)(7), Eligible project is proposed to be amended by adding the heading "Category VII". The circumstance which created the need for these amendments was an omission of the heading when the rule was originally drafted. The intended effect is to align the rule with the underlying Federal regulations that set forth the categories of wastewater treatment projects that are eligible for assistance.

OAC 785:50-9-35(a)(9), Documentation to be submitted prior to loan closing is proposed to be amended by changing the 5% maximum contingency amount in the project budget to a higher amount that is consistent with the Oklahoma Public Competitive Bidding Act. The circumstance which created the need for this amendment is that construction costs (especially pipe and fuel) have become quite volatile and have tended to rise from the time the loan is closed until the construction is complete. The contingency amount allowed in the OPCBA and the amount in the rule have been misaligned resulting in an inability of borrowers from the CWSRF program to take full advantage of the amount allowed in the OPCBA. The intended effect is to allow borrowers to have sufficient funds available to complete their projects should costs rise unexpectedly during construction.

The Board may propose other amendments or provisions to these proposals or other provisions of Chapter 50 of its rules due to comments and input received in the rulemaking process.

AUTHORITY:

Oklahoma Water Resources Board; 82 O.S. §1085.2; 82 O.S. §§1085.31, et seq.; 82 O.S. §§1085.51, et seq.; 82 O.S. §§1085.71, et seq.

COMMENT PERIOD:

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, before 5:00 p.m. on January 17, 2006. In addition, persons may submit oral or written comments during the public hearing described below. It is currently anticipated that proposed amendments may be presented to the OWRB for consideration or action or both, at one or more of its regular meetings on February 14, 2006 or March 14, 2006. The OWRB may or may not choose to consider additional comments at the meeting or meetings in which the proposed amendments are considered or acted upon.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on January 17, 2006, at the offices of the Oklahoma Water Resources Board, 3800 North Classen Boulevard in Oklahoma City, Oklahoma. Persons may present their views on the proposed amendments orally or in writing during the hearing.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OWRB requests that any business entities affected by these proposed rules provide the OWRB, within the Comment Period from December 15, 2005 through January 17, 2006, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dean Couch at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 17, 2006.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, or on the Board's web site, www.owrb.state.ok.us.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Dean A. Couch, General Counsel, 405-530-8800 or at dacouch@owrb.state.ok.us.

[OAR Docket #05-1430; filed 11-23-05]

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 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 2. FEES

[OAR Docket #05-1438]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 3. Fee Schedules
35:2-3-26. [AMENDED]

SUBMITTED TO GOVERNOR:

November 21, 2005

SUBMITTED TO HOUSE:

November 21, 2005

SUBMITTED TO SENATE:

November 21, 2005

[OAR Docket #05-1438; filed 11-23-05]

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

[OAR Docket #05-1437]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 38. Apiaries [NEW]

SUBMITTED TO GOVERNOR:

November 21, 2005

SUBMITTED TO HOUSE:

November 21, 2005

SUBMITTED TO SENATE:

November 21, 2005

[OAR Docket #05-1437; filed 11-23-05]

TITLE 45. ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION CHAPTER 30. MANUFACTURERS, WHOLESALERS, BREWERS, NONRESIDENT SELLERS AND CLASS B WHOLESALERS

[OAR Docket #05-1411]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions
45:30-1-2. Definitions [AMENDED]
Subchapter 5. Brewers, Nonresident Sellers and Class B Wholesalers
45:30-5-7. Class B Wholesaler's price registration [AMENDED]

SUBMITTED TO GOVERNOR:

November 22, 2005

SUBMITTED TO HOUSE:

November 22, 2005

SUBMITTED TO SENATE:

November 22, 2005

[OAR Docket #05-1411; filed 11-22-05]

TITLE 235. OKLAHOMA FUNERAL BOARD CHAPTER 10. FUNERAL SERVICES LICENSING

[OAR Docket #05-1375]

RULEMAKING ACTION:

Statement of submission for gubernatorial and legislative review

RULES:

Subchapter 3. Qualifications and Requirements for Licensure
235:10-3-1. [AMENDED]

SUBMITTED TO GOVERNOR:

November 15, 2005

SUBMITTED TO HOUSE:

November 15, 2005

SUBMITTED TO SENATE:

November 15, 2005

[OAR Docket #05-1375; filed 11-15-05]

Submissions for Review

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 205. HAZARDOUS WASTE MANAGEMENT

[OAR Docket #05-1398]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions
252:205-1-1. [AMENDED]
252:205-1-2. [AMENDED]
252:205-1-3. [AMENDED]
252:205-1-4. [AMENDED]
Subchapter 3. Incorporation by Reference
252:205-3-1. [AMENDED]
252:205-3-2. [AMENDED]
Subchapter 5. Additional Generator Requirements
252:205-5-5. [AMENDED]
Subchapter 9. Additional Treatment, Storage, Disposal and Recycling Requirements
252:205-9-6. [AMENDED]
252:205-9-7. [REVOKED]
Subchapter 15. Transfer Stations
252:205-15-2. [AMENDED]
252:205-15-5. [AMENDED]
Subchapter 17. Tax Credit and Waste Reduction Incentives Credits
Part 1. Tax Credits
252:205-17-3. [AMENDED]
Subchapter 19. Additional Rules for Recycling
Part 1. Requirements for Off-Site Recyclers
252:205-19-1. [AMENDED]
Part 5. Tank and Container Recyclers
252:205-19-31. [AMENDED]
Subchapter 23. Hazardous Waste Fund Act Projects
252:205-23-1. [AMENDED]
Appendix A. Refund for Volume Reduction [REVOKED]

SUBMITTED TO GOVERNOR:

November 21, 2005

SUBMITTED TO HOUSE:

November 21, 2005

SUBMITTED TO SENATE:

November 21, 2005

[OAR Docket #05-1398; filed 11-22-05]

TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 35. GENERAL CONDUCT

[OAR Docket #05-1397]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULE:

325:35-1-34. [AMENDED]

SUBMITTED TO GOVERNOR:

November 21, 2005

SUBMITTED TO HOUSE:

November 21, 2005

SUBMITTED TO SENATE:

November 21, 2005

[OAR Docket #05-1397; filed 11-21-05]

TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 1. ADMINISTRATION AND ORGANIZATION

[OAR Docket #05-1368]

RULEMAKING ACTION:

Statement of submission for gubernatorial and legislative review.

RULES:

435:1-1-7. Fees [AMENDED]

SUBMITTED TO GOVERNOR:

November 9, 2005

SUBMITTED TO HOUSE:

November 9, 2005

SUBMITTED TO SENATE:

November 9, 2005

[OAR Docket #05-1368; filed 11-10-05]

TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 10. PHYSICIANS AND SURGEONS

[OAR Docket #05-1369]

RULEMAKING ACTION:

Statement of submission for gubernatorial and legislative review.

RULES:

Subchapter 4. Application and Examination Procedures for Licensure as Physician and Surgeon

435:10-4-6. Medical licensure examination [AMENDED]

435:10-4-7. Licensure by endorsement [AMENDED]

Subchapter 11. Temporary and Special Licensure

435:10-11-3.1. Special license for first-year post-graduate training [AMENDED]

SUBMITTED TO GOVERNOR:

November 9, 2005

SUBMITTED TO HOUSE:

November 9, 2005

SUBMITTED TO SENATE:

November 9, 2005

[OAR Docket #05-1369; filed 11-10-05]

**TITLE 435. STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION
CHAPTER 20. PHYSICAL THERAPISTS
AND ASSISTANTS**

[OAR Docket #05-1370]

RULEMAKING ACTION:

Statement of submission for gubernatorial and legislative review.

RULES:

Subchapter 3. Licensure of Physical Therapists and Assistants

435:20-3-1.1. Training outside the U.S. [AMENDED]

SUBMITTED TO GOVERNOR:

November 9, 2005

SUBMITTED TO HOUSE:

November 9, 2005

SUBMITTED TO SENATE:

November 9, 2005

[OAR Docket #05-1370; filed 11-10-05]

**TITLE 435. STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION
CHAPTER 45. RESPIRATORY CARE
PRACTITIONER**

[OAR Docket #05-1371]

RULEMAKING ACTION:

Statement of submission for gubernatorial and legislative review.

RULES:

Subchapter 3. Application for Licensure

435:45-3-5. Re-entry guidelines [AMENDED]

SUBMITTED TO GOVERNOR:

November 9, 2005

SUBMITTED TO HOUSE:

November 9, 2005

SUBMITTED TO SENATE:

November 9, 2005

[OAR Docket #05-1371; filed 11-10-05]

**TITLE 435. STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION
CHAPTER 55. LICENSED ORTHOTISTS
AND PROSTHETISTS AND REGISTERED
TECHNICIANS AND ASSISTANTS**

[OAR Docket #05-1372]

RULEMAKING ACTION:

Statement of submission for gubernatorial and legislative review.

RULES:

Subchapter 3. Licensure/Registration/Reinstatement

435:55-3-6. Alternative requirements for licensure

[AMENDED]

SUBMITTED TO GOVERNOR:

November 9, 2005

SUBMITTED TO HOUSE:

November 9, 2005

SUBMITTED TO SENATE:

November 9, 2005

[OAR Docket #05-1372; filed 11-10-05]

**TITLE 545. BOARD OF PODIATRIC
MEDICAL EXAMINERS
CHAPTER 15. EXAMINATION/LICENSURE**

[OAR Docket #05-1373]

RULEMAKING ACTION:

Statement of submission for gubernatorial and legislative review.

RULES:

545:15-1-3. Requirements for application [AMENDED]

SUBMITTED TO GOVERNOR:

November 9, 2005

SUBMITTED TO HOUSE:

November 9, 2005

SUBMITTED TO SENATE:

November 9, 2005

[OAR Docket #05-1373; filed 11-10-05]

**TITLE 545. BOARD OF PODIATRIC
MEDICAL EXAMINERS
CHAPTER 20. MAINTAINING LICENSURE**

[OAR Docket #05-1374]

RULEMAKING ACTION:

Statement of submission for gubernatorial and legislative review.

RULES:

Subchapter 3. Continuing Education

Submissions for Review

545:20-3-3. Approved continuing education programs
[AMENDED]

SUBMITTED TO GOVERNOR:

November 9, 2005

SUBMITTED TO HOUSE:

November 9, 2005

SUBMITTED TO SENATE:

November 9, 2005

[OAR Docket #05-1374; filed 11-10-05]

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 75. ATTORNEY GENERAL CHAPTER 1. ADMINISTRATION

[OAR Docket #05-1377]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Chapter 1. Administration [NEW]

AUTHORITY:

Office of the Attorney General; 74 O.S., Sections 18p-1 et seq.

DATES:

Adoption:

September 26, 2005

Approved by Governor:

November 8, 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 rules in this Chapter are necessary as a result of the transfer of the domestic violence and sexual assault programs from the Oklahoma Department of Mental Health and Substance Abuse Services and the creation of the Victims Services Unit within the Office of the Attorney General pursuant to Senate Bill 236 (2005) which became effective July 1, 2005. The Office of the Attorney General does not have rules or procedures in place to govern the administration of these statutory provisions. Therefore, there is a compelling extraordinary circumstance which necessitates the promulgation of emergency rules to inform the public of such procedures including the eligibility to contract, the contracting processes, procedures in individual administrative proceedings, and certification of facilities and services.

ANALYSIS:

Title 74 O.S. § 18p-3 provides that any domestic violence or sexual assault programs providing services pursuant to a contract or subcontract with the Attorney General and receiving funds from the Attorney General or any contractor with the Attorney General shall be subject to the provisions of the administrative rules of the Attorney General. Further, pursuant to Title 74 O.S. § 18p-6, the Attorney General is required to adopt and promulgate rules and standards for certification of domestic violence programs and for private facilities and organizations which offer domestic and sexual assault services in this state. The following proposed rules set forth the administrative procedures and requirements which are necessary for such certification as well as the administration of the Victims Services Unit pursuant to 74 O.S. § 18p-1 et seq.

CONTACT PERSON:

Susan Krug (405) 522-0042

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE

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

SUBCHAPTER 1. GENERAL INFORMATION

75:1-1-1. Purpose

(a) These rules are promulgated pursuant to the requirements of the Administrative Procedures Act, 75 O.S. § 250, et seq. The purpose of these rules is to effectively implement and enforce the provisions of Title 74 §18p-1 et seq. of the Oklahoma Statutes. These rules supplement existing state and federal laws, and being duly promulgated, have the force and effect of law.

(b) These rules govern formal proceedings of the Office of the Attorney General. Informal proceedings may be held as announced by the Office of the Attorney General or as agreed with any person.

75:1-1-1.1. Definitions

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

"Certification" means a status which is granted to a person or an entity by the Oklahoma Attorney General, and indicates approval to provide a particular service. In accordance with the Administrative Procedures Act, 75 O.S. § 250.3(8), certification is defined as a "license."

"Certification report" means a written notice of the deficiencies developed by the Office of the Attorney General.

"Certified facility" means any facility which has received a certification status by the Oklahoma Attorney General.

"Contractor" or "contractors" means any person or entity under contract with Office of the Attorney General for the provision of goods, products or services.

"Domestic Violence and Sexual Assault Advisory Council" means a nine-member committee appointed by the Attorney General as described in 74 O.S. § 18p-2.

"Entities" or "entity" means sole proprietorships, partnerships, corporations, limited partnerships, limited liability partnerships, and limited liability companies.

Emergency Adoptions

"Facilities" or **"facility"** means entities as described in 74 O.S. § 18p-6, domestic violence shelters and programs, sexual assault programs, and treatment programs of batterers.

"Individual proceeding" means the formal process employed by an agency having jurisdiction by law to resolve issues of law or fact between parties and which results in the exercise of discretion of a judicial nature.

"Levels of performance" or **"level of performance"** means units of service by types of service.

"Oklahoma Administrative Code" or **"OAC"** means the publication authorized by 75 O.S. § 256 known as The Oklahoma Administrative Code, or, prior to its publication, the compilation of codified rules authorized by 75 O.S. § 256(A)(1)(a) and maintained in the Office of Administrative Rules.

"Probationary certification" means a certification status granted for a period less than three (3) years.

"Reimbursement rates" means the rates at which all contractors are reimbursed (paid) for services they provide under their contract with the Office of the Attorney General, and which are reported to the Office of the Attorney General on the Oklahoma Victim Information System (OVIS).

"Respondent" means the person(s) or entity(ies) named in a petition for an individual proceeding against whom relief is sought.

"Site Review Protocol" means an Office of the Attorney General internal document used by the Office of the Attorney General Victims Services Unit staff as a work document in the certification site visit(s) that is based primarily upon the rules (standards/criteria) being reviewed. The Site Review Protocol is used in preparing the Certification Report, which is provided to the facility, and in preparing recommendations regarding certification to the Attorney General for his consideration and action.

"Units" or **"unit"** means an hour, or part of an hour, or group of hours, or a 24-hour day during which a specific service is rendered.

"Victims Services Unit" means the Unit created within the Office of the Attorney General to provide services for persons who require domestic violence or sexual assault services through a domestic violence or sexual assault program.

75:1-1-2. Applicability

This, and all subsequent chapters are applicable, unless otherwise specifically noted in a chapter, subchapter, part or section of Oklahoma Administrative Code Title 75, to the Office of the Attorney General, and all facilities under contract with the Office of the Attorney General and/or subject to certification by the Office of the Attorney General (74 O.S. § 18p-6).

75:1-1-3. Compliance with laws and rules

(a) Any statute of the United States, or of the State of Oklahoma now existing, or duly enacted in the future, shall supersede any conflicting provision of the rules of this and all subsequent chapters to the extent of such conflict, but shall not affect the remaining provisions therein.

(b) All persons and organizations affected by the rules of this and all subsequent chapters and related laws shall be knowledgeable of the conduct pertinent in operating in accordance with all such rules and laws.

75:1-1-4. Organization

(a) The Oklahoma Attorney General is vested with the authority to make rules for the implementation of the Office of the Attorney General's statutorily mandated and permissible functions related to domestic violence and sexual assault programs under 74 O.S. §§ 18p-6.

(b) The Oklahoma Attorney General shall maintain such staff as authorized by law and assign said staff to carry out the duties and responsibilities required to fulfill the statutory requirements of 74 O.S. §§ 18p-1 *et seq.*, and the rules and directives of the Oklahoma Attorney General.

75:1-1-5. Objectives

The objectives of the Oklahoma Attorney General are as follows:

(1) The provision of quality domestic violence and sexual assault services, within the resources available, to those persons, and their families, receiving services from the facilities, certified by and/or under contract with the Office of the Attorney General.

(2) The services by domestic violence and sexual assault providers be rendered in an environment of safety, dignity and with respect to the rights of those persons and their families.

(3) Adherence to and compliance with applicable state and federal statutes, including but not limited to Title 74 §§ 18p-1 *et seq.* of the Oklahoma Statutes and the Public Health Services Act (42 U.S.C.) by all facilities operated by, under contract with, and certified by the Oklahoma Attorney General.

75:1-1-6. Public records

(a) **Official records.** Official records of the Office of the Attorney General include information, rules, forms, the record in individual proceedings, records submitted to the Office of the Attorney General, and other public records in accordance with the Oklahoma Open Records Act 51 O.S. §§ 24A.1, *et seq.*

(b) **Copies.** Copies of official records of the Office of the Attorney General, not privileged or protected from publication by law, shall be available to the public.

75:1-1-7. Requests for agency public information

Any person making a request pursuant to 75:1-1-6 shall comply with the following:

(1) Although the law does not require requests under the Open Records Act to be in writing, it is preferred that requests be in writing and mailed to the Office of the Attorney General, Victims Services Unit, 4545 N. Lincoln Blvd., Suite 260, Oklahoma City, Oklahoma 73105 or sent

via facsimile to (405) 528-1867, or made in person during regular office hours between 8:00 a.m. and 5:00 p.m.

(2) The request should describe the record(s) requested, indicate the name of the party making the request, and have the party's mailing address and telephone number.

(3) The requesting party shall pay a fee for copies. Said fee shall be twenty-five cents (25¢) per page, twelve dollars (\$12.00) per 3½-inch diskette, and \$1.00 per page for certified documents. Copies provided via FAX machine cost \$1.00 per page, regardless of the destination of the Faxed copy. For commercial requests or those that would cause excessive disruption of office function, such as documents that are archived, either internally or with the Oklahoma Archives and Records Commission, a search fee will be charged based upon the hourly rate of the individual(s) searching for, and locating, the requested records.

(4) Client records of a domestic violence or sexual assault program are confidential and not subject to release by statutes and federal regulations including, but not limited to, 74 O.S. §§18p-3 and 18p-8, and 42 CFR, Part 2.

(5) Certain Office of the Attorney General employee personnel records are confidential and not subject to the Oklahoma Open Records Act, including employee evaluations, payroll deductions, applications submitted by persons not hired by the Office of the Attorney General; internal personnel investigations including examination and selection material, employees' home addresses, telephone numbers, and social security numbers, medical and employee assistance records, and other personnel records where disclosure would constitute a clear invasion of privacy. Personnel records information that are subject to release are the application of a person who becomes an employee of the Office of the Attorney General, gross receipt of public funds, dates of employment, title or position and any final disciplinary action resulting in loss of pay, suspension, demotion or termination.

(6) Any other document protected, as confidential, by any Oklahoma or federal law, or Oklahoma or federal administrative rule, or by order of a court of competent jurisdiction, is not subject to the Oklahoma Open Records Act.

75:1-1-8. Forms

In order to maintain efficiency and uniformity in the administration of duties, the Office of the Attorney General will devise and maintain forms for use by any party. The forms may be revised periodically to ensure uniformity, efficiency, and expediency. The prescribed forms must be used by all affected parties unless another form is approved by the Office of the Attorney General prior to its submission, or other provisions are stated in subsequent chapters. Additionally, forms may be acquired by request under 75:1-1-7.

75:1-1-9. Procedures to secure a declaratory ruling as to the applicability of any rule or order of the Office of the Attorney General

(a) Any person subject to the rules contained in rules of the Office of the Attorney General (Oklahoma Administrative Code Title 75) may petition for a declaratory ruling as to the applicability of a specific rule and its effect on petitioner. In petitioning the Office of the Attorney General for a declaratory ruling, the following procedures must be followed:

(1) The petition must be in writing and submitted to the Chief, Victims Services Unit, Office of the Attorney General, 4545 N. Lincoln Blvd., Suite 260, Oklahoma City, Oklahoma 73105;

(2) The petition shall state with specificity the rule in question;

(3) The petition shall state clearly and with specificity the basis for the action and the action or relief sought;

(4) The petition shall pose the specific question(s) to be answered by the Office of the Attorney General; and

(5) The petitioner or petitioner's authorized representative shall print his or her name, address and telephone number on the petition and sign it.

(b) The petition will be stamped upon receipt by the Office of the Attorney General to show the date of submission. The petition shall be referred to the Chief of the Victims Services Unit to make a recommendation to the Attorney General, who shall issue a ruling within 30 days from the date of submission.

(c) The petitioner shall be notified of the declaratory ruling in writing by the U.S. Mail, certified mail, return receipt requested.

(d) The ruling shall become final unless, within 15 days of receipt, the petitioner files with the Chief of the Victims Services Unit a written request for a hearing before the Attorney General. If the petitioner requests such a hearing, the matter shall be set to be heard by the Attorney General.

(e) At the hearing of the matter by the Attorney General, the petitioner and Chief of the Victims Services Unit shall be permitted to present oral argument to the Attorney General, the length of which shall be limited by the Attorney General. At the conclusion of the presentation of the matter, the Attorney General shall render a decision on the petition and a written decision shall follow within 15 days.

(f) A declaratory ruling or refusal to issue such ruling, shall be subject to judicial review in the manner provided for review of decisions in individual proceedings in the Oklahoma Administrative Procedures Act (75 O.S. § 307).

75:1-1-10. Procedures to petition the Domestic Violence and Sexual Assault Advisory Council to request the promulgation, amendment or repeal of a rule

Any person affected either by a rule adopted and promulgated by the Attorney General, or the lack of a rule and regulation may petition the Domestic Violence and Sexual Assault Advisory Council to recommend to the Attorney General promulgation, adoption, amendment or repeal of a rule pursuant to 75 O.S. § 305 and in accordance with this section.

Emergency Adoptions

(1) The petition must be in writing and submitted to the Chief of the Victims Services Unit, Office of the Attorney General, 4545 N. Lincoln Blvd., Suite 260, Oklahoma City, Oklahoma 73105 setting forth:

(A) The proposed amendment, promulgation, or repeal of a specific rule.

(B) The reason for the petition to repeal, promulgate, or amend a rule.

(C) The effect that the repeal, amendment or promulgation of the rule would have on the petitioner.

(2) The petitioner must print his or her name, address and telephone number on the petition and it must be signed by the petitioner.

(3) The Domestic Violence and Sexual Assault Advisory Council shall timely respond to such petition, either by recommending to the Attorney General that rulemaking proceedings be initiated or that the petition be denied.

(4) The petitioner will be notified by regular mail if rulemaking proceedings are initiated.

(5) A petition for rulemaking will be deemed denied if the Office of the Attorney General has not initiated rulemaking proceedings within thirty (30) calendar days after the petition is submitted.

SUBCHAPTER 3. CONTRACTS FOR DOMESTIC VIOLENCE AND SEXUAL ASSAULT SERVICES

PART 1. ELIGIBILITY TO CONTRACT

75:1-3-1. Purpose

The purpose of this Part is to delineate the criteria for eligibility for entities to contract with the Office of the Attorney General for the provision of domestic violence or sexual assault services to the public as permitted or required under Title 74 O.S. §§ 18p-1 et seq.

75:1-3-2. Applicability

This part is applicable to all entities presently under contract with the Office of the Attorney General to provide domestic violence and sexual assault services; and to all entities which may either be, or desire to be, considered for such contracts.

75:1-3-3. Criteria for eligibility to contract

The criteria for eligibility to contract with the Office of the Attorney General are as follows:

(1) The entity shall exist in conformity with Oklahoma Statutes regulating said entity, and provide such proof. In addition, if said entity purports to be a not-for-profit corporation, the proof of exemption from federal taxes under the U.S. Internal Revenue Service Code shall be made.

(2) Revocation, denial or non-renewal of an entity's certification by the Attorney General shall result in contract termination for any service requiring such certification as of the date of the Attorney General's action.

(3) For any facility requiring certification, the facility shall have deficiencies of no more than 20% of the standards on which the facility is reviewed.

PART 3. CONTRACTS AND CONTRACTING PROCESSES

75:1-3-14. Purpose

The purpose of this Part is to describe the contracts and contracting processes of the Office of the Attorney General for the provision of domestic violence or sexual assault services to the public.

75:1-3-15. Applicability

This Part is applicable to all entities presently under contract to provide domestic violence and sexual assault services, and to all entities which may either be, or desire to be, considered for such contracts.

75:1-3-16. Contract forms

Contracts are in a standardized form and format as determined by the Office of the Attorney General which may be revised from time-to-time to meet changing state and federal statutes and regulations, and the requirement of the Office of the Attorney General to fulfill its functions and responsibilities.

75:1-3-17. Competitive bidding

With regard to competitive bidding:

(1) Contracts which are not based upon fixed uniform rates shall be competitively bid unless said contract is exempt from competitive bidding or meets the requirements for sole source justification.

(2) Contracts based upon fixed uniform rates, which have been previously approved by the Department of Central Services, set by the Attorney General, are not subject to competitive bidding [74 O.S. § 85.7 (11)].

75:1-3-18. Contract, services performance

Contracts shall require performance of specific service(s) to be performed. Where the services cannot be broken down into units, specifically measurable and reviewable services shall be stated. Additionally, contracts may contain requirements of performance based upon measurable quality outcome indicators.

75:1-3-19. Contract renewal

(a) Contracts for domestic violence and sexual assault services are considered during the third (3rd) and fourth (4th) quarter of the state fiscal year, for contracting in the following fiscal year.

(b) Consideration for renewal shall include a review of performance of the current contract including, but not limited to,

measurable outcome indicators, target populations served, levels of performance of specific services, having deficiencies or no more than 20% of the standards reviewed, the existence of any client rights violations, and cost effectiveness of the delivery of services.

(c) If the Attorney General determines the contractual relationship shall be renewed, it shall be in a new contract for the upcoming fiscal year and may or may not contain the same terms, conditions, form and format as the previous contract.

75:1-3-20. Contractor reimbursement rates

Reimbursements to contractors for domestic violence and sexual assault services shall be considered and set in the manner described as follows:

(1) Contractors shall annually, or as otherwise prescribed, submit to the Chief of the Victims Services Unit a uniform cost report in the form and format determined by the Office of the Attorney General, and within time-frames established by the Office of the Attorney General.

(2) The Chief of the Victims Services Unit shall review and analyze these cost reports, requesting where deemed necessary the submission of supporting clarifying information within fifteen (15) days of said request.

(3) The Chief of the Victims Services Unit may recommend to the Attorney General fixed uniform rates for services, taking into consideration variables such as average costs, appropriate inflationary factors, capitation methods, performance outcome measures, staff credentials and available funding.

(4) Prior to submitting to the Attorney General the proposed rates or changes to existing rates, the following shall occur:

(A) The Victims Services Unit shall provide written notice of an open hearing before the Domestic Violence and Sexual Assault Advisory Council on the proposed fixed rates to each applicable contractor of record.

(B) The Domestic Violence and Sexual Assault Advisory Council shall conduct, and make a summary of, the scheduled Open Meeting.

(5) Consideration of the proposed fixed rate by the Attorney General shall not occur until the Director of Department of Central Services has been provided with, pursuant to 74 O.S. § 85.7:

(A) Thirty (30) days written notice of the meeting in which the Attorney General will consider the uniform rates of reimbursement;

(B) A copy of the meeting agenda item(s) concerning the proposed rate(s); and

(C) All supporting documentation and materials regarding the reimbursement rates being proposed.

(6) The Attorney General shall, at the meeting referenced in (5)(A) and (B) of this section, separately consider each proposed fixed and uniform rate of reimbursement.

These rates, if adopted, shall then take effect on a date determined by the Attorney General when the rates are considered for adoption; and remain in effect until subsequent action by the Attorney General.

(7) All revisions shall be examined, proposed, considered and adopted pursuant to this section.

SUBCHAPTER 5. PROCEDURE IN INDIVIDUAL ADMINISTRATIVE PROCEEDINGS

75:1-5-1. Individual proceedings

Article II of the Administrative Procedures Act ("APA"), 75 O.S. §§ 308a, *et seq.*, governs individual proceedings by Office of the Attorney General for revocation, denial, suspension and non-renewal of certification or for reprimand of certified facilities.

75:1-5-2. Persons affected by individual actions

The Attorney General may bring an individual proceeding against any person or entity certified by the Attorney General for violation of Title 74 O.S. §§ 18p-1 *et seq.* or the rules of the Attorney General as set forth in Title 75 of the Oklahoma Administrative Code.

75:1-5-3. Types of sanctions

The following administrative sanctions may be taken against a Respondent:

- (1) Revocation of certification
- (2) Reduction in certification
- (3) Suspension of certification
- (4) Reprimand

75:1-5-4. Petition and notice in individual proceedings

(a) **Petition and Notice.** In the event the Attorney General determines action should be taken, an individual proceeding may be initiated pursuant to the APA by filing a petition and notice with a Hearing Officer, as designated by the Attorney General, for the matter, and by serving the petition on all respondents. The petition and notice shall include a statement of the legal authority and jurisdiction under which the action is taken, reference to the statutes and rules involved, a short and plain statement of the matters asserted and the relief requested. The petition may allege facts by attaching and incorporating a document by reference. The petition and notice shall provide that the action shall commence and become effective fifteen (15) calendar days after receipt of said notice by the Respondent, unless the Respondent timely files a written request for a hearing with the Office of the Attorney General.

(b) **Request for hearing.** A request for hearing will be timely filed if said request is in writing and postmarked or hand delivered to the Hearing Officer within fifteen (15) calendar days of the date the party received the petition and notice. If a timely written request for a hearing is not filed by the Respondent, the allegations in the petition shall be deemed

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confessed by the Respondent and the action will become final as set forth herein. If the written request for hearing is timely filed, such hearing shall be scheduled before the Attorney General or Hearing Officer at least fifteen (15) days from the date said request is filed, and the parties shall be notified of the date, time and place of the hearing. If an emergency exists, a hearing may be conducted without the filing of a petition and without waiting fifteen (15) days.

75:1-5-5. Service of petition and notice

(a) **Service.** The petition and notice shall be served on the Respondent(s) personally or by certified mail, return receipt requested to the address of the respondent(s) on file with the Office of the Attorney General.

(b) **Proof of service.** Proof of service shall be filed with the Hearing Officer.

(c) **Substitute service.** If the Office of the Attorney General is unable to obtain service on a Respondent, the petition and notice shall be mailed by regular mail to the last known address of the Respondent. The Office of the Attorney General shall file an affirmation service was attempted which will be deemed as proof of service.

(d) **Service of other papers and documents.** Service of all other papers and documents connected with an individual proceeding shall be served on the parties or their counsel by delivering a copy or via regular mail or facsimile.

75:1-5-5.1. Emergency actions

When the Attorney General or Hearing Officer finds that the public health, safety or welfare requires action be taken immediately and when such a finding is incorporated in an order, emergency action or summary suspension of a certification may be ordered pending the filing of a petition or the outcome of an individual proceeding.

75:1-5-5.2. Procedures in individual proceedings generally

The order of procedure in all individual proceedings shall generally be governed by the APA.

75:1-5-5.3. Prehearing conference

A pre-hearing conference may be ordered and scheduled by the Attorney General or the Hearing Officer on his or her own motion or upon the request of any party. The Attorney General or Hearing Officer may authorize the conference to occur by teleconference. The subjects and objectives of the pre-hearing conference shall be similar to those for pretrial proceedings in district courts.

75:1-5-4. Continuances

(a) **Continuance by the Office of the Attorney General.** The Attorney General or the Hearing Officer may continue or adjourn the proceedings at any time for a specified time, with notice or motion.

(b) **Continuance by motion of parties.** Except for good cause shown, or by agreement of all parties, no continuance will be granted upon motion of a party unless written request therefore is filed and served on all parties of record and filed with the Hearing Officer at least seven (7) days prior to the date set for hearing. A stipulation for continuance among all parties of record ordinarily will be approved, unless the Attorney General or the Hearing Officer determines that the public interest requires otherwise.

75:1-5-5. Discovery

(a) **Purpose.** Discovery is designed to enable a party to obtain relevant information needed for presentation of the party's case. This section is intended to provide a simple method of discovery.

(b) **Explanation.** Discovery is a process apart from the hearing whereby a party may obtain information from another person which has not otherwise been provided. This information is obtained for the purpose of assisting the parties in developing, preparing and presenting their cases.

(c) **Methods.** Discovery shall be conducted generally in accordance with Section 315 of the APA. Additionally, the Attorney General or the Hearing Officer may enter specific orders directing the conduct of discovery.

75:1-5-6. Protective orders

(a) The Attorney General or the Hearing Officer at the hearing or at anytime upon application of a party, with or without notice, may make such orders relating to discovery as may be necessary or appropriate for the protection of the parties, and to prevent hardship to and excessive burden upon a party. Such orders may, among other subjects, limit the scope of depositions, prohibit questions or subjects of inquiry, require or excuse answers to questions on deposition, limit or excuse, in whole or in part, production of documents and shorten or extend the time within which any act shall be performed. Disclosure of client identification shall only be ordered pursuant to state and federal law.

(b) The Attorney General or the Hearing Officer may make appropriate orders, including dismissal of a proceeding or denial of relief, as may be warranted for failure or refusal to comply with an order issued pursuant to this rule.

75:1-5-7. Subpoenas

(a) **Issuance and service.** Subpoenas for the attendance of witnesses, the furnishing of information and the production of evidence shall be issued by the Hearing Officer upon request by a party. As an officer of the court, an attorney authorized to practice law in Oklahoma may also issue and sign subpoenas. Filing a formal request for the issuance of subpoenas shall not be required. Subpoenas shall be served and a return made in the same manner as provided in the Oklahoma Pleading Code, 12 O.S. § 2004.1.

(b) **Failure to obey.** The Attorney General or the petitioner may seek an appropriate judicial proceeding to compel compliance by persons who fail to obey a subpoena, who refuse to be sworn or make an affirmation at a hearing or who refuse to

answer a proper question during a hearing. The hearing shall proceed despite any such refusal but the Attorney General or the Hearing Officer may, in his discretion at any time, continue the proceedings as necessary to secure a court ruling.

(c) **Motions to quash.** Any person to whom a subpoena is directed, may file a motion to quash or limit the subpoena with the Hearing Officer, setting forth the reasons why the subpoena should not be complied with or why it should be limited in scope and the Attorney General or Hearing Officer will rule on the motion.

75:1-5-8. Conduct and record of hearing

(a) **Open to public.** Every hearing before the Office of the Attorney General shall be conducted by the Attorney General or designated Hearing Officer. All hearings shall be open to the public unless a protective order is entered to uphold confidentiality laws; however, upon motion of a party to the proceeding, the Attorney General or the Hearing Officer may exclude from the hearing room any witness not at that time under examination. A party to the proceeding and that party's attorney may not be excluded.

(b) **Record.** All testimony shall be taken on the record unless otherwise designated by the Attorney General or the Hearing Officer. An electronic recording of the hearing proceedings shall be made. The recording will not be transcribed as a matter of course. The electronic recording of the Office of the Attorney General shall be the official record. Copies of the recordings shall be provided to a party on written request. The cost of transcription, if done, shall be borne by the party having the recording transcribed.

(c) **Court reporter.** A party may have the proceeding transcribed by a court reporter at the expense of the party. Each party requesting copies shall make arrangements for such with the reporter, and pay the costs.

(d) **Maintenance of the record.** The record of a proceeding and the file containing the notices and the pleadings will be maintained by the Attorney General or the Hearing Officer in a location designated by the Attorney General or the Hearing Officer. All pleadings, motions, orders and other papers submitted for filing in an individual proceeding shall be stamped with the date filed by the Attorney General or the Hearing Officer upon receipt.

(e) **Designation on appeal.** On an appeal to district court, the parties may designate and counter-designate portions of the record to save costs, following the procedures in the APA.

75:1-5-9. Hearing officers

(a) **Exercise of authority.** The Attorney General shall appoint at least one individual who is a licensed attorney to act as the Administrative Hearing Officer in individual proceedings filed before the Office of the Attorney General. The Administrative Hearing Officer shall conduct fair and impartial hearings and take all necessary action to avoid delay in the disposition of all proceedings. He or she shall have all powers necessary to that end unless otherwise limited by law, including but not limited to, the authority to:

- (1) Administer oaths and affirmations;

(2) Rule upon objections and offers of proof and receive relevant evidence;

(3) Rule upon the institution of discovery procedures as appropriate;

(4) Convene a hearing as appropriate, regulate the course of the hearing, examine any witness in order to clarify issues; maintain decorum and exclude from the hearing any disruptive persons;

(5) Exclude from the hearing any witness whose later testimony might be colored by testimony of other witnesses or any person whose presence might have a chilling effect on testifying witnesses;

(6) Rule on all motions, witness and exhibit lists, exhibits and proposed findings;

(7) Require the filing of memoranda of law and the presentation of oral argument with respect to any question of law;

(8) Order the production of evidence and the appearance of witnesses whose testimony would be relevant, material and non-repetitious;

(9) Make inquiries of the parties or witnesses for the purpose of clarification or fact findings to ensure a fair and impartial decision;

(10) Render decisions pursuant to the particular action taken;

(11) May require, or allow, the filing of briefs by the parties, and may designate the order and time for filing briefs and reply briefs;

(12) Close the record when all interested parties have had the opportunity to be heard and to present evidence; and

(13) Issue proposed final orders.

(b) **Disqualification of hearing officer.**

(1) The Administrative Hearing Officer shall withdraw from any individual proceeding in which he or she cannot accord a fair and impartial hearing or consideration, stating on the record the reasons therefore, and shall immediately notify all parties of the withdrawal.

(2) Any party may file a motion requesting the Administrative Hearing Officer withdraw on the basis of personal bias or other disqualification and specifically setting forth the reasons for the request. This motion shall be filed as soon as the party has reason to believe there is a basis for the disqualification. The Administrative Hearing Officer shall rule on said motion.

75:1-5-10. Order of hearing

(a) **Appearances and default.** At the hearing, every party shall announce an appearance. An individual may appear on their own behalf or be represented by an attorney. A corporation must be represented by counsel. Any Respondent who fails to appear as directed, after service of the petition and notice of hearing as provided by these rules, may be determined to have waived the right to appear and present a defense to the allegations contained in the petition, and the Hearing Officer may default the party and issue an order sustaining the allegations.

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(b) **Preliminary matters.** The following shall be taken up prior to receiving evidence:

- (1) The Office of the Attorney General and other parties may offer preliminary exhibits, including pleadings necessary to present the issues to be heard.
- (2) Ruling shall be made on any pending motions, including requests for delivery of documents.
- (3) Stipulations of fact and stipulated exhibits shall be received.
- (4) Parties shall make opening statements where appropriate.
- (5) Any other preliminary matters appropriate for disposition prior to offers of evidence.

(c) **Rules of evidence.** The rules of evidence shall be those specified by the APA.

(d) **Presentation of the case.** At the hearing, each party may make a brief opening statement, present witnesses and exhibits, cross-examine adverse witnesses, and make closing arguments.

75:1-5-11. Order

(a) **Issuance and services of final order.** Not more than twenty (20) calendar days after conclusion of the hearing, the Hearing Officer shall issue a proposed order with findings of fact and conclusions of law. If the Office of the Attorney General proves its allegations in the petition and notice by clear and convincing evidence, the Attorney General shall issue an order sustaining the allegations. If the Office of the Attorney General does not meet its burden, the Attorney General shall issue an order in favor of the respondent(s). The Attorney General shall file and serve the final order on respondent(s) by certified mail, return receipt requested.

(b) **Appeal.** A party may appeal a Final Order as provided in the APA.

75:1-5-12. Settlement

Unless precluded by law, individual proceedings may be resolved by agreed settlement or consent order, with the concurrence of the Office of the Attorney General or the Hearing Officer.

SUBCHAPTER 7. CERTIFICATION AND DESIGNATION OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT SERVICES

75:1-7-1. Applicability of certification

This subchapter applies to all entities which are subject to certification by the Attorney General as set forth in 74 O.S. § 18p-6.

75:1-7-2. Purpose of certification

The purpose of certification is to assess a facility's responsibility to the client, and delivery of acceptable services to the client. Responsibility to the client is demonstrated through the provision of suitable facilities, trained staff and needed services

which are accessible, safe and confidential. In addition to the above is the demonstration of the willingness and ability of the governing authority and staff to provide the planning, budgeting and management of resources necessary to the continued existence and effectiveness of the facility/services.

75:1-7-3. Reviewing authority

The Attorney General may certify domestic violence shelters and programs, sexual assault programs, and batterers' intervention programs and direct that such shall be carried out as stated in this subchapter.

(1) The Victims Services Unit of the Office of the Attorney General shall conduct a site review at the designated facility which must meet the minimal compliance requirements as cited in 75:1-7-7.

(2) The application procedure for completion of the certification process shall be accomplished in accordance with 75:1-7-6 and 75:1-7-7.

75:1-7-4. Qualifications for certifications of facilities and programs and individuals

Qualifications for certification are compliance with applicable Standards and Criteria as set forth in Chapter 15 of OAC Title 75 regulating Standards and Criteria for Domestic Violence and Sexual Assault Services.

75:1-7-5. Procedures for application for certification

(a) Applications for certification as a domestic violence shelter or program, sexual assault program or batterers' intervention program must be made to the Office of the Attorney General in writing on a form and in a manner prescribed by the Attorney General and include the following:

(1) A fully completed application for certification form signed by authorized officials;

(2) The necessary written documentation or supporting evidence required on the application for certification form; and

(3) The required certification fee in the form of a check or money order, payable to the Office of the Attorney General.

(b) The following fees are required: Applicants for domestic violence shelters or programs, sexual assault programs and batterers' intervention programs shall submit \$150.00 with an initial application and \$150.00 with each renewal application. Fees paid by applicants are not refundable.

(c) The application for certification form, required written documentation and fee must be submitted to the Office of Attorney General, Victims Services Unit, 4545 N. Lincoln Blvd., Suite 260, Oklahoma City, Oklahoma 73105.

(d) The application may require a listing of all services provided by the applicant, as well as specifics about the applicant including but not limited to governing authority, administrative, fiscal, all locations or sites where applicant will provide services and types of services to be provided.

(e) If, after being certified, a facility desires to add a service location within the facility's currently certified service area or

to extend certification to a separate service area, approval may be granted by the Attorney General upon submission of the required documentation to the Victims Services Unit.

(1) The facility must notify the Attorney General in writing of the plan to expand service locations on a form and in a manner prescribed by the Victims Services Unit of the Office of the Attorney General.

(2) The required written documentation or supporting evidence includes, but is not limited to:

- (A) a completed review form;
- (B) fire & safety inspection;
- (C) facility policies and procedures; and
- (D) zoning compliance.

(f) At the time of the next triennial review of the facility's main office certification, those locations which extend certification to separate service areas will require a separate certification process and will be reviewed on a schedule separate and apart from the certification schedule of the main office.

(g) If after being certified, a facility desires to offer a new type of service or new level of care, the facility must submit an application for certification, the required documentation and fee to the Victims Services Unit of the Office of Attorney General, 4545 N. Lincoln Blvd., Suite 260, Oklahoma City, Oklahoma 73105.

75:1-7-6. Procedures for completion of certification process

(a) **Certification process.** Completion of the certification process will be done in cooperation between the applicant and certification team established by the Victims Services Unit of the Office of Attorney General, and consists of:

- (1) a review by the certification team of all application materials;
- (2) an on-site review of the facility and completion of the applicable site visit protocol by the certification team;
- (3) a review of all records deemed applicable by the certification team;
- (4) development and dissemination of report materials by the certification team;
- (5) development and review of any needed plans of correction;
- (6) applicable follow-up on-site reviews; and
- (7) presentation by Victims Services Unit staff of the review results and associated recommendations to the Attorney General.

(b) **Initial applications.** All initial applications for certification shall be reviewed for completeness by Victims Services Unit staff. If the application is deemed complete, site review of the facility or program will be scheduled. If the applicant is cited for deficiencies of fifty percent (50%) or more of the applicable standards and rules, based on the initial on-site review findings, a plan of correction will not be requested and a notice of denial of the certification application shall be sent to the applicant by the Attorney General. In such case, re-application will be accepted after three (3) months have passed since issuance of the notification of denial.

(c) **Length of certification process.** If an applicant for initial certification fails to achieve full certification within six (6)

months of their application, the applicant shall not receive certification and a recommendation of revocation of the existing certification will be made to the Attorney General. In such case, re-application for certification shall be made in accordance with the requirements of 75:1-7-6 and 75:1-7-11. If the applicant requests withdrawal of the certification status because of the circumstances cited above, the applicant may reapply three (3) months after receipt of the written request by the Victims Services Unit.

(d) **Renewal applications.**

(1) The Victims Services Unit will, prior to the renewal date, notify facilities the application for renewal of certification is due.

(2) The facility shall submit its application for renewal within thirty (30) days before the expiration of its certification.

(3) Renewal applications for certification shall be reviewed for completeness by Victims Services Unit staff. If the facility is cited for deficiencies on 50% or more of the applicable standards and rules based on the site review findings, a plan of correction will not be requested and revocation of the certification status will be recommended to the Attorney General.

(4) If, after being granted conditional certification, an applicant for renewal fails to achieve full certification within four (4) months, the applicant shall not receive full certification and a recommendation of revocation of the certification status will be made to the Attorney General.

(e) **Site reviews.**

(1) Initial, renewal or follow-up site reviews, based on the current certification status of the applicant, will be scheduled and conducted by designated representatives of the Victims Services Unit at each location or site of the applicant.

(2) Only one follow-up site review will be conducted on facilities receiving Conditional Certification for the purpose of determining compliance with standards and the plan of correction.

(3) The follow-up site review to Conditional Certification will be conducted to review implementation of the plan of correction. Failure to come into compliance with applicable rules and implement the plan of corrections shall result in a recommendation that the Conditional Certification status be revoked.

(4) A Site Review Protocol shall be completed during each site visit. Protocols shall contain the current Standards and Criteria applicable to the facility.

(A) A facility must be prepared to provide evidence of compliance with each applicable standard.

(B) In the event the reviewer(s) identifies some aspect of facility operation that adversely affects client safety or health, the reviewer(s) shall notify the facility director and appropriate Victims Services Unit staff. An immediate suspension of certification may be made by the Attorney General.

(f) **Deficiencies.** A deficiency shall be cited for each rule not met by the facility.

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(g) **Report to applicant and plan of correction.**

(1) During the course of the certification process, and prior to determination of certification status, Victims Services Unit staff shall report the results of the on-site review to the facility. The facility shall receive written notice of the deficiencies in a Certification Report.

(2) The facility must submit a written plan of correction for each deficiency for approval within two (2) weeks of the receipt of the Certification Report. Approval of the plan of correction shall be required before the completed application for certification will be presented to the Attorney General. However, if the facility is cited for deficiencies on fifty percent (50%) or more of the applicable standards and rules based on the initial site review findings, a plan of correction will not be requested.

(h) **Notification of Victims Services Unit recommendation for certification.**

(1) After completion of the on-site review and report on the Application for Certification, Victims Services Unit staff shall prepare a recommendation on the certification status or application for the Board.

(2) Prior to the Victims Services Unit staff's presentation of its recommendation of an applicant's certification to the Attorney General, the Victims Services Unit staff shall notify the applicant of the recommendation.

(3) Achievement of certain scores is a prerequisite for consideration of a specific certification status but may not be the sole determinant. Individual deficiencies that meet the criteria in 75:1-7-9 may be grounds for suspending or revoking certification or denying applications for certification.

(4) Consideration of certification may be deferred while additional information regarding a facility's compliance status is reviewed.

(5) The minimum compliance scores for recommendation of a certification status to the Attorney General are:

(A) **Certification with Commendation.** Facility is in compliance with 100% of the applicable rules.

(B) **Certification.** Facility achieves compliance with 100% of the applicable rules after on-site correction(s).

(C) **Conditional Certification.** Facility is in compliance with at least 51% but less than 100% of the applicable rules and will be given an opportunity to correct deficiencies as prescribed in 75:1-7-7.

(i) **Actions on Non-Certified Providers.** If at the initial site review it is found the facility is providing services:

(1) The review will be continued including the review of clinical records.

(2) The facility must comply with the requirements cited in 75:1-7-6 to continue the certification process.

(3) If the applicant achieves less than 100% compliance, full certification must be achieved with four (4) months.

(4) Upon successful completion of the process, Probationary Certification status will be recommended for no more than one (1) year.

(5) The desire for continued certification after the Probationary Certification period will require the submission of a new application for each of the next two (2) years. The requirements in 75:1-7-6 shall apply. A recommendation for Certification for one (1) year will be made to the Attorney General.

(j) **Actions on certification applications.** Victims Services Unit staff shall make one of the following recommendations to the Attorney General:

(1) Certification with commendation;

(2) Certification;

(3) Conditional certification;

(4) Probationary Certification; or

(5) Revocation or Denial.

(k) If the Attorney General approves a recommendation to revoke certification, an individual proceeding shall be initiated pursuant to the Administrative Procedures Act.

75:1-7-7. Duration of certification status

(a) Certification status of either "Certification with Commendation" or "Certification" shall be for the period of three (3) years.

(b) Conditional certification granted to applicants for renewal shall be for a period not to exceed four (4) months. During that period, a follow-up site review will be conducted to ensure cited deficiencies have been corrected as provided in the plan of correction or to demonstrate continued correction and compliance with the previously cited deficiencies.

(c) Certification or conditional certification granted to an applicant shall become effective the first day of the month following the date of the action by the Board, provided however, that the Attorney General may waive this requirement and make the certification or conditional certification effective immediately.

(d) Certification is not transferable. A change of the ownership of a facility automatically terminates any certification status, requiring application for certification by the new ownership. If the certified facility is owned by a corporation the following applies:

(1) If the corporation is not-for-profit, a change in membership of the Board of Directors of more than fifty percent (50%) of the Directors in three (3) or fewer calendar months, unless such change was caused by the normal expiration of terms in accordance with the By-Laws of the Board of Directors, shall require the facility to be re-certified.

(2) If the corporation is other than not-for-profit, a change in the ownership of more than forty per cent (40%) of the stock in the corporation from the owners at the beginning of the period of certification shall require the facility to be recertified.

(3) It is the responsibility of the facility to notify the Office of the Attorney General of the occurrence of either of the conditions requiring recertification as set forth in (1) and (2) of this subsection; and to request the application materials for recertification.

(e) Certification may be suspended, revoked or not renewed with the basis for such action being delineated in Section 75:1-7-9 of this Subchapter.

75:1-7-8. Site reviews

The Victims Services Unit may conduct a site review or visit or an investigation, which may or may not be announced. Reasons for such review include but are not limited to:

- (1) determination of correction of cited deficiencies;
- (2) receipt of a complaint;
- (3) change in ownership, management or location;
- (4) substantial change in either the service provided or new service(s) initiated;
- (5) substantial turnover in staff at the executive or professional level;
- (6) change in statutorily required licensure status; and
- (7) change in external accreditation status.

75:1-7-9. Basis for a decision to issue administrative sanction of suspension, or revocation

(a) A determination that the certification status shall be reduced, suspended, or revoked or that a reprimand be issued, may be made upon the following basis:

- (1) failure to comply with certification standards;
- (2) failure to comply with appropriate statutory licensing provisions;
- (3) violation of client rights or client confidentiality;
- (4) endangerment of the safety, health, and/or the physical or mental well-being of a client served by the program;
- (5) failure to comply with accreditation, inspection, safety, or building code regulations required by local, state, or federal authorities and laws;
- (6) defrauding a client, potential client, or third party payer;
- (7) inappropriate conduct by program staff or its governing authority;
- (8) utilization of treatment techniques which endanger the safety, health, and mental health or physical well-being of program clients; or
- (9) any other just cause.

(b) Determinations to initiate proceedings for suspension or revocations are made by the Attorney General.

(c) The facility's certification status continues unless the facility fails to timely file a written request for a hearing as cited in OAC 75:1-5-4 or an order sustaining the allegations made by the Attorney General is issued.

75:1-7-10. Contingency for non-action by the Attorney General

In the event the Attorney General is unable for any reason to consider the certification in a timely manner, any current certification status shall be automatically extended unless to do so would endanger the health, welfare and safety of clients, and there would be a danger of imminent harm.

75:1-7-11. Reapplication following denial, suspension, revocation or denial of certification

Reapplication for consideration of certification for any program for which certification has been suspended, revoked,

denied or not renewed will not be accepted or considered unless at least six (6) months has passed since issuance of a Final Order of suspension, revocation, denial or nonrenewal.

[OAR Docket #05-1377; filed 11-15-05]

**TITLE 75. ATTORNEY GENERAL
CHAPTER 15. STANDARDS AND CRITERIA
FOR DOMESTIC VIOLENCE AND SEXUAL
ASSAULT PROGRAMS**

[OAR Docket #05-1378]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:
Chapter 15. Standards and Criteria For Domestic Violence and Sexual Assault Programs [AMENDED]

AUTHORITY:
Office of the Attorney General; 74 O.S., Sections 18p-1 et seq.

DATES:
Adoption:
September 26, 2005

Approved by Governor:
November 8, 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 rules in this Chapter were transferred from the Oklahoma Department of Mental Health and Substance Abuse Services pursuant to Senate Bill 236 (2005) and became effective July 1, 2005. Although the rule numbers changed, references to rules as well as references to the Oklahoma Department of Mental Health and Substance Abuse Services contained in the body of the rules did not change. It is also necessary to amend language that is obsolete or is inaccurate due to the transfer of the administration of the domestic violence programs to the Office of the Attorney General. This presents a compelling extraordinary circumstance which necessitates the promulgation of emergency rules to eliminate confusion and provide clarification now that the program has transferred to the Office of the Attorney General.

ANALYSIS:
Pursuant to Title 74 O.S. § 18p-6, the Attorney General is required to adopt and promulgate rules and standards for certification of domestic violence programs and for private facilities and organizations which offer domestic and sexual assault services in this state. These rules set forth the requirements which are necessary to provide services pursuant to 74 O.S. § 18p-1 et seq. and to meet the responsibilities related to oversight, management, evaluation, performance improvement, and auditing of domestic violence and sexual assault services in this state.

CONTACT PERSON:
Susan Krug (405) 522-0042

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

SUBCHAPTER 1. GENERAL PROVISIONS

Emergency Adoptions

75:15-1-1. Purpose

This chapter sets forth the rules, including standards and criteria, used in certifying all domestic violence, batterer's intervention and sexual assault programs and shelters (~~43A O.S., § 3-314-174 O.S. § 18p-6~~). The rules regarding factors relating to the certification processes including, but not necessarily limited to, applications, fees, requirements for and administrative sanctions, are found in OAC Title ~~450~~ 75, Chapter 1.

75:15-1-2. Definitions

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

"Admission" means to accept a client for services or treatment.

"Advocacy" means the assistance provided which supports, supplements, intervenes and/or links the client with the appropriate service components. This can include medical, dental, financial, employment, legal and housing assistance.

"Batterer" means a person, male or female, who perpetrates domestic violence, stalking or other harassment against present or past intimate partners, another adult, emancipated minor or minor child, who are family or household members or who are or were in a dating relationship.

"Batterer's intervention" means services provided to batterers, or perpetrators or abusers which holds a batterer accountable for his or her abusive behavior, provides consequences for engaging in violent or abusive behavior, provides monitoring of batterer's behavior, and requires him or her to change his or her behavior and attitudes and is also protective of the victim(s). Anger control or management alone is not synonymous with batterer's intervention.

"Case consultation" means review of a client's case by the primary service provider and other program staff providers, consultants or both.

"Certified domestic violence and sexual assault program" or **"Certified DV/SA program"** means a status which is granted to a person or an entity by the Oklahoma Attorney General, and indicates approval to provide domestic violence and sexual assault services pursuant to 74 O.S. § 18p-6. In accordance with the Administrative Procedures Act, 75 O.S. § 250.3(8), certification is defined as a "license."

"Child" or **"Children"** means any individual from birth to eighteen years of age.

"Client" means an individual, adult or child, who has applied for, is receiving or has received assistance or services of a DV/SA or batterer's program.

"Client record" means written information including assessment information, description of services provided services plan, and other information on an individual client.

"Community" means the people, groups, agencies or other facilities within the locality served by the program.

"Consultation" means a formal and structured process of interaction between staff member(s) or unrelated individuals, groups or agencies for the purpose(s) of problem solving or enhancing their capacity to serve clients, manage programs or both.

"Contract" means a formal document adopted by the governing authority of the program and any other organization, agency, or individual that specifies services, personnel or space to be provided to the program and the monies to be expended in exchange.

"Counseling" means a method of using various commonly acceptable treatment approaches provided face-to-face by qualified professional staff with clients in individual, group or family settings to promote positive emotional or behavioral change. Counseling is goal directed and utilizes techniques such as cognitive behavioral treatment, narrative therapy, solution-focused brief therapy, psycho-educational interventions or another widely accepted theoretical framework for treatment.

"Court advocate" means a volunteer or staff member whose duties are to provide support, information, and advocacy in the court system for victims of domestic violence or sexual assault.

"Crisis intervention" means an immediately available service to meet the psychological, physiological or safety aspects of ~~mental health, alcohol and drug~~ or domestic violence or sexual assault related crises and are in response to emergencies, provide crisis resolution and stabilize conditions and may include triage, assessment, screening, planning, intervention, referral and documentation.

"Critical incident" means an occurrence or set of events inconsistent with the routine operation of the facility, or the routine care of a consumer. Critical incidents specifically include but are not necessarily limited to the following: adverse drug events; self-destructive behavior; deaths and injuries to clients, staff and visitors; medication errors; neglect or abuse of a client; fire; unauthorized disclosure of information; damage to or theft of property belonging to a client or the facility; other unexpected occurrences; or events potentially subject to litigation. A critical incident may involve multiple individuals or results.

"Direct services" means services delivered by a staff member or volunteer, in direct contact with a client or client's child, including child care and telephone contact.

"Director" means the person hired by the governing authority to direct all the activities of the organization.

"DV/SA" means domestic violence and sexual assault.

"Documentation" means the provision of written, dated and authenticated evidence to substantiate compliance with standards, e.g., minutes of meetings, memoranda, schedules, notices, logs, records, policies, procedures, announcements, correspondence, and photographs.

"Domestic violence" means assaultive or coercive behaviors, including physical, sexual and psychological attacks and economic coercion, against another adult, emancipated minor or minor child, who are family or household members or who are or were in a dating relationship.

"Education" means the dissemination of relevant information specifically focused on increasing the awareness of the community and the receptivity and sensitivity of the community concerning domestic violence, sexual assault or batterer's intervention and other related problems and services and may include a systematic presentation of selected information to

impart knowledge or instructions, to increase understanding of specific issues or programs, to examine attitude or behaviors and stimulate social action or community support of the program and its consumers.

"Emergency services" or **"crisis services"** means a twenty-four (24) hour capability for assessment, intervention and resolution of a client crisis or emergency that is provided in response to unanticipated, unscheduled emergencies requiring prompt intervention to resolve immediate, overwhelming problems that severely impair the individual's ability to survive or maintain in the community.

"Emergency transportation" means transportation for a victim of DV/SA to a secured identified location at which emergency services or crisis services can be provided.

"Executive director" means the person in charge of a facility as defined in this section.

"Facility" means the physical location(s) of a certified program governed by this chapter of Title 450 75.

"Family" means the children, spouse, parents, brothers, sisters, other relatives, foster parents, guardians and others who perform the roles and functions of family members in the lives of clients.

"Governing authority" means a group of persons having the legal authority, and final responsibility for the operations and functions of the entire DV/SA program in and of all geographical locations and administrative divisions.

"Group counseling" means a method of using various commonly acceptable treatment approaches provided face-to-face by qualified staff with not more than ten (10) clients to promote positive emotional or behavioral change. Counseling is goal directed and utilizes techniques such as cognitive behavioral treatment, narrative therapy, solution focused brief therapy psycho-educational interventions or another widely accepted theoretical framework for treatment.

"Guardian" means an individual who has been given the legal authority for managing the affairs of another individual.

"Host family" or **"Sponsor family"** means an individual or family providing safe home services through a formal agreement with a Certified DV/SA Program.

"Initial contact" means a person's first contact with the program or facility usually requests for information or service by telephone or in person.

"Intake" means the written information about a client as a basis for assessment or services, obtained by the program at time of admission.

~~**"Integrated Client Information System"** or **"ICIS"** is a comprehensive management information system based on national standards for mental health and substance abuse databases. It is a repository of diverse data elements that provide information about organizational concepts, staffing patterns, consumer profiles, program or treatment focus, and many other topics of interest to clinicians, administrators and consumers. It includes unique identifiers for agencies, staff and consumers that provide the ability to monitor the course of consumer services throughout the statewide DMHSAS network. ICIS collects data from hospitals, community mental health centers, substance abuse agencies, domestic violence service providers, sexual assault service providers, residential~~

~~care facilities, prevention programs, and centers for the homeless which are operated or funded in part by DMHSAS.~~

"Licensure" means the official or legal permission to persons or health facilities meeting qualifications to engage in a given occupation or use a particular title.

"Medical care" means those diagnostic and treatment services which, under the laws of the jurisdiction in which the program is located, can only be provided or supervised by a licensed physician.

"Medication" means any prescription or over-the-counter drug, that is taken as prescribed or directed.

"Mental health services" means a range of diagnostic, therapeutic, and rehabilitative services used in treating mental illness or emotional disorders, including substance abuse.

"Neglect" means failing to provide adequate personal care or maintenance, or access to medical care which results or may result in physical or mental injury or harm to a client.

"OAG" means the Office of the Attorney General.

"Objectives" means a specific statement of planned accomplishments or results which are quantitative, qualitative, time-limited and realistic.

~~**"ODMHSAS"** means the Oklahoma Department of Mental Health and Substance Abuse Services.~~

"Oklahoma Administrative Code" or **"OAC"** means the publication authorized by 75 O.S. § 256 known as The Oklahoma Administrative Code, or, prior to its publication, the compilation of codified rules authorized by 75 O.S. § 256(A)(1)(a) and maintained in the Office of Administrative Rules.

"Oklahoma Victim Information System" or **"OVIS"** is a data management information system used as a repository of diverse data elements that provide information to monitor the course of services and allow each user service provider to generate an invoice pursuant to their fee schedule for reimbursement of contracted services. OVIS collects data from domestic violence service providers and sexual assault service providers which are operated or funded in part by the Office of the Attorney General.

"Operation" means that clients are receiving services provided by the program.

"Personnel record" means a file containing the employment history and actions relevant to individual employee and volunteer activities within an organization such as application, evaluation, salary data, job description, citations, credentials, etc.

"Persons with special needs" means persons with a condition which is considered a disability or impairment under the "American with Disabilities Act of 1990" including, but not limited to the deaf/hearing impaired, visually impaired, physically disabled, developmentally disabled, persons with disabling illness, persons with mental illness. See "Americans with Disabilities Handbook," published by U.S. Equal Employment Opportunity Commission and U.S. Department of Justice.

"Policies" means statements of program intent, strategy, principle, or rules for providing effective and ethical services.

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"Procedures" means the standard methods by which policies are implemented.

"Professional Staff" means an individual who:

(A) Meets the requirements under Oklahoma statutes to be licensed as:

- (i) a licensed physician;
- (ii) a licensed registered nurse;
- (iii) a licensed professional counselor;
- (iv) a licensed clinical social worker;
- (v) a licensed marriage and family therapist;
- (vi) a licensed behavioral practitioner; or
- (vii) a licensed psychologist, or

(B) Meets the academic requirements for one of the above, has an approved application for licensure in Oklahoma and is actively engaged in the applicable licensure process including active and documented supervision by an approved supervisor or is a practicum student or intern in an accredited program.

"Program" means a set of activities designed and structured to achieve specific objectives relative to the needs of the clients.

"Program evaluation" means the documented assessment activities, performed internally or externally, of a program or a service and its staff, activities and planning process to determine whether program goals are met, staff and activities are effective, and what effect, if any a program or service has on the problem which it was created to address or on the population which it was created to serve.

"Program goals" means broad general statements of purpose or intent.

"Rape crisis response services" means "sexual assault services" as defined in this section.

"Screening" means the process of determining, preliminarily the nature and extent of a person's problem in order to link the person with appropriate and available services to be provided.

"Sentinel event" is a type of critical incident that is an unexpected occurrence involving the death or serious physical or psychological injury to a consumer, or risk thereof. Serious injury specifically includes loss of limb or function. The phrase "or risk thereof" includes a variation in approved processes which could carry a significant chance of a serious adverse outcome to a consumer. These events signal the need for immediate investigation and response. Sentinel events include, but are not limited to: suicide, homicide, criminal activity, assault and other forms of violence, including domestic violence or sexual assault, and adverse drug events resulting in serious injury or death.

"Service agreement" means a written agreement between two or more service agencies or service agencies and individual service providers defining the roles and responsibilities of each party. The purpose of service agreements is to promote coordination and integration of service programs for the purpose of curbing fragmentation and unnecessary service duplication in order to assure a continuation of services.

"Service note" means the documentation of the time, date, location and description of services provided, and signature of staff providing the services.

"Service plan" means a plan of action developed and agreed upon by the client and service provider that contains service appropriate goals and objectives for the client.

"Sexual assault services" means personal advocacy and support services provided to victims of rape and sexual assault in settings such as law enforcement, medical settings or program offices.

"Shelter services" means a cooperative living arrangement in a secure residential setting with counseling provided by qualified staff, or support and client advocacy for victims of domestic violence and their dependents.

"Staff" mean employees that function with a defined role within the program.

"Support" or **"Supportive Services"** means services provided to victims of domestic violence/sexual assault and/or their families which augment or complement a defined service plan.

"Transitional living services" means housing maintained and operated by a Certified domestic violence and sexual assault program.

"Universal precautions for transmission of infectious diseases" means those guidelines promulgated by the U.S. Occupational Health and Safety Administration which are designed to prevent the transmission of Human Immunodeficiency Virus, hepatitis and other infectious diseases.

"Update" means a dated and signed review of a report, plan or program with or without revision.

"Victim recovery services" mean a face-to-face service, provided one on one by qualified staff to groups or individuals to maintain or develop skills necessary to perform activities of daily living and successful integration into community life. This service includes educational and supportive services regarding independent living, self care, social skills regarding development, and lifestyle changes.

"Volunteer" means any person who is not on the program's payroll, but provides direct services and fulfills a defined role within the program and includes interns and practicum students.

75:15-1-4. Annual review of standards and criteria

This chapter shall be reviewed annually by the ~~ODMH~~ SAS Office of the Attorney General.

75:15-1-6. Service Programs

(a) All ~~certified~~ Certified DV/SA service providers shall provide one (1) or more of the following service programs:

- (1) Shelter services program;
- (2) Crisis intervention services program;
- (3) Transitional living services program;
- (4) Safe home services program;
- (5) Batterer's intervention services program; and
- (6) Sexual assault services program.

(b) All ~~certified~~ Certified DV/SA service providers may provide public education services in which informational presentations are made, on request or by agreement, to community groups, including schools, social service clubs, faith based organizations, and other groups. School faculties, social services

provider staff, medical personnel, local law enforcement personnel, and court system staffs are provided with education in the dynamics of abuse and needs of victims. Information and interviews are made available to the media. Advertising is provided through service area media and public activities. These public education services may be provided to the community and area covered by the DV/SA service provider. Support services shall be provided by trained staff or volunteers through a screening/referral system, and services shall be in place to respond to any resulting inquiries.

(c) All ~~certified~~ Certified DV/SA service providers shall provide counseling or support and advocacy services. Group and/or individual counseling or support services shall be made available before or after normal working hours (8 am to 5 pm), if needed by clients. These services shall minimally provide the following:

- (1) A publicly accessible facility with offices, individual and group counseling space to provide services.
- (2) Advocacy services, both in person and by telephone, either in the locations of other community services and systems, or in the program's offices. Other locations include but are not limited to those necessary to provide court advocacy services to clients.
- (3) Current service agreement to be renewed every three (3) years with available community services to provide access to a continuum of needed services for the client. If unable to establish a current service agreement with all appropriate resources in the community, efforts to do so or reasons/opinions why this is not or cannot be done shall be documented.
- (4) A resource document of local, area, or state resources to facilitate referrals for clients.
- (5) Service approaches that focus on the empowerment of victims to access needed resources and make healthy and safe decisions for themselves and dependents.

(d) All DV/SA service providers that are certified as the following must serve victims and their dependents or family members of domestic violence and sexual assault:

- (1) shelter services program
- (2) crisis intervention services program
- (3) transitional living services program
- (4) safe home services program

(e) All DV/SA service providers that are certified as the following must also provide sexual assault services programs in order to serve victims of sexual assault:

- (1) shelter services program
- (2) crisis intervention services program
- (3) transitional living services program

(f) All ~~certified~~ Certified DV/SA service providers shall maintain an atmosphere and provide services that are free from all forms of unlawful discrimination based on race, sex, religion, color, age, national origin, and/or disability (including physical, mental illness, and substance abuse).

(g) Compliance with ~~45075~~:19-1-6 shall be determined by a review of the program's policy and procedures, and any other relevant documentation provided by the program.

SUBCHAPTER 3. DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROGRAMS

PART 1. REQUIRED DV/SA SHELTER PROGRAM COMPONENTS

75:15-3-1. Shelter services program

(a) Each shelter program shall provide long-term (thirty [30] days or more) shelter services; and have written policy and procedures governing the maintenance of the facilities, staffing to provide services twenty-four (24) hours per day, seven (7) days per week, personnel training, record-keeping and operational methods to provide the following services:

- (1) A group living program providing room, board, bathing and laundry facilities, necessary clothing and toiletries for victims and their children, advocacy, support or counseling, transportation, and a play area for children.
- (2) Emergency transportation for victims which shall be available within 30 minutes of a client's request for transport in urban areas and no longer than two (2) hours in rural areas. This shall not require service providers to be placed in a situation that could result in injury.
- (3) Shelters shall be staffed at all times when clients are in residence. When there are no clients in residence, each shelter program must assure availability for immediate contact or services.
- (4) Shelter or program staff shall provide services to children accompanying the primary victims. These services shall minimally address the effects of violence in their lives and include the following:

- (A) assessment for services and needs;
- (B) a specific safe, protected play area for children;
- (C) case management;
- (D) advocacy with community systems;
- (E) referral to community resources;
- (F) parenting education for clients, if applicable; and
- (G) age appropriate curricula, children's groups, and referrals for needed services.

(5) The shelter's policy shall have written procedures regarding the supervision of children.

(6) Shelter programs shall provide screening, referral and linkage to clients and callers to appropriate community resources, to include assistance in making initial contact.

(7) Program staff shall provide advocacy, individual support or counseling, support groups, victim recovery services and 24-hour crisis intervention services for shelter residents.

(8) The shelter program shall provide transportation or access to transportation for necessary or emergency services.

(9) The shelter program shall maintain cooperation/liason with the local school system.

(10) The shelter program shall maintain service agreements with a continuum of available community services

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and regional services which may be needed by the residents of the shelter.

(11) The shelter has a written plan to address "reasonable accommodation" for people with special needs.

(12) The shelter maintains written admission, exclusion, and involuntary discharge criteria.

(13) Each shelter program must ensure to the best of their ability the safety, security, and confidentiality of clients and the location of the shelter.

(b) Compliance with ~~45075~~:19-3-1 shall be determined by a review of policy and procedures; documentation of training; client records; service agreements; and other supporting documentation.

75:15-3-2. Crisis intervention services program

(a) Each certified DV/SA crisis intervention services program shall maintain facilities, staffing, personnel staff training, documentation, and operational methods to provide the following crisis intervention services, including, but not limited to:

(1) Twenty-four (24) hour crisis telephone services staffed by trained staff or volunteers, 24-hour immediate, direct access to crisis advocates. Pagers, answering machines or answering services shall not be sufficient to meet this requirement. Follow-up services shall be offered to all victims if victim safety is not compromised. If follow-up services are not provided the reason(s) shall be documented.

(2) Emergency transportation available for victims as follows:

(A) within 30 minutes of client request in urban areas; and

(B) within 2 hours of client request in rural areas.

(C) This shall not require service providers to be placed in a situation that could result in injury.

(3) Cooperation with law enforcement to provide assistance to the victim and accompanying dependent(s).

(4) Emergency housing such as hotel or motel available for victims and their dependent(s).

(5) Services shall minimally include:

(A) crisis intervention to ensure the safety of the victims;

(B) provision of transportation to a safe place;

(C) provision of a trained staff person or volunteer to talk to the victim;

(D) provision of advocacy and referral to assist the victims in obtaining needed services or resources; and

(E) arrangement for safe shelter, food, clothing, and incidentals needed by victim/dependents.

(b) All certified DV/SA crisis intervention services programs shall assess the needs of the children accompanying primary victims and provide services to address the effect of violence in their lives including but not limited to:

(1) a specific safe, protected play area for children;

(2) advocacy with community systems;

(3) referral to community resources;

(4) parenting education for clients, if applicable; and

(5) age appropriate curricula, children's groups, and referrals for needed services.

(c) Compliance with ~~45075~~:~~19~~15-3-2 shall be determined by a review of program policy and procedures; client service records; contact logs; documentation of training; contract or agreement for lodging; or other supporting documentation of the program.

PART 2. OTHER SERVICE COMPONENTS

75:15-3-7. Transitional living services program

(a) The program shall:

(1) maintain facilities,

(2) define and maintain needed staffing,

(3) establish and implement policies and procedures that include staffing, documentation and operational methods to provide these transitional living services, and shall meet the following criteria:

(A) The program shall maintain homes, apartments, or other residential living environments suitable for survivors of domestic and sexual violence, and dependents, if applicable, and which provide the reasonable safety and privacy needed by this population. The program shall provide access to necessary furniture and equipment.

(B) The program shall include heating and refrigerated cooling systems to maintain a reasonable comfort level.

(C) Each transitional living site shall have an annual fire and safety inspection by the local or state fire department.

(D) Supportive services for residents are available through the twenty-four (24) hour program hotline by trained staff or volunteers.

(E) The program maintains service agreements, to be renewed at least every three years with available community services for the provision of a continuum of services for clients.

(F) The program shall maintain a resource manual of local, area, and state resources available for clients.

(G) The program shall assign staff as the advocate or liaison for the clients residing in the transitional living program(s). This person, or a crisis line staff person, shall be available for emergencies at all times.

(H) The program shall maintain written criteria for the following services:

(i) Admission to the transitional living program;

(ii) Continuation of transitional living residence; and

(iii) Discharge from the transitional living program.

(I) The program shall provide weekly support groups for transitional living residents.

(J) The program shall provide at least one 30 minute face to face service contact per week with each transitional living residents.

(K) Advocacy is provided for the residents as needed.

(b) All certified DV/SA transitional living services programs shall assess the needs of the children accompanying primary victims and provide services to address the effect of violence in their lives including but not limited to:

- (1) services offered either in the residential setting or in another setting as needed;
- (2) a specific safe, protected play area for children;
- (4~~3~~) advocacy with community systems;
- (5~~4~~) referral to community resources;
- (6~~5~~) parenting education for clients, if applicable; and
- (7~~6~~) age appropriate curricula, children's groups, and referrals for needed services.

(c) Compliance with ~~45075:4915-3-7~~ shall be determined by a review of program policy and procedures; program staffing patterns; client records; or other program documentation.

75:15-3-8. Safe home services program

(a) Safe homes are private dwellings available for the temporary housing of victims of domestic violence or sexual assault. Certified DV/SA providers which use safe homes shall maintain the operational methods, policy and procedures, staffing, and documentation to meet the following:

- (1) Safe homes are private dwellings arranged for and regularly monitored by the certified DV/SA provider via on-site observation at least monthly when clients are in residence.
- (2) The certified DV/SA provider shall maintain service agreements, to be renewed at least every three years, with local or area services to provide a continuum of services to the client, as needed.
- (3) The certified DV/SA provider shall maintain a resource manual for the purpose of providing clients with needed referrals.
- (4) The certified DV/SA provider shall have written admission and involuntary discharge criteria for clients using safe homes. And,
- (5) The certified DV/SA provider shall provide general non-residential client services to the client, as needed.

(b) Compliance with ~~45075:4915-3-8~~ shall be determined by a review of program policy and procedures; documentation of staff training and experience; program staffing patterns; client records; or other program documentation, as applicable.

75:15-3-9. Batterer's intervention services program

(a) Each certified batterer intervention services program shall have the policy, procedures, staffing, training, operational methods and facilities to meet the following requirements:

- (1) Services shall be provided in a facility with offices available for private individual and group sessions.
- (2) Services shall be provided to self or court-referred batterers. Group services shall be the primary modality. Referral to domestic violence services is provided for the batterer's partner or victim, when possible.
- (3) The focus shall be to eliminate violence within the home and assist the batterer in developing personal responsibility for his or her behaviors, understanding the

fundamentals of anger and emotions, learning effective coping strategies and recognizing cyclic behavior. The service shall be based on non-victim blaming strategies.

(4) Anger control or management alone shall not be considered batterer's intervention.

(b) Education shall be provided to the batterer and shall minimally address:

- (1) power and control issues;
- (2) the sociocultural basis for violence;
- (3) issues of sexism and gender role stereotyping;
- (4) anger management;
- (5) substance abuse and violence;
- (6) communication;
- (7) effective coping strategies;
- (8) parenting; and
- (9) effects of domestic violence on children.

(c) Services shall be provided during hours which make them available for clients whose work hours are between 8:00 A.M. and 6:00 P.M. Monday through Friday.

(d) The program shall maintain admission criteria for batterer intervention services.

(e) The program shall provide individual assessment sessions, crisis intervention and group sessions.

(f) Service policy shall not permit the substitution of individual counseling appointments for group participation.

(g) Group sizes shall be limited to not less than two (2) and not more than ten (10) clients.

(h) Discharge criteria shall be contingent on the satisfactory meeting of specific criteria by the participant, and NOT only upon the end of a specified period of time or a specified number of sessions.

(i) The assessment of risk of battering must be on-going and documented in the client record.

(j) Mandatory or joint participation shall not be required of the victim.

(k) Male and female batterers shall not be served, or counseled, in the same group or session, i.e., together.

(l) The program shall maintain annually renewed service agreements with appropriate referral sources such as, but not limited to:

- (1) substance abuse;
- (2) legal; and
- (3) mental health services.

(m) In the case of court referred clients, the program shall liaison and coordinate with the judicial system, judge, or district attorney. The program shall develop a process for coordinating with and reporting to the courts, judge, probation officer, and/or district attorney.

(n) Victim safety.

(1) Whereas confidentiality is a fundamental underpinning of services for victims of domestic violence, limited confidentiality is critical in batterer intervention services. Victim safety shall supersede all consideration of batterer confidentiality.

(2) Appropriate releases shall be obtained to facilitate communication with the partner or victim; other needed community agencies; the law enforcement or judicial systems, to assure that sufficient information is obtained

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to increase partner or victim safety and to properly apprise all parties of services, including the victim, court personnel, law enforcement personnel, staff of other programs serving batterers and the staff of programs providing victims' services. The batterer's intervention program shall maintain contact with the victim at the victim's discretion, through a victim advocate/liason from a DV/SA services program serving the victim.

(3) There shall be a written, cooperative, accountable working relationship between the batterer's intervention program, and the DV/SA providers that serve victims so potential victims and others are warned of imminent danger.

(4) At a minimum, partner or victim notification is required when:

(A) The batterer begins attending the intervention program;

(B) At the time the batterer terminates the intervention program for noncompliance;

(C) There is an imminent threat or danger to the victim's safety.

(5) The efforts to find and notify the batterer's partner or victim shall be documented.

(6) Collaboration shall be established with other ~~ODMHSAS~~ certified domestic violence/sexual assault programs certified by the Attorney General, networks and coalitions which recognize and agree to the use of the expertise of these DV/SA program services for the partner or victim of batterer program participants. These service agreements shall be renewed annually.

(o) Batterer intervention programs shall not be less than ~~24~~ 52 weeks in duration.

(p) Compliance with ~~45075:4915-3-9~~ shall be determined by a review of program policy and procedures; documentation of staff training and experience; client records; service referral agreements, cooperative and resource; and other program documentation.

75:15-3-10. Sexual assault services program

(a) The program shall minimally provide the following:

(1) Counseling or advocacy and support services shall be provided in the social service, legal, law enforcement or medical setting, in program offices or at any safe and appropriate site, as needed by the client.

(2) Twenty four (24) hours, seven (7) days per week access to these services through the program's crisis hotline.

(3) A twenty-four (24) hour hotline, crisis intervention, in-person advocacy as needed, active listening, or support by trained staff or volunteers with a knowledge of the issues and processes of sexual assault, rape trauma recovery, assessment, referral when indicated and family involvement where chosen by the victim.

(4) Needed clothing for the sexual assault victim.

(b) The program will also be part of a sexual assault response team in their service area, providing that there is a sexual assault response team in place.

(c) The program shall collaborate with other certified DV/SA providers in their service area.

(d) Compliance with ~~45075:4915-3-10~~ shall be determined by a review of program policy and procedures; staff and volunteer training manuals; staff training documentation; client records documentation; service agreements, or other supporting documentation of the program.

SUBCHAPTER 5. CLIENT RECORDS AND CONFIDENTIALITY

75:15-5-2. Client records

(a) A certified program shall have and maintain a master client index system containing the client's name, and the program's discreet numerical or letter identifier. If the program is under contract with ~~ODMHSAS~~ the Office of the Attorney General, the discreet identifier shall be the ~~ODMHSAS-ICIS~~ OVIS client identification.

(b) A certified program shall have written policy and procedures for correcting errors on record material by lining through, initialing both error and correction, and inserting the correct material either above the error or at the end of the entry. Further, the policy and procedures shall forbid the use of "white-out" or any action which obliterates the error.

(c) Compliance with ~~45075:4915-5-2~~ shall be determined by on-site observation, client records and any other supporting program documentation.

75:15-5-3. Record content - general

(a) Client records shall contain, at a minimum, the following information:

(1) Intake assessment and screening information:

(A) Client's name;

(B) Date of initial contact/admission;

(C) Pertinent medical information;

(D) Emergency contact information;

(E) History/nature of abuse;

(F) Batterer information; and

(G) Drug and alcohol screening, which shall include, but not limited to a substance abuse history.

(2) Service notes, which shall minimally include:

(A) The time, date, location and description of services provided;

(B) The signature of staff providing the services; and

(C) A daily service note for shelter clients and a service note for each contact for other services.

(3) Service plan focusing on victim safety and recovery, which shall minimally include:

(A) Goals and objectives of the client, which shall be developed and agreed upon between the client and staff; and

(B) Service plans and their updates shall be signed and dated by the client and staff.

(4) Discharge information, which shall minimally include:

(A) Documentation that the client participated in planning for his or her discharge;

(B) The reasons for the client's discharge or departure; and

(C) Client and staff dated signatures or an explanation if staff were unable to obtain the client's signature.

(b) Each client record entry shall be legible, dated, and signed by the staff member making the entry.

(c) Compliance with ~~45075:4915-5-3~~ shall be determined by a review of program policy and procedures; observation of the office space or file locations; review of the client records for content; and other supporting program documentation.

75:15-5-3.1. Record content - service specific

(a) Client records for specific services shall conform to the following:

(1) Shelter Services:

(A) On a client's entry to the shelter staff shall record the client's name, emergency contact person(s) and any referral for medical services. This information may be a part of the full intake interview if such is done on entering the shelter.

(B) Shelter client residents shall have the full intake interview and screening completed within twenty-four (24) hours of admission.

(C) Service plans shall be completed within five (5) working days of the client resident's entry to the shelter.

(D) The service plan shall be reviewed and updated at least every two (2) weeks.

(E) The client's service plan shall include components which address the needs of children accompanying the client.

(F) The service plan shall include safety issues for client and children.

(2) Crisis Intervention Services:

(A) All contacts with admitted clients are documented and contacts with persons not receiving additional services shall be documented as prescribed in program policy.

(B) Contact information is kept by the crisis intervention program.

(C) Clients to be transported to shelter facilities shall be screened before the shelter referral is made. If the client is in immediate danger, or no safe housing is available, this screening may be initially waived. If the screening is waived, documentation shall reflect the reason(s) and the notification of such to the shelter.

(3) Counseling, Support and Advocacy Services:

(A) An assessment of the client's needs shall be completed by the third (3rd) counseling or advocacy session.

(B) A service plan shall be completed by the fifth (5th) advocacy, rehabilitation or counseling session.

(C) A service plan review and update shall be completed at least every six (6) months.

(4) Children's Services:

(A) Children under the age of six (6) years shall receive an intake with the resident custodial parent or legal guardian within five (5) working days of the parent's admission to services. However, the screening may be conducted without the presence of the parent, but shall be so documented.

(B) Intake for children six (6) years and older shall be completed within five (5) working days of the admission of the parent. It may be conducted without the presence of the parent, but shall be so documented.

(C) Documentation of the services provided to a child shall be maintained in the resident custodial parent's record, or in a separate child's record, according to the program's policy and procedures.

(5) Sexual Assault Services:

(A) For victims who continue in support or counseling sessions, a service plan shall be developed by the fifth (5th) visit.

(B) Service plans shall be reviewed and updated at least every ninety (90) days.

(6) Public Education Services:

(A) A standardized program form shall be used to minimally document date, location, organization, attendance, subject, length of presentation and name of presenter.

(B) Public education services records are maintained in a clearly identifiable file.

(7) Transitional Living Services:

(A) A service plan shall be developed within five (5) days of the client moving in.

(B) The service plan shall be reviewed and updated at least every ninety (90) days.

(8) Safe home Services

(A) A service plan that includes goals agreed upon by the client and sponsoring family shall be developed within five (5) days of the client moving in.

(B) The service plan shall be reviewed and updated at least monthly.

(C) Goals that were set in the service planning process shall be provided to the sponsoring family.

(D) All records regarding the client shall be retained in the client's record at the sponsoring program.

(9) Batterer's Intervention Services:

(A) An assessment of the client's needs shall be completed prior to initiating the intervention processes and shall include, but not be limited to:

- (i) Current and past history of violence;
- (ii) Current lethality risk; and
- (iii) Drug and alcohol use/abuse screening which shall include, but not be limited to a substance abuse history.

(B) An individualized written client-contract shall be completed by the second (2nd) session; signed by the batterer; and shall include, but not be limited to:

- (i) Attendance policy, including the length of intervention, minimum number of sessions required and the maximum length of time for completion of the required sessions.

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- (ii) The criteria for suspension and termination.
 - (iii) The program's rules.
 - (iv) A written notice in bold type which specifies "Please be advised any reasonable knowledge or suspicion of illegal activities or bodily harm, or a threat of such, to the victim, her or his property, or to third persons, or any attempt, threat or gesture to commit suicide, or any belief that child abuse or neglect is present or has occurred, will be reported to the appropriate person(s) or authorities."
 - (v) A list of provider program expectations, such as participation, homework and that the batterer will be held accountable for all abusive and violent behavior.
 - (vi) The batterer's responsibilities for safety planning, including, but not limited to, an awareness of abusive and violent behavior and patterns, e.g., time out procedures, procedures which inform the partner or victim appropriately and are not used to control her or him, logging or writing a journal of efforts to control behavior and nonviolence maintenance such as buddy telephone calls, additional support groups, relaxation and exercise, etc.
 - (vii) Providing releases of information for collateral treatment, i.e., substance abuse or mental health treatment.
- (C) A service plan shall be completed by the client and counselor by the third (3rd) session.
- (D) A service plan review and update shall be completed every sixty (60) days.
- (E) Service notes shall document the ongoing provision of educational components addressing the risk of battering and other violence.
- (F) Discharge reports shall be completed for all types of discharges. Types and reasons for discharge include:
- (i) Rejection. Reasons for rejection shall be documented and include, but are not limited to: psychiatric history, including active or recent mental health related problems; criminal record of violent crimes; chemical dependency requiring completion of an inpatient or residential treatment program; or inability to function in a group due to limited mental cognitive abilities;
 - (ii) Involuntary termination. Reasons for involuntary termination shall be documented and include, but are not limited to: recurrence of violence; arrest; absences from program sessions and activities; failure to actively participate in sessions attended; attending a session when under the influence of alcohol or drugs; violation of any rules of the treating program or violation of the client-contract; and
 - (iii) Completion.

(G) Without jeopardizing the safety of the victim and with the written consent of the batterer, unless otherwise ordered by the court, a written report to the referring agent, the victim and the victim's advocate shall be submitted within seven (7) working days of the batterer's discharge and shall include, but not be limited to:

- (i) Summarize the services provided and the batterer's participation;
 - (ii) The reason(s) for discharge or rejection;
 - (iii) Recommendations;
 - (iv) Involuntary termination reports shall include recommendations, which may include, but are not limited to, weekend incarceration, community service hours, probation violation determination, or return to the intervention program; and
 - (v) Efforts to notify the referring agent, the victim or the victim's advocate.
- (H) Efforts to notify the referring agent, the victim or the victim's advocate shall be documented in the batterer's record; and
- (I) Copies of all service documentation and reports shall be kept in the batterer's file.
- (b) Where required information is not obtained, efforts to comply with the requirements of this subsection shall be documented in the client record.
- (c) Compliance with this ~~45075:4915-5-3.1~~ shall be determined by a review of client records.

75:15-5-4. Client confidentiality

- (a) Case or client records, files or notes, of a DV/SA program shall be confidential and shall only be released under certain prescribed conditions (~~43A O.S. § 3-313~~ 74 O.S. § 18p-3).
- (b) The program shall have written policy and procedures to insure confidentiality of client information and govern the disclosure of information contained in client records which also complies with ~~45075:4915-5-10~~.
- (c) Compliance with ~~45075:4915-5-4~~ shall be determined by a review of the program's policy and procedures manual; on-site review of locking mechanisms to assure security; and on-site observation of the handling of client records.

75:15-5-5. Physical safety and integrity of client records

- (a) Client records shall be maintained in a locked and secure manner. The program shall have written policies and procedures to safeguard the record and information contained in the record against loss, theft, defacement, tampering, or unauthorized access or use.
- (b) Compliance with ~~45075:4915-5-5~~ shall be determined by a review of the program policy and procedures; on-site review of locking mechanisms and procedures to assure security; and onsite observation of the handling of client records.

75:15-5-6. Client record, handling, retention, and disposal

- (a) A program shall have written policy and procedures addressing the storage, retention period, and method of disposal of client records. This policy and procedures shall be compatible with protecting clients' rights against unauthorized confidential information disclosures.
- (b) Client records shall be easily retrieved by staff as needed for providing and documenting services.
- (c) Compliance with ~~45075:4915-5-6~~ shall be determined by a review of the program's policy and procedures manual, and a review of office and files.

75:15-5-10. Confidentiality of mental health and drug or alcohol abuse treatment information

- (a) All mental health and drug or alcohol abuse treatment information, whether recorded or not, and all communications between a physician or psychotherapist and a consumer are both privileged and confidential. In addition, the identity of all consumers who have received or are receiving mental health or drug or alcohol abuse treatment services is both confidential and privileged. Such information shall only be available to persons or agencies actively engaged in the treatment of the consumer unless a state or federal law exception applies.
- (b) All facilities shall have policy and procedures protecting the confidential and privileged nature of mental health and drug or alcohol abuse treatment information in compliance with state and federal law and which contain at a minimum:
 - (1) an acknowledgment that all mental health and drug or alcohol abuse treatment information, whether recorded or not, and all communications between a physician or psychotherapist and a consumer are both privileged and confidential and will not be released without the written consent of the consumer or the consumer's legally authorized representative;
 - (2) an acknowledgment that the identity of a consumer who has received or is receiving mental health or drug or alcohol abuse treatment services is both confidential and privileged and will not be released without the written consent of the consumer or the consumer's legally authorized representative;
 - (3) a procedure to limit access to mental health and drug or alcohol abuse treatment information to only those persons or agencies actively engaged in the treatment of the patient and to the minimum amount of information necessary to carry out the purpose for the release;
 - (4) a procedure by which a consumer, or the consumer's legally authorized representative, may access the consumer's mental health and drug or alcohol abuse treatment information;
 - (5) an acknowledgment that certain state and federal law exceptions to disclosure of mental health and drug or alcohol abuse treatment information without the written consent of the consumer or the consumer's legally authorized representative exist and the facility will release information as required by those laws and
 - (6) a procedure by which to notify a consumer of his or her right to confidentiality.

- (c) A facility disclosing information pursuant to a written consent to release information shall ensure the written consent form complies with all applicable state and federal law and contains at a minimum the following:
 - (1) the name of the person or program permitted to make the disclosure;
 - (2) the name or title of the person or the name of the organization to which disclosure is to be made;
 - (3) the name of the consumer whose records are to be released;
 - (4) a description of the information to be disclosed;
 - (5) the specific reason for the disclosure;
 - (6) the signature of the consumer or the consumer's legally authorized representative;
 - (7) the date the consent to release was signed by the consumer or the consumer's legally authorized representative;
 - (8) an expiration date, event or condition which shall ensure the release will last no longer than reasonably necessary to serve the purpose for which it is given;
 - (9) a statement of the right of the consumer, or the consumer's legally authorized representative, to revoke the consent to release in writing and a description of how the patient may do so;
 - (10) a confidentiality notice which complies with state and federal law; and
 - (11) a statement in bold face writing that "The information authorized for release may include records which may indicate the presence of a communicable or venereal disease which may include, but is not limited to, diseases such as hepatitis, syphilis, gonorrhea, and the human immunodeficiency virus, also known as Acquired Immune Deficiency Syndrome (AIDS)."
- (d) Compliance with ~~45075:4915-5-10~~ shall be determined by a review of facility policy and procedures; facility forms; consumer record reviews; interviews with staff and consumers; and any other supporting facility documentation.

SUBCHAPTER 7. DV/SA SHELTER PROGRAM PHYSICAL ENVIRONMENTS

75:15-7-1. Physical plant, primary role

- (a) The primary role of DV/SA programs is to provide safety; and to protect the confidentiality and privacy of victims of domestic violence or sexual assault, and their dependent family members. The physical plants of DV/SA programs shall not be utilized in any manner which fails to guarantee the confidentiality, safety, and protection of the clients, their dependents and staff.
- (b) Programs shall obtain written permission from the ~~ODMHSAS Domestic Violence/Sexual Assault Division~~ Office of the Attorney General Victims Services Unit before using any shelter or housing option, for purposes other than housing for victims of dv/sa.
- (c) Compliance with ~~45075:4915-7-1~~ shall be determined by a review of program policies and procedures, shelter rules, client records, and a tour of the facility.

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75:15-7-2. Fire and safety codes and inspections

(a) The physical environments of shelter facilities, housing options and all office space shall meet safety, zoning, and building code regulations required by local, state, and federal authorities; and shall obtain and maintain an annual fire and safety inspection from local or state authorities.

(b) Compliance with ~~45075:4915~~-7-2 shall be determined by a review of the annual fire and safety inspection report.

75:15-7-3. Fire fighting and first aid equipment

(a) All facilities shall have a first aid supply kit and annually maintained fire extinguishers.

(b) Compliance with ~~45075:4915~~-7-3 shall be determined by on-site observation and by interviewing staff.

75:15-7-4. Disaster procedures

(a) There shall be written procedures describing the emergency plans in case of an external disaster, e.g., tornado or flood; or in case of threat to the safety of any resident or staff person. These procedures shall be posted.

(b) Compliance with ~~45075:4915~~-7-4 shall be determined by a review of the premises and of written procedures, and by interviewing staff of shelter.

75:15-7-5. Persons with special needs

(a) The program building shall allow access for all clients and staff. Referrals must be provided when necessary, and the program shall have written procedures referrals for disabled persons who can not be served on-site. (Americans with Disabilities Act of 1990) Resource: Americans with Disabilities Handbook, published by (U.S.) Equal Employment Opportunities Commission, and the (U.S.) Department of Justice.

(b) Compliance with ~~45075:4915~~-7-5 shall be determined by a review of program policy and procedures.

75:15-7-6. Program environment, all DV/SA service programs

(a) The certified DV/SA program environment shall meet the following conditions:

- (1) The facility shall be accessible by an all-weather road.
- (2) The facility shall have adequate space in which to carry out the program's goals and objectives, including outdoor areas and equipment when appropriate.
- (3) The facility shall have heating and air conditioning equipment adequate to maintain the temperature in areas utilized by residents at between 65oF and 85oF.
- (4) The facility shall have adequate ventilation and air circulation provided in the facility to assure an environment that will be comfortable for the residents.
- (5) The facility shall have water from an approved tested potable source.
- (6) The facility shall have, at minimum, a commode and, lavatory facility. The privacy of individuals shall be assured while using these facilities.

(7) All doors, including those for each closet, bedroom, bathroom, and office, shall be easily opened from both sides.

(8) Smoking shall not be allowed in any indoor portion of any facility.

(9) Telephones shall be provided for the convenience of the staff, and the necessary accommodation of the clients. Pay telephones only are not acceptable.

(10) The facility shall be secured by double locks or locking devices such as chains, bolts, etc. on ground floor doors. However, documentation that the locking system meets state and local fire code inspection shall be accepted. When key-locked deadbolts are used, the location of the keys must be identified and readily accessible.

(11) There shall be written policy and procedures addressing the use of any outdoor recreational space, including required supervision and the safety of pre-schoolers.

(12) All outdoor openings such as doors and windows shall be screened and covered for privacy.

(13) Toxic materials and dangerous substances, such as toxic cleaners, insecticides, and matches shall be stored in a non-resident area, locked space where they are not accessible to children.

(14) Combustible materials shall be stored in locked non-flammable containers.

(15) The Poison Control Center's toll-free telephone number shall be posted and visible to staff and resident clients at all times.

(16) Facility sanitation shall be maintained to prevent offensive odors and insect infestation.

(17) Provision shall be made for cleaning the facility minimally once per week. A written work schedule or other form of notification shall be posted, which clearly delineates each individual's responsibility for various tasks.

(18) All facilities shall have emergency back up lighting. There shall be written policy and procedures for back up lighting in the event of a power outage.

(b) Compliance with ~~45075:4915~~-7-6 shall be determined by a review of program policy and procedures; shelter rules; review of fire and safety inspection report; staff and resident client interviews, and shelter policy and procedures.

75:15-7-7. Program environment, shelter services programs

All certified shelter services programs shall comply with section ~~45075:4915~~-7-6 and the following:

(1) Baby beds and high chairs that ensure children's safety and comfort shall be available for infants and small children.

(2) The facility shall have access to outdoor recreational space and playground equipment located, installed, and maintained as to ensure the safety of the clients and their children. The grounds and access thereto shall be maintained in a manner that shall ensure the area is free of any hazard to health or safety.

(3) Kitchens used for meal preparation in the residential facility shall be provided with the necessary equipment

for the preparation, storage, serving, and clean-up of all meals. All equipment shall be maintained in working order.

(4) Provisions shall be made to assist or make food available for meal preparation that accommodates special diets.

(5) The facility shall have, at minimum, a commode, lavatory, and bathing facility at a ratio of one (1) to twelve (12) residents, including infants and children. The privacy of individuals or families shall be assured while using these facilities.

(6) Residents' rooms shall be so arranged that the client has direct access to a hallway or common area without having to pass through other resident's rooms or areas.

(7) There shall be written policy and procedures for laundry and linens, addressing frequency of changing linens, and laundry arrangements within the facility.

(8) Laundry equipment shall be provided within the residential facility, and shall be kept clean, well-maintained, and properly ventilated.

(9) Space shall be provided for storage of clients' personal belongings.

(10) Written policy and procedures shall address secure storage of client valuables.

SUBCHAPTER 9. PROGRAM MANAGEMENT AND PERFORMANCE IMPROVEMENT

75:15-9-1. Admission criteria

(a) The agency shall have specific written criteria for each program service component identifying persons for whom the services are intended, and persons who are excluded for admission for services.

(b) The program shall have a written policy requiring referral of any individual who does not meet services criteria.

(c) Compliance with ~~45075:1915-9-1~~ shall be determined by a review of written program policy and procedures manual; and posted policy or procedures.

75:15-9-2. Program management, policy and procedures

(a) The agency shall maintain written policy and procedures which describe each program service component, the rules client's are expected to follow for each component, and staff functions. Policies shall include but are not limited to:

- (1) Physical punishment of children shall not be allowed.
- (2) Length of stay limitations, if any.
- (3) Participation in housekeeping, food preparation or other activities, if applicable.
- (4) Rules shall be visibly posted in client areas.
- (5) Clients shall be given a copy of program rules and the provision of such shall be documented in the client record.

(6) The program shall have a written policy of the intent to comply with the Americans with Disabilities Act of 1990.

(b) Compliance with ~~45075:1915-9-2~~ shall be determined by a review of the program's written policy and procedures manual; rules; client interviews and record documentation and on-site observation.

75:15-9-7. Program mission and goals

(a) The program shall have a written mission statement, and annually state in writing the program's goals.

(b) The mission statement and annual program goals shall be approved by the agency's governing body each year, and shall be disseminated to employees and volunteers.

(c) Compliance with ~~45075:1915-9-7~~ shall be determined by a review of the mission statement, program's annual goals, governing body minutes, staff meeting minutes and any other relevant documentation provided by the program.

75:15-9-8. Annual program evaluation

(a) The agency shall conduct an annual evaluation of the program's services, facilities and policy and procedures. This evaluation shall be carried out according to a written plan, approved by the governing body, formalized in writing and state the plan of evaluation, data to be reviewed, and the persons to conduct the evaluation, e.g., governing body members, staff, or other persons.

(b) Upon completion, this evaluation shall be submitted and reviewed by the governing body, and made available to employees and volunteers.

(c) Compliance with ~~45075:1915-9-8~~ shall be determined by a review of the minutes of the governing body, the program evaluation, and staff meeting minutes.

75:15-9-9. Critical incidents

(a) The program shall have policy and procedures requiring documentation and reporting of critical incidents.

(b) Each critical incident shall be recorded and monitored as follows:

- (1) agency name and name and signature of the person(s) reporting the critical incident;
- (2) name(s) of the client(s) or staff member(s), or property, involved in the critical incident;
- (3) the date, time and physical location of the critical incident and the name of the staff person the incident was reported to;
- (4) a description of the incident;
- (5) severity of each injury, if applicable. Severity shall be indicated as follows:
 - (A) no off-site medical care required or first aid care administered on-site;
 - (B) medical care by a physician or nurse or follow-up attention required; or
 - (C) hospitalization or immediate off-site medical attention was required;
- (6) resolution or action taken, date action taken and signature of the agency director;

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(c) Critical incidents shall be reported to ~~ODMHSAS~~ the Office of the Attorney General as follows:

(1) Critical incidents requiring medical care by a physician or nurse or follow-up attention and incidents requiring hospitalization or immediate off-site medical attention shall be delivered via fax or mail to ~~ODMHSAS Provider Certification~~ the Office of the Attorney General Victims Services Unit within twenty-four (24) hours of the incident being documented.

(2) Critical incidents involving allegations constituting a sentinel event or client abuse shall be reported to ~~ODMHSAS~~ the Office of the Attorney General Victims Services Unit immediately via telephone or fax, but not less than twenty-four (24) hours of the incident. If reported by telephone, the report shall be followed with a written report within twenty-four (24) hours.

(d) Compliance with ~~45075:1915-9-9~~ shall be determined by a review of policy and procedures, critical incident reports at the program and those submitted to ~~ODMHSAS~~ the Office of the Attorney General Victims Services Unit and performance improvement files.

75:15-9-10. Performance improvement plan

(a) The program shall have a written performance improvement plan. This plan shall include, but not be limited to, the following:

(1) The purposes of the performance improvement plan, which shall include, but not be limited to, the improvement of services to clients.

(2) The job titles of persons responsible for the implementation and operations of the plan.

(3) The operational procedures of the plan.

(4) Protection of client confidentiality with no client name(s) or initial(s) being stated in any report or recommendation.

(5) Monitoring of services to clients to insure:

(A) Services offered are based on client need(s).

(B) Service delivery is based on client need(s).

(C) There is routine and regular use of case conferences, case consultation and staff supervision of client cases.

(D) Cultural competence and cultural sensitivity.

(6) Provisions for an annual report of the plan's operation, recommendations and disposition of those recommendations to be reported, annually, to the governing body.

(7) Annual review, recommendations, and approval of the plan by the governing body.

(8) A mechanism by which clients may voluntarily provide input regarding services.

(b) Compliance with ~~45075:1915-9-10~~ shall be determined by a review of the performance improvement plan, documentation of the plan's operations, recommendations, disposition of those recommendations, governing board and staff meeting minutes, and any other supporting documentation provided by the program.

SUBCHAPTER 11. CLIENT RIGHTS

75:15-11-1. Client rights, shelter and residential services

~~(a)~~ All DV/SA shelters and transitional living services shall comply with the applicable rules in ~~Title 450, Chapter 15, Consumer Subchapter 17 of this Chapter, Client Rights.~~

75:15-11-2. Client rights, non-shelter residential services

~~(a)~~ All DV/SA programs providing batterer's intervention, sexual assault or other outpatient services shall comply with the applicable rules in ~~Title 450, Chapter 15, Consumer Subchapter 17 of this Chapter, Client Rights.~~

75:15-11-3. Client's grievance policy

~~(a)~~ Each DV/SA program shall comply with the applicable rules in ~~Title 450, Chapter 15, Consumer Subchapter 17 of this Chapter, Client Rights.~~

SUBCHAPTER 13. PERSONNEL AND VOLUNTEERS

PART 1. GENERAL

75:15-13-1. Personnel policies and procedures

(a) The program shall have written policies and procedures governing the conditions of agency employment and volunteer utilization. Documentation of the governing authority's review and approval of all agency policy and procedures shall be present ~~as determined by:~~

(b) Compliance with ~~45075:1915-13-1~~ shall be determined by:

(1) Review of the program's personnel policies and procedures.

(2) Review of the minutes of the governing authority to confirm approval of the policies and procedures.

75:15-13-2. Policy and procedures, staff and volunteer knowledge and access

(a) The agency's policy and procedures shall be accessible to all employees and volunteers and each shall be informed of personnel policies and procedures, and any other materials regulating or governing the conditions of their employment or continued utilization as volunteers. Further, these written policy and procedure shall insure staff and volunteers are informed of any changes to these aforesaid materials.

(b) Compliance with ~~45075:1915-13-2~~ shall be determined by:

(1) review of the program's written policies and procedures;

(2) staff meeting minutes; and

(3) interviews with staff, volunteers and review of personnel files.

75:15-13-3. Non-discrimination

- (a) The agency's policies and procedures shall include provisions for non-discrimination with regard to the agency's relationship with staff, volunteers and clients.
- (b) Compliance with ~~45075:4915~~-13-3 shall be determined by a review of the program's written policy and procedure.
- (c) This standard (~~45075:4915~~-13-3) shall be scored for compliance as follows:
 - (1) Score 0 - The program's written policies and procedures make no provisions for non-discrimination with regard to employees.
 - (2) Score 3 - The program's written policies and procedures include provision for non-discrimination with regard to employees.

75:15-13-4. Selection of personnel and volunteers

- (a) The methods for selecting staff and volunteers shall be described in policy and procedures and shall include, but not be limited to:
 - (1) The processes for recruitment, selection and appointment.
 - (2) The final selection of an applicant shall be based upon written criteria which are demonstrably related to the position being filled.
 - (3) Composition of individuals responsible for interviewing, recommending or selecting an applicant.
- (b) Compliance with ~~45075:4915~~-13-4 shall be determined by:
 - (1) A review of the policies and procedures.
 - (2) A review of job descriptions for employees and volunteers.
 - (3) A review of any other supporting documentation.

75:15-13-5. Job descriptions, employees and volunteers

- (a) The agency shall have written job descriptions for employees and volunteers defining the duties of, and minimum qualifications for, each position.
- (b) Compliance with ~~45075:4915~~-13-5 shall be determined by:
 - (1) a review of the program's policies and procedures, and
 - (2) a review of the program's job descriptions.

75:15-13-8. Volunteer and personnel records

- (a) The agency shall maintain record(s) for each staff member and volunteer selected and utilized; documentation shall minimally include:
 - (1) job description;
 - (2) employment or volunteer application;
 - (3) documentation of current qualifications and training as required and defined in the job description;
 - (4) duty or work assignment;
 - (5) record of hours worked or hours of service performed;
 - (6) record of participation in training;
 - (7) performance evaluation(s); and

- (8) emergency notification information.
- (b) Compliance with ~~45075:4915~~-13-8 shall be determined by a review of volunteer records.

75:15-13-9. Supervision of employees and volunteers

- (a) A certified program shall establish in writing lines of supervision for all employees and volunteers and have a defined schedule of supervisory meetings.
- (b) A certified program shall ensure each volunteer has the knowledge appropriate to his or her job duties and are supervised by staff.
- (c) Compliance with ~~45075:4915~~-13-9 shall be determined through a review of the program's policy and procedures, and any other supporting documentation provided, including but not limited to, employee/volunteer manuals, organizational charts, job descriptions.

75:15-13-10. Performance evaluation of employees and volunteers

- (a) The agency shall have policies and procedures mandating the evaluation of employee and volunteer employment and service performance. These policies and procedures shall minimally include:
 - (1) performance evaluations shall be completed at least annually, to include an evaluation of the executive director;
 - (2) define the reason(s) for any evaluation other than annual;
 - (3) performance evaluations shall be in a standardized, printed format;
 - (4) each evaluation shall be individually discussed with the employee or volunteer;
 - (5) employees and volunteers shall have a documented opportunity to respond, in writing, to each of their individual performance evaluations;
 - (6) both employee or volunteer and supervisor shall sign and date the performance evaluation. However, the evaluation document shall state the employee's or volunteer's signature does not necessarily constitute agreement with the evaluation content.
- (b) Compliance with ~~45075:4915~~-13-10 shall be determined by a review of:
 - (1) program policies and procedures, governing authority meeting minutes, and
 - (2) review of employee and volunteer files.

PART 3. TRAINING

75:15-13-20. Employee, paraprofessional and volunteer development plan

- (a) The agency shall have a written employee, paraprofessional and volunteer development plan outlining opportunities for staff growth and development, within the availability of agency resources. This plan shall address, but not be limited to:
 - (1) inservice training and education programs;
 - (2) availability of professional reference materials; and

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- (3) orientation program content and procedures.
- (b) Compliance with ~~45075:4915~~-13-20 shall be determined by a review of the written program for inservice training and opportunities for staff growth and development.

75:15-13-20.1. Orientation - general, employees and volunteers

(a) A certified program shall have a formal orientation program to familiarize new employees and volunteers which includes, but is not limited to:

- (1) Program goals and services of each service component;
- (2) Program policy and procedures;
- (3) Confidentiality, to include verbal confidentiality whether inside or outside the facility and client records;
- (4) Facility safety and disaster plans;
- (5) First aid kits and fire extinguishers, their location, contents and use;
- (6) Universal precautions;
- (7) Client rights;
- (8) Domestic violence and its effects on victims and children;
- (9) The cycle of domestic violence;
- (10) Power and control tactics of abuse;
- (11) Crisis intervention techniques;
- (12) Sexual assault;
- (13) Victim advocacy;
- (14) Parenting techniques;
- (15) Active listening techniques;
- (16) Accessing resources needed by victims and their families;
- (17) The orientation training component shall be a minimum of ten (10) hours; and
- (18) Orientation must take place within the first week of employment or prior to direct client contact and services.

(b) Compliance with ~~45075:4915~~-13-20.1 shall be determined by a review of the written policies and procedures, and employee and volunteer training manuals and records.

75:15-13-20.2. Inservice and ongoing training for employees and volunteers

(a) A certified program shall have policy and procedures mandating, at the minimum, sixteen (16) hours of annual training of all staff, which shall include, but not be limited to:

- (1) Confidentiality, to include verbal confidentiality whether inside or outside the facility and client records;
- (2) Facility safety and disaster plans;
- (3) First aid kits and fire extinguishers, their location, contents and use;
- (4) Universal precautions
- (5) Client rights;
- (6) Program evaluation and goals;
- (7) Domestic violence and its effects on victims and children;
- (8) The cycle of domestic violence;
- (9) Power and control tactics of abuse;
- (10) Crisis intervention techniques;

- (11) Sexual assault;
- (12) Victim advocacy;
- (13) Parenting techniques;
- (14) Active listening techniques;
- (15) Accessing resources needed by victims and their families;
- (16) First aid and CPR for adult, children, and infants within 30 days of employment (for employees only).

(b) A certified program shall have policy and procedures mandating the annual training of all volunteers, which shall include, but not be limited to:

- (1) Confidentiality, to include verbal confidentiality whether inside or outside the facility and client records;
- (2) Facility safety and disaster plans;
- (3) First aid kits, their location, contents and use;
- (4) Universal precautions
- (5) Client rights;
- (6) Program evaluation and goals;
- (7) Volunteers who provide less than eight (8) hours of direct service per month shall receive a minimum of four (4) hours annual training;
- (8) Individuals that volunteer services and do not meet the requirements for a volunteer as defined in OAC ~~45075:4915~~-1-2 shall annually review the certified program's policies and procedures addressing items (1) through (5) of this section, but do not have a minimum number of training hours required.

(c) Compliance with ~~45075:4915~~-13-20.2 shall be determined by a review of policy and procedures; volunteer or staff training materials; staff development and in-service training documentation; employee and volunteer development plan.

75:15-13-24. Staff training, children's services

(a) Prior to providing any direct services, children's services staff shall receive the prescribed orientation training and minimally have one (1) year full time employment or volunteer experience in a child care or service related field, or an equivalent combination of education, training and experience in child care or development issues.

(b) Compliance with ~~45075:4915~~-24 shall be determined by:

- (1) Review of program's policy and procedures.
- (2) Review of program's training records and other provided documentation of staff training.
- (3) Review of personnel or volunteer records.

75:15-13-26. Staff training, transitional living services

(a) Prior to providing any direct services, all transitional living services staff shall receive the prescribed orientation training and minimally have at least six (6) months experience working or volunteer experience in a certified domestic violence/sexual assault program, or related service. When there is staffing shortage situations, a staff person-in-training may be utilized if under the direct supervision of a trained, experienced staff person.

(b) Compliance with ~~45075:4915~~-13-26 shall be determined by:

- (1) Review of program's policy and procedures.

- (2) Review of program's training records and other provided documentation of staff training.
- (3) Review of personnel records.

75:15-13-27. Staff training, safe home services

(a) Prior to providing any direct services, all safe home host families shall minimally receive sixteen (16) training hours provided by a staff member of a dv/sa program certified to provide safe home services, which shall minimally include:

- (1) the nature and scope of domestic violence and sexual assault;
- (2) societal attitudes toward domestic violence and sexual assault;
- (3) orientation in the services, structure, philosophy and history of the sponsoring agency, and
- (4) safety planning.

(b) Compliance with ~~45075:4915-13-27~~ shall be determined by:

- (1) Review of program's policy and procedures.
- (2) Review of program's training records and other provided documentation of staff training.
- (3) Review of personnel records.

75:15-13-28. Staff training, public education services

(a) Prior to providing public education services, staff shall receive the prescribed orientation training and training and education as prescribed and approved by the agency.

(b) Compliance with ~~45075:4915-13-28~~ shall be determined by:

- (1) Review of program's policy and procedures.
- (2) Review of program's training records and other provided documentation of staff training.
- (3) Review of personnel records.

75:15-13-29. Staff training, Court Advocates

(a) Prior to providing services, Court Advocates shall receive the prescribed orientation training, and training in the following:

- (1) protective orders;
- (2) full faith and credit;
- (3) the court process; and,
- (4) at least three (3) hours of accompanied court time with a trained court advocate.

(b) Compliance with ~~45075:4915-13-29~~ shall be determined by:

- (1) Review of program's policy and procedures.
- (2) Review of program's training records and other provided documentation of staff training.
- (3) Review of personnel records.

75:15-13-30. Staff training, batterer's intervention services

(a) Staff providing batterer's intervention services shall minimally have:

(1) A Bachelor's degree in a behavioral health or criminal justice related field and two years related work experience; or

(2) Four (4) years supervised experience providing counseling and treatment or related services.

(3) At least one staff member in each certified program meeting the requirements defined in ~~45075:4915-1-2~~ for "professional staff" or the program shall contract with an individual that meets the requirements for "professional staff" for consultation.

(b) Prior to providing any direct services, staff providing batterer's intervention services shall receive the prescribed orientation and at least three (3) hours training in:

- (1) the dynamics and scope of domestic violence and sexual assault; and
- (2) the dynamics of batterers.

(c) Compliance with ~~45075:4915-13-30~~ shall be determined by:

- (1) Review of program's policy and procedures.
- (2) Review of program's training records and other provided documentation of staff training.
- (3) Review of personnel records.

SUBCHAPTER 15. GOVERNING AUTHORITY

75:15-15-1. Governing authority

(a) The agency shall have a governing authority. In the instance of Native American programs, the tribal council may be the governing body.

(b) The governing authority shall establish, and function under, written by-laws. These bylaws shall minimally include the designation of regular quarterly meetings; at a pre-established day, time and location; and at all meetings of the governing authority, and committees thereof, written minutes shall be recorded and retained.

(c) Compliance with ~~45075:4915-15-1~~ shall be determined by:

- (1) Documents of incorporation or registration as a business entity.
- (2) Review of the written by-laws.
- (3) Review of the governing authority's and its committee's minutes.

75:15-15-2. Governing authority, documentation of source of authority

(a) There shall be written documentation of the governing authority's source of authority. This authority comes from the articles of incorporation; or in the instance of a Native American tribal organization, the Tribal Council.

(b) Compliance with ~~45075:4915-15-2~~ shall be determined by a review of the articles of incorporation or documentation from the appropriate Tribal Council.

75:15-15-3. Duties of the governing authority

(a) The duties of the governing authority shall include, but are not limited to:

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- (1) Approving all policy for the operation of the agency; and insuring procedures for the implementation of policy are in place and enforced.
 - (2) Ensuring the agency operates in compliance with established agency policy, applicable state and federal law and administrative rules.
 - (3) Compliance with the by-laws of the governing authority.
 - (4) Ensuring all financial transactions and events requiring the approval of the governing authority are reviewed and authorized by the governing authority prior to any commitment by agency staff.
 - (5) The selection, annual evaluation and continuance of retention of the executive director.
- (b) Compliance with ~~45075:4915-15-3~~ shall be determined by a review of:
- (1) by-laws and minutes of the meetings of the governing authority and its committees;
 - (2) informational packets distributed at meetings of the governing authority;
 - (3) posted, or otherwise distributed, written materials regarding decisions, and other notifications, of the governing authority;
 - (4) staff meeting minutes of the program and its various divisions or geographical locations; and
 - (5) written evaluation, and any other documentation regarding the retention or selection or hiring, of the executive director.

75:15-15-4. Governing authority, meeting minutes

- (a) Minutes of the governing authority, and its committees, shall be kept in written form; reviewed at the next following meeting; corrected if such is approved; and signed by the presiding or authorized officer or chairperson.
- (b) Meeting minutes shall include, but are not limited to, recording of:
- (1) the date, time and place of the meeting;
 - (2) names of those members attending;
 - (3) whether, or not, the meeting was convened; and if not why;
 - (4) approval of minutes from past meeting.
 - (5) topics and issues discussed and decisions reached;
 - (6) recording of motions and of votes on the motion; and
 - (7) time of adjournment.
- (c) Compliance with ~~45075:4915-15-4~~ shall be determined by the review of the meeting minutes of the governing authority.

SUBCHAPTER 17. CLIENT RIGHTS, DOMESTIC VIOLENCE, BATTERER'S INTERVENTION SEXUAL ASSAULT PROGRAMS AND SHELTERS

75:15-17-1. Applicability

This Part is applicable to those domestic violence, batterer's intervention and sexual assault programs and shelters

certified by, or with which ~~ODMHSAS OAG~~ contracts pursuant to ~~43A O.S., § 3-314.1~~ 74 O.S. § 18p-1 et seq.

75:15-17-2. Client right to information, refused services

A client, or potential client, has the right to know why services are refused and the program shall provide a written explanation concerning the reason he or she was refused certain services.

75:15-17-3. Client rights

(a) Each client shall have and enjoy all constitutional and statutory rights of all citizens of the State of Oklahoma and the United States, unless abridged through due process of law by a court of competent jurisdiction. Each program shall ensure each client has the rights which are listed below:

- (1) Each client has the right to be treated with respect and dignity. This shall be construed to protect and promote human dignity and respect for individual dignity.
- (2) Each client has the right to a safe, sanitary, and humane living environment.
- (3) Each client has the right to a humane psychological environment protecting him or her from harm, abuse, and neglect.
- (4) Each client has the right to an environment which provides reasonable privacy, promotes personal dignity, and provides opportunity for the client to improve her or his functioning.
- (5) Each client has the right to receive services suited to her or his needs without regard to his or her race, religion, sex, ethnic origin, age, degree of disability, handicapping condition, legal status, or ability to pay for the services.
- (6) Each client, on admission, has the absolute right to communicate with a relative, friend, clergy, or attorney, by telephone or mail, at the expense of the program if the client is indigent.
- (7) Each client shall have and retain the right to confidential communication with an attorney, personal physician, or clergy.
- (8) Each client has the right to uncensored, private communications including, but not limited to, letters and telephone calls. Copies of any personal letter, sent or received, by a client shall not be kept in her or his client record without the written consent of the client.
- (9) No client shall be neglected or sexually, physically, verbally, or otherwise abused.
- (10) Each client shall have the right to practice his or her own religious beliefs, and be afforded the opportunity for religious worship that does not infringe on the health or safety of others. No client shall be coerced into engaging in, or refraining from, any personal religious activity, practice, or belief.
- (11) Each client has the right to be provided with prompt, competent, appropriate services and an individualized service plan.
 - (A) The client shall be afforded the opportunity to participate in her or his service plan.

(B) The client may consent, or refuse to consent, to the proposed services.

(12) The records of each client shall be treated as confidential.

(13) Each client has the right to refuse to participate in any research project or medical experiment without informed consent of the client, as defined by law. A refusal to participate shall not affect the services available to the client.

(14) Each client has the right to assert grievances with respect to any alleged infringement of these stated rights of clients, or any other subsequently statutorily granted rights.

(15) No client shall ever be retaliated against, or subject to, any adverse conditions or services solely or partially because of having asserted her or his rights as stated in this section.

(16) Each client has the right to review his or her own records, or authorize his or her attorney or others to do so. However, where the program is providing the treatment of a mental health or substance abuse illness, the provisions of 43A O.S. § 1-109 and 42 CFR then apply. Each client also has the right that all information and records regarding him or her shall be treated as confidential.

(17) Each client has the right to know why services are refused and can expect an explanation concerning the reason he or she was refused certain services.

(b) Programs shall have written policy and procedures, and shall provide documented staff training to ~~insure~~ ensure the implementation of each and every client right stated in this section.

(c) Programs shall have written policy and procedures to ~~insure~~ ensure each client enjoys, and has explained to him or her, these rights; and these rights are visibly posted in both client and public areas of the facility.

(d) The ~~ODMHSAS Office of Consumer Advocacy OAG~~, in any investigation or program monitoring regarding client rights, shall have unimpeded access to clients, program records and program staff.

75:15-17-4. Client's grievance policy and procedures

(a) Each program shall have a written client's grievance policy providing for, but not limited to, the following:

(1) Written notice of the grievance and appeal procedure provided to the client; and, if involved with the client, to family members or significant others;

(2) Time frames for the grievance policy's procedures, which allow for an expedient resolution of client grievances;

(A) Transitional living and shelter services' timeframes for resolution of grievances shall be seven (7) days;

(B) Non-transitional living and non-shelter services' timeframes for resolution of grievances shall be fourteen (14) days;

(3) Name(s) of the individual(s) who are responsible for coordinating the grievance policy and the individual

responsible for or authority to make decision(s) for resolution of the grievance and the individual responsible for or authorized to make decisions for resolution of grievance.

In the instance where the decision maker is the subject of a grievance, decision-making authority shall be delegated;

(4) Provide for notice to the client that he or she has a right to make a complaint to the ~~ODMHSAS Consumer Advocacy Division~~ OAG Victims Services Unit;

(5) Mechanism to monitor the grievance process and improve performance based on outcomes; and

(6) Annual review of the grievance policy and procedures, with revisions as needed.

[OAR Docket #05-1378; filed 11-15-05]

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

[OAR Docket #05-1381]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:

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

AUTHORITY:

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

DATES:

Adoption:

September 15, 2005

Approved by Governor:

November 3, 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:

Superseded rules:

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

Gubernatorial approval:

April 15, 2005

Register publication:

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05-748

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

Senate Bill 966 (70 O. S. § 1210.508F) directs the State Board of Education to ensure that the reading competencies for elementary teachers are included in the competencies for special education teachers. The rule changes are based on the September 1, 2005, effective date of the law.

ANALYSIS:

The rule changes would add the reading competencies for elementary teachers to the competencies for special education teachers. The intended effect of the rule is for students to benefit academically by having teachers with increased reading skills.

CONTACT PERSON:

Connie Holland, 405-521-3308

Emergency Adoptions

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

SUBCHAPTER 9. PROFESSIONAL STANDARDS: TEACHER EDUCATION AND CERTIFICATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(N) Understands the art-related competencies in the Oklahoma core curriculum and knows how to incorporate them into various art classes.

(2) **Business education.** Competencies for business education are fulfilled by meeting competencies for vocational business.

(3) **Driver/safety education.** The candidate for licensure and certification:

(A) Applies, models, and teaches appropriate learning strategies for the safe operation of motor vehicles.

(B) Understands the social and emotional forces that influence the psychological makeup of young drivers and how these forces affect their driving behavior.

(C) Understands basic driving maneuvers including the universal concepts of defensive driving.

(D) Understands the physical laws of nature and the statutory laws that govern the safe operation of motor vehicles.

(E) Has an understanding of the basic mechanical systems that make up a motor vehicle and their influence on its operational limits.

(4) **Early childhood education (pre-kindergarten-third grade).** The competencies related to Early Childhood Education relate more specifically to the processes of learning and/or information processing than presentation of specific subject matter. The candidate for licensure and certification knows, understands, and uses:

(A) Factors that influence the development of young children, the sequence and interdependency of all areas, (i.e., physical, social, emotional, cognitive, and language) and uses that knowledge to meet the needs and characteristics of the group and individual children (birth to eight years of age) while respecting their unique rates of development.

(B) Positive child guidance strategies which help children learn to make responsible decisions regarding their own behavior and contributes to the development of self-control, self-motivation, and self-respect.

(C) The knowledge of how young children think, process information, and develop concepts in content areas including language, literacy, mathematics, science, health, safety, nutrition, social studies, art, music, drama, and movement.

(D) Integrative approaches (e.g., themes, topics, projects) to enable children to see and experience content areas and make meaningful connections to the child's life experience.

(E) Curriculum in regards to the children's needs and interests, as well as, developmentally appropriate skills and concepts.

(F) Developmentally appropriate strategies when planning, implementing, articulating, and evaluating (e.g., play, independent work, small group projects, group discussions, cooperative learning, open-ended questions, inquiry, and problem solving experiences.)

(G) A bias-free learning environment (indoors and outdoors) which is physically and psychologically safe for young children through the use of a balanced schedule, learning centers, and appropriate transitions and routine.

(H) Curriculum strategies, schedules, and the environment to meet the specific needs, interests, and experiences of all children with complex characteristics (i.e., adapting for those with disabilities, developmental delays, diverse cultures, or special abilities).

(I) Collaboration strategies regularly with families and other agencies in the community to enhance and support children's learning and development.

(J) Behaviors that recognize and respect diversity, how it influences learning, and builds connections among children's families, communities, and schools.

(K) Performance assessment (i.e., observation and documentation) and formal assessment to evaluate young children's development and learning for the purpose of planning appropriate and challenging programs, environments, and interactions and adapting for individual differences.

(L) Formative and summative evaluation measures to ensure comprehensive quality of the total program for children in reciprocal partnerships, with families, and the community.

(M) The historical, social, and ethical foundations of early childhood education which enables the teacher to articulate a philosophy and rationale for appropriate principles and practices.

(N) Self evaluation of teaching techniques and outcomes and modifies curriculum, strategies, schedules and environment to maximize the learning environment and enhance psychological safety for children.

(O) Knowledge to advocate for children by articulating to family, community and others the goals and methods used in the early childhood classroom.

(P) Instructional strategies/plans based on the Oklahoma core curriculum.

(Q) Understands and applies the following competencies in reading instruction as appropriate to the abilities of the student.

(i) Knows the stages of language development and the structure of the English language and alphabetic writing system including phonology,

morphology, and orthography and their relationships to spelling and meaning.

(ii) Understands that primary language (oral) directly impacts the secondary languages (reading, writing, spelling). Knows and applies knowledge of implicit and explicit instruction in developing oral language. Knows the relationship of oral language to literacy.

(iii) Knows the developmental process of reading in order to assess, interpret, describe, develop appropriate instruction, monitor, reteach and reassess student's reading performance for concepts about print, phonological and phonemic awareness, phonics, spelling, word recognition, vocabulary, comprehension, fluency, and writing.

(iv) Identifies and applies all developmental levels of phonemic awareness to provide appropriate instruction in understanding words are made up of phonemes and that phonemes can be rearranged and manipulated to make different words that compose oral speech.

(v) Knows and provides appropriate systematic explicit and implicit phonological instruction for the application of spelling-sound correspondences for word analysis and for structural analysis for word recognition and word meaning development.

(vi) Knows and applies the relationships between spelling patterns and sounds of speech; knows how to support the student at each stage of spelling development; knows how to focus direct and indirect instruction to guide the student toward spelling proficiency.

(vii) Knows and applies knowledge of appropriate explicit and implicit instruction for vocabulary development (e.g., singular and plural).

(viii) Knows and applies strategies that promote comprehension and strategies to support children's understanding for the various elements of the different genres of text.

(ix) Knows and applies strategies and instructional approaches to support response to text and promote comprehension for literal, inferential, and critical/evaluative level (e.g., guided reading, literature and research circles).

(x) Knows and applies knowledge of instructional techniques to assist students with self-monitoring and self-corrections; (i.e., semantics, syntax, and graphophonics).

(xi) Knows and applies the instructional strategies which contribute to the development of fluent reading.

(xii) Knows how to promote children's interest and engagement in reading and writing.

(R) Understands and applies the following competencies in mathematics instruction as appropriate to the abilities of the student.

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- (i) Builds on children's natural interest in mathematics and uses it to make sense of their physical and social worlds.
 - (ii) Establishes mathematics curriculum based on current knowledge of young children's cognitive, linguistic, physical and social-emotional development that builds on children's varying experiences.
 - (iii) Uses teaching practices that enhance children's problem-solving and reasoning processes which includes representing, communicating, and connecting mathematical ideas.
 - (iv) Understands that the curriculum should be coherent and compatible with known relationships and sequences of important mathematical ideas and that provides for children's deep and lasting interaction with key mathematical ideas.
 - (v) Introduces mathematical concepts, methods, and language through a variety of appropriate experiences and teaching strategies, including integrating mathematics with other activities and allowing ample time, materials and teacher support for children to explore and manipulate mathematical ideas.
 - (vi) Enhances children's mathematical knowledge, skills and strategies by providing an ongoing process of collecting information from multiple sources to determine a student's strengths and weaknesses in order to plan appropriate educational services.
- (S) Understands and applies the following competencies in science instruction as appropriate to the abilities of the student.
- (i) Plans an inquiry-based science program that develops a curriculum design to meet the interests, knowledge, understanding, abilities, and experiences of students in a framework of yearlong and short-term goals for students.
 - (ii) Selects teaching and assessment strategies that support the development of student understanding and encourage a community of science learners.
 - (iii) Guides and facilitates learning through focused interaction with students, recognizes and responds to student diversity, and encourages and models the skills of inquiry in order for all students to participate in science learning.
 - (iv) Uses ongoing multiple methods and systematically gathers data about students understanding and abilities.
 - (v) Designs and manages learning environments that provide students with the time, space and resources needed for developing science skills.
 - (vi) Uses a variety of instructional strategies to implement an integrated/interdisciplinary curriculum and understands the interaction between the sciences and the process skills.
- (T) Understands and applies the following competencies in social studies instruction as appropriate to the abilities of the student.
- (i) Designs and manages learning environments that provide opportunities for students to exhibit traits of good citizenship in a variety of settings and situations.
 - (ii) Selects teaching and assessment strategies that support the development of student understanding of their community and culture.
- (U) Understands and applies the following competencies in the use of technology as appropriate to the abilities of the student.
- (i) Bases the use of technology on the knowledge of how young children think, process information and develop concepts in content areas.
 - (ii) Enhances children's cognitive and social abilities through the appropriate use of technology.
 - (iii) Integrates technology into the learning environment and uses it as one of many options to support children's learning.
 - (iv) Promotes equitable access to technology for all children and their families.
 - (v) Advocates in collaboration with parents for more appropriate technology applications for all children.
- (5) **Elementary education.** The competencies developed in specific subject areas such as mathematics, art, science, etc., have been developed on a prekindergarten through 12th grade continuum. Because of this, it is unnecessary for the elementary education competencies to address anything more than the processes through which the subject matter competencies will be presented in the classroom. The candidate for licensure and certification:
- (A) Understands his/her role and the variety of approaches to the organization of elementary schools.
 - (B) Understands the essential nature and importance of interaction and communication with students, parents, community members and colleagues.
 - (C) Models the role of the lifelong learner.
 - (D) Understands the role of the teaching profession in curriculum change and school improvement.
 - (E) Understands the link between child development, curriculum, and instruction.
 - (F) Understands and uses a variety of strategies to:
 - (i) select methods of assessment appropriate to each of the subject matter areas and to the age, development, and characteristics of students,
 - (ii) interpret and communicate assessment results accurately and ethically, and
 - (iii) integrate information gained from assessments into instructional plans.
 - (G) Has a knowledge of current research findings about teaching and learning.
 - (H) Analyzes his/her teaching practices through a variety of techniques.
 - (I) Understands appropriate classroom management systems and discipline practices.

- (J) Understands the selection and use of materials, resources, and technology appropriate to individual differences.
- (K) Creates an environment that facilitates learning experiences which make subject matter meaningful to students.
- (L) Understands the subject matter areas common to the elementary curriculum and the integration of those subject matter areas.
- (M) Facilitates learning groups as appropriate to the needs and/or interests of students and the goals of the lesson.
- (N) Understands and applies the following competencies in reading instruction.
- (i) Knows the stages of language development and the structure of the English language and alphabetic writing system including phonology, morphology, and orthography and their relationships to spelling and meaning.
 - (ii) Understands that primary language (oral) directly impacts the secondary languages (reading, writing, spelling). Knows and applies knowledge of implicit and explicit instruction in developing oral language. Knows the relationship of oral language to literacy.
 - (iii) Knows the developmental process of reading in order to assess, interpret, describe, develop appropriate instruction, monitor, reteach and reassess student's reading performance for concepts about print, phonological and phonemic awareness, phonics, spelling, word recognition, vocabulary, comprehension, fluency, and writing.
 - (iv) Identifies and applies all developmental levels of phonemic awareness to provide appropriate instruction in understanding words are made up of phonemes and that phonemes can be rearranged and manipulated to make different words that compose oral speech.
 - (v) Knows and provides appropriate systematic explicit and implicit phonological instruction for the application of spelling-sound correspondences for word analysis and for structural analysis for word recognition and word meaning development.
 - (vi) Knows and applies the relationships between spelling patterns and sounds of speech; knows how to support the student at each stage of spelling development; knows how to focus direct and indirect instruction to guide the student toward spelling proficiency.
 - (vii) Knows and applies knowledge of appropriate explicit and implicit instruction for vocabulary development, e.g., prefixes, suffixes and roots.
 - (viii) Knows and applies strategies that promote comprehension and strategies to support children's understanding for the various elements of the different genres of text.
 - (ix) Knows and applies strategies and instructional approaches to support response to text and promote comprehension for literal, inferential, and critical/evaluative level, e.g., guided reading, literature and research circles.
 - (x) Knows and applies knowledge of instructional techniques to assist students with self-monitoring and self-corrections, i.e., semantics, syntax, and graphophonics.
 - (xi) Knows and applies the instructional strategies which contribute to the development of fluent reading.
 - (xii) Knows how to promote children's interest and engagement in reading and writing.
- (O) Understands interdisciplinary teaching and collaboration.
- (P) Understands that all students can develop proficiencies in the Oklahoma core curriculum.
- (6) **English.** The candidate for licensure and certification:
- (A) Maintains current knowledge of content-area concepts of written and oral communication, literature, and language systems (phonetic, semantic, syntactic, pragmatic). For purposes herein, language systems and what they mean or include are:
 - (i) "**Phonetic**" means the letter/sound system of a particular language.
 - (ii) "**Pragmatic**" means the use of particular language and its conventions that convey meaning in a cultural context.
 - (iii) "**Semantic**" means the meaning system of a given language.
 - (iv) "**Syntactic**" means the structure, order, and organization of a given language.
 - (B) Applies comprehension, analysis, interpretation, synthesis and evaluation of auditory, written, and visual messages. For purposes herein, these terms have the following meaning and include:
 - (i) "**Auditory messages**" means spoken language, intonation.
 - (ii) "**Visual messages**" means visual graphics such as illustrations, pictures, photographs, symbols, and signs, body language, facial expressions.
 - (iii) "**Written messages**" means connected discourse, text.
 - (C) Applies appropriate learning strategies for reading, writing, studying, and researching.
 - (D) Communicates effectively in speaking and writing, using appropriate language conventions. For purposes herein, "**language conventions**" means grammar, figurative language, mechanics, specialized vocabulary, technical terms.
 - (E) Understands the influences of social and historical contexts and culture on language and literature and adapts instruction accordingly.
 - (F) Uses the understanding of language acquisition and language learning processes to develop

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student proficiencies and to modify instruction for second-language learners.

(G) Establishes a reflective and creative learning environment.

(H) Uses a variety of assessment strategies to evaluate student proficiencies in the language arts and to modify instruction appropriately.

(I) Uses technology to accomplish professional goals and to develop student's literacy proficiencies.

(J) Understands and teaches strategies appropriate to a variety of forms (genres), text organizations, and structures, including functional print and informational print. For purposes herein:

(i) **"Functional print"** means environmental print messages (i.e., signs, logos, labels, directions);

(ii) **"Genre"** means a particular type of literature (i.e., short story, novel, poem, essay, drama)

(iii) **"Informational print"** includes reference materials, telephone books, almanacs, dictionaries.

(K) Understands the literacy process (i.e., reading process and writing process), and provides effective instruction in literacy skills and strategies.

(L) Understands, teaches, and implements Oklahoma's core curriculum.

(7) **Family and consumer sciences.** Competencies for family and consumer sciences are fulfilled by meeting competencies for vocational family and consumer sciences.

(8) **Foreign languages.** The candidate for licensure and certification will possess competencies as specified in (A) through (G).

(A) **Listening (K-12).** The candidate for licensure and certification:

(i) Understands main ideas and supporting details of oral presentations and conversations (e.g., prepared speeches, news broadcasts, interviews, short lectures).

(ii) Understands spontaneous speech on a variety of basic topics.

(iii) Comprehends sustained conversation or narrative of general topics (secondary only).

(B) **Speaking (K-12).** The candidate for licensure and certification:

(i) Narrates and describes events, objects, and activities with supporting details.

(ii) Participates in spontaneous, face-to-face conversation involving more complicated skills and social situations, such as elaborating, apologizing, debating.

(iii) Initiates, sustains, and closes a general conversation.

(iv) Displays some ability to support opinions, explain in detail, and make assumptions (secondary only).

(v) Uses varied strategies, such as paraphrasing or restating, to facilitate communication in the language being studied (secondary only).

(C) **Reading (K-12).** The candidate for licensure and certification:

(i) Reads authentic (from the culture of the language studied) materials, such as selected short stories, poetry, and other literary works, articles, personal correspondence, and simple technical material written for the general reader.

(ii) Comprehends facts in authentic (from the culture of the language studied) texts and materials and makes appropriate inferences.

(iii) Comprehends authentic (from the culture of the language studied) communications via various media and technology.

(D) **Writing (K-12).** The candidate for licensure and certification:

(i) Communicates by writing simple facts and ideas.

(ii) Expresses narratives and descriptions of a factual nature.

(iii) Writes professional and social correspondence (secondary only).

(E) **Culture (K-12).** The candidate for licensure and certification:

(i) Is knowledgeable about the products of the culture of the language being taught.

(ii) Is knowledgeable about practices of the culture of the language being taught.

(iii) Is able to compare and contrast local culture and cultures of the language being taught.

(F) **Second language acquisition (K-12).** The candidate for licensure and certification:

(i) Is knowledgeable about first language development and its relation to second language learning.

(ii) Is knowledgeable about varied teaching approaches, methods, and strategies.

(iii) Is knowledgeable about varied second language assessment strategies and techniques that are developmentally appropriate.

(G) **The Oklahoma core curriculum (K-12).** The candidate for licensure and certification:

(i) Understands Oklahoma's core curriculum for languages, and

(ii) Implements the skills and knowledge appropriate to the level(s) taught.

(9) **Journalism.** The candidate for licensure and certification:

(A) Maintains current knowledge of concepts, theories, and practical application of such in the field of journalism, including those associated with print media, news gathering, writing, research, graphic design, photography, technology, law, and ethics.

(B) Applies comprehension, analysis, interpretation, and evaluation of auditory, written, and visual communication. Projects can be created based on this

knowledge, i.e., newspapers, yearbooks, magazines, or broadcasts.

(C) Applies appropriate learning strategies for research, writing, organization, editing, and presentation of written and visual messages to different audiences.

(D) Communicates effectively in oral presentation, written communication, and visual design.

(E) Understands the influence of social and historical context of culture on journalism and adapts instruction accordingly.

(F) Understands the impact and importance of cultural diversity on the communication process.

(G) Establishes a reflective and creative learning environment.

(H) Uses a variety of assessment strategies and teaching methods to encourage creativity, to inspire critical thinking to develop problem-solving techniques, and to establish and maintain excellence in all journalism pursuits.

(I) Uses technology to accomplish professional goals and to develop students' journalistic proficiencies in all aspects of the subject, including, but not limited to, desktop publishing, photojournalism, written communication, graphic design, and research.

(J) Understands and can teach strategies appropriate to a variety of journalistic areas, including print media, graphic arts, printing technology, broadcast media, electronic media, advertising, business management practices, public relations, and professional writing.

(K) Is prepared to teach students in the following areas:

- (i) desktop publishing;
- (ii) writing for print and electronic media;
- (iii) editing;
- (iv) photography and videography;
- (v) graphic design and typography;
- (vi) headline, preview, promotion, and caption writing.

(L) Is prepared to teach

- (i) research skills;
- (ii) interviewing;
- (iii) ethics, law, and responsibilities of the press;
- (iv) journalism history;
- (v) television, video, radio and multimedia production;
- (vi) staff management, organization and leadership techniques;
- (vii) business management and accounting procedures.

(M) Is knowledgeable of professional resources, including state, regional, and national scholastic press associations, workshops, conferences, contests, and publications.

(N) Understands the importance of effective verbal and visual communication skills.

(O) Understands the role of co-curricular and extracurricular activities in the development of student interests as an extension of classroom instruction.

(P) Understands, teaches, and implements Oklahoma's core curriculum.

(10) **Library-media specialist.** The candidate for licensure and certification:

(A) Defines a program of information literacy and integrates it into the curriculum

(B) Defines a school library media program emphasizing information problem-solving skills and integrates it into the curriculum.

(C) Motivates and guides students and faculty in recognizing literature as an essential base of cultural and practical knowledge and in reading for pleasure as well as for information.

(D) Communicates effectively with students, faculty, staff, administrators, parents, other colleagues, and the general public by the ability to:

- (i) exhibit communication skills necessary for collaborative planning with teachers.
- (ii) develop and implement an effective public relations program to communicate library media program goals, needs, and accomplishments.

(E) Applies basic principles of evaluating and selecting resources and equipment to support the educational goals of the school by the ability to:

- (i) develop selection policies which reflect curricular and instructional objectives, and informational and recreational needs of students and teachers.
- (ii) develop criteria for evaluating and selecting specific print and non-print materials and equipment.
- (iii) develop a collection of bibliographic aids, tools, and other sources to obtain current reviews and information about materials and equipment.
- (iv) develop and implement procedures for preview, evaluation, selection, and acquisition of materials and equipment consistent with the district policy.
- (v) reevaluate and maintain materials and equipment.

(F) Uses resources to support the personal, developmental, and curricular needs of students, and the instructional development needs of the faculty by the ability to:

- (i) use a variety of ways to access information, including the use of new technologies.
- (ii) provide specific information and resources in response to reference requests and recommend resources which support the curriculum.
- (iii) conduct programs that include guidance in reading, listening, and viewing experiences.
- (iv) assist students and staff in identifying, obtaining, using and/or producing media in appropriate formats for specific learning objectives.

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- (v) supervise students and staff in media production and equipment operation.
 - (vi) advocate resource-based learning through work with other faculty to identify appropriate instructional strategies and creative uses of resources.
- (G) Recognizes the value of new technologies for information and instruction and assists faculty and students in their use by the ability to:
- (i) recognize the importance of technological advancement to the education process.
 - (ii) demonstrate an understanding of the basic concepts, terminology, and applications of emerging technology.
 - (iii) recognize curricular implications that result from emerging technology and educational trends.
 - (iv) provide leadership in incorporating innovations into education.
 - (v) identify sources of information related to technological advancements.
 - (vi) provide technical advice and services for educational access to technology.
- (H) Implements policies and procedures for effective and efficient acquisition, cataloging, processing, circulating, and maintaining equipment and resources to ensure access by the ability to:
- (i) classify and catalog all print and nonprint media according to professionally accepted systems.
 - (ii) organize and maintain a current catalog and shelf list of all media.
 - (iii) implement procedures for initial processing, circulation, maintenance, service, and inventory of equipment and materials.
- (I) Develops, implements, and evaluates school library media programs, including management of personnel, resources, and facilities by the ability to:
- (i) assess the informational and instructional needs of students and faculty.
 - (ii) establish short- and long-range goals based on identified needs, the goals and objectives of the school district, state and national guidelines, and research findings.
 - (iii) prepare, justify, and administer a library media program budget.
 - (iv) prepare plans for new or renovated library media facilities.
 - (v) develop policies that assure optimum use of materials, equipment, facilities, and staff to support the curriculum.
 - (vi) train, supervise, and evaluate support staff, volunteers, and student helpers.
 - (vii) apply federal and state laws pertaining to media including those regarding copyright, privacy, and access to materials.
 - (viii) prepare statistical records and written reports.
- (ix) assess and implement the use of new technologies for library media center management, educational applications, and information retrieval.
 - (x) evaluate the library media program based on established goals and standards.
 - (xi) apply effective management principles.
 - (xii) advocate, initiate, and implement agreements for resource sharing.
- (J) Serves as a learning facilitator within schools and as a leader of faculty, administration, and students in the development of effective strategies for teaching and learning with the ability to:
- (i) teach traditional and electronic skills in the retrieval, evaluation, and utilization of information to enable students to become independent learners.
 - (ii) plan and implement professional development programs.
- (K) Demonstrates a commitment to professionalism by the ability to:
- (i) exhibit comprehension of the roles, interrelationships, and interdependency of all types of libraries and information agencies.
 - (ii) exhibit an understanding of the role of the school library media program as a central element in the intellectual life of the school.
 - (iii) demonstrate a commitment to promoting intellectual freedom.
 - (iv) demonstrate professional integrity through ethical behavior.
 - (v) apply appropriate research findings and conduct action research to improve the library media program.
 - (vi) develop selection criteria that reflect relevant theories of learning and instruction.
 - (vii) apply basic principles of instructional design in producing resources for specified learning goals or objectives.
- (11) **Elementary mathematics.**
- (A) **Overview.** The goal of teacher preparation programs in mathematics, in partnership with common education, is to prepare future teachers for the twenty-first century. Teacher preparation programs must recognize the changes in society to prepare adaptive teachers who are capable of providing equitable schooling for all students of the twenty-first century. Teacher preparation programs must recognize that learning to teach effectively does not consist solely of acquiring content skills. Theory alone cannot create an effective teacher. Effective teaching also must include the processes or pedagogy of teaching that incorporate actual experiences with students and other teacher candidates within a body or bodies of knowledge. Teacher preparation programs are challenged with providing a rigorous body of content which is not isolated from the strategies of teaching and the application of that content.

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

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

(i) Uses knowledge of child development and knowledge about the effects of this development on the learning of mathematics to guide curricular and instructional decisions. This will include primary, intermediate, and middle level philosophy, structure, organization, and child development.

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

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

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

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

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

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

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

(ix) Has knowledge of how to teach and use this knowledge to make curriculum decisions, design instructional strategies and assessment plans, and

choose materials and resources for mathematics instruction.

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

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

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

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

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

(i) Regularly reflects on what one teaches and how one teaches.

(ii) Keeps informed of changes in mathematics and in the teaching of mathematics, continually seeking to improve his/her knowledge and practice.

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

(iv) Collaborates with peers and other education professionals to strengthen their school's programs, advance knowledge, and contribute to improving practice within the field.

(12) **Intermediate mathematics.**

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

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

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

(i) Has an understanding of middle level philosophy, structure, organization, and child development as well as an understanding of secondary level structure and child development.

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

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

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

(v) Understands significant connections among mathematical ideas and the applications of these ideas to problem-solving in mathematics, in other 3 disciplines, and in the world outside of school.

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

(vii) Is proficient in, at least, the mathematics content needed to teach the mathematics skills described in Oklahoma's core curriculum from multiple perspectives. This includes, but is not limited to, a concrete and abstract understanding of number systems and number theory, geometry and measurement, statistics and probability, functions, algebra, discrete mathematics, and calculus necessary to effectively teach the mathematics skills addressed in the sixth through eighth grade as well as the core and extended core skills in the algebra, geometry, functions, statistics, and probability sections of grades 9-12 in Oklahoma's core curriculum. This would also include the process skills and core skills addressed in the trigonometry and calculus sections of grades 9-12 in the Oklahoma core curriculum.

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

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

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

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

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

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

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

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

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

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

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

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

which is not isolated from the strategies of teaching and the application of that content.

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

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

(i) Has an understanding of the middle level philosophy, structure, organization, and child development as well as an understanding of the secondary level structure and child development.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(14) **Middle level personnel.** The competencies developed here focus on middle level philosophy, structure, organization, and student development. Subject matter competencies can be pulled from the K-12 competencies developed by the subject matter committees. The candidate for licensure and certification:

(A) Understands the history, philosophy, principles, structure, and organization of middle level education as it relates to early adolescence.

(B) Uses methods and materials for interdisciplinary instruction at the middle school level.

(C) Demonstrates an understanding of child-centered versus content-centered methodologies to meet the individual needs of middle level students.

(D) Has knowledge and skills pertaining to classroom management, organization, and student discipline at the middle school level.

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- (E) Understands the unique developmental characteristics and needs of the early adolescent, focusing on cognitive, physical, and social development.
- (F) Establishes an environment using active participation to teach problem-solving and communication skills (reading, listening, writing, and speaking) as an integral part of all instruction.
- (G) Understands curriculum-based teacher advisory programs, which foster character, responsibility, respect for others, and active community involvement.
- (H) Understands the need to work collaboratively with other teachers, staff members, parents, resource persons, and community groups to enhance and support the education of young adolescents.
- (I) Uses a variety of instructional strategies that address different learning styles to meet the needs of early adolescents.
- (J) Models the role of the lifelong learner.
- (K) Insures that all students develop proficiencies in the Oklahoma core curriculum.
- (15) **Instrumental/general music.** The candidate for licensure and certification:
- (A) Understands the basic philosophy of music education and is able to justify music within the school curriculum.
- (B) Understands how music and fine arts experiences enhance student life experience and can promote music and the other arts in the community as well as within the school (including group motivational strategies and group management methods).
- (C) Participates in ongoing professional development which includes involvement with professional associations and current experiences in performing endeavors.
- (D) Has knowledge of effective methodologies and practices for encouraging self-analysis and musical independence.
- (E) Has mastery of a major instrument, including appropriate techniques of breathing, embouchure (mouth position), posture, and hand position.
- (F) Has a broad understanding of music history, including various styles and musical contributions of different cultural and ethnic groups.
- (G) Has the ability to play an instrument(s) and teach a beginning instrumental music class, using current methods and quality music literature (collection of written music) for band, small ensemble, and solo.
- (H) Is able to recognize and evaluate the sequential development of students, including those with disabilities.
- (I) Has knowledge of where to locate printed musical resources and professional consultants.
- (J) Has a working knowledge of how music integrates with all other academic disciplines, including other fine arts areas.
- (K) Has the skill to collaborate and coordinate experiences with teachers of other academic disciplines, including other fine arts areas.
- (L) Has competency in conducting techniques.
- (M) Is able to teach basic fundamentals of embouchure (mouth position), hand position, technique and other related skills, of all the standard band and orchestra instruments at a basic Grade 6-8 level, including making a characteristic sound.
- (N) Is able to sing a diatonic melody at sight, using a consistent sight-singing method, and the skill to teach that method appropriately at each grade level. "**Diatonic**" means relating to a musical scale having eight tones to the octave and using a fixed pattern of intervals without chromatic deviation.
- (O) Is able to count rhythms using a consistent rhythm reading system and demonstrates the skill to teach that method appropriately at each grade level.
- (P) Has knowledge of music education approaches such as Carl Orff, Zoltar Kodaly and Jaques-Dalcroze and is able to prepare and teach a lesson according to each of these approaches.
- (Q) Has basic proficiency in piano, including a knowledge of keyboard harmony and is able to play functional progressions and simple accompaniments.
- (R) Has the ability to use technology in the music classroom, such as basic knowledge of MIDI (musical instrument digital interface), sequencing and notational software programs, sound system set-up, and to make successful recordings of music ensembles.
- (S) Understands basic laws of copyright pertaining to the correct use of copyrighted printed music and related responsibilities.
- (T) Understands the competencies in General Music in Oklahoma's core curriculum and exhibits the skill to incorporate them into various instrumental music classes.
- (16) **Vocal/general music.** The candidate for licensure and certification:
- (A) Understands the basic philosophy of music education and is able to justify music within the school curriculum.
- (B) Understands how music and fine arts experiences enhance student life experience and can promote music and the other arts in the community as well as within the school (including group motivational strategies and group management methods).
- (C) Has knowledge of effective methodologies and practices for encouraging self-analysis and musical independence.
- (D) Understands proper breathing techniques and tone production techniques.
- (E) Has a knowledge of quality literature (collection of written music), both choral and solo, as well as folk songs appropriate for children.
- (F) Understands the changing voice, both male and female.

- (G) Has knowledge of where to locate professional consultants and printed music resources, such as music stores, music publisher catalogues, and textbook companies.
- (H) Has a working knowledge of how to coordinate vocal music with all academic disciplines including other fine arts areas.
- (I) Has proficiency in piano, including knowledge of scales, chords and the ability to warm up a choir and play simple accompaniments.
- (J) Participates in ongoing professional development which includes involvement with professional associations.
- (K) Has the ability to recognize and evaluate sequential musical development for all students, including those with disabilities.
- (L) Has competency in conducting, including the ability to show musical nuance (subtle distinction or variation).
- (M) Is able to prepare a series of lesson plans appropriate to each teaching level K-12.
- (N) Has the ability to sing a diatonic melody at sight, using a consistent sight singing method and the skill to teach that method appropriately at each grade level. "**Diatonic**" means relating to a musical scale having eight tones to the octave and using a fixed pattern of intervals without chromatic deviation.
- (O) Has the ability to count rhythms using a consistent rhythmic reading system and the skills to teach that method appropriately at each grade level.
- (P) Has knowledge of the music education approaches such as Carl Orff, Zoltan Kodaly and Jaques-Dalcroze and is able to prepare and teach a lesson according to each of these approaches.
- (Q) Has broad knowledge and understanding of music history including various styles, periods and cultures.
- (R) Has broad knowledge and understanding of a variety of music and musical practices representative of different cultural and ethnic groups.
- (S) Has the ability to use technology in the music classroom, such as basic knowledge of MIDI (musical instrument digital interface), sequencing and notational software programs, sound system set-up, and to make successful recordings of music ensembles.
- (T) Understands basic laws of copyright pertaining to the correct use of copyrighted printed music and related responsibilities.
- (U) Understands the competencies in General Music in Oklahoma's core curriculum and exhibits the skill to incorporate them into various vocal music classes.
- (17) **Physical education/health/safety.** Competencies specified in both (A) Physical Education/Safety and (B) Health/Safety are required for licensure and certification:
- (A) **Physical education/safety.** The candidate for licensure and certification:
- (i) Understands the Oklahoma core curriculum and is able to develop instructional strategies/plans based on the Physical Education Section of the Oklahoma core curriculum.
 - (ii) Knows the developmental levels of growth and coordination of children (Grades K-12) and provides appropriate learning opportunities that support the physical and intellectual development of all students.
 - (iii) Understands and uses a variety of both psychomotor and cognitive assessment strategies to evaluate and modify the teaching/learning process.
 - (iv) Understands and utilizes physical education activities for curriculum integration.
 - (v) Applies movement concepts and principles to the learning and development of rhythm and motor skills for the following:
 - (I) locomotor movement
 - (II) nonlocomotor movement
 - (III) manipulative skills
 - (vi) Promotes participation and involvement in age-appropriate physical activities/sports suitable for lifelong participation in the following areas:
 - (I) lifetime activities/sports (i.e., skiing, camping, hiking, clogging)
 - (II) individual activities/sports (i.e., golf, tennis, self-defense, spelunking)
 - (III) nontraditional team activities/sports (i.e., korfbal, lacrosse, square dancing)
 - (IV) traditional team activities/sports (i.e., basketball, volleyball, softball)
 - (vii) Understands adaptive learning activities for students with special needs.
 - (viii) Knows and can demonstrate appropriate fitness, wellness, and personal management components including:
 - (I) Fitness. Fitness includes: flexibility; muscular strength; cardiovascular fitness endurance; contraindicated exercises (traditional exercises which have been proven, through research, to be damaging to the body); nutrition.
 - (II) Wellness. Wellness encompasses: body composition; stress management; safety and accident prevention; designing and assessing personal fitness program; weight control; consumer education.
 - (III) Personal management skills: cooperation; sportsmanship; self-discipline; goal setting; following rules.
 - (ix) Uses information technology to enhance learning and to enhance personal productivity:
 - (I) Demonstrates knowledge of current technologies and their application in Physical Education.
 - (II) Designs, develops, and implements student learning activities that integrate information technology.

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- (III) Uses technologies to communicate, network, locate resources, and enhance continuing professional development.
- (B) **Health/safety.** The candidate for licensure and certification:
- (i) Communicates the concepts, purposes, and importance of health education; as evidenced by the following indicators:
- (I) Describes the discipline of health education within the school setting.
- (II) Describes the interdependence of health education and the other components of a coordinated school health program.
- (III) Delivers accurate and up-to-date information about the most common comprehensive school health education components; including but not limited to: community and environmental health; consumer health; disease prevention and control; healthy communication; human growth and development; mental and emotional health; nutrition; personal health; safety and injury prevention; substance abuse.
- (IV) Provides a rationale for health education, grades 1-12.
- (V) Understands the variables that shape decisions about health behaviors.
- (VI) Defines the role of the health education teacher within a coordinated school health program.
- (VII) Explains the importance of health education.
- (VIII) Identifies the kinds of school and community support necessary to implement a coordinated school health education program.
- (IX) Understands the importance of ongoing professional development for health education teachers.
- (X) Describes the importance of modeling positive, healthful behaviors.
- (ii) Assesses the health education needs and interests of students.
- (I) Uses information about health needs and interests of students.
- (II) Recognizes behaviors that promote or compromise health.
- (iii) Plans school health instruction.
- (I) Selects realistic program goals and objectives.
- (II) Identifies a scope and sequence plan for school health instruction.
- (III) Plans health education lessons which reflect the abilities, needs, interests, developmental levels, and cultural backgrounds of students.
- (IV) Describes effective ways to promote cooperation with and feedback from administrators, parents, and other community members.
- (V) Determines procedures which are compatible with school policy for implementing curricula.
- (VI) Develops activities to meet program goals and objectives based on the Health/Safety, and for grades 7-12, HIV/AIDS Prevention Education Sections of Oklahoma's core curriculum and on the National Health Education Standards.
- (iv) Implements school health instruction.
- (I) Employs a variety of strategies to facilitate implementation of a school health education curriculum; strategies include: provides a core health education curriculum; integrates health and other content areas; uses technology as a strategy to deliver health education; involves parents, guardians, or custodians of students in the teaching/learning process.
- (II) Incorporates appropriate resources and materials including: selects valid and appropriate sources of information about health; uses school and community resources within a comprehensive program; refers students to valid and appropriate sources of health information.
- (III) Employs appropriate strategies for dealing with health issues.
- (IV) Adapts existing health education curricular models to community and student needs and interests.
- (v) Evaluates the effectiveness of school health instruction.
- (I) Uses appropriate criteria and methods unique to health education for evaluating student achievement.
- (II) Interprets and applies student evaluation results to improve health instruction.
- (18) **Psychometrist.** The candidate for licensure and certification:
- (A) Understands and integrates into practice the philosophical, historical, and legal foundations of special education as applicable to the role of the psychometrist/educational diagnostician, in the following areas, including laws, regulations, and policies/procedures related to special education assessment, placement, and due process.
- (B) Demonstrates knowledge, understanding, and application of ethical issues and standards of professional practice within the educational setting, in the following areas:
- (i) ethical conduct and legal issues of the profession
- (ii) role and function of the psychometrist/educational diagnostician
- (iii) confidentiality
- (iv) professional issues/standards
- (v) training standards for particular instruments and procedures

- (vi) continuing professional growth/development
 - (C) Demonstrates knowledge and skills in assessment, diagnosis, evaluation, and eligibility determination within the multidisciplinary team process for children with disabilities who may require special education services or early childhood intervention services, as follows:
 - (i) collection of assessment data for infants through school-age children, including the selection, administration, accurate scoring, and reporting of instruments and procedures appropriate to the areas of concern such as basic academic skills, cognitive/intellectual, developmental, perception, language, adaptive behavior, and classroom behavior
 - (ii) the adequacy, appropriate use, and limitations of assessment and evaluation instruments and procedures to be used by the psychometrist/educational diagnostician for educational purposes and recommendations
 - (iii) nondiscriminatory assessment strategies for culturally and linguistically diverse children
 - (D) Has knowledge and skills in effective communication and collaboration within the multidisciplinary team process, in the following areas:
 - (i) consultation for instructional interventions and problem-solving
 - (ii) educational recommendations and decision-making
 - (E) Understands and integrates into practice basic psychological foundations, including:
 - (i) cultural diversity
 - (ii) child and adolescent development
 - (iii) human exceptionalities
 - (iv) learning/educational psychology
 - (F) Understands and integrates into practice educational foundations, including:
 - (i) education of the exceptional learner
 - (ii) instructional and remedial techniques
 - (iii) the educational service delivery system
- (19) **Reading specialist.** The candidate for licensure and certification shall possess the competencies specified in (A) through (D) of this paragraph:
- (A) **Reading philosophy and professional roles.** Competencies are:
 - (i) Provides reading instructions so as to facilitate the process of reading development in which teacher and learner work together as members of a community of readers.
 - (ii) Has knowledge of the linguistic, dialectal, and developmental differences in readers that may affect instructional strategies.
 - (iii) Knows the principles and issues of major theories of language development as they relate to reading instruction.
 - (iv) Applies flexible approaches to reading instruction that recognize the uniqueness of individual students.
 - (v) Develops strategies for working with school staff, other reading specialists, and professionals within and beyond the school to foster reading development for individuals and groups.
 - (vi) Understands reading as a constructive process in which the experience of the reader, the text, and the requirements of the reading event interact in the creation of meaning.
 - (vii) Identifies appropriate interaction with staff members (e.g., content, special, classroom teachers) to facilitate reading development for all students.
 - (viii) Recognizes factors and procedures related to the involvement of parents and/or school and community groups at all stages of reader development.
 - (ix) Identifies and understands procedures involved in determining curriculum needs for reading programs.
 - (x) Identifies criteria and/or procedures involved in planning reading curriculum.
 - (xi) Identifies appropriate methods and resources related to the reading process for promoting professional growth for self and school staff.
 - (B) **Instructional practices.** Competencies are:
 - (i) Understands emergent literacy development and the types of experiences and concepts that support learning to read.
 - (ii) Applies knowledge of and provides appropriate instruction of graphophonemic relationships.
 - (iii) Understands the relationship among word knowledge (i.e., word attack and word recognition), reading fluency, and comprehension.
 - (iv) Identifies various word attack strategies (i.e., semantic clues, syntactic clues, graphophonemic clues), and various word recognition strategies (i.e., those that promote meaningful vocabulary growth).
 - (v) Provides appropriate instruction of strategies that promote comprehension at the literal, inferential, and critical/evaluative levels for both narrative and expository texts.
 - (vi) Understands the importance of adjusting reading strategies for different reading purposes.
 - (vii) Provides appropriate instruction of various techniques and study strategies (i.e., locating, organizing, and interpreting information).
 - (viii) Identifies content area reading strategies that activate and/or develop background knowledge.
 - (ix) Assists students in applying reading-related strategies to new learning situations.

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- (x) Understands the issues and procedures involved in teacher modeling, teacher-guided application, and independent practice.
 - (xi) Develops proficiencies in providing instruction associated with a variety of reading instructional approaches, including phonics, language experience, basal (basic) readers, and literature-based.
 - (xii) Implements cooperative learning strategies during reading instruction.
 - (xiii) Analyzes the strengths and weaknesses of the use of readability formulas in assessing instructional materials.
 - (xiv) Identifies appropriate criteria for selecting instructional materials (e.g., textbooks, reference books, computer software).
 - (xv) Analyzes issues and procedures involved in modifying curriculum to meet the needs of individual students.
 - (xvi) Recognizes the factors involved in organizing reading instruction to encourage individual student success.
 - (xvii) Promotes meaningful parent/guardian-child interaction related to reading.
 - (xviii) Creates a reading environment to increase student's motivation to read widely and independently and to promote reading as a lifelong habit.
- (C) **Reading diagnosis.** Competencies are:
- (i) Identifies factors that contribute to reading difficulties.
 - (ii) Understands the nature of reading difficulties (e.g., students' knowledge and strategies, factors embedded in the reading materials, instructional factors).
 - (iii) Implements, interprets, and uses informal and formal assessment and evaluation procedures for identifying and diagnosing reading difficulties (e.g., observation, criterion-referenced tests, norm-referenced tests, miscue analysis, informal reading inventories, anecdotal records).
 - (iv) Understands, analyzes, and creates case studies for diagnostic purposes.
 - (v) Identifies issues, procedures, and limitations involved in using oral diagnostic tests, silent diagnostic tests, visual and auditory screening, and observational diagnostic techniques.
 - (vi) Identifies activities and/or strategies appropriate for individual or group instruction for students with reading difficulty.
- (D) **Evaluation and assessment.** Competencies are:
- (i) Identifies characteristics, strengths, and weaknesses of formal and informal tests and instruments (i.e., criterion-referenced, norm-referenced, achievement tests, diagnostic tests, checklists, observations, and anecdotal records.)
 - (ii) Analyzes issues involved in the use of tests and other evaluation instruments for classification or placement, diagnosis, or other evaluative purposes.
 - (iii) Selects tests or other instruments appropriate for a given evaluation purpose.
 - (iv) Understands the principles and/or procedures involved in the interpretation of test results.
 - (v) Identifies procedures for cooperating with various professionals in assessment, evaluation, and instructional planning for students with special needs.
 - (vi) Identifies criteria for evaluating reading programs.
- (20) **Reserve Officers' Training Corps (ROTC).** Competency for ROTC certification will be verified by a recommendation from the appropriate ROTC Regional Headquarters.
- (21) **School counselor.**
- (A) The candidate for licensure and certification:
 - (i) Uses an understanding of human development to provide a comprehensive, developmental guidance and counseling program.
 - (ii) Understands the impact of environmental influences on students' development and achievement, and helps students develop strategies to resolve or cope with situations that may hinder learning.
 - (iii) Demonstrates an appreciation of human diversity by providing equitable guidance and counseling services for all students and by promoting a climate of mutual respect that helps students value themselves and others.
 - (iv) Uses effective leadership skills to plan, implement, and evaluate a comprehensive, developmental guidance and counseling program to address the needs of all students.
 - (v) Provides guidance and counseling services to address the needs and concerns of students and to help students develop skills to use in future situations.
 - (vi) Facilitates the educational and career development of individual students to help all students achieve success.
 - (vii) Uses formal and informal assessment to provide information about and to students, to monitor student progress, and to recommend changes to the student's educational environment.
 - (viii) Consults with parents and school personnel, provides professional expertise, and establishes collaborative relationships that foster a support system for students, parents, and the school community.
 - (ix) Establishes strong and positive ties with the home and the community to promote and support students' growth in school and beyond the school setting.

- (x) Has knowledge of professional ethical codes, the importance of professional development, and the need to work with colleagues to advance the profession.
- (B) Competency for School Counselor certification may also be verified by the Nationally Certified School Counselor (NCSC) credential.
- (22) **School nurse.** Competency for School Nurse certification will be verified by a current registered nurse's license issued by the Oklahoma State Board of Nurse Registration and Nursing Education.
- (23) **School psychologist.**
 - (A) The candidate for licensure and certification:
 - (i) Understands and integrates into practice the principles of professional school psychology, including:
 - (I) ethical conduct and legal issues
 - (II) confidentiality
 - (III) role and function of the school psychologist
 - (IV) service delivery models
 - (V) professional issues/standards
 - (VI) history and foundations
 - (VII) continuing professional growth/development
 - (ii) Demonstrates knowledge and skills in a comprehensive range of assessment, diagnosis, evaluation, and eligibility or intervention determination within the multidisciplinary team process, including:
 - (I) for children with disabilities who may require special education, early childhood intervention services, or other exceptional needs
 - (II) assessment for interventions
 - (III) collection of assessment data for infants through school-age children, including the selection, administration, accurate scoring, reporting, and interpretation of instruments and procedures appropriate to the areas of concern
 - (IV) the adequacy, appropriate uses, and limitations of assessment and evaluation instruments and procedures to be used by the school psychologist
 - (V) nondiscriminatory assessment strategies for culturally and linguistically diverse children
 - (iii) Demonstrates knowledge and skills in prevention, intervention, consultation, and counseling, including:
 - (I) behavioral and social skills
 - (II) cognitive/intellectual
 - (III) child developmental
 - (IV) academic learning/instructional
 - (V) mental health needs
 - (VI) crisis prevention/intervention
 - (iv) Demonstrates knowledge and skills in effective communication and collaboration, including:
 - (I) consultation for interventions and problem-solving
 - (II) recommendations and decision-making concerning educational and mental health needs of children
 - (III) working with families, children, professionals, and other service systems
 - (B) Competency for School Psychologist certification may also be verified by the Nationally Certified School Psychologist (NCSP) credential.
- (24) **Elementary science.** The candidate for licensure and certification:
 - (A) Is able to plan an inquiry-based science program for students using as a framework, Oklahoma's core curriculum. In doing this, one
 - (i) Develops a framework of yearlong and short-term goals for students.
 - (ii) Understands curriculum design to meet the interests, knowledge, understanding, abilities, and experiences of students.
 - (iii) Selects teaching and assessment strategies that support the development of student understanding and encourage a community of science learners.
 - (iv) Works with colleagues within and across disciplines and grade levels.
 - (B) Is able to guide and facilitate learning. In doing this, one
 - (i) Focuses and supports inquiries while interacting with students.
 - (ii) Facilitates discussion among students about scientific ideas.

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- (iii) Challenges students to accept and share responsibility for their own learning.
 - (iv) Recognizes and responds to student diversity and encourages all students to participate fully in science learning.
 - (v) Encourages and models the skills of scientific inquiry, as well as the curiosity, openness to new ideas and data, and questioning that characterizes science.
- (C) Is able to engage in ongoing assessment of one's own teaching and of student learning. In doing this, one
- (i) Uses multiple methods and systematically gathers data about student understanding and ability.
 - (ii) Analyzes assessment data to guide teaching.
 - (iii) Guides students in the evaluation of their work.
 - (iv) Uses student data, observations of teaching, and interaction with colleagues to reflect on and improve teaching practice.
 - (v) Uses student assessment information and classroom observation to report student achievement to students and parents.
- (D) Is able to design and manage learning environments that provide students with the time, space, and resources needed for developing science skills. In doing this, one
- (i) Structures the time so that students are able to engage in extended investigations.
 - (ii) Creates a setting for student work that is flexible and supportive of science inquiry.
 - (iii) Ensures a safe working environment.
 - (iv) Makes the available science tools, materials, media, and technological resources accessible to students.
 - (v) Identifies and uses resources outside the school.
 - (vi) Engages students in designing the learning environment.
- (E) Is able to develop communities of science learners that reflect the intellectual rigor of scientific inquiry and the climate conducive to science learning. In doing this, one
- (i) Respects the diverse needs, skills, and experiences of all students.
 - (ii) Enables students to have a significant voice in decisions about the content and context of their work and prepares students to take responsibility for learning.
 - (iii) Encourages collaboration among students.
 - (iv) Structures and facilitates ongoing formal and informal discussion based on a shared understanding of rules of scientific discourse.
 - (v) Models and emphasizes the skills and value of scientific inquiry.

- (F) Is able to use a variety of instructional strategies to implement an integrated/ interdisciplinary curriculum.
- (G) Is able to teach with a broad understanding of all content areas and to understand the interaction between the sciences and the process skills. Content areas and concepts within each are listed in subparagraphs (A) through (C) herein:
- (i) Physical science content
 - (I) Properties of objects and materials
 - (II) Properties and changes of properties in matter
 - (III) Position and motion of objects
 - (IV) Motion and force
 - (V) Light, heat, electricity, and magnetism
 - (VI) Transfer of energy
 - (ii) Earth/space content
 - (I) Properties of earth materials
 - (II) Objects in the sky
 - (III) Changes in earth and sky
 - (IV) Structure of the earth system
 - (V) Earth's history
 - (VI) Earth in the solar system
 - (iii) Life science content
 - (I) The characteristics of organisms
 - (II) The life cycle of organisms
 - (III) Organisms and environment
 - (IV) Structure and function in living systems
 - (V) Reproduction and heredity
 - (VI) Regulation and behavior
 - (VII) Population and ecosystem
 - (VIII) Diversity and adaptation of organisms
- (H) Is able to develop conceptual understanding for science content using the process skills listed in Oklahoma's core curriculum, in Grades K through 8. Identified science concepts and/or science content areas are:
- (i) System, order and organization
 - (ii) Constancy, change, equilibrium and measurement
 - (iii) Form and function
 - (iv) Abilities of technological design
 - (v) Abilities to distinguish between natural objects and objects made by humans
 - (vi) Understanding about science and technology
 - (vii) Science as a human endeavor
 - (viii) Nature of science
 - (ix) History of science
 - (x) Personal health
 - (xi) Characteristics and changes in populations
 - (xii) Population, resources, and environment
 - (xiii) Types of resources
 - (xiv) Natural hazards
 - (xv) Changes in environments
 - (xvi) Science and technology in local challenges
 - (xvii) Risk and benefits

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

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- (xvi) Natural hazards
- (xvii) Natural resources
- (xviii) Risks and benefits
- (xix) Environmental quality
- (xx) Natural and human induced hazards
- (xxi) Science and technology in society
- (xxii) Science and technology in local, national, and global challenges

(26) **Biological sciences 6-12.** The candidate for licensure and certification:

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

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

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

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

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

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

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

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

(E) Is able to develop communities of science learners that reflect the intellectual rigor of scientific inquiry and the climate conducive to science learning. In doing this, one:

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

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

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

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

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

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

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

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

(28) **Chemistry 6-12.** The candidate for licensure and certification:

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

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

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

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

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

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

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

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

(E) Is able to develop communities of science learners that reflect the intellectual rigor of scientific inquiry and the climate conducive to science learning. In doing this, one:

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

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

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

- (i) Structures and properties of matter
- (ii) Chemical reactions
- (iii) Transfer of energy
- (iv) The structure of atoms
- (v) Properties and changes of properties in matter

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

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

(29) **Physics 6-12.** The candidate for licensure and certification:

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

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

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

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

new ideas and data, and questioning that characterizes science.

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

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

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

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

(E) Is able to develop communities of science learners that reflect the intellectual rigor of scientific inquiry and the climate conducive to science learning. In doing this, one:

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

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

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

- (i) Motions and forces
- (ii) Conservation of energy

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- (iii) Transfer of energy
 - (iv) Interactions of energy and matter
- (H) Is able to develop conceptual understanding for science content using the process skills listed in Oklahoma's core curriculum, in Grades 6 through 12. Identified Science concepts and content areas are:
- (i) System, order, and organization
 - (ii) Evidence, models, and explanation
 - (iii) Constancy, change, equilibrium, and measurement
 - (iv) Form and function
 - (v) Abilities of technological design
 - (vi) Understanding about science and technology
 - (vii) Science as a human endeavor
 - (viii) Nature of science
 - (ix) Nature of scientific knowledge
 - (x) History of science
 - (xi) Historical perspectives
 - (xii) Personal health
 - (xiii) Personal and community health
 - (xiv) Population, resources, and environments
 - (xv) Population growth
 - (xvi) Natural hazards
 - (xvii) Natural resources
 - (xviii) Risks and benefits
 - (xix) Environmental quality
 - (xx) Natural and human induced hazards
 - (xxi) Science and technology in society
 - (xxii) Science and technology in local, national, and global challenges
- (30) **Social Studies.**
- (A) **United States History/Oklahoma History/government/economics.** The candidate for licensure and certification:
- (i) Knows the major themes of United States history and their interrelatedness.
 - (ii) Understands how the political growth, major events, and individuals affected the development of the United States.
 - (iii) Examines and analyzes historical documents which contributed to the establishment and growth of the government of the United States.
 - (iv) Identifies and describes events, trends, individuals, and movements which shaped the social, economic, and cultural development of the United States.
 - (v) Analyzes events and identifies individuals who defined and continue to impact the role of the United States in world affairs.
 - (vi) Knows the roles and function of government and the foundations, structure, and function of American government.
 - (vii) Identifies and explains the rights and responsibilities of citizens of the United States.
 - (viii) Describes the characteristics of local and state governments and the national government,

and the relationships among the different levels of government.

- (ix) Analyzes how the American political process works and the relationship of the process to the individual as a citizen of the state and the nation.
 - (x) Identifies and analyzes the events which led to Oklahoma's historical, political, economic, and cultural development.
 - (xi) Identifies important individuals and groups which have had an influence on Oklahoma's heritage.
 - (xii) Identifies the diverse geographic features and resources found in Oklahoma and describes their influence on Oklahoma's historical development and economy.
 - (xiii) Understands basic application of economic theories.
 - (xiv) Interprets economic trends in historical, political, and geographic contexts.
 - (xv) Analyzes the influence of the past on the present and uses a knowledge of history and government to anticipate and plan for the future, evaluating alternative courses of action.
 - (xvi) Applies the skills of analysis, interpretation, research, and decision-making to develop an understanding of history, government, and economic concepts.
 - (xvii) Knows the content of the Oklahoma core curriculum for United States History, Oklahoma History, government, and economics.
- (B) **World History/geography.** The candidate for licensure and certification:
- (i) Compares and contrasts differing sets of ideas, personalities, and institutions of world cultures and major historical periods.
 - (ii) Analyzes the cause and effect of relationships, multiple causation and perspectives, including the importance of the individual on historical events.
 - (iii) Analyzes the influence of the past on the present and uses a knowledge of history and geography to anticipate and plan for the future, evaluating alternative courses of action.
 - (iv) Interprets given historical data in order to evaluate information in its context.
 - (v) Knows the six elements of geographic organization: the world in spatial terms, places and regions, physical systems, human systems, environment and society, and application of geographic data, and applies them to developing an understanding of geography concepts.
 - (vi) Applies the skills of analysis, interpretation, research, and decision-making to develop an understanding of history and geographic concepts.
 - (vii) Knows the content of the Oklahoma core curriculum for World History and Geography.

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

- (i) Exhibits a basic intellectual grasp of psychological and sociological theories, vocabulary, history, and recent trends in the fields of psychology and sociology.
- (ii) Understands basic concepts relative to social, developmental, abnormal and clinical psychology, learning theory (classical, operant, and cognitive), and other significant areas in the discipline of psychology, such as the scientific method.
- (iii) Knows basic brain-based research and theory, and how biology and behavior interact.
- (iv) Recognizes the differences among experimental, classical, and conditioning approaches to the study of psychology.
- (v) Analyzes and interprets how today's psychologists view behavior in the following areas: the biological, the cognitive, the person-centered, and the psycho-dynamic perspectives.
- (vi) Knows the theories and measurement of intelligence testing.
- (vii) Knows basic concepts relative to group behavior, ethnicity, social mores, crime, demographics and current social issues.
- (viii) Knows and analyzes culture, social structure, social stratification, social institutions, socialization, social movements, and social problems, as sociological concepts.
- (ix) Knows and applies the basic sociological research processes, e.g., hypothesis formulations, sampling

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

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

- (i) Understands the historical, social, and ethical foundations; legal and regulatory; and current trends and issues of early childhood, early childhood special education, and special education.
- (ii) Identifies specific/common disabilities in children and the implications for development and learning.

- (iii) Plans and implements programming and curricula using current best practices and principles of early childhood education.
- (iv) Understands typical and atypical development and the interdependency of all developmental areas, and respects each child's unique characteristics and their implications for learning.
- (v) Demonstrates knowledge and skills in selection and administration of developmental screening, assessment, and evaluation instruments and methods which are comprehensive, nondiscriminatory for linguistic and cultural differences, formal and informal, and appropriate for children with early childhood disabilities.
- (vi) Participates and collaborates with all team members in conducting the evaluation/assessment within the multidisciplinary team process.
- (vii) Understands and demonstrates knowledge of the individualized family service plan (IFSP)/individualized education program (IEP) process by:
 - (I) using assessment results, in partnership with the family and other team members, to develop the IFSP/IEP
 - (II) monitoring IFSP/IEP progress
- (viii) Understands and implements early childhood curricula by adapting educational strategies, schedules and environments (individual, group, home settings) to meet the specific needs, interests, and experiences of all children.
- (ix) Understands and participates in the transition process across programs and service systems by:
 - (I) planning for and linking current developmental learning experiences and teaching strategies with those of the next educational setting
 - (II) communicating options for programs and services at the next level, while assisting the family in planning for transition.
- (x) Develops and uses formative and summative program evaluation to ensure comprehensive quality of programs and services for children and their families.
- (xi) Collaborates and consults regularly with families, other team members, and agencies to enhance and support children's learning and development by:
 - (I) assisting families in identifying resources, priorities, and concerns, and in accessing appropriate services
 - (II) respecting parents' choices and goals for their children
 - (III) implementing services for children and their families, consistent with laws, regulations, and procedural safeguards
- (xii) Uses positive and supportive early childhood guidance, teaching, and behavioral strategies

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which help all children learn to make responsible decisions regarding their own behavior and contribute to the development of self-control, self-motivation, and self-worth.

(xiii) Demonstrates professionalism and ethical practice, including:

(I) advocacy on behalf of young children and their families to improve quality of programs and services for young children and for early childhood special education

(II) implementation of a professional development plan which incorporates best practices and principles.

(xiv) Understands and applies the following competencies in reading instruction.

(I) Knows the stages of language development and the structure of the English language and alphabetic writing system including phonology, morphology, and orthography and their relationships to spelling and meaning.

(II) Understands that primary language (oral) directly impacts the secondary languages (reading, writing, spelling). Knows and applies knowledge of implicit and explicit instruction in developing oral language. Knows the relationship of oral language to literacy.

(III) Knows the developmental process of reading in order to assess, interpret, describe, develop appropriate instruction, monitor, reteach and reassess student's reading performance for concepts about print, phonological and phonemic awareness, phonics, spelling, word recognition, vocabulary, comprehension, fluency, and writing.

(IV) Identifies and applies all developmental levels of phonemic awareness to provide appropriate instruction in understanding words are made up of phonemes and that phonemes can be rearranged and manipulated to make different words that compose oral speech.

(V) Knows and provides appropriate systematic explicit and implicit phonological instruction for the application of spelling-sound correspondences for word analysis and for structural analysis for word recognition and word meaning development.

(VI) Knows and applies the relationships between spelling patterns and sounds of speech; knows how to support the student at each stage of spelling development; knows how to focus direct and indirect instruction to guide the student toward spelling proficiency.

(VII) Knows and applies knowledge of appropriate explicit and implicit instruction for vocabulary development, e.g., prefixes, suffixes and roots.

(VIII) Knows and applies strategies that promote comprehension and strategies to support children's understanding for the various elements of the different genres of text.

(IX) Knows and applies strategies and instructional approaches to support response to text and promote comprehension for literal, inferential, and critical/evaluative level, e.g., guided reading, literature and research circles.

(X) Knows and applies knowledge of instructional techniques to assist students with self-monitoring and self-corrections, i.e., semantics, syntax, and graphophonics.

(XI) Knows and applies the instructional strategies which contribute to the development of fluent reading.

(XII) Knows how to promote children's interest and engagement in reading and writing.

(B) **Blind/visual impairment.** The candidate for licensure and certification:

(i) Understands the philosophical, historical, and legal foundations of special education for students with visual impairment including:

- (I) trends and issues in special education
- (II) special education policies and procedures
- (III) laws and regulations regarding special education

(ii) Demonstrates knowledge of characteristics of students with visual impairments.

(iii) Demonstrates knowledge and skills in assessment, diagnosis, evaluation, and eligibility determination within the multidisciplinary team process for students with visual impairments including:

- (I) procedures relevant to the impact of specific visual disorders on learning and experience, as well as procedures used for screening, prereferral, referral, and identification of students with visual impairments:
- (II) vision screening methods
- (III) functional vision assessment
- (IV) learning media assessment
- (V) orientation and mobility
- (VI) independent living skills
- (VII) vocational skills
- (VIII) assistive technology
- (IX) recreation and leisure skills
- (X) classroom observation

(iv) Understands and demonstrates knowledge of the individualized education programs (IEP) process by:

- (I) using assessment results, in partnership with team members, to develop the IEP
- (II) monitoring IEP progress

(v) Demonstrates knowledge and skills to plan and implement appropriate and effective individualized education programs for students with visual

impairments, based upon knowledge of subject matter and adaptation of curriculum and materials to meet individual abilities and sensory, conceptual and communication needs, including:

- (I) social interaction skills
 - (II) recreation and leisure skills
 - (III) use of assistive technology
 - (IV) prerequisite skills and concepts for orientation and mobility instruction
 - (V) independent living skills
 - (VI) career education
 - (VII) visual efficiency skills
 - (VIII) literacy skills
 - (IX) organizational skills
- (vi) Plans and manages supportive educational environments relative to the student's specific visual condition, including:
- (I) acquisition and use of unique assistive technology (e.g., computers, printers, scanners, screen access, note-taking devices, software, speech output devices, CCTV, etc.)
 - (II) acquisition and use of specialized equipment and materials (Braille writer, abacus, slate and stylus, paper, Braille/large print/cassette textbooks, tactile maps, charts, graphs, optical, and nonoptical aids, etc.)
 - (III) modification of the physical environment
 - (IV) implementation of appropriate instructional strategies
 - (V) incorporation of basic orientation and mobility skills
- (vii) Demonstrates knowledge and applies skills relative to the management of student behavior and social interaction skills unique to students with visual impairments, including:
- (I) influences of the disability (ies) and other factors impacting the child's behavior and social skills
 - (II) instruction in social interaction skills, adaptive behavior, and appropriate behaviors
 - (III) appropriate behavior management and ethical considerations using a variety of interventions and techniques
- (viii) Demonstrates knowledge and skills in communication and collaborative partnerships, including:
- (I) communication with families, professionals, ancillary personnel, student peers, and community members to improve the quality of education for students with visual impairments
 - (II) interrelationships of resource and related service providers
 - (III) educational activities regarding specific visual conditions through inservice, consultation, etc.
 - (IV) transition planning

(ix) Demonstrates knowledge and skills to promote successful transitions at all levels of the education process and in various environments, including:

- (I) completion of secondary level program/postsecondary planning
 - (II) transitions across programs and service delivery systems
- (x) Demonstrates knowledge and skills in providing an appropriate education for students in the least restrictive environment, including the full continuum of placement alternatives
- (xi) Demonstrates management skills pertaining to the various service delivery models representing the full continuum of placement options for students with visual impairments, including:
- (I) time management and scheduling
 - (II) record keeping
 - (III) prioritizing caseload
 - (IV) roles and responsibilities
 - (V) travel issues relevant to service delivery
 - (VI) site specific climate and culture
- (xii) Demonstrates professional and ethical conduct and advocacy for the unique needs of all students with visual impairments regardless of the availability of services.
- (C) **Deaf/hard of hearing.** The candidate for licensure and certification:
- (i) Understands the philosophical, historical, and legal foundations of special education for students who are deaf or hard of hearing, including:
 - (I) trends and issues in special education
 - (II) special education policies and procedures
 - (III) laws and regulations regarding special education
 - (ii) Demonstrates knowledge of characteristics and development of students who are deaf or hard of hearing, including:
 - (I) communication features (visual, spatial, tactile, auditory) necessary to enhance cognitive, emotional, and social development
 - (II) etiologies (causes) of hearing loss
 - (III) effects of onset, age of identification, and provision of services
 - (iii) Demonstrates knowledge and skills in assessment, diagnosis, evaluation, and eligibility determination within the multidisciplinary team process for students who are deaf or hard of hearing, including:
 - (I) use of the natural/native/preferred language or mode of communication of the student
 - (II) interpretation of results for use in educational programming
 - (iv) Understands and demonstrates knowledge of the individualized education program (IEP) process by:

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- (I) using assessment results, in partnership with team members, to develop the IEP
- (II) monitoring IEP progress
- (v) Demonstrates knowledge and skills to plan and implement appropriate and effective instruction for students who are deaf or hard of hearing based upon knowledge of subject matter, curriculum goals, and students' individual abilities and needs by use of:
 - (I) multimedia skills
 - (II) techniques for modifying and adapting curriculum and materials to meet physical, sensory, cognitive, cultural, and communication needs in various learning environments
- (vi) Plans and manages supportive teaching and learning environments that maximize opportunities for visually oriented and/or auditory learning and facilitate participation of students who are deaf or hard of hearing using:
 - (I) knowledge of current devices and assistive technology, including their application and resources (e.g., captioning, computers, augmentative communication devices, etc.)
 - (II) classroom management techniques
- (vii) Demonstrates knowledge and skills in managing student behavior and social interaction skills, including:
 - (I) appropriate behavioral management and ethical considerations using a variety of interventions and techniques
 - (II) influences of the disability(ies) and other factors impacting the child's behavior and social interaction skills
- (viii) Understands how language develops naturally and that early comprehensible communication influences the development of the whole child.
- (ix) Demonstrates proficiency in the languages and modes of communication that are used in the instruction of students who are deaf or hard of hearing.
- (x) Understands the social and cultural aspects of the deaf perspective and deaf experience.
- (xi) Demonstrates knowledge and skills in communication and forming collaborative partnerships with families, professionals, and community members to improve the quality of education for students who are deaf or hard of hearing.
- (xii) Demonstrates knowledge and skills to promote successful transitions at all levels of the education process and in various environments, including:
 - (I) completion of secondary level program/postsecondary planning
 - (II) transitions across programs and service delivery systems
- (xiii) Demonstrates knowledge and skills in providing an appropriate education for students in

the least restrictive environment, including the full continuum of placement alternatives.

(xiv) Demonstrates professional and ethical conduct in matters related to the education of students who are deaf or hard of hearing.

(D) **Mild-moderate disabilities.** The candidate for licensure and certification will demonstrate his/her mastery of these standards through the master of the Council for Exceptional Children's (CEC) Core Knowledge and Skills and through the mastery of the CEC Knowledge and Skill Base for Teachers of Students in Individualized General Curriculums. The candidate:

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

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

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

(iii) Understands the effects that a disability (including aspects of cognition, communication, physical, medical, and social/emotional) can have on learning and how primary language, culture and familial background can interact with the student's disabilities to impact academic, and social abilities, attitudes, values, interests and career options. The understanding of these learning differences and their possible interactions provide the foundation upon which a special educator individualizes instruction to provide meaningful and challenging learning for students with disabilities.

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

- (I) promote positive learning results in the general curriculum in age-appropriate settings;

- (II) promote multiple methods for teaching reading;
 - (III) modify learning environments;
 - (IV) enhance critical thinking, problem solving and performance skills;
 - (V) promote self-determination;
 - (VI) enhance integration and coordination of related services for educational benefit; and
 - (VII) promote transition.
- (v) Demonstrates knowledge and skills in creating positive and safe learning environments for students with disabilities, and that also foster active engagement of students with disabilities. In addition, special educators foster environments that:
- (I) value diversity;
 - (II) promote independence and productivity;
 - (III) assist general education colleagues in integrating students with disabilities;
 - (IV) use direct motivational and instructional interventions;
 - (V) utilize positive behavior supports and crisis management techniques;
 - (VI) guide and direct paraprofessionals and others; and
 - (VII) provide specialized school health practices and techniques for health and safety.
- (vi) Understands typical and atypical language development and uses strategies to enhance language development and teach communication skills to students with disabilities. This is accomplished by using:
- (I) effective language models;
 - (II) augmentative, alternative and assistive technologies;
 - (III) communication strategies and resources to facilitate understanding of subject matter for students with disabilities and those students with disabilities whose primary language is not English; and
 - (IV) matching communication methods to the student's language proficiency and cultural and linguistic differences.
- (vii) Develops long- and short-range instructional plans anchored in both general and special education curricula emphasizing:
- (I) effective modeling;
 - (II) efficient guided practice;
 - (III) modifications based on ongoing analysis of the individuals learning progress;
 - (IV) collaboration;
 - (V) individualized transition plans;
 - (VI) use of appropriate technologies; and
 - (VII) positive behavior supports.
- (viii) Understands legal policies and ethical principals of multiple types of assessment information related to referral, eligibility, program

planning, instruction and placement of students with disabilities including those from culturally and linguistically diverse backgrounds. Special educators use assessment information to identify supports and adaptations required for students with disabilities to access general and special curricula and participate in school, system and statewide assessment programs. Special educators regularly monitor students' progress and use appropriate technologies to support assessments. Special educators must understand:

- (I) measurement theory and practices for addressing validity, reliability, norms, bias, and interpretation of assessment results and
 - (II) appropriate use and limitations of various assessment.
- (ix) Demonstrates knowledge and skills regarding legal, professional, and ethical practices including:
- (I) sensitivity to the many aspects of diversity;
 - (II) engaging in professional growth as lifelong learners;
 - (III) keeping current with evidence-based effective practices; and
 - (IV) participating in professional activities that benefit individuals with disabilities and their families.
- (x) Routinely and effectively collaborates with families, colleagues, related service providers, community agencies and other resources in positive and culturally responsive ways to assure that the needs of students with disabilities are addressed including facilitation of successful transitions of students with disabilities across settings and services.
- (E) **Severe-profound/multiple disabilities.** The candidate for licensure and certification will demonstrate his/her mastery of these standards through the mastery of the Council for Exceptional Children's (CEC) Core Knowledge and Skills and through the mastery of the CEC Knowledge and Skill Base for Teachers of Students in Independence Curriculums. The candidate:
- (i) Understands the philosophical, evidence-based principals and theories, historical and legal foundations of special education, and how these influence professional practices. These would include:
 - (I) trends and issues in special education;
 - (II) special education policies and procedures;
 - (III) laws and regulations regarding special education;
 - (IV) issues of human diversity and its relevance to special education;
 - (V) human issues that influence the field of special education; and

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

- (III) keeping current with evidence-based effective practices; and
 - (IV) participating in professional activities that benefit individuals with disabilities and their families.
 - (x) Routinely and effectively collaborates with families, colleagues, related service providers, community agencies and other resources in positive and culturally responsive ways to assure that the needs of students with disabilities are addressed including facilitation of successful transitions of students with disabilities across settings and services.
- (32) **Speech/drama/debate (Secondary).** The candidate for licensure and certification:
- (A) Maintains a current knowledge of concepts of the field of speech communication including: oral interpretation of literature, theater, the electronic media, public speaking, argumentation, and critical thinking skills.
 - (B) Applies comprehension, analysis, interpretation, synthesis, and evaluation of vocal, verbal and nonverbal messages.
 - (C) Applies appropriate learning strategies for critical thinking, research, organization, and presentation of messages appropriate to participation in a democratic society.
 - (D) Communicates effectively in interpersonal, small group, and public communication situations using appropriate language and nonverbal signals.
 - (E) Understands the influence of social and historical contexts, and culture on public address and literature of the theater.
 - (F) Understands the impact of cultural diversity upon the communication process.
 - (G) Establishes a communication climate which encourages reflection, creativity, and critical thinking.
 - (H) Uses differing assessment strategies to evaluate student competencies in a variety of speaking/listening situations.
 - (I) Uses technology (i.e., videotaping of presentations, computers to generate visual aids and as a research tool) to enhance instruction.
 - (J) Understands and uses teaching strategies appropriate for the analysis and presentation of a variety of forms (genres) of public address and literature of the theater, available in electronic media and from printed sources.
 - (K) Understands the importance of effective communication skills in the personal and professional arenas.
 - (L) Understands the role of co-curricular and extracurricular activities in the development of student interest as an extension of the classroom instruction.
 - (M) Understands, teaches, and implements Oklahoma's Core Curriculum.
- (33) **Speech-language pathologist.**
- (A) The candidate for licensure and certification:
 - (i) Understands the models, theories and philosophies that provide the basis for the practice of speech/language pathology, in the following knowledge areas:
 - (I) content areas in speech/language pathology (language, articulation, voice, fluency, augmentative communication)
 - (II) etiologies which may contribute to communication impairments
 - (III) a working understanding of other assessments (medical, psychological, audiological, etc.)
 - (IV) modality (spoken, written, sign)
 - (ii) Accommodates the individual learning styles and communication/educational needs of the student.
 - (iii) Demonstrates the ability to screen, evaluate, and diagnose students with suspected communication impairments using a variety of formal and informal procedures.
 - (iv) Plans and implements intervention strategies and the appropriate service delivery models for students with communication impairments, including:
 - (I) determines least restrictive environment
 - (II) provides ongoing assessment and monitors IEP progress
 - (III) develops individualized education program (IEP)
 - (v) Facilitates the development of the student's functional and literate communication skills (i.e., how communication occurs including written language) across environments, including:
 - (I) developing modifications/adaptations
 - (II) determining transition service needs
 - (vi) Recognizes and understands the relationship among behavior, social interaction and communication impairments, and is able to determine realistic expectations for the student's personal and social behavior in various settings.
 - (vii) Uses collaborative strategies in working with parents, school, and community to address the needs of students with communication impairments.
 - (viii) Promotes and maintains competence and integrity in the practice of speech/language pathology as follows:
 - (I) develops a plan for professional development
 - (II) identifies community agencies and resources
 - (ix) Implements practices that recognize the multicultural issues and the effect of cultural and linguistic diversity on students' communication skills and learning styles.

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- (x) Demonstrates knowledge of laws and regulations pertaining to students with communication impairments.
- (B) Competency for Speech-language Pathologist certification may also be verified by the Certificate of Clinical Competence (C.C.C.) from the American Speech-Language Hearing Association (ASHA).
- (34) **Agricultural education.** The candidate for licensure and certification shall possess the competencies specified in (A) through (F).
 - (A) **Agricultural business/marketing.** The candidate for licensure and certification understands the fundamental principles of agricultural business/marketing and management including principles of basic recordkeeping and methods for acquiring and managing agricultural finances.
 - (B) **Animal science.** The candidate for licensure and certification:
 - (i) Selects and handles livestock, recognizes factors related to the safe handling of animals and animal products which become food for human consumption, and understands the importance of alternative agricultural enterprises.
 - (ii) Understands concepts and principles of animal reproduction and the importance of livestock health and nutrition.
 - (C) **Plant and soil science.** The candidate for licensure and certification:
 - (i) Understands concepts, principles, and laboratory skills related to plant and soil science including the importance of traditional crops and alternative enterprises.
 - (ii) Knows factors related to the safe handling of plants and plant products which become food for human consumption and identifies causes and characteristics of common plant pests and diseases.
 - (D) **Agricultural mechanics.** The candidate for licensure and certification practices:
 - (i) shop safety, including the operation and knowledge of hand/power tools,
 - (ii) basic principles/concepts of power and machinery, metals and metal processes, and
 - (iii) basic principles of building construction.
 - (E) **Natural resources.** The candidate for licensure and certification:
 - (i) Evaluates the relationship between agriculture and the management of water, land, and air quality, and
 - (ii) Understands concepts and principles of plant and animal environmental factors including the handling of chemicals.
 - (F) **Communications/leadership.** The candidate for licensure and certification:
 - (i) Acknowledges the foundations of agricultural education including its purpose, functions, and the background of Future Farmers of America (FFA).
 - (ii) Demonstrates an understanding of basic parliamentary procedure, effective oral and written communication skills, and promotes teamwork, motivation, and leadership principles.
- (35) **Marketing education.** The candidate for licensure and certification shall possess the competencies specified in (A) through (N).
 - (A) **Orientation.** The candidate for licensure and certification applies principles of job search and preparation skills relating to resume and portfolio development, proper completion of application forms, interview preparation, career ladder analysis, and computer technology skills relating to word-processing and computerized presentations.
 - (B) **Marketing.** The candidate for licensure and certification:
 - (i) Applies principles and concepts related to marketing.
 - (ii) Interprets the importance of the marketing concept and functions, how marketing affects society, factors to consider in selecting a channel of distribution, and the concept of target marketing.
 - (C) **Mathematical skills.** The candidate for licensure and certification:
 - (i) Applies basic mathematical operations used in the marketing profession as it pertains to balancing a cash drawer and the automatic and manual methods of making change.
 - (ii) Identifies the uses of basic algebra in marketing.
 - (D) **Human relations.** The candidate for licensure and certification:
 - (i) Applies principles of communications, decision-making, and crisis management.
 - (ii) Identifies characteristics of professionalism on the job and the importance of social skills.
 - (E) **Sales.** The candidate for licensure and certification:
 - (i) Applies principles relating to sales, product information, customer buying decisions, motives for buying, and sales approaches.
 - (ii) Demonstrates methods of handling customer/client complaints and objections.
 - (iii) Explains the concept and use of sales quotas.
 - (F) **Security precautions.** The candidate for licensure and certification:
 - (i) Identifies and explains prevention measures for the security problems of shoplifting, internal theft, burglary, robbery, and fraud.
 - (ii) Identifies common types of fraud.
 - (iii) Recognizes steps necessary to ensure security in shipping and receiving areas.
 - (iv) Identifies precautions for safety on the job.
 - (G) **Economics.** The candidate for licensure and certification:

- (i) Applies principles related to the classification of goods and services and the types of economic resources.
 - (ii) Compares the types of economic systems and their relationship to the economy.
 - (iii) Identifies the factors which affect economics including economic utility (form, place, time, possession), competition, supply and demand, and the role of government in business.
 - (iv) Understands the characteristics and importance of a private enterprise system and international trade.
 - (v) Identifies the measure and importance of the gross domestic product (GDP) to marketing.
- (H) **Promotion.** The candidate for licensure and certification:
- (i) Applies principles related to the use of promotional activities, including the use of media, design and display arrangements, and the print ad.
 - (ii) Explains the role of the promotional plan.
- (I) **Merchandising.** The candidate for licensure and certification applies principles related to shipping and receiving, inventory control systems, calculation of inventory shrinkage, and industrial purchasing.
- (J) **Business ownership/entrepreneurship.** The candidate for licensure and certification:
- (i) Identifies the common types of business ownership in a free enterprise system and the advantages/disadvantages of each.
 - (ii) Discusses the importance of marketing strategies to businesses as they apply the principles of the product mix, product/service planning, marketing decisions for a proposed business, structuring a business, and using four "Ps" of marketing - product, pricing, place, and promotional strategies.
- (K) **Applied management.** The candidate for licensure and certification:
- (i) Applies principles of selecting store personnel, recruiting applicants for job openings, interviewing job candidates, and reducing labor turnover.
 - (ii) Recognizes the importance of new-employee orientation.
 - (iii) Understands knowledge of employee motivational theories.
- (L) **Credit.** The candidate for licensure and certification:
- (i) Applies principles of extending credit to business and customers and the three Cs of credit: character, capacity to pay, and capital.
 - (ii) Identifies the reasons for extending credit.
- (M) **Business and industry.** The candidate for licensure and certification:
- (i) Develops relationships with business and industry through advisory committees, surveys, work-site learning opportunities, curriculum, and program visits.
 - (ii) Communicates with business and industry regarding student competencies/credentials and job performance.
- (N) **Student organizations and activities.** The candidate for licensure and certification:
- (i) Understands the role of student organizations in developing student professionalism and assists student organizations by coaching, chaperoning, and supervising activities.
 - (ii) Encourages student participation through instruction and recognition of student achievements.
- (36) **Technology education.** The candidate for licensure and certification shall possess the competencies specified in (A) through (J):
- (A) **Fundamentals of technology.** The candidate for licensure and certification:
- (i) Understands the fundamentals of technology including important events, developments, components, and current and future trends of technology.
 - (ii) Defines the terms, systems, characteristics, interrelationships, and economics of technology, and their utilization in modern business and industry.
 - (iii) Identifies general laboratory and personal safety practices.
- (B) **Problem-solving techniques.** The candidate for licensure and certification:
- (i) Identifies problem-solving techniques.
 - (ii) Understands and applies problem-solving techniques.
- (C) **Career opportunities.** The candidate for licensure and certification:
- (i) Explores career opportunities based on career clusters and identifies related terms and definitions.
 - (ii) Identifies activities that develop employability skills.
 - (iii) Recognizes educational requirements and paths for occupational attainment.
- (D) **Communication systems.** The candidate for licensure and certification:
- (i) Understands the principles, processes, and functions of communication.
 - (ii) Identifies types of communication technologies.
- (E) **Construction systems.** The candidate for licensure and certification:
- (i) Understands and applies the principles of construction technology.
 - (ii) Identifies construction technologies, their effects on society, basic principles of project planning, and steps in the construction process.
- (F) **Manufacturing systems.** The candidate for licensure and certification:

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- (i) Understands principles of manufacturing and their application.
 - (ii) Identifies materials, equipment, processes, and strategies utilized in manufacturing technologies.
 - (iii) Analyzes the role, function, and responsibilities of manufacturing in a contemporary society.
- (G) **Energy, power and transportation systems.** The candidate for licensure and certification:
- (i) Understands the principles and applications of energy, power, and transportation.
 - (ii) Identifies forms of energy, their classification, and their characteristics.
 - (iii) Analyzes power systems and transportation technologies, as well as their characteristics.
 - (iv) Analyzes environmental and economic effects on society.
- (H) **Technology education delivery systems.** The candidate for licensure and certification:
- (i) Understands basic principles, terminology, system design, and issues related to technology education delivery systems and telecommunication.
 - (ii) Identifies terms, features, relationships, and procedures associated with the selection, operation, and maintenance of computer systems and technology education software.
 - (iii) Analyzes factors affecting the selection of computer hardware and software.
- (I) **Business and industry.** The candidate for licensure and certification develops relationships with business and industry through advisory committees, curriculum, and work-site learning opportunities.
- (J) **Student organizations and activities.** The candidate for licensure and certification:
- (i) Understands the role of student organizations in encouraging student participation and implementing activities that develop leadership traits.
 - (ii) Integrates student activities in instruction and recognizes student achievements.
- (37) Vocational business. The candidate for licensure and certification shall possess competencies specified in (A) through (D).
- (A) **Business foundations.** The candidate for licensure and certification:
- (i) Understands important events, developments and trends in the history of business.
 - (ii) Understands business organizational structures, organizational design and their implications.
 - (iii) Understands the basic principles of business law and the types and characteristics of legal instruments.
 - (iv) Analyzes legal issues related to business.
 - (v) Understands business communication.
- (B) **Business management.** The candidate for licensure and certification:
- (i) Understands principles of business management and their applications in the decision-making process
 - (ii) Applies procedures for managing human resources.
 - (iii) Analyzes issues related to economic and social responsibilities in business.
 - (iv) Analyzes factors affecting business marketing decisions.
- (C) **Technology systems.** The candidate for licensure and certification:
- (i) Understands basic principles and terminology related to computer technology.
 - (ii) Understands principles of computer system design.
 - (iii) Applies principles of computer technology to solve problems involving information gathering and analysis.
 - (iv) Applies principles of computer technology to solve problems related to project and business management.
 - (v) Understands information processing systems.
 - (vi) Analyzes data storage, retrieval and transmission systems.
 - (vii) Understands principles of telecommunications and applications of telecommunications in business.
 - (viii) Analyzes ethical and security issues involving technology systems.
- (D) **Business finance and economics.** The candidate for licensure and certification:
- (i) Understands basic principles and applications of accounting.
 - (ii) Applies procedures for processing accounting data.
 - (iii) Understands advanced accounting concepts and procedures.
 - (iv) Understands basic principles and applications of macroeconomics.
 - (v) Analyzes business situations in terms of microeconomic theory.
 - (vi) Applies basic principles of consumer economics and finance.
- (38) **Vocational family and consumer sciences.** The candidate for licensure and certification shall possess the competencies specified in (A) through (I).
- (A) **Child development.** The candidate for licensure and certification:
- (i) Applies child development concepts and guidance techniques in the care of infants, toddlers, preschool and school-age children, as well as children in crisis or with special needs.
 - (ii) Analyzes issues related to children's well-being, parenting, pregnancy, prenatal care, child birth, child care services, and community resources.

- (B) **Foods and nutrition.** The candidate for licensure and certification:
- Analyzes the relationship between food, nutrients, and the body through the application of food science principles, and healthy food choices.
 - Understands proper food storage/handling techniques, recipe use, food product information, serving/dining etiquette, and consumer skills.
- (C) **Consumer economics and management.** The candidate for licensure and certification:
- Applies principles related to money management, personal financial management, time management, and economics.
 - Analyzes advertising influences, factors related to housing selection and maintenance, factors related to motor vehicle selection and maintenance, wills, funerals, and consumer credit.
 - Applies consumer protection practices and skills.
- (D) **Housing and interior design.** The candidate for licensure and certification:
- Plans living space for human needs through the evaluation of housing and financial alternatives.
 - Applies elements and principles of interior design including exterior styles, interior spaces, interior treatments, furniture, accessories, and appliances.
- (E) **Interpersonal relationships.** The candidate for licensure and certification:
- Applies principles of communications, decision making, and crisis management.
 - Discusses factors and issues related to parenting, family life, and aging.
 - Identifies the importance of self-respect and of practicing socially accepted behavior.
- (F) **Clothing and textiles.** The candidate for licensure and certification:
- Applies wardrobe planning and grooming skills.
 - Applies clothing selection skills, methods of stretching the clothing dollar, care and maintenance practices, construction techniques, and knowledge of types of textiles.
- (G) **Careers.** The candidate for licensure and certification:
- Investigates careers as they relate to personal and career goals.
 - Understands the job application process, factors related to work etiquette, the use of technology in the workplace, and economic principles.
- (H) **Business and industry.** The candidate for licensure and certification:
- Develops partnerships with business and industry through advisory committees, surveys, work-site learning opportunities, curriculum, and program visits.
 - Communicates with business and industry regarding student competencies/credentials and job performance.
- (I) **Student organizations and activities.** The candidate for licensure and certification:
- Understands the role of student organizations in the recognition of student achievements through curricular activities.
 - Encourages student participation and the development of leadership traits.
- (39) **Occupational agriculture, occupational family and consumer sciences, trade and industrial education, and vocational health occupations.** Competency for occupational agriculture, occupational family and consumer sciences, trade and industrial education, and vocational health occupations will be verified by passing a state or national licensure examination developed specifically to the occupation and/or occupational testing approved by the Oklahoma Department of Vocational and Technical Education. Non-degreed vocational teachers certified under rules promulgated by the State Board of Education are exempt from the provisions of House Bill 1549, except for those provisions concerning professional development programs.
- (40) **Dance education.** The candidate for licensure and certification:
- Has a sound philosophical understanding and knowledge of dance education and creative movement and can support, justify and implement the dance education.
 - Has a thorough knowledge of a sequential dance/creative movement curriculum that is developmentally appropriate for each grade level and inclusive of various student learning styles and those with special needs.
 - Understands the history of dance and its role in culture and the arts worldwide.
 - Has a working knowledge of dance integration and values the art-related competencies in Oklahoma's core curriculum.
 - Recognizes and respects diversity and establishes environments where individuals dance content and learning are held in high regard.
 - Understands the process of critical thinking and implements problem solving activities, analysis, reflection, decision making and creative exploration in dance.
 - Understands the elements of dance and technical skills in performing dance including:
 - time (i.e., fast slow, even, uneven, accent, meters)
 - space (i.e., levels, direction, pathways)
 - force (i.e., energy, weight, flow)
 - locomotor movements (i.e., walk, run, skip, hop, jump, slide, gallop, leap)
 - nonlocomotor movements (i.e., bend, stretch, twist, swing)
 - rhythmic activities and musicality

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- (vii) proper skeletal alignment
 - (viii) efficiency and mastery of technical skills in a variety of dance forms.
 - (H) Understands the principals of choreography (i.e., dance improvisation, composition, and choreography).
 - (I) Understands the components of healthy living and fitness and the benefits of daily participation in dance activities.
 - (i) fitness components
 - (I) flexibility
 - (II) muscular strength
 - (III) agility
 - (IV) motor skills development and coordination
 - (V) body awareness, control, and balance
 - (VI) development and mastery of dance skills
 - (VII) weight control
 - (ii) wellness components
 - (I) release of stress and tension through positive dance activity
 - (II) positive self esteem and self-expression
 - (III) lifelong well being
 - (IV) weight control
 - (J) Has a working knowledge of dance choreography and teaching strategies to help students create, study, interpret and evaluate works of art.
 - (K) Has knowledge of dance resources including community resources, materials, equipment, and proper facilities, and can adapt a variety of resources and materials that supports students as they learn through and about dance.
 - (L) Promotes the understanding of dance as an artistic, kinesthetic, educational, social, cultural and theatrical experience.
 - (M) Provides a safe environment and creates a setting for productive learning.
 - (N) Collaborates with colleagues, artists and agencies in the community to promote arts education opportunities.
 - (O) Recognizes the important role of technology in dance education.
 - (P) Uses a variety of assessment and evaluation methods and can evaluate student learning.
- (41) **English as a second language (ESL) PK-12.** The candidate for licensure and certification:
- (A) **Language.** The candidate for licensure and certification:
 - (i) Demonstrates knowledge, understanding, and application of the fundamentals of linguistics as related to the development of listening, speaking, reading, and writing for social and academic purposes.
 - (ii) Understands and applies knowledge of current theories and practices that facilitate second language acquisition and literacy development in the classroom.
 - (iii) Understands the role of the primary language in acquiring English as a new language.
 - (iv) Understands and applies knowledge of how sociocultural variables effect individual learners in facilitating the process of learning English.
- (B) **Culture.** The candidate for licensure and certification:
- (i) Knows, understands, and uses the major concepts, principles, theories, and research related to the nature and role of culture in language development and academic achievement that support individual student's learning.
 - (ii) Understands and applies knowledge about home/school communication to enhance ESL teaching and build partnerships with students' families.
 - (iii) Knows, understands, and uses knowledge of how cultural groups and ESL students' cultural identities affect language learning and school achievement.
 - (iv) Understands and applies knowledge about world events that have an impact on ESL students' learning.
 - (v) Knows and uses teaching strategies that are developmentally appropriate and inclusive of various learning styles and is sensitive to the needs of diverse cultural groups.
- (C) **Planning, implementation, and managing instruction.** The candidate for licensure and certification:
- (i) Knows, understands, and applies concepts, research, and best practices to plan standards-based instruction based on language development and the Oklahoma core curriculum that provides for students of varying educational backgrounds in a supportive and accepting environment.
 - (ii) Knows, manages, and implements instruction around standards-based subject matter and language learning objectives that incorporates a variety of activities and learning opportunities that integrate listening, speaking, reading, writing, and comprehension for a variety of academic and social purposes.
 - (iii) Knows and is able to use a variety of resources and instructional strategies to teach ESL students the English language and content areas.
 - (iv) Understands and applies the following competencies in reading instruction as appropriate to the abilities of the student.
 - (I) Knows the stages of language development and the structure of the English language and alphabetic writing system including phonology, morphology, and orthography and their relationships to spelling and meaning.

- (II) Understands that primary language (oral) directly impacts the secondary languages (reading, writing, spelling). Knows and applies knowledge of implicit and explicit instruction in developing oral language. Knows the relationship of oral language to literacy.
- (III) Knows the developmental process of reading in order to assess, interpret, describe, develop appropriate instruction, monitor, reteach and reassess student's reading performance for concepts about print, phonological and phonemic awareness, phonics, spelling, word recognition, vocabulary, comprehension, fluency, and writing.
- (IV) Identifies and applies all developmental levels of phonemic awareness to provide appropriate instruction in understanding words are made up of phonemes and that phonemes can be rearranged and manipulated to make different words that compose oral speech.
- (V) Knows and provides appropriate systematic explicit and implicit phonological instruction for the application of spelling-sound correspondences for word analysis and for structural analysis for word recognition and word meaning development.
- (VI) Knows and applies the relationships between spelling patterns and sounds of speech; knows how to support the student at each stage of spelling development; knows how to focus direct and indirect instruction to guide the student toward spelling proficiency.
- (VII) Knows and applies knowledge of appropriate explicit and implicit instruction for vocabulary development (e.g., prefixes, suffixes, roots, singular, and plural).
- (VIII) Knows and applies strategies that promote comprehension and strategies to support children's understanding for the various elements of the different genres of text.
- (IX) Knows and applies strategies and instructional approaches to support response to text and promote comprehension for literal, inferential, and critical/evaluative level (e.g., guided reading, literature and research circles).
- (X) Knows and applies knowledge of instructional techniques to assist students with self-monitoring and self-corrections; (i.e., semantics, syntax, and graphophonics).
- (XI) Knows and applies the instructional strategies which contribute to the development of fluent reading.
- (XII) Knows how to promote children's interest and engagement in reading and writing.
- (D) **Assessment.** The candidate for licensure and certification:

- (i) Understands various issues of standardized assessments as they affect ESL students' learning and academic performance.
- (ii) Understands different types of assessments and their purposes.
- (iii) Understands and is able to use a variety of language proficiency assessment instruments.
- (iv) Interprets and integrates assessment information into instructional plans.
- (v) Understands the importance of different assessment strategies and uses them in the evaluation and modification of teaching and learning.
- (E) **Professionalism.** The candidate for licensure and certification:
 - (i) Demonstrates knowledge of history, research, and current practices in the field of ESL and applies this knowledge to improve teaching and student achievement.
 - (ii) Pursues personal professional growth opportunities and serves as a professional resource to colleagues.
 - (iii) Serves as a resource liaison and advocate for ESL students and builds partnerships with students' families.
 - (iv) Demonstrate English fluency in listening, speaking, reading, and writing the English language.

[OAR Docket #05-1381; filed 11-18-05]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 105. AGING SERVICES DIVISION**

[OAR Docket #05-1379]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 7. Adult Day Services

340:105-7-2. [AMENDED]

Subchapter 10. Policies and Procedures Manual for Title III of the Older Americans Act of 1965, as Amended

Part 9. Fiscal and Administrative Policies for Area Agencies on Aging and Title III Projects

340:105-10-114. [AMENDED]

(Reference APA WF 05-05)

AUTHORITY:

Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; Older Americans Act, as amended; Social Services Block Grant Act, as amended, Omnibus Budget Reconciliation Act of 1981; Public Law 97-35; Part 74 of Title 45 of the Code of Federal Regulations; and Federal Register Office of Management and Budget (OMB) Circulars A-87 and A-122.

DATES:

Adoption:

September 27, 2005

Approved by Governor:

November 8, 2005

Effective:

Immediately upon Governor's approval.

Emergency Adoptions

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:

Emergency rulemaking approval is requested as Oklahoma Department of Human Services (OKDHS) finds compelling public interest requires revision of Aging Services Division (ASD) rules to ensure provision of Older Americans Act (OAA) services to older Oklahomans. Limited state funds are currently paying for consumers who qualify but refuse to apply for the ADvantage Waiver Adult Day Health program, which results in the state's loss of federal funds. To correct the situation, the revised rule requires all consumers currently participating in the adult day services program to be determined ineligible for the ADvantage Waiver Adult Day Health program. Only consumers with a letter of denial on file from the ADvantage program are allowed to continue in OKDHS funded adult day services. OKDHS funded adult day services continue for the consumer while waiting for a determination of eligibility; and if not eligible for the ADvantage program, the consumer is allowed to continue in the state funded program.

OKDHS finds that compelling public interest requires revision of ASD rules to ensure the provision of OAA services to older Oklahomans. The proposed revised rule requires ASD to review and reconcile area agencies on aging (AAAs) actual monthly expenditure reports for the prior month and adjust for discrepancies in the following month's payments to keep expenditures within the budgeted funding amounts.

ANALYSIS:

Revisions to requirements update and clarify guidelines for: (1) OKDHS adult day services contracts, monitoring of services, reporting requirements of contractors, terminations, payment, and claim processing; and (2) OKDHS Aging Services Division (ASD) financial management procedures.

340:105-7-2 is revised to require all state funded adult day services participants be determined ineligible for the ADvantage Waiver Adult Day Health program.

340:105-10-114 is revised to provide written procedures for determining the disbursement amounts to each subrecipient.

CONTACT PERSON:

Dena Thayer, OKDHS Office of Planning, Policy, and Research, 405-521-4326

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

SUBCHAPTER 7. ADULT DAY SERVICES

340:105-7-2. Eligibility for adult day services

(a) Application process.

(1) An application for adult day services is initiated by a request from an adult wishing to participate, a person responsible for the care of such an adult, or by a referral from an adult day services vendor. The application is documented on the Form ADS-RA-1, Adult Day Services Referral/Application.

(2) All adult day services participants must be determined ineligible for the ADvantage Waiver Adult Day Health program.

(A) If the participant is not determined ineligible in four months, the participant may not continue in Oklahoma Department of Human Services (OKDHS)

funded adult day services. The authorization is closed and services are terminated.

(B) An exception or extension of the four months rule must be requested.

~~(23)~~ The service opening date can be is no earlier than the date on Form ADS-RA-1 or the date of the oral request. If the client does not sign Form ADS-RA-1 at the time of request, a staff member completes the form and explains on the signature line why the client did not sign, such as an oral request.

(A) If the services are court-ordered and there is no Form APS-1, Adult Protective Services Referral, the service opening date is the date of the court order.

(B) If the day services facility makes the referral by sending Form ADS-RA-1, the service opening date is the date the form is stamped "received" in the county office. If the client does not sign Form ADS RA 1 at the time of request, a staff member completes the form and explains on the signature line why the client did not sign, such as an oral request.

~~(34)~~ An application must be processed within 30 days for public assistance cases and 45 days for non-public assistance cases. The application is:

(A) certified or approved when a client is determined eligible;

(B) denied when a client is determined ineligible; or

(C) canceled when a client requests cancellation prior to other disposition.

~~(45)~~ In determining eligibility for adult day services, clients must:

(A) receive services in a facility which that holds a valid contract with the Department OKDHS for provision of adult day services; and

(B) meet need, age, and income requirements.

(b) Need for adult day services. Adult day services are appropriate for persons who are physically or mentally unable to function totally independently but do not require 24-hour care.

(1) To qualify for adult day services, one of the conditions listed in (A) - and (B) of this paragraph must be met.

(A) Adult day services provide respite or time needed to maintain employment for an adult's primary caregiver.

(B) Adult day services provide beneficial socialization and access to needed therapy for a functionally impaired adult.

~~(2)~~ If payment is already being made by the Department client is receiving state-funded for 24-hour care for a client, adult day services are not approved.

~~(3)~~ If the facility has an ADvantage Medicaid contract and the participant meets medical eligibility criteria, payment for adult day services is made through the ADvantage Program.

~~(4)~~ If the facility does not have an ADvantage Medicaid contract and the participant meets eligibility criteria, payment for adult day services is made through the adult day services program.

(c) **Age.** Adult day services are available to impaired adults age 60 years and older. ~~(4)~~ An age waiver may be requested, and is granted by Aging Services Division (ASD) for a person under age younger than 60 if one of the conditions listed in (A) —(B) (1) and (2) of this paragraph are is met.

~~(A1)~~ The adult is suffering from Alzheimer's disease, any other form of dementia, or another degenerative condition, either physical or mental.

~~(B2)~~ The adult has recently sustained a stroke, fracture, paralysis, or other incapacitating condition and the services offered in an adult day services program aids the adult in maintaining or returning to as much of an independent lifestyle as possible, avoiding institutionalization.

~~(2)~~ Age waivers may be requested by email or memo to Aging Services Division, Attention: Adult Day Services.

(d) **Income.** Sources of income considered, verification, and computation of income for the adult day services program are described in ~~(d)(2) and (d)(2)(A)~~ of this Section subsection. Co-payment and maximum allowable income are shown on ~~DHS OKDHS~~ Appendix M-105, Eligibility Schedule/Rates for Adult Day Services. ~~The DHS OKDHS~~ Appendix M-105 reflects the sliding fee scale based upon the United States (U.S.) Bureau of Census, National Poverty Guidelines, as printed in the Federal Register. The schedule is subject to change.

(1) **Predetermined eligible.** Persons are predetermined eligible based on receipt of Public Assistance, Supplemental Security Income (SSI), or Refugee Assistance. If services are requested by Adult Protective Services (APS), the client is universally approved for 60 days only without regard to income. For APS clients, no co-payment is considered during the 60 calendar days.

(2) **Income eligible.** Income eligibility determination is based upon the amount of the family's gross income and family's size. Family income includes income from predetermined eligible members.

(A) Anticipated income is never included in determining eligibility until it is available to and under the control of the client.

(B) Income is computed on a monthly basis. If income is received every two weeks, the weekly rate is determined and multiplied by 4.3 to compute the monthly income. When income is received twice a month, for example, 1st and 15th, it is multiplied by two.

(C) Any income that is received regularly, but in amounts that vary greatly, or income received irregularly is averaged over a six-month period. Examples are overtime pay, sporadic second jobs, irregular child support, and other occasional changes in the monthly gross child support or other monthly gross income.

(D) When one or both persons of a married couple is in adult day services, the total gross income of both is considered and eligibility is computed based on one half of the total income.

~~(A3)~~ **Determination of co-payments for individuals not predetermined eligible.** In determining the

co-payment for individuals not predetermined eligible, the guidelines are:

~~(iA)~~ married couples, one spouse in adult day services, the total gross income of both spouses is considered, with the co-payment computed on one half of the total income;

~~(iiB)~~ married couples, both in adult day services, the total gross income is divided equally between the two, with the co-payment for each based on the computed individual amount of income; or

~~(iiiC)~~ single individual in adult day services, the total gross income of that individual only is considered.

~~(B4)~~ **Sources of income considered.** The sources of income considered in determining monthly gross income are:

~~(iA)~~ wages, such as total money earnings received for work performed as an employee, including armed forces pay, commissions, tips, piece-rate payments, on-the-job training programs, ~~and~~ cash bonuses ~~earned before deductions of taxes~~, bonds, pensions, union dues, credit union payments, garnishments, and similar purposes. Tips are not considered part of the wages for Temporary Assistance for Needy Families (TANF) recipients who are participating in the Work Supplementation Program;

~~(iiB)~~ net income from self-employment, farm and non-farm, ~~is~~ determined by taking 50 percent of the gross income. When a client:

~~(i)~~ rents a house to someone else, the net income amount considered is 50 percent of the rent. The other 50 percent is allowed for expenses;

~~(ii)~~ rents a room in his or her house to someone else, the net income amount considered is 75 percent of the rent; and

~~(iii)~~ provides room and board in his or her home, the net income amount considered is 50 percent of the gross amount charged;

~~(iiiC)~~ pensions, SSI, survivors' benefits, and Social Security Administration permanent disability insurance ~~payments made by the Social Security Administration~~, prior to deductions for medical insurance, and Railroad Retirement Insurance ~~checks from the U.S. Government~~;

~~(ivD)~~ dividends, interest, and income from estates, ~~or~~ trusts, and ~~royalties—~~mineral rights. If this income varies or is received irregularly, it is averaged over six months;

~~(vE)~~ pensions and annuities or retirement benefits paid to a retired person or his or her survivors by a former employer or by a union, either directly or through an insurance company, and periodic receipts from annuities or insurance;

~~(viF)~~ unemployment compensation received from government unemployment insurance agencies or private companies during periods of unemployment and any strike benefits received from union funds;

~~(viiG)~~ workers' compensation received periodically from private or public insurance companies for

Emergency Adoptions

injuries incurred at work. The cost of this insurance must have been paid by the employer and not by the client;

(~~viii~~H) alimony;

(~~x~~L) child support;

(~~x~~J) veterans' compensations and pensions paid periodically by the Veterans Administration Affairs to disabled members of the armed forces or to survivors of deceased veterans, as subsistence allowances paid to veterans for veterans' education and on-the-job training, and to ex-servicemen as GI insurance premiums called refunds;

(~~x~~K) contributions in the form of money received regularly from anyone; and

(~~x~~L) income of minor children. If the adult in a an adult day services program has minor children living in the same home, the children's income is considered.

(~~€~~5) **Sources of income not considered.** The sources of income not considered monthly gross income are:

(~~i~~A) per capita payments to or funds held in trust for any individual in satisfaction of a judgment of the Indian Claims Commission of the Court of Claims;

(~~ii~~B) payments made pursuant to the Alaska Native Claims Settlement Act, to the extent that such payments are exempt from taxation under Section 21(a) of the Act;

(~~iii~~C) money received from sale of property a resource, such as stocks, bonds, land, house, or a car. If the person is in the business of selling such property, the net proceeds are counted as income from self-employment;

(~~iv~~D) withdrawals of bank deposits;

(~~v~~E) tax refunds, including the Earned Income Credit Advance payment which is received monthly;

(~~vi~~F) gifts or money received occasionally, such as at birthdays, anniversaries, and Christmas;

(~~vii~~G) lump sum inheritances, insurance payments, or one-time lump sum payments;

(~~viii~~H) capital gain;

(~~x~~L) the value of the food ~~stamp~~ benefit allotment under the Food Stamp Act of 1977, as amended;

(~~x~~J) any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

(~~x~~K) loans and grants obtained and used under conditions that preclude their use for current living costs;

(~~x~~L) money received as reimbursement for expenses ~~as a result~~ because of participation in a component of the TANF Work Program;

(~~x~~M) home produce utilized for household consumption; and

(~~xiv~~N) the income of adult children or other relatives residing in the same home as the adult day services participant.

(e) **Resources.** Resources are not considered in determining eligibility for adult day services.

(f) **Notification.** A ~~ten-day~~ ten-day notice is required for any adverse action. Notification to the client is required and is computer-generated when:

(1) a decision regarding initial eligibility or continued eligibility is made;

(2) there ~~has been~~ is a change in the client's income or co-payment; and

(3) the client is no longer eligible or requests termination of adult day services.

SUBCHAPTER 10. POLICIES AND PROCEDURES MANUAL FOR TITLE III OF THE OLDER AMERICANS ACT OF 1965, AS AMENDED

PART 9. FISCAL AND ADMINISTRATIVE POLICIES FOR AREA AGENCIES ON AGING AND TITLE III PROJECTS

340:105-10-114. Financial management standards for Area Agencies on Aging and Title III projects

(a) **Policy.** Each Area Agency on Aging (AAA) and Title III project maintains an accounting system ~~which~~ that is in compliance with generally accepted accounting principles. All Title III funds and state and local funds expended to earn, or match, such funds must be accounted for in accordance with the federal standards outlined in the authorities listed in (b) of this Section.

(b) **Authority.** The authority for this Section is Part 74 of Title 45 Part 74, all subparts, of the Code of Federal Regulations and Federal Register Office of Management and Budget (OMB) Circulars A-87 and A-122.

(c) **Procedures.** Area Agencies on Aging (AAAs) and Title III projects implement financial management standards in accordance with the federal standards outlined in the authorities in (b) of this Section. On a monthly basis, the Oklahoma Department of Human Services (OKDHS) Aging Services Division (ASD) reviews and reconciles AAA actual monthly expenditure reports for the prior month and adjusts for discrepancies in the following month's payments.

(d) **Cross references.** See OAC 340:105-10-115 and 340:105-10-116.

[OAR Docket #05-1379; filed 11-16-05]

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

1:2005-31.

EXECUTIVE ORDER 2005-31

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the authority vested in me by Section 2 of Article VI of the Oklahoma Constitution, hereby declare the following:

1. Joint State and local damage assessments have been made in Carter County, Cherokee County, Garvin County, Hughes County, Lincoln County, Mayes County, McIntosh County, Muskogee County, Okfuskee County, Osage County, Stephens County and Tulsa County as a result of wildfires beginning November 27, 2005, and continuing.

2. It may be necessary to provide for the rendering of mutual assistance among the State and political subdivisions of the State with respect to carrying out disaster emergency functions during the continuance of the State emergency pursuant to the provisions of the Oklahoma Emergency Management Act of 2003.

3. There is hereby declared a disaster emergency caused by wildfires and the resulting aftermath in Carter County, Cherokee County, Garvin County, Hughes County, Lincoln County, Mayes County, McIntosh County, Muskogee County, Okfuskee County, Osage County, Stephens County and Tulsa County that threatened the lives and property of the people of this State and the public's peace, health and safety. In addition, the remaining 65 Oklahoma counties are included in this declaration based upon the extremely high fire danger in the entire State.

4. The State Emergency Operations Plan has been activated and resources of all State departments and agencies available to meet this emergency are hereby committed to the reasonable extent necessary to protect lives and to prevent, minimize, and repair injury and damage. These efforts shall be coordinated by the Director of the Department of Emergency Management, Director of the State Department of Health with comparable functions of the federal government and political subdivisions of the State.

5. This declaration of emergency shall terminate as provided in 63 O.S. 2003, Section 683.9.

This Executive Order shall be forwarded to the Director of Emergency Management who shall cause the provisions of the 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 November, 2005.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:
M. Susan Savage
Secretary of State

[OAR Docket #05-1440; filed 11-28-05]

1:2005-32.

EXECUTIVE ORDER 2005-32

I, Brad Henry, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 8:00 a.m. until 5:00 p.m. on Thursday, December 1, 2005, to honor retired Judge Eugene H. Mathews, who died on Saturday, November 26, 2005.

Eugene H. Mathews was born in 1928 in Oklahoma City. Mathews began his practice of law in 1954. In 1988, he was appointed Judge of the Oklahoma District Court and served until his retirement in 1999. He recently received the 2005 Oklahoma Bar Association Courageous Lawyer Award.

This Executive Order shall be forwarded to the Director of Central Services who shall cause the provisions of the order to be implemented by all appropriate agencies of state government.

Executive Orders

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 30th day of November, 2005.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:

M. Susan Savage
Secretary of State

[OAR Docket #05-1441; filed 11-30-05]
