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**Mary Fallin, Governor**  
**Chris Bengel,**  
**Secretary of State**  
**Peggy Coe, Editor-in-Chief**

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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 10. AGRICULTURAL PRODUCTS**

*[OAR Docket #15-841]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions [AMENDED]

### **SUMMARY:**

The proposed amendments update legal citations to publications and reference materials.

### **AUTHORITY:**

Okla. Const., Art. 6, § 31; 2 O.S. § 2-4(A)(2); and 2 O.S. § 14-31 et seq.; State Board of Agriculture

### **COMMENT PERIOD:**

Persons may submit written comments to Bennett Abbott at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov), 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 1, 2015 through January 7, 2016.

### **PUBLIC HEARING:**

A public hearing will be held at 9:00 a.m., January 7, 2016 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

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

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the address listed above during the period from December 1, 2015 through January 7, 2016.

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

Copies of proposed rules may be obtained by visiting [www.ag.ok.gov/proposedrules](http://www.ag.ok.gov/proposedrules) or by contacting Bennett Abbott at the address listed above.

### **RULE IMPACT STATEMENT:**

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

### **CONTACT PERSON:**

Bennett Abbott, (405) 522-5803, e-mail address: at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov).

*[OAR Docket #15-841; filed 11-6-15]*

## **TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 13. FUEL ALCOHOL**

*[OAR Docket #15-842]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

35:13-1-1 [AMENDED]

35:13-1-2 [AMENDED]

### **SUMMARY:**

The proposed amendments update incorporations by reference to the Code of Federal Regulations.

### **AUTHORITY:**

Okla. Const., Art. 6, § 31; 2 O.S. § 2-4(A)(2); and 2 O.S. § 11-20 et seq.; State Board of Agriculture

### **COMMENT PERIOD:**

Persons may submit written comments to Bennett Abbott at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov), 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 1, 2015 through January 7, 2016.

### **PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m., January 7, 2016 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

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

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the address listed above during the period from December 1, 2015 through January 7, 2016.

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

Copies of proposed rules may be obtained by visiting [www.ag.ok.gov/proposedrules](http://www.ag.ok.gov/proposedrules) or by contacting Bennett Abbott at the address listed above.

## Notices of Rulemaking Intent

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### **RULE IMPACT STATEMENT:**

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

### **CONTACT PERSON:**

Bennett Abbott, (405) 522-5803, e-mail address: at bennett.abbott@ag.ok.gov.

*[OAR Docket #15-842; filed 11-6-15]*

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

*[OAR Docket #15-843]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

- Subchapter 1. General Provisions [AMENDED]
- Subchapter 5. Biological Products and Laboratories [AMENDED]
- Subchapter 11. Importation of Livestock, Poultry, and Pets [AMENDED]
- Subchapter 15. Equine Infectious Anemia (EIA) [AMENDED]
- Subchapter 16. Contagious Equine Metritis [AMENDED]
- Subchapter 17. Bovine and Bison Brucellosis [AMENDED]
- Subchapter 19. Poultry Regulations [AMENDED]
- Subchapter 22. Swine Pseudorabies and Brucellosis [AMENDED]
- Subchapter 36. Scrapie [AMENDED]
- Subchapter 38. Bovine Trichomoniasis [AMENDED]
- Subchapter 44. Farmed Cervidae [AMENDED]
- Subchapter 47. Chronic Wasting Disease (CWD) in Cervids [AMENDED]

### **SUMMARY:**

The proposed rule amendments update incorporations by reference to the Code of Federal Regulations; add and revise definitions; reduce fees for the annual renewal of biological product under certain conditions; add new language describing the responsibility of the Department to care for animals in a disaster; revise the process for private laboratories to obtain authority to perform official laboratory procedures; allow the Department to grant an exception to the prohibition on movement of poultry from or through areas exposed to certain diseases (replacing emergency rules); allow the Department to grant an exception to certain testing required for the import of equidae; revoke certain testing requirements relating to the movement of rodeo bulls; revise certain testing and identification requirements relating to the change of ownership and importation of swine; establish a new rule relating to the identification and change of ownership for "exposed female cattle"; revise the Oklahoma reportable disease list; revise

identification requirements for farmed cervidae; and revise herd certification requirements for cervidae.

### **AUTHORITY:**

Okla. Const., Art. 6, § 31; 2 O.S. § 2-4(A)(2); 2 O.S. § 6-1 et seq., 2 O.S. § 6-21 et seq., 2 O.S. § 6-91 et seq., 2 O.S. § 6-121 et seq., 2 O.S. § 6-141 et seq., 2 O.S. § 6-150 et seq., 2 O.S. § 6-281 et seq., 2 O.S. § 6-301 et seq., 2 O.S. § 6-400 et seq., 2 O.S. § 6-501 et seq., 2 O.S. § 10-2, 2 O.S. § 11-35 et seq.; State Board of Agriculture

### **COMMENT PERIOD:**

Persons may submit written comments to Bennett Abbott at bennett.abbott@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 1, 2015 through January 7, 2016.

### **PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m., January 7, 2016 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

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

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the address listed above during the period from December 1, 2015 through January 7, 2016.

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

Copies of proposed rules may be obtained by visiting [www.ag.ok.gov/proposedrules](http://www.ag.ok.gov/proposedrules) or by contacting Bennett Abbott at the address listed above.

### **RULE IMPACT STATEMENT:**

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

### **CONTACT PERSON:**

Bennett Abbott, (405) 522-5803, e-mail address: at bennett.abbott@ag.ok.gov.

*[OAR Docket #15-843; filed 11-6-15]*

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

*[OAR Docket #15-844]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

- Subchapter 5. Registered Poultry Feeding Operations [AMENDED]

Subchapter 7. Poultry Waste Applicators Certification [AMENDED]  
Subchapter 9. Agricultural Compost Facilities [AMENDED]

**SUMMARY:**

The proposed amendments delete obsolete definitions, references, and sections; incorporate changes to the underlying law pursuant to HB 2208 (approved by the Governor on May 12, 2015); and make minor grammatical corrections.

**AUTHORITY:**

Okla. Const., Art. 6, § 31, 2 O.S. § 2-4(A)(2), and 2 O.S. § 10-2 et seq.; State Board of Agriculture

**COMMENT PERIOD:**

Persons may submit written comments to Bennett Abbott at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov), 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 1, 2015 through January 7, 2016.

**PUBLIC HEARING:**

A public hearing will be held at 12:00 p.m., January 7, 2016 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the address listed above during the period from December 1, 2015 through January 7, 2016.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained by visiting [www.ag.ok.gov/proposedrules](http://www.ag.ok.gov/proposedrules) or by contacting Bennett Abbott at the address listed above.

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

Bennett Abbott, (405) 522-5803, e-mail address: at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov).

*[OAR Docket #15-844; filed 11-6-15]*

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

*[OAR Docket #15-845]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 17. Combined Pesticide [AMENDED]

**SUMMARY:**

The proposed amendments update incorporations by reference to the Code of Federal Regulations, expand license categories and related education requirements, revise the requirements for a consultant license, requires sufficient English language proficiency to obtain certain licenses requiring the comprehension of pesticide labels and instructions, add requirements for pesticide and device labeling, and allow for exceptions to minimum standards under certain conditions.

**AUTHORITY:**

Okla. Const., Art. 6, § 31; 2 O.S. § 2-4(A)(2); and 2 O.S. § 3-81 et seq.; State Board of Agriculture

**COMMENT PERIOD:**

Persons may submit written comments to Bennett Abbott at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov), 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 1, 2015 through January 7, 2016.

**PUBLIC HEARING:**

A public hearing will be held at 11:00 a.m., January 7, 2016 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the address listed above during the period from December 1, 2015 through January 7, 2016.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained by visiting [www.ag.ok.gov/proposedrules](http://www.ag.ok.gov/proposedrules) or by contacting Bennett Abbott at the address listed above.

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

Bennett Abbott, (405) 522-5803, e-mail address: at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov).

*[OAR Docket #15-845; filed 11-6-15]*

## Notices of Rulemaking Intent

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### TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 37. FOOD SAFETY

[OAR Docket #15-846]

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Subchapter 1. Meat Inspection [AMENDED]

Subchapter 5. Poultry Products Inspection [AMENDED]

#### **SUMMARY:**

The proposed amendments update incorporations by reference to the Code of Federal Regulations.

#### **AUTHORITY:**

Okla. Const., Art. 6, § 31; 2 O.S. § 2-4(A)(2); 2 O.S. 6-181 et seq.; and 2 O.S. § 6-251 et seq.; State Board of Agriculture

#### **COMMENT PERIOD:**

Persons may submit written comments to Bennett Abbott at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov), 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 1, 2015 through January 7, 2016.

#### **PUBLIC HEARING:**

A public hearing will be held at 12:30 p.m., January 7, 2016 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

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

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the address listed above during the period from December 1, 2015 through January 7, 2016.

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

Copies of proposed rules may be obtained by visiting [www.ag.ok.gov/proposedrules](http://www.ag.ok.gov/proposedrules) or by contacting Bennett Abbott at the address listed above.

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

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

#### **CONTACT PERSON:**

Bennett Abbott, (405) 522-5803, e-mail address: at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov).

[OAR Docket #15-846; filed 11-6-15]

### TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 40. MARKET DEVELOPMENT

[OAR Docket #15-847]

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Subchapter 5. Agriculture Enhancement and Diversification Program [AMENDED]

Subchapter 19. Oklahoma Viticulture and Enology Center Development Revolving Fund [NEW]

#### **SUMMARY:**

The proposed amendments incorporate changes to the Oklahoma Agriculture Enhancement and Diversification Act by HB 1437 (effective November 1, 2015) directing the Board of Agriculture to provide grants and loans from the Oklahoma Agriculture Enhancement and Diversification Program to "agricultural events"; and changes to the Oklahoma Viticulture and Enology Center Development Revolving Fund by SB 256 (effective November 1, 2015) directing the Board of Agriculture to administer the Fund.

#### **AUTHORITY:**

Okla. Const., Art. 6, § 31; 2 O.S. § 2-4(A)(2); 2 O.S. § 5-3.1, et seq. as amended by HB 1437 (effective November 1, 2015), and 37 O.S. § 563.1 as amended by SB 256 (effective November 1, 2015).; State Board of Agriculture

#### **COMMENT PERIOD:**

Persons may submit written comments to Bennett Abbott at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov), 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 1, 2015 through January 7, 2016.

#### **PUBLIC HEARING:**

A public hearing will be held at 11:30 a.m., January 7, 2016 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

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

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the address listed above during the period from December 1, 2015 through January 7, 2016.

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

Copies of proposed rules may be obtained by visiting [www.ag.ok.gov/proposedrules](http://www.ag.ok.gov/proposedrules) or by contacting Bennett Abbott at the address listed above.

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

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

**CONTACT PERSON:**

Bennett Abbott, (405) 522-5803, e-mail address: at bennett.abbott@ag.ok.gov.

[OAR Docket #15-847; filed 11-6-15]

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

[OAR Docket #15-848]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. Agriculture Environmental Permitting and AgPDES [AMENDED]

Subchapter 3. Permit Conditions and Requirements [AMENDED]

**SUMMARY:**

The proposed amendments update legal citations to the Code of Federal Regulations.

**AUTHORITY:**

Okla. Const., Art. 6, § 31; 2 O.S. § 2-4(A)(2); 2 O.S. § 2-18.2; 2 O.S. § 2A-1 et seq.; 2 O.S. § 2A-21 et seq.; 27A O.S. § 1-3-101(D).; State Board of Agriculture

**COMMENT PERIOD:**

Persons may submit written comments to Bennett Abbott at bennett.abbott@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 1, 2015 through January 7, 2016.

**PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m., January 7, 2016 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the address listed above during the period from December 1, 2015 through January 7, 2016.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained by visiting [www.ag.ok.gov/proposedrules](http://www.ag.ok.gov/proposedrules) or by contacting Bennett Abbott at the address listed above.

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

Bennett Abbott, (405) 522-5803, e-mail address: at bennett.abbott@ag.ok.gov.

[OAR Docket #15-848; filed 11-6-15]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY  
CHAPTER 50. AQUACULTURE**

[OAR Docket #15-849]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. Private Commercial Production [AMENDED]

**SUMMARY:**

The proposed amendments revise definitions and revoke rules making technical services available to aquaculture operations.

**AUTHORITY:**

Okla. Const., Art. 6, § 31, 2 O.S. § 2-4(A)(2), and 2 O.S. § 6-311 et seq.; State Board of Agriculture

**COMMENT PERIOD:**

Persons may submit written comments to Bennett Abbott at bennett.abbott@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 1, 2015 through January 7, 2016.

**PUBLIC HEARING:**

A public hearing will be held at 10:30 a.m., January 7, 2016 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the address listed above during the period from December 1, 2015 through January 7, 2016.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained by visiting [www.ag.ok.gov/proposedrules](http://www.ag.ok.gov/proposedrules) or by contacting Bennett Abbott at the address listed above.

**RULE IMPACT STATEMENT:**

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

## Notices of Rulemaking Intent

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**CONTACT PERSON:**

Bennett Abbott, (405) 522-5803, e-mail address: at bennett.abbott@ag.ok.gov.

*[OAR Docket #15-849; filed 11-6-15]*

**CONTACT PERSON:**

Bennett Abbott, (405) 522-5803, e-mail address: at bennett.abbott@ag.ok.gov.

*[OAR Docket #15-850; filed 11-6-15]*

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY  
CHAPTER 55. COMMERCIAL PET BREEDERS AND ANIMAL SHELTERS**

*[OAR Docket #15-850]*

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

*[OAR Docket #15-851]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. Standards of Care [AMENDED]

**SUMMARY:**

The proposed amendments update incorporations by reference to the Code of Federal Regulations and establish testing and quarantine procedures for canine brucellosis.

**AUTHORITY:**

Okla. Const., Art. 6, § 31; 2 O.S. § 2-4(A)(2); and 4 O.S. § 30.1 et seq.; State Board of Agriculture

**COMMENT PERIOD:**

Persons may submit written comments to Bennett Abbott at bennett.abbott@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 1, 2015 through January 7, 2016.

**PUBLIC HEARING:**

A public hearing will be held at 1:30 p.m., January 7, 2016 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the address listed above during the period from December 1, 2015 through January 7, 2016.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained by visiting [www.ag.ok.gov/proposedrules](http://www.ag.ok.gov/proposedrules) or by contacting Bennett Abbott at the address listed above.

**RULE IMPACT STATEMENT:**

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

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. General Provisions

252:515-1-1. Authority and applicability [AMENDED]

**SUMMARY:**

The Department is proposing to amend OAC 252:515-1-1 by excluding solid waste disposal facilities used exclusively for disposal of coal combustion residuals, or coal ash, generated from the combustion of coal at electric utilities and independent power producers, from the applicability of OAC 252:515. In response to new federal rules on standards for the disposal of coal combustion residuals in landfills and surface impoundments, the Department is proposing to create a new Chapter, OAC 252:517, to regulate solid waste disposal facilities used exclusively for the disposal of coal combustion residuals generated from the combustion of coal at electric utilities and independent power producers. Therefore, it is proposed the provisions within OAC 252:515 currently applicable to the facilities in question will no longer apply, and those facilities will be regulated under OAC 252:517.

**AUTHORITY:**

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-10-201, and 2-10-301(D); Solid Waste Management Advisory Council, 27A O.S. § 2-2-201.

**COMMENT PERIOD:**

Deliver or mail written comments on the proposed rules to the contact person from December 1, 2015 through January 13, 2016. Oral comments may be made at the Solid Waste Management Advisory Council meeting at 9:00 a.m. on January 14, 2016 and at the Environmental Quality Board meeting at 9:30 a.m. on February 19, 2016.

**PUBLIC HEARINGS:**

Before the Solid Waste Management Advisory Council at 9:00 a.m. on January 14, 2016, 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 19, 2016, 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, 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.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the contact person, may be viewed on the DEQ website at [www.deq.state.ok.us/LPDnew/LPProprules.htm](http://www.deq.state.ok.us/LPDnew/LPProprules.htm), or may be reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

**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, or viewed on the DEQ website at [www.deq.state.ok.us/LPDnew/LPProprules.htm](http://www.deq.state.ok.us/LPDnew/LPProprules.htm).

**CONTACT PERSON:**

Mike Stickney, Land Protection Division, Solid Waste Compliance Section, P.O. Box 1677, Oklahoma City, OK 73101-1677, e-mail at [Mike.Stickney@deq.ok.gov](mailto:Mike.Stickney@deq.ok.gov), phone 405-702-5100, or fax 405-702-5101.

**ADDITIONAL INFORMATION:**

Persons with disabilities who desire to attend the public hearing 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 #15-851; filed 11-6-15]*

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
**CHAPTER 517. DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES****

*[OAR Docket #15-852]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions [NEW]
  - 252:517-1-1. Scope and purpose [NEW]
  - 252:517-1-2. Applicability of other regulations [NEW]
  - 252:517-1-3. Definitions [NEW]
  - 252:517-1-4. Terms not defined by Act or rule [NEW]
  - 252:517-1-5. Test methods and map scales [NEW]
  - 252:517-1-6. Severability [NEW]
  - 252:517-1-7. Permits [NEW]
- Subchapter 3. Permit Provisions and Applications [NEW]
  - Part 1. General Provisions [NEW]
    - 252:517-3-1. Duration of permit [NEW]

- 252:517-3-2. Permit transfer [NEW]
- 252:517-3-3. General requirements [NEW]
- 252:517-3-4. Oath required [NEW]
- 252:517-3-5. Legal right to property [NEW]
- 252:517-3-6. Permit applications [NEW]
- 252:517-3-7. Aesthetic enhancement [NEW]
- Part 3. Required Maps and Drawings [NEW]
  - 252:517-3-31. General requirements [NEW]
  - 252:517-3-32. General location map [NEW]
  - 252:517-3-33. Flood plain map [NEW]
  - 252:517-3-34. Quadrangle topographic map [NEW]
  - 252:517-3-35. Existing contour map [NEW]
  - 252:517-3-36. Site map [NEW]
  - 252:517-3-37. Design drawings [NEW]
  - 252:517-3-38. Groundwater resource and usage map [NEW]
  - 252:517-3-39. Surface geologic map [NEW]
  - 252:517-3-40. Highest groundwater contour map [NEW]
  - 252:517-3-41. Potentiometric surface map [NEW]
  - 252:517-3-42. Site-specific cross sections [NEW]
  - 252:517-3-43. Fill cross section map [NEW]
  - 252:517-3-44. Excavation contour map [NEW]
  - 252:517-3-45. Top of liner contour map [NEW]
  - 252:517-3-46. Completion map [NEW]
- Subchapter 5. Location Restrictions [NEW]
  - 252:517-5-1. Placement above the uppermost aquifer [NEW]
  - 252:517-5-2. Wetlands [NEW]
  - 252:517-5-3. Fault areas [NEW]
  - 252:517-5-4. Seismic impact zones [NEW]
  - 252:517-5-5. Unstable areas [NEW]
  - 252:517-5-6. Scenic rivers [NEW]
  - 252:517-5-7. Recreation/preservation areas [NEW]
  - 252:517-5-8. Endangered or threatened species [NEW]
  - 252:517-5-9. 100-year floodplain [NEW]
  - 252:517-5-10. Public water supply [NEW]
  - 252:517-5-11. Wellhead protection area [NEW]
- Subchapter 7. Subsurface Investigation [NEW]
  - Part 1. General Provisions [NEW]
    - 252:517-7-1. Applicability [NEW]
    - 252:517-7-2. General [NEW]
    - 252:517-7-3. Compliance with OWRB rules [NEW]
    - 252:517-7-4. Drilling plan [NEW]
    - 252:517-7-5. Drilling [NEW]
  - Part 3. Data Collection [NEW]
    - 252:517-7-31. Data collection [NEW]
    - 252:517-7-32. Borehole logs [NEW]
    - 252:517-7-33. Lithologic sample logs [NEW]
    - 252:517-7-34. Geophysical logs [NEW]
    - 252:517-7-35. Soil and rock sampling [NEW]
    - 252:517-7-36. Soil tests [NEW]
    - 252:517-7-37. Soil reports [NEW]
    - 252:517-7-38. Regional hydrogeologic study [NEW]
  - Part 5. Groundwater Study [NEW]
    - 252:517-7-51. General [NEW]
    - 252:517-7-52. Piezometers required [NEW]

## Notices of Rulemaking Intent

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- 252:517-7-53. Piezometer details [NEW]
- 252:517-7-54. Groundwater elevation measurements [NEW]
- 252:517-7-55. Area rainfall [NEW]
- 252:517-7-56. Shallow saturated zone investigation [NEW]
- Part 7. Surface Penetration Plugging [NEW]
- 252:517-7-71. Plugging requirements [NEW]
- Subchapter 9. Groundwater Monitoring/Corrective Action [NEW]
- 252:517-9-1. Applicability [NEW]
- 252:517-9-2. Groundwater monitoring systems [NEW]
- 252:517-9-3. Reserved [NEW]
- 252:517-9-4. Groundwater sampling and analysis requirements [NEW]
- 252:517-9-5. Detection monitoring program [NEW]
- 252:517-9-6. Assessment monitoring program [NEW]
- 252:517-9-7. Assessment of corrective measures [NEW]
- 252:517-9-8. Selection of remedy [NEW]
- 252:517-9-9. Implementation of the corrective action program [NEW]
- Subchapter 11. Design Criteria [NEW]
- 252:517-11-1. Design criteria for new CCR landfills and any lateral expansion of a CCR landfill [NEW]
- 252:517-11-2. Liner design criteria for existing CCR surface impoundments [NEW]
- 252:517-11-3. Liner design criteria for new CCR surface impoundments and any lateral expansion of a CCR surface impoundment [NEW]
- 252:517-11-4. Structural integrity criteria for existing CCR surface impoundments [NEW]
- 252:517-11-5. Structural integrity criteria for new CCR surface impoundments and any lateral expansion of a CCR surface impoundment [NEW]
- Subchapter 13. Operational Requirements [NEW]
- 252:517-13-1. Air criteria [NEW]
- 252:517-13-2. Run-on and run-off controls for CCR landfills [NEW]
- 252:517-13-3. Hydrologic and hydraulic capacity requirements for CCR surface impoundments [NEW]
- 252:517-13-4. Inspection requirements for CCR surface impoundments [NEW]
- 252:517-13-5. Inspection requirements for CCR landfills [NEW]
- 252:517-13-6. Discharges [NEW]
- 252:517-13-7. Leachate collection and management for CCR landfills [NEW]
- Subchapter 15. Closure and Post-closure Care [NEW]
- 252:517-15-1. Performance standard [NEW]
- 252:517-15-2. Timelines [NEW]
- 252:517-15-3. Certification of final closure [NEW]
- 252:517-15-4. Final closure [NEW]
- 252:517-15-5. Inactive CCR surface impoundments [NEW]
- 252:517-15-6. Closure or retrofit of CCR units [NEW]
- 252:517-15-7. Criteria for conducting the closure or retrofit of CCR units [NEW]
- 252:517-15-8. Alternative closure requirements [NEW]
- 252:517-15-9. Post-closure care requirements [NEW]
- 252:517-15-10. Post-closure use of property [NEW]
- 252:517-15-11. Certification of post-closure performance [NEW]
- 252:517-15-12. Land use restrictions [NEW]
- Subchapter 17. Cost Estimates and Financial Assurance [NEW]
- Part 1. General Provisions [NEW]
- 252:517-17-1. Applicability [NEW]
- 252:517-17-2. Effective date [NEW]
- 252:517-17-3. Duty to maintain financial assurance [NEW]
- 252:517-17-4. Updating [NEW]
- 252:517-17-5. Permit transfers [NEW]
- 252:517-17-6. Effect of non-renewal of, or failure to maintain or provide financial assurance [NEW]
- 252:517-17-7. Substitute financial assurance [NEW]
- 252:517-17-8. Economic life of CCR unit [NEW]
- Part 3. Cost Estimates [NEW]
- 252:517-17-31. Cost estimates for closure [NEW]
- 252:517-17-32. Cost estimates for post-closure care [NEW]
- 252:517-17-33. Cost estimates for corrective action [NEW]
- 252:517-17-34. Annual adjustments to cost estimates [NEW]
- Part 5. Determination of Cost Estimates [NEW]
- 252:517-17-51. Cost estimates for closure and post-closure [NEW]
- 252:517-17-52. Cost estimates for corrective action [NEW]
- Part 7. Financial Assurance Mechanisms [NEW]
- 252:517-17-71. General requirements for financial assurance mechanisms [NEW]
- 252:517-17-72. Use of multiple mechanisms [NEW]
- 252:517-17-73. Allowable financial assurance mechanisms [NEW]
- 252:517-17-74. Cash [NEW]
- 252:517-17-75. Certificate of deposit [NEW]
- 252:517-17-76. Trust fund [NEW]
- 252:517-17-77. Escrow account [NEW]
- 252:517-17-78. Surety bond [NEW]
- 252:517-17-79. Letter of credit [NEW]
- 252:517-17-80. Insurance [NEW]
- 252:517-17-81. Corporate financial test [NEW]
- 252:517-17-82. Corporate guarantee [NEW]
- 252:517-17-83. State approved mechanism [NEW]
- Subchapter 19. Record Keeping, Notification, and Posting of Information to the Internet [NEW]
- 252:517-19-1. Recordkeeping requirements [NEW]
- 252:517-19-2. Notification requirements [NEW]
- 252:517-19-3. Publicly accessible internet site requirements [NEW]
- Appendix A. Constituents for Detection Monitoring [NEW]
- Appendix B. Constituents for Assessment Monitoring [NEW]
- Appendix C. Borings in Drilling Plan [NEW]
- Appendix D. Borehole Depth Calculation Table [NEW]

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

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

**SUMMARY:**

The Department is proposing to create a new Chapter, OAC 252:517 (Disposal of Coal Combustion Residuals from Electric Utilities). The Department is proposing OAC 252:517 in response to the United States Environmental Protection Agency (EPA) promulgating 40 CFR Part 257, Subpart D which prescribes new requirements pertaining to the disposal of coal combustion residuals (CCR) generated from the combustion of coal at electric utilities and independent power producers. DEQ has incorporated the requirements of 40 CFR Part 257, Subpart D in its entirety and inserted, where appropriate, pertinent language to enable DEQ to permit CCR facilities and enforce the new Chapter.

DEQ is proposing to exclude solid waste disposal facilities used exclusively for disposal of CCR, or coal ash, from applicability under OAC 252:515. Therefore, it is proposed that the provisions within OAC 252:515 currently applicable to CCR facilities will no longer apply, and those facilities will be regulated under the new OAC 252:517.

**AUTHORITY:**

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-10-201, and 2-10-301(D); Solid Waste Management Advisory Council, 27A O.S. § 2-2-201.

**COMMENT PERIOD:**

Deliver or mail written comments on the proposed rules to the contact person from December 1, 2015 through January 13, 2016. Oral comments may be made at the Solid Waste Management Advisory Council meeting at 9:00 a.m. on January 14, 2016 and at the Environmental Quality Board meeting at 9:30 a.m. on February 19, 2016.

**PUBLIC HEARINGS:**

Before the Solid Waste Management Advisory Council at 9:00 a.m. on January 14, 2016, 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 19, 2016, 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, 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.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the contact person, may be viewed on the DEQ website at

www.deq.state.ok.us/LPDnew/LPPrules.htm, or may be reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

**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, or viewed on the DEQ website at www.deq.state.ok.us/LPDnew/LPPrules.htm.

**CONTACT PERSON:**

Mike Stickney, Land Protection Division, Solid Waste Compliance Section, P.O. Box 1677, Oklahoma City, OK 73101-1677, e-mail at Mike.Stickney@deq.ok.gov, phone 405-702-5100, or fax 405-702-5101.

**ADDITIONAL INFORMATION:**

Persons with disabilities who desire to attend the public hearing 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 #15-852; filed 11-6-15]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 606. OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES) STANDARDS**

[OAR Docket #15-853]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULES:**

Subchapter 1. Introduction  
252:606-1-4. Date of federal regulations incorporated  
[AMENDED]

**SUMMARY:**

The Department proposes to update its rules concerning the date of the incorporation by reference for federal regulations from July 1, 2014, to July 1, 2015. The most significant federal regulation updates being incorporated are an update regarding cooling water intake structures and an update to the sufficiently sensitive method rule (SSMR), which affects the testing methodology laboratories must use when testing water samples.

**AUTHORITY:**

Environmental Quality Board, 27A O.S. § 2-2-101; Water Quality Management Advisory Council, 27A O.S. § 2-2-201; and 27A O.S. §§ 2-6-103, 2-6-203, 2-6-402 and 2-6-501.

**COMMENT PERIOD:**

Written comments may be submitted to the contact person from December 1, 2015, through December 31, 2015.

Oral comments may be made at the Water Quality Management Advisory Council meeting on January 12, 2016, and at the Environmental Quality Board meeting on February 19, 2016.

# Notices of Rulemaking Intent

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## **PUBLIC HEARING:**

Before the Water Quality Management Advisory Council on January 12, 2016, at 2:00 p.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 19, 2016, at 9:30 a.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma 73102.

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

The DEQ requests that business entities affected by the proposed rules provide to DEQ (during the comment period) the increase (in dollar amounts if possible) in the level of direct costs (e.g., fees) and indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services, revenue loss), or other costs expected to be incurred due to compliance with the proposed rules.

## **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

## **RULE IMPACT STATEMENT:**

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

## **CONTACT PERSON:**

The contact person is Mark Hildebrand. Mark may be contacted at: [Mark.Hildebrand@deq.ok.gov](mailto:Mark.Hildebrand@deq.ok.gov) (e-mail), (405) 702-8100 (phone) or (405) 702-8101 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The DEQ's 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 (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

*[OAR Docket #15-853; filed 11-6-15]*

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## **TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 626. PUBLIC WATER SUPPLY CONSTRUCTION STANDARDS**

*[OAR Docket #15-854]*

## **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

## **PROPOSED RULES:**

Subchapter 1. Introduction

252:626-1-2. [AMENDED]

Subchapter 3. Permit Procedures

252:626-3-6. [AMENDED]

Subchapter 5. General design

252:626-5-5. [AMENDED]

Subchapter 7. Source Development

252:626-7-4. [AMENDED]

Subchapter 9. Treatment

252:626-9-9. [AMENDED]

Subchapter 13. Residuals and Decant Water Management

252:626-13-2. [AMENDED]

252:626-13-4. [AMENDED]

Appendix E. Gravel Support for Rapid Rate Slow Sand Filters [REVOKED]

Appendix E. Gravel Support for Rapid Rate and Slow Sand Filters [NEW]

## **SUMMARY:**

The Department is proposing to: (1) add definitions for "25-year flood" and "100-year flood"; (2) clarify the definitions for "CT", "Community water system", "Minor water system" and "Public Water Supply system", to be consistent with other DEQ and federal regulations; (3) add language requiring maps, site plans, and schematic layout of treatment facilities with engineering reports; (4) clarify the requirement for standby power and elevated storage to be based off peak hourly demand; (5) add a requirement for a concrete splash pad outside the wellhouse where blow-off valve discharges; (6) add a requirement that filters be equipped to indicate or otherwise measure head loss; (7) add a requirement that each filter unit indicate the instantaneous rate of flow; (8) clarify the requirement that mechanical dewatering of residuals be constructed in accordance with OAC 252:656-19-5(3)(4) and (5); (9) clarify the requirements for residual lagoons; (10) add a requirement that plant outfalls be designed and constructed in accordance with OAC 252:656-9-3 when wastewater is discharged; and (11) other minor clarifications.

## **AUTHORITY:**

Environmental Quality Board; 27A O.S. § 2-2-101; Water Quality Management Advisory Council, 27A O.S. § 2-2-201; and 27A O.S. §§ 2-6-103, 2-6-303 and 2-6-306.

## **COMMENT PERIOD:**

Written comments may be submitted to the contact person from December 1, 2015, through December 31, 2015.

Oral comments may be made at the Water Quality Management Advisory Council meeting on January 12, 2016, and at the Environmental Quality Board meeting on February 19, 2016.

## **PUBLIC HEARING:**

Before the Water Quality Management Advisory Council on January 12, 2016, at 2:00 p.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 19, 2016, at 9:30 a.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma 73102.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The DEQ requests that business entities affected by the proposed rules provide to DEQ (during the comment period) the increase (in dollar amounts if possible) in the level of direct costs (e.g., fees) and indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services, revenue loss), or other costs expected to be incurred due to compliance with the proposed rules.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

**RULE IMPACT STATEMENT:**

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

**CONTACT PERSON:**

The contact person is Mark Hildebrand. Mark may be contacted at: [Mark.Hildebrand@deq.ok.gov](mailto:Mark.Hildebrand@deq.ok.gov) (e-mail), (405) 702-8100 (phone) or (405) 702-8101 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The DEQ's 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 (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

*[OAR Docket #15-854; filed 11-6-15]*

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 631. PUBLIC WATER SUPPLY OPERATION**

*[OAR Docket #15-855]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. Introduction
  - 252:631-1-1 [AMENDED]
  - 252:631-1-2 [AMENDED]
  - 252:631-1-3 [AMENDED]
- Subchapter 3. Operations
  - 252:631-3-1 [AMENDED]
  - 252:631-3-2 [AMENDED]
  - 252:631-3-4 [AMENDED]
  - 252:631-3-10 [AMENDED]

**SUMMARY:**

The Department is proposing to: (1) replace "Laboratory Certification" with "Laboratory Accreditation" rules; (2) clarify the definitions for "Maximum contaminant level," "Maximum residual disinfectant level," "Primary Drinking Water Standards," "Public Water Supply system," "Community water system," "Non-community water system," "Non-transient non-community system," and "Minor water system;" (3) update the rules concerning the date of the incorporation by reference of certain federal regulations from July 1, 2014, to July 1, 2015; (4) add language incorporating Subparts S and Y of the Microbiological standards in accordance with 40 CFR Section 141.63; (5) replace "Turbidity" with "Filtration, disinfection, and enhanced treatment" standards in accordance with 40 CFR Sections 141.73 and 141.173; (6) add "Lead, copper, and corrosivity standards" in accordance with 40 CFR Part 141, Subpart I; (7) replace "Coliform" with "Microbiological" requirements in accordance with 40 CFR Section 141, Subparts S and Y; add enhanced treatment requirements in accordance with 40 CFR Sections 141.74 and 141.174, Subparts T and W; add Subparts U and V in accordance with 40 CFR, Part 141; (8) clarify the requirements for laboratory accreditation and validation of data to be consistent with federal requirements and (9) other minor clarifications.

**AUTHORITY:**

Environmental Quality Board; 27A O.S. § 2-2-101; Water Quality Management Advisory Council, 27A O.S. § 2-2-201; and 27A O.S. §§ 2-6-103, 2-6-303 and 2-6-306.

**COMMENT PERIOD:**

Written comments may be submitted to the contact person from December 1, 2015, through December 31, 2015.

Oral comments may be made at the Water Quality Management Advisory Council meeting on January 12, 2016, and at the Environmental Quality Board meeting on February 19, 2016.

**PUBLIC HEARING:**

Before the Water Quality Management Advisory Council on January 12, 2016, at 2:00 p.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 19, 2016, at 9:30 a.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma 73102.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The DEQ requests that business entities affected by the proposed rules provide to DEQ (during the comment period) the increase (in dollar amounts if possible) in the level of direct costs (e.g., fees) and indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services, revenue loss), or other costs expected to be incurred due to compliance with the proposed rules.

## Notices of Rulemaking Intent

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### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

### RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

### CONTACT PERSON:

The contact person is Mark Hildebrand. Mark may be contacted at: [Mark.Hildebrand@deq.ok.gov](mailto:Mark.Hildebrand@deq.ok.gov) (e-mail), (405) 702-8100 (phone) or (405) 702-8101 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The DEQ's 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 (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

*[OAR Docket #15-855; filed 11-6-15]*

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## TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 690. WATER QUALITY STANDARDS IMPLEMENTATION

*[OAR Docket #15-856]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

### PROPOSED RULES:

Subchapter 1. Introduction

252:690-1-3. Technical Acronyms [AMENDED]

252:690-1-4. Incorporation of EPA regulations by reference [AMENDED]

Subchapter 3. Point Source Discharges

252:690-3-78. Implementation of bacteriological criteria to protect the Public and Private Water Supply beneficial use [AMENDED]

252:690-3-86. Implementation of bacteriological criteria to protect the Primary Body Contact Recreation (PBCR) and the Secondary Body Contact Recreation (SBCR) beneficial use [AMENDED]

Subchapter 5. Groundwater Protection

252:690-5-2. Discharge Standards [AMENDED]

Appendix B. Priority and Nonpriority Pollutants with Numerical Criteria Requiring Reasonable Potential Screening [REVOKED]

Appendix B. Priority and Nonpriority Pollutants with Numerical Criteria Requiring Reasonable Potential Screening [NEW]

### SUMMARY:

The Department proposes to update its rules concerning the date of the incorporation by reference for federal regulations from July 1, 2013, to July 1, 2015. The most significant federal regulation updates being incorporated are an update regarding cooling water intake structures and an update to the sufficiently sensitive method rule (SSMR), which affects the testing methodology laboratories must use when testing water samples. The update to the SSMR requires the Department to update Appendix B, Priority and Nonpriority Pollutants with Numerical Criteria Requiring Reasonable Potential Screening. The Department is updating Appendix B by revoking the existing Appendix B and replacing it with an updated Appendix B. Additionally, the Department is deleting the term "CFU," colony forming units, from this rule in accordance with changes made by the Oklahoma Water Resources Board. Lastly, the Department is updating references to previously revoked rules.

### AUTHORITY:

Environmental Quality Board; 27A O.S. § 2-2-101; Water Quality Management Advisory Council, 27A O.S. § 2-2-201; and 27A O.S. §§ 2-6-103, 2-6-203, 2-6-402 and 2-6-501.

### COMMENT PERIOD:

Written comments may be submitted to the contact person from December 1, 2015, through December 31, 2015.

Oral comments may be made at the Water Quality Management Advisory Council meeting on January 12, 2016, and at the Environmental Quality Board meeting on February 19, 2016.

### PUBLIC HEARING:

Before the Water Quality Management Advisory Council on January 12, 2016, at 2:00 p.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 19, 2016, at 9:30 a.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma 73102.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by the proposed rules provide to DEQ (during the comment period) the increase (in dollar amounts if possible) in the level of direct costs (e.g., fees) and indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services, revenue loss), or other costs expected to be incurred due to compliance with the proposed rules.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am

- 4:30 pm Monday through Friday) or reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

**RULE IMPACT STATEMENT:**

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

**CONTACT PERSON:**

The contact person is Mark Hildebrand. Mark may be contacted at: Mark.Hildebrand@deq.ok.gov (e-mail), (405) 702-8100 (phone) or (405) 702-8101 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The DEQ's 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 (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

*[OAR Docket #15-856; filed 11-6-15]*

**TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION  
CHAPTER 15. PHYSICIAN ASSISTANTS**

*[OAR Docket #15-830]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions
  - 435:15-1-1.1. Definitions [AMENDED]
  - 435:15-1-2. License required [REVOKED]
- Subchapter 3. Licensure of Physician Assistants
  - 435:15-3-1. ~~Application for licensure~~ Qualification; application [AMENDED]
  - 435:15-3-12. Review; Temporary authorization to practice [AMENDED]
  - 435:15-3-13. ~~Application to practice~~ Supervising physician; alternatives [AMENDED]
  - 435:15-3-14. Temporary approval of an application to practice by a Licensed Physician Assistant [REVOKED]
  - 435:15-3-15. Approval to supervise more than two PA's [REVOKED]
  - 435:15-3-16. Alternate supervising physician [REVOKED]
  - 435:15-3-17. Continuing education for renewal [AMENDED]
  - 435:15-3-18. License renewal period; reinstatement [REVOKED]
- Subchapter 5. Regulation of Practice
  - 435:15-5-1. Supervision; physician responsibility; independent care prohibited [REVOKED]

- 435:15-5-1.1. Health care services performed and prohibited [REVOKED]
- 435:15-5-2. Patient care setting [REVOKED]
- 435:15-5-5. Approval of educational and/or experimental programs [AMENDED]
- 435:15-5-7. Display of identification [REVOKED]
- 435:15-5-10. Prescriptions [AMENDED]
- 435:15-5-11. ~~Grounds for disciplinary action~~ Discipline [AMENDED]
- Subchapter 7. Advisory Committee [REVOKED]
  - 435:15-7-1. Physician Assistant Advisory Committee [REVOKED]
- Subchapter 9. Guidelines for the Utilization of Physician Assistants [REVOKED]
  - 435:15-9-1. General responsibilities and obligations [REVOKED]
  - 435:15-9-2. Supervision [REVOKED]
  - 435:15-9-3. New patients [REVOKED]
  - 435:15-9-4. Setting [REVOKED]
  - 435:15-9-5. Understanding and variance from guidelines [REVOKED]
- Subchapter 11. Prescriptive and Dispensing Authority [REVOKED]
  - 435:15-11-1. Prescriptive and dispensing authority [REVOKED]
  - 435:15-11-2. Drug formulary [REVOKED]
- Appendix A. Physician Assistant Protocol [REVOKED]

**SUMMARY:**

The proposed revisions make significant amended changes and repeal in the level of supervision of PAs. Oklahoma physicians who supervise Physician Assistants (PA) would no longer be required to be on-site at least one-half day per week. Supervising physicians would have more autonomy in determining the scope of services offered by PAs. The Rules would allow a physician to supervise up to four (4) physician assistants instead of the previous two (2).

The Rules repeal numerous provisions on supervision by site location, removal of the drug formulary and PA protocols and leave those decisions up to the supervising physician, the PA and the PA Advisory Committee. The Rules redefine the section on licensure qualifications, prescriptive authority, and issuance of a temporary license to practice. Reporting requirements of the continuing education for renewal will now go through the Oklahoma Academy of Physician Assistants at a cost to the PA applicant. The rules update and expand the language and grounds for discipline.

**AUTHORITY:**

59 O.S. § 519.3(D); Oklahoma Board of Medical Licensure and Supervision

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so by December 31, 2015 at the following address: Oklahoma Board of Medical Licensure and Supervision, Attn: Barbara Smith, 101 NE 51st Street, Oklahoma City, Oklahoma 73105 or [bsmith@okmedicalboard.org](mailto:bsmith@okmedicalboard.org).

# Notices of Rulemaking Intent

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## **PUBLIC HEARING:**

A public hearing will be held at 9:00 a.m. on Friday, January 8, 2016, at the Oklahoma Board of Medical Licensure and Supervision, 101 NE 51st Street, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 9:05 a.m.

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

N/A

## **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma Board of Medical Licensure and Supervision website at [www.okmedicalboard.org](http://www.okmedicalboard.org) under the Physician Assistant tab or you may request a copy in person at 101 NE 51st Street, Oklahoma City, Oklahoma.

## **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and will be available in the Oklahoma Board of Medical Licensure and Supervision office at the address listed above and on the Board's website at [okmedicalboard.org](http://okmedicalboard.org) under the Physician Assistant tab after December 15, 2015.

## **CONTACT PERSON:**

Lyle R. Kelsey, Executive Director, (405) 962-1400, [lkelsey@okmedicalboard.org](mailto:lkelsey@okmedicalboard.org).

*[OAR Docket #15-830; filed 11-2-15]*

## **TITLE 485. OKLAHOMA BOARD OF NURSING CHAPTER 10. LICENSURE OF PRACTICAL AND REGISTERED NURSES**

*[OAR Docket #15-833]*

## **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

## **PROPOSED RULES:**

Subchapter 3. Regulations for Approved Nursing Education Programs

485:10-3-2. [AMENDED]

485:10-3-5. [AMENDED]

485:10-3-6. [AMENDED]

Subchapter 5. Minimum Standards for Approved Nursing Education Programs

485:10-5-2. [AMENDED]

485:10-5-3.2. [AMENDED]

485:10-5-4. [AMENDED]

485:10-5-4.1. [AMENDED]

485:10-5-5. [AMENDED]

485:10-5-5.2. [AMENDED]

485:10-5-6. [AMENDED]

485:10-5-7. [AMENDED]

485:10-5-8. [AMENDED]

485:10-5-10. [AMENDED]

485:10-5-12. [AMENDED]

Subchapter 6. Minimum Standards for Approved Advanced Practice Registered Nursing (APRN) Education Programs (Effective January 1, 2016)

485:10-6-2. [AMENDED]

Subchapter 12. Corrective Action [NEW]

485:10-12-1. Purpose [NEW]

485:10-12-2. Definitions [NEW]

485:10-12-3. Imposition of Corrective Action [NEW]

485:10-12-4. Corrective Action Procedure [NEW]

Subchapter 15. Requirements for Practice as an Advanced Practice Registered Nurse

485:10-15-4. [AMENDED]

Subchapter 16. Requirements for Prescriptive Authority for Advanced Practice Registered Nurses

485:10-16-7. [AMENDED]

## **SUMMARY:**

Proposed revisions include:

Subchapters 3 and 5 reflect amendments and new language specific to regulations for approved nursing education programs and minimum standards for approved nursing education programs. Changes noted reflect the work of a task force consisting of Board staff, administrators and faculty of board-approved nursing education programs, and representatives of Oklahoma State Regents for Higher Education and Oklahoma Career and Technology Education. Over a period of twenty-eight months, the task force reviewed the National Council State Boards of Nursing Model Rules, the national nursing education accreditation standards from the Commission on Collegiate Nursing Education and Accreditation Commission for Education in Nursing to identify needed changes leading to "right touch" regulation ensuring protection of the public and safeguarding of the preparation of nursing students. In consideration of efficient and effective use of resources, the amended and new language allows Board staff to accept the accreditation report in consideration of continuing nursing education program approval.

Effective January 1, 2016, by statute and current rule requirements, advanced practice registered nursing education programs in Oklahoma must meet identified standards to be approved programs, which include nursing faculty requirements. Currently, not all faculty of the advanced practice registered nursing education programs meet the nursing faculty qualifications in the Rules. Revisions to 485:10-6-2(4)(D) will allow any person employed in an advanced practice registered nursing education program as a program administrator, lead faculty and/or faculty member on December 31, 2015, to be deemed as meeting the educational and clinical experience qualifications. Retention of faculty in nursing education programs impacts public health, safety and welfare by providing adequate number of faculty to teach future health care providers. Limited number of faculty correlates to limited health care provider graduates, which further decreases access to care in Oklahoma.

Subchapter 12 reflects new language for promulgated rules specific to a new section of law [59 O.S. §567.8a] effective November 1, 2015. The new law grants the Board additional

authority to dispose of certain violations of the Oklahoma Nursing Practice Act and Rules in an entirely new manner and directs the Board to promulgate rules to carry out the new law. The proposed rules: 1) define corrective action as remedial education and/or an administrative penalty imposed for a violation of the Oklahoma Nursing Practice Act and/or Rules, and make clear that a corrective action is not a disciplinary or negative action; 2) state what conduct may warrant a corrective action and exclude certain acts from eligibility for corrective action; 3) establish a maximum limit of five hundred dollars (\$500.00) per violation for the administrative penalty; 4) establish the procedure for issuing a corrective action; and 5) state the consequences of failure to comply with the notice procedures and failure to fulfill the substantive requirements of a person's corrective action.

New language in OAC 485:10-15-4(c)(5)(D) aligns with reinstatement rules, OAC 485:10-15-5(b)(4)(D), and inactive status rules, OAC 485:10-15-5(c)(5)(D), allowing the endorsement applicant to demonstrate continued qualifications for practice through the submission of evidence of current national certification consistent with educational preparation and by a national certifying body recognized by the Board.

OAC 485:10-16-7(a)(3) and OAC 485:10-16-7(b)(4) are deleted as the requirement exceeds those for applicants endorsing prescriptive authority into Oklahoma.

**AUTHORITY:**

Oklahoma Board of Nursing; 59 O.S. §§ 567.2(A); 567.4(F); 567.4a(3); 567.7; 567.8a (effective November 1, 2015); 567.12; 567.12a; 567.13

**COMMENT PERIOD:**

Persons wishing to submit written comments must do so by January 15, 2016, at 4:30 p.m. to the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106 Attn: Jackye Ward, MS, RN, NEA-BC.

**PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to orally present their views on Tuesday, January 26, 2016, at 5:30 p.m., at The Reed Conference Center, 5800 Will Rogers Road, Midwest City, Oklahoma. Anyone who wishes to speak at this public hearing must sign in with the Oklahoma Board of Nursing by 5:00 p.m., January 26, 2016.

**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 January 15, 2016, at 4:30 p.m., to the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, OK 73106, Attn: Jackye Ward, MS, RN, NEA-BC.

**COPIES OF PROPOSED RULES:**

Copies of the proposed *Rules* may be obtained by contacting Jackye Ward, MS, RN, NEA-BC, at the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City,

Oklahoma 73106, (405) 962-1809. The proposed amendments may also be viewed on the Oklahoma Board of Nursing web site at <http://www.ok.gov/nursing/rules.html>.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. Section 303(D), a rule impact statement has been prepared. The rule impact statement may be obtained by contacting Jackye Ward, MS, RN, NEA-BC, at the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106, (405) 962-1809. The Rule Impact Statement may also be viewed on the Oklahoma Board of Nursing web site at <http://www.ok.gov/nursing/rules.html>.

**CONTACT PERSON:**

Jackye Ward, MS, RN, NEA-BC

[OAR Docket #15-833; filed 11-2-15]

**TITLE 600. REAL ESTATE APPRAISER BOARD  
CHAPTER 10. LICENSURE AND CERTIFICATION REQUIREMENTS**

[OAR Docket #15-840]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- 10-1-5. Qualifying education prerequisites [AMENDED]
- 10-1-16. Supervision of trainee appraisers [AMENDED]

**SUMMARY:**

The proposed amendments to Title 600, Chapter 10 at OAC 600:10-1-5 and OAC 600:10-1-16 will incorporate language from the Appraiser Qualification Criteria effective January 1, 2015 (the "AQB Criteria") which modifies the criteria by which the Oklahoma Real Estate Appraiser Board determines, upon application, whether a trainee applicant's qualifying education is deemed acceptable under said AQB Criteria. Further, the changes will reflect a mandatory change requiring that a supervisor be a certified appraiser in this jurisdiction for a period of at least three years prior to being eligible to supervise a trainee appraiser; clarification of a previous amendment to reflect that the supervisor should not have been subject to any disciplinary action with any jurisdiction within the last three years that affects the supervisory appraiser's legal eligibility engage in appraisal practice; and adds language that a supervisory appraiser must comply with the Competency Rule of USPAP for the property type and geographic location where the trainee appraiser is being supervised.

**AUTHORITY:**

Real Estate Appraiser Board; 59 O.S. § 858-706.

**COMMENT PERIOD:**

Persons may submit written or oral comments to Christine McEntire at the offices of the Real Estate Appraiser Board, Oklahoma Insurance Department, 5 Corporate Plaza, 3625 NW 56th St, Suite 100, Oklahoma City, Oklahoma 73112 during the period **December 2, 2015 to January 1, 2016.**

# Notices of Rulemaking Intent

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## **PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m. on **January 6, 2016**, in the offices of the Oklahoma Insurance Commissioner located at 5 Corporate Plaza, 3625 NW 56th St, Suite 100, Oklahoma City, Oklahoma 73112.

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

Business entities affected by this proposed rule are requested to provide the Board with information, in dollar amounts if possible, about any increases in the level of direct 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 Christine McEntire, Director, at the above address during the period of **December 2, 2015 to January 1, 2016**.

## **COPIES OF PROPOSED RULES:**

A copy of the proposed rules is available at the Offices of the Real Estate Appraiser Board, Oklahoma Insurance Department at 5 Corporate Plaza, 3625 NW 56th St, Suite 100, Oklahoma City, Oklahoma 73112. A copy of the proposed rule may also be obtained by written request to the attention of Christine McEntire, Real Estate Appraiser Board, Five Corporate Plaza, Suite 100, Oklahoma City, OK 73112. A copy of the proposed rules is posted on the Real Estate Appraiser Board website, [www.reab.oid.ok.gov](http://www.reab.oid.ok.gov).

## **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a copy of the Rule Impact Statement may be obtained at the Offices of the Real Estate Appraiser Board, Oklahoma Insurance Department at 5 Corporate Plaza, 3625 NW 56th St, Suite 100, Oklahoma City, Oklahoma 73112.

## **CONTACT PERSON:**

Christine McEntire, Director (405) 522-2475.

*[OAR Docket #15-840; filed 11-5-15]*

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

*[OAR Docket #15-859]*

## **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

## **PROPOSED RULES:**

Subchapter 1. General Provisions

785:45-1-2. Definitions [AMENDED]

Subchapter 3. Antidegradation Requirements

785:45-3-2. Applications of antidegradation policy [AMENDED]

Subchapter 5. Surface Water Quality Standards

Part 3. Beneficial Uses and Criteria to Protect Uses

785:45-5-10. Public and private water supplies [AMENDED]

785:45-5-12. Fish and wildlife propagation [AMENDED]

Part 5. Special Provisions

785:45-5-25. Implementation Policies for the Antidegradation Policy Statement [AMENDED]

Appendix A. Designated Beneficial Uses of Surface Waters [REVOKED]

Appendix A. Designated Beneficial Uses for Surface Waters [NEW]

Appendix B. Areas with Waters of Recreational and/or Ecological Significance [REVOKED]

Appendix B. Areas with Waters of Recreational and/or Ecological Significance [NEW]

Appendix E. Requirements for Development of Site-Specific Criteria for Certain Parameters [REVOKED]

Appendix E. Requirements for Development of Site-Specific Criteria for Certain Parameters [NEW]

Appendix G. Numerical Criteria to Protect Beneficial Uses [REVOKED]

Appendix G. Numerical Criteria to Protect Beneficial Uses [NEW]

## **SUMMARY:**

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

Several amendments are proposed to add new language associated with the creation of a new antidegradation classification, known as Sensitive Water Supply-Reuse (SWS-R). The amendments proposed include adding a definition for SWS-R and modifying the definition of "Existing Point Source Discharge" in OAC 785:45-1-2. To account for SWS-R as a part of Oklahoma's antidegradation policy, the term "SWS-R" is added to OAC 785:45-3-2(c); OAC 785:45-5-10(7); OAC 785:45-5-25(a)(2) and (6); OAC 785:45, Appendix A part (c)(2); and Appendix E, part G. Additionally, a new subsection (8) of OAC 785:45-5-25(c) was created to describe the SWS-R classification. This rulemaking does not reclassify any waterbody as an SWS-R. The intended effect of this language is to create a new antidegradation classification.

Appendix A, "The Designated Beneficial Uses of Surface Waters", is proposed to be revoked and reenacted with deletions, modifications and additions of new uses and other waterbody specific information. These changes include amending the introductory material in paragraph (d) Remarks, and to remove remark (2) and renumber the remaining remarks. In Table A.1 (Middle Arkansas River Basin), the limitation "HQW" is added to Saline Creek and Little Saline Creek. For the Arkansas River from the mouth of the Verdigris River to Keystone Dam, the recreation use is changed to "PBCR", and the remark (2) is removed. In Table A.6 (Upper Arkansas River Basin), Hefner Lake and its designated and existing uses are added, and an additional "waterbody ID number" is added to Great Salt Plains Reservoir. The intended effect of these changes to Appendix A is to update waterbody information, uses, and antidegradation classifications.

Appendix B, "Areas with Waters of Recreational and/or Ecological Significance", is proposed to be revoked and

reenacted with deletions, modifications and additions of new areas/waters. Modifications to Table 1 include the deletion of certain areas that no longer exist or were incorrectly named, the addition of several new wildlife management areas and state parks including the water quality management segment, and the modification of certain names. Modifications to Table 2 include revisions to some existing descriptive language of "protected area/water and the addition of new "protected area/water", including the Verdigris, Illinois, and Elk Rivers. Additionally, a new column is added to Table 2 to clarify endangered or threatened species that are protected in the area/water. The intended effect of this language is to update areas and waters protected under the Appendix B antidegradation classification.

Appendix G, "Numerical Criteria to Protect Beneficial Uses", is proposed to be revoked and reenacted with modifications to introductory material and Tables 2 and 3. Changes in the introduction include the addition of frequency and duration language to paragraph (a) and the deletion of subsection (3) in paragraph (b). Also, these amendments are proposed to: 1) speciate arsenic 3 and trivalent and hexavalent chromium; 2) delete parameters MBAS and 2-4-5-TP silvex and associated criteria; and, 3) revise numeric criteria for certain parameters contained under the "Fish and Wildlife Propagation" headings for Table 2. "Numerical Criteria to Protect Beneficial Uses and All Subcategories Thereof". The changes also add new footnotes under Table 2 to describe alternative applications of the frequency and duration components of certain criteria, as generalized in the Appendix G introduction. Additionally, new conversion factors are added to Table 3. Conversion Factors for Total to Dissolved Fractions. The intended effect of these amendments is to update aquatic life criteria in order to fully protect the Fish and Wildlife Propagation beneficial use and to be consistent with criteria currently recommended by the United States Environmental Protection Agency.

Appendix E, "Requirements For Development of Site-Specific Criteria For Certain Parameters", is proposed to be revoked and reenacted with revisions to some of the calculated site specific criteria options for certain dischargers. These include the City of Broken Bow (zinc), the City of Blackwell (cadmium), the City of Idabel (nickel and zinc), and City of Poteau (zinc). The circumstance which created the need for this amendment was revisions to aquatic life criteria in Appendix G, Table 2, as described in the preceding paragraph. The intended effect of this amendment is to provide updated calculated information for the implementation of the various options related to site-specific criteria for these municipalities.

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

**AUTHORITY:**

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

**COMMENT PERIOD:**

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen Blvd.,

Oklahoma City, Oklahoma 73118 no later than the close of the public hearing on January 19, 2016.

**PUBLIC HEARING:**

A public hearing will be held January 19, 2016 during the monthly meeting of the OWRB which will begin at 9:30 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen Blvd., Oklahoma City, Oklahoma.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

The OWRB requests that any business entities affected by these proposed rules provide the OWRB, within the Comment Period from December 1, 2015 through January 19, 2016, 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 Monty Porter at 3800 North Classen Blvd., Oklahoma City, Oklahoma 73118 no later than the close of the public hearing on January 19, 2016.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

Monty Porter, Water Quality Standards Section Head, 405/530-8800, [monty.porter@owrb.ok.gov](mailto:monty.porter@owrb.ok.gov).

*[OAR Docket #15-859; filed 11-6-15]*

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

*[OAR Docket #15-858]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions
- 785:46-1-2. Definitions [AMENDED]
- Subchapter 13. Implementation of Antidegradation Policy
- 785:46-13-1. Applicability and scope [AMENDED]

## Notices of Rulemaking Intent

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785:46-13-4. Tier 2 protection; maintenance and protection of High Quality Waters, ~~and Sensitive Water Supplies, and Sensitive Water Supply-Reuse waterbodies~~ [AMENDED]

### SUMMARY:

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

Several amendments are proposed to add new language associated with the creation of a new antidegradation classification, known as Sensitive Water Supply-Reuse (SWS-R). The amendments proposed include modifying various parts of Chapter 46, including adding a definition for SWS-R and modifying the definition of "Increased Load" in OAC 785:46-1-2. To account for SWS-R as a part of Oklahoma's antidegradation policy, the terms "Sensitive Water Supply-Reuse" or "SWS-R" are added to OAC 785:46-13-1(a)(2) and (e), and the OAC 785:46-13-4 title, as well as subsections (c) and (d). Additionally, to reserve a place for future rulemaking for SWS-R, a new subsection (e) is added to OAC 785:46-13-4. The intended effect of this language is to create a new antidegradation classification.

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

### AUTHORITY:

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

### COMMENT PERIOD:

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen Blvd., Oklahoma City, Oklahoma 73118 no later than the close of the public hearing held on January 19, 2016.

### PUBLIC HEARING:

A public hearing will be held January 19, 2016 during the monthly meeting of the OWRB which will begin at 9:30 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen Blvd., Oklahoma City, Oklahoma.

### REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The OWRB requests that any business entities affected by these proposed rules provide the OWRB, within the Comment Period from December 1, 2015 through January 19, 2016, 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 Monty Porter at 3800 North Classen Blvd., Oklahoma City, Oklahoma 73118 no later than the close of the public hearing on January 19, 2016.

### COPIES OF PROPOSED RULES:

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

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

### RULE IMPACT STATEMENT:

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

### CONTACT PERSON:

Monty Porter, Water Quality Standards Section Head, 405/530-8800, [monty.porter@owrb.ok.gov](mailto:monty.porter@owrb.ok.gov).

[OAR Docket #15-858; filed 11-6-15]

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

[OAR Docket #15-857]

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 3. Project and Entities Eligible

785:50-3-1. Project eligibility [AMENDED]

Subchapter 7. Water and Sewer Program (Bond Proceed Loans and Emergency Grants) Requirements and Procedures

785:50-7-5. Emergency grant priority point system [AMENDED]

785:50-7-7. Disbursement of funds [AMENDED]

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

785:50-8-2. Definitions [AMENDED]

785:50-8-3. Application review and disposition [AMENDED]

785:50-8-4. Applicable law; deadline for applications; eligible project costs [AMENDED]

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

785:50-8-6. Disbursement of funds [AMENDED]

Subchapter 9. Clean Water State Revolving Fund Regulations

Part 1. General Provisions

785:50-9-9. Definitions

Part 3. General Program Requirements

785:50-9-21. Eligible project [AMENDED]

785:50-9-23. Clean Water SRF Project Priority System [AMENDED]

785:50-9-24. Intended use plan [AMENDED]

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

785:50-9-30. Planning documents [AMENDED]

785:50-9-33. Application for financial assistance [AMENDED]

785:50-9-35. Loan closing [AMENDED]

785:50-9-45. Compliance with federal authorities [AMENDED]

Part 7. SRF Environmental Review Process

785:50-9-60. Requirement of environmental review [AMENDED]

**SUMMARY:**

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

Sections 785:50-3-1, 785:50-7-5, 785:50-7-7, 785:50-8-2, 785:50-8-3, 785:50-8-4, 785:50-8-5, 785:50-8-6, 785:50-9-9, 785:50-9-35 and 785:50-9-60 are proposed to be amended to improve rule clarity and correct spelling and grammatical errors.

Section 785:50-7-5 is proposed to be amended to update the number of grant priority points awarded based on an applicant's rate structure. The intended effect is to make the structure comparable to other Oklahoma agency grant guidelines.

Sections 785:50-7-5 and 785:50-8-5 are proposed to be amended to change the standard interest rate that is used for ranking calculations. The intended effect is to reflect current standard interest rates.

Section 785:50-8-3 is proposed to be amended to clarify what is required for a Rural Economic Action Plan Grant (REAP) application; to change the date when documents are due to remedy a deficient REAP grant application; and to include conservative measures as an additional consideration for REAP grant approval criteria. The intended effect of these amendments is to increase efficiency in approving REAP grants and grant fund disbursement and include Water for 2060 characteristics in the application process.

Section 785:50-8-4 is proposed to include a clause allowing for submittal of applications late due to a circumstance outside of the applicants control and to include additional language to clarify REAP grant applications for engineer or architecture fees. The intended effect is to clarify the process for potential applicants and to give every opportunity to potential REAP grant applicants as possible.

Section 785:50-8-5 is proposed to clarify the point system for REAP grant applicants that have received a REAP grant previously. The intended effect is to make the REAP grant processes easier to understand.

Sections 785:50-9-9, 785:50-9-23, 785:50-9-24, 785:50-9-27 and 785:50-9-30 are proposed to delete the definition of Act and correct the definition of Clean Water Act. The intended effect is to make the rules cohesive and remove redundant language.

Sections 785:50-9-23 and 785:50-9-33 are proposed to adjust language to expand the eligible costs and projects allowed under the Clean Water Act. The intended effect is to update the language according to the Clean Water Act.

Section 785:50-9-23 is proposed to correct language to be consistent with all rules in the Oklahoma Water Resources Board and Oklahoma Statutes. The intended effect is to clarify the rules and make them consistent with applicable statutes and other rules.

Sections 785:50-9-33 and 785:50-9-35 are proposed to move certain existing sections of the rules to reflect the correct process of loan closing and construction. The intended effect is to create more cohesive sections and make the language easily understood for potential applicants.

Section 785:50-9-45 is proposed to be amended to add appropriate federal laws and re-letter the remaining section. The intended effect is to update the language according to the United States Environmental Protection Agency guidelines.

Section 785:50-9-60 is proposed to change words and acronyms to be consistent with the National Environmentally Policy Act (NEPA). The intended effect is to clarify language and accurately reflect what is in NEPA.

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

**AUTHORITY:**

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

**COMMENT PERIOD:**

Persons wishing to present data, views, or arguments orally or in writing may do so to Kate Burum at 3800 North Classen, Oklahoma City, Oklahoma 73118, or by email to Kate.Burum@owrb.ok.gov. Comments must be received by the OWRB no later than the close of the public hearing on January 19, 2016.

**PUBLIC HEARING:**

A public hearing will be held January 19, 2016 during the monthly meeting of the OWRB which will begin at 9:30 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

The OWRB requests that any business entities affected by these proposed rules provide the OWRB, within the Comment Period from December 1, 2015 through January 19, 2016, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Kate Burum at 3800 North Classen, Oklahoma City, Oklahoma 73118 no later than the close of the public hearing held on January 19, 2016.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

## Notices of Rulemaking Intent

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Statement may also be viewed on the OWRB web site at <http://www.owrb.ok.gov>.

**CONTACT PERSON:**

Kate Burum, Assistant General Counsel and Funds Manager, 405-530-8800 or [Kate.Burum@owrb.ok.gov](mailto:Kate.Burum@owrb.ok.gov).

*[OAR Docket #15-857; filed 11-6-15]*

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

*[OAR Docket #15-835]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 10. Sport Fishing Rules [AMENDED]

**SUMMARY:**

Proposed rules will delete and/or modify special rules on portions of the lower Mountain Fork River trout fishery, allow bass harvest on American Horse Lake, establish statewide bag and size limits for hybrid striped bass, allow bowfishing in the Heyburn Lake tailwater and simplify fishing rules on certain Oklahoma City waters.

**STATUTORY AUTHORITY:**

Title 29 O.S., Section 3-103, 5-401, 6-302; Article XXVI, Section 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so on or before 4:30 p.m., January 8, 2016, at the following address: Oklahoma Department of Wildlife Conservation, 2145 NE 36<sup>th</sup> Street, Oklahoma City, Oklahoma 73111 or online at [www.wildlifedepartment.com](http://www.wildlifedepartment.com).

**PUBLIC HEARINGS:**

**Date:** January 5, 2016

**Time:** 7:00 p.m.

**Oklahoma City** - OK Department of Wildlife Conservation, 2145 NE 36<sup>th</sup> Street, Oklahoma City, OK

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules will be available to the public at 2145 NE 36<sup>th</sup> Street, Oklahoma City, OK: Room 115.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December 8, 2015 at the above address for the Oklahoma Department of Wildlife Conservation.

**CONTACT PERSON:**

Barry Bolton, Chief of Fisheries Division, 405/521-3721 or Rhonda Hurst, APA Liaison, 405/522-6279.

*[OAR Docket #15-835; filed 11-3-15]*

**TITLE 800. DEPARTMENT OF WILDLIFE  
CONSERVATION  
CHAPTER 25. WILDLIFE RULES**

*[OAR Docket #15-836]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 25. Wildlife Rules [AMENDED]

**SUMMARY:**

The proposed rule amendments are to correct the name of Foss State Park and open rabbit and dove seasons. Close spring turkey hunting at 7pm on several wildlife management areas (WMA) in western Oklahoma to reduce disturbance around roost sites. Change pheasant and quail seasons on Beaver WMA from controlled hunts to same as statewide season dates. Open deer primitive antlerless days on Cherokee PHA to same as statewide season dates. Change trapping on Kaw WMA to waters sets, live box traps and enclosed trigger traps. Open Washita NWR spring turkey and deer gun to controlled hunts. Correct the name of Camp Gruber Training Center and allow additional hunting access per recently signed MOU.

**STATUTORY AUTHORITY:**

Title 29 O.S., Section 3-103, 5-401; Article XXVI, Section 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so on or before 4:30 p.m., January 8, 2016, at the following address: Oklahoma Department of Wildlife Conservation, 2145 NE 36<sup>th</sup> Street, Oklahoma City, Oklahoma 73111 or online at [www.wildlifedepartment.com](http://www.wildlifedepartment.com).

**PUBLIC HEARINGS:**

**Date:** January 5, 2016

**Time:** 7:00 p.m.

**Oklahoma City** - OK Department of Wildlife Conservation, 2145 NE 36<sup>th</sup> Street, Oklahoma City, OK

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules will be available to the public at 2145 NE 36<sup>th</sup> Street, Oklahoma City, OK, 73111, Room 115.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December 8, 2015 at the above address for the Oklahoma Department of Wildlife Conservation.

**CONTACT PERSON:**

Alan Peoples, Chief of Wildlife Division, 405/521-2739 or Rhonda Hurst, APA Liaison, 405/522-6279.

*[OAR Docket #15-836; filed 11-3-15]*

**TITLE 800. DEPARTMENT OF WILDLIFE  
CONSERVATION  
CHAPTER 30. DEPARTMENT OF  
WILDLIFE LANDS MANAGEMENT**

*[OAR Docket #15-837]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 30. Department of Wildlife Lands Management  
[AMENDED]

**SUMMARY:**

The proposed amendments are to clarify rules for using shooting ranges on Wildlife Management Areas and to update mineral exploration rules because of changing technology in the oil and gas industry.

**STATUTORY AUTHORITY:**

Title 29 O.S., Section 3-103, 5-401; Article XXVI, Section 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so on or before 4:30 p.m., January 8, 2016, at the following address: Oklahoma Department of Wildlife Conservation, 2145 NE 36<sup>th</sup> Street, Oklahoma City, Oklahoma 73111 or online at [www.wildlifedepartment.com](http://www.wildlifedepartment.com).

**PUBLIC HEARINGS:**

**Date:** January 5, 2016

**Time:** 7:00 p.m.

**Oklahoma City** - OK Department of Wildlife Conservation, 2145 NE 36<sup>th</sup> Street, Oklahoma City, OK

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules will be available to the public at 2145 NE 36<sup>th</sup> Street, Oklahoma City, OK: Room 115.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December 8, 2015 at the above address for the Oklahoma Department of Wildlife Conservation.

**CONTACT PERSON:**

Alan Peoples, Chief of Wildlife Division, 405/521-2739 or Rhonda Hurst, APA Liaison, 405/522-6279.

*[OAR Docket #15-837; filed 11-3-15]*



# Emergency Adoptions

"If an agency finds that a rule is necessary as an emergency measure, the rule may be promulgated" if the Governor approves the rules after determining "that the rule is necessary as an emergency measure to do any of the following:

- a. protect public health, safety or welfare,
- b. comply with deadlines in amendments to an agency's governing law or federal programs,
- c. avoid violation of federal law or regulation or other state law,
- d. avoid imminent reduction to the agency's budget, or
- e. avoid serious prejudice to the public interest." [75 O.S., Section 253(A)]

An emergency rule is considered promulgated immediately upon approval by the Governor, and effective immediately upon the Governor's approval or a later date specified by the agency in the emergency rule document. An emergency rule expires on September 15 following the next regular legislative session after its 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 cites to 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 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 50. MECHANICAL INDUSTRY REGULATIONS

*[OAR Docket #15-834]*

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

Subchapter 9. Qualifications for Mechanical Licensure, License and Registration Fees, Duration of License, Mechanical License Application, and Apprentice Registration

158:50-9-1. Qualifications for mechanical licensure [AMENDED]

### AUTHORITY:

Construction Industries Board; 59 O.S. §§ 1000.4 and 1850.3

### ADOPTION:

September 30, 2015

### EFFECTIVE:

Immediately upon Governor's approval

### APPROVED BY GOVERNOR:

October 26, 2015

### EXPIRATION:

Effective through September 14, 2016, unless superseded by another rule or disapproved by the Legislature

### SUPERSEDED EMERGENCY ACTIONS:

N/A

### INCORPORATIONS BY REFERENCE:

N/A

### FINDING OF EMERGENCY:

The Construction Industries Board finds that promulgation of emergency rules is necessary in order to avoid serious prejudice to the public interest. There is currently a shortage of formal mechanical education programs in the State. Tulsa Tech has developed a new mechanical education program which will begin in the Spring of 2016. The program has been approved by the Committee of Mechanical Examiners; however, the program is less than 500 classroom hours. Current rules provide that in order to substitute education for a portion of the experience required to take the exam for a mechanical license, one must have completed a minimum of 500 classroom hours which would substitute for one (1) year of experience. The emergency rules would help to avoid serious prejudice to the public interest by allowing those who participate in approved mechanical educational programs that are less than 500 classroom hours, such as the Tulsa Tech program, to substitute at least a portion of the classroom hours completed for a portion of the experience required to test for licensing which would help one to qualify sooner to sit for the mechanical exam. Tulsa Tech and the mechanical industry are ready to begin advertising this new mechanical program as soon as this rule process is completed.

### ANALYSIS:

The proposed rules would allow substitution of vocational education of less than 500 hours for comparable experience which would encourage mechanical program development and attendance.

### CONTACT PERSON:

Linda Ruckman 405-521-6550

**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(F):**

### **SUBCHAPTER 9. QUALIFICATIONS FOR MECHANICAL LICENSURE, LICENSE AND REGISTRATION FEES, DURATION OF LICENSE, MECHANICAL LICENSE APPLICATION, AND APPRENTICE REGISTRATION**

#### **158:50-9-1. Qualifications for mechanical licensure**

(a) **Application.** A person desiring to be licensed under this Chapter shall file an application with the application fee, examination fee (unless the examination fee is paid directly to a testing provider), and the initial License fee to the Administrator. The fees must be received no less than three (3) working days before the examination date. If the applicant fails to meet the minimum qualifications to take the examination, the application fee will be forfeited.

(b) **Experience.** All persons applying for a license must provide proof of experience in the mechanical trade. Applicants for mechanical license examinations who are not licensed and wish to include experience gained in Oklahoma must maintain an apprentice registration on file with the Oklahoma Construction Industries Board for all experience obtained in Oklahoma. The Construction Industries Board will not consider experience obtained in or outside of Oklahoma as verifiable experience for periods in which an apprentice is unregistered, except for experience lawfully obtained according to any applicable federal or state laws, and must be comprised of mechanical work as defined under the Act and in this Chapter.

(1) Applicants for a journeyman license must be at least eighteen (18) years of age and have:

## Emergency Adoptions

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(A) three (3) years of verifiable experience in the mechanical trade in the category for which he or she is applying, or

(B) an associate's degree or vocational diploma certifying completion of an educational program consisting of one thousand (1,000) hours or more from a school, approved by the Committee, which exhibits knowledge of the trade in the category of license applied for and one (1) year of verifiable experience in the mechanical trade, or

(C) a vocational diploma certifying completion of an educational program consisting of five hundred (500) or more hours from a school, approved by the Committee, which exhibits knowledge of the trade in the category of license applied for, and two (2) years of verifiable experience in the mechanical trade, or

(D) a vocational diploma certifying completion of an educational program consisting of a minimum of three hundred and seventy five (375) or more hours from a school, approved by the Committee, which exhibits knowledge of the trade and in the category of license applied for, and two and one-fourth (2 1/4) years of verifiable experience in the mechanical trade, or

(E) a vocational diploma certifying completion of an educational program consisting of a minimum of three hundred and thirty four (334) or more hours from a school, approved by the Committee, which exhibits knowledge of the trade and in the category of license applied for, and two and one-third (2 1/3) years of verifiable experience in the mechanical trade, or

(F) a vocational diploma certifying completion of an educational program consisting of a minimum of two hundred and fifty (250) or more hours from a school, approved by the Committee, which exhibits knowledge of the trade and in the category of license applied for, and two and one-half (2 1/2) years of verifiable experience in the mechanical trade, or

(G) equivalent, verifiable experience in the mechanical trade while serving in the U.S. military, or

(~~H~~) experience sufficient to obtain the special certification required for the mechanical category sought by the tendered application, such as Ground Source Piping and Medical Gas, or

(~~I~~) a verifiable out-of-state license in the mechanical classification for which the applicant is applying. The license must:

- (i) be current,
- (ii) be in good standing, and
- (iii) meet qualifications listed in (A) through (E) above.

(2) Applicants for a contractor license must meet the same requirements as a journeyman with an additional one (1) year of experience.

(c) **Examination.** A license cannot be issued until the applicant has passed the appropriate examination for the license type and category. Examinations and the passing score for each examination shall be approved by the Committee. Applicants

for the Ground Source Piping category shall provide proof of being certified by examination in the proper installation of ground source piping by an organization approved by the Committee. Applicants for the Petroleum Refinery journeyman category shall provide proof of being certified by examination in the area of industrial pipefitter by an organization approved by the Committee. Applicants for the Medical Gas category shall provide proof of being certified by examination in accordance with the most current NFPA 99 standard or certified in the proper installation of medical gas piping by an organization approved by the Committee.

(1) If the applicant does not pass the exam, the applicant may reapply for the exam and pay an additional retesting fee. However, no person will be allowed to retake an exam within thirty (30) days of the first failed exam or within ninety (90) days of the second or subsequent failed exam.

(2) Any person suspected of cheating during an examination shall be immediately notified of the suspicion and shall not be allowed to finish the examination. He or she shall be called before the Committee during the next scheduled meeting for discussion of the incident. If the Committee determines that the person did in fact cheat, the examinee's application for licensure shall be denied and the Committee shall determine when the applicant can next apply for an examination.

(3) No person shall be allowed any assistance in reading the contractor's examination, nor shall any persons other than the examinees or the Committee members be allowed in the examination area. However, an applicant may request that the Committee make reasonable accommodations for any disability.

(d) **Outstanding fines.** A license cannot be issued or renewed until the applicant has paid any and all outstanding fines due and owing to any division of the Construction Industries Board.

*[OAR Docket #15-834; filed 11-2-15]*

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

*[OAR Docket #15-829]*

**RULEMAKING ACTION:**  
EMERGENCY adoption

**RULES:**

Subchapter 3. Priority Academic Student Skills  
Part 15. Oklahoma Standards for World Languages  
210:15-3-133. Overview [REVOKED]  
210:15-3-133.1. Definitions [REVOKED]  
210:15-3-134. Language(s) awareness k-grade 3 [REVOKED]  
210:15-3-135. Novice level range [REVOKED]  
210:15-3-136. Intermediate level range [REVOKED]  
210:15-3-137. Pre-advanced level range [REVOKED]

**AUTHORITY:**

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 1210.505 et seq.

**ADOPTION:**

September 24, 2015

**EFFECTIVE:**

Immediately upon Governor's approval

**APPROVED BY GOVERNOR:**

October 5, 2015

**EXPIRATION:**

Effective through September 14, 2016, unless superseded by another rule or disapproved by the Legislature.

**SUPERSEDED EMERGENCY ACTIONS:**

N/A

**INCORPORATIONS BY REFERENCE:**

N/A

**FINDING OF EMERGENCY:**

This is a revocation of the former World Languages subject standards, which have been superseded. Because the World Languages standards were re-organized as part of the revision, the new standards were codified as new rule sections rather than amendments to existing content. The superseded former standards must be revoked to update the Administrative Code.

**ANALYSIS:**

The Oklahoma Standards for World Languages were revised as scheduled in 2015, and approved under the new procedure established by House Bill 3399. The revised standards are now in effect and have been codified under five new rule sections, and the superseded former standards must be removed from the code.

**CONTACT PERSON:**

Lori Murphy, (405) 522-5260

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

**SUBCHAPTER 3. PRIORITY ACADEMIC STUDENT SKILLS**

**PART 15. OKLAHOMA STANDARDS FOR WORLD LANGUAGES**

**210:15-3-133. Overview [REVOKED]**

(a) ~~The Oklahoma State Board of Education has identified the study of languages (foreign, Native American, American Sign Language) as core curriculum along with science, mathematics, social studies, language arts, and the arts (visual art and general music). All districts are required to implement a sequential program of study of at least one language other than English in the curriculum. THE STATE SCHOOL LAWS OF OKLAHOMA 2001 state "Students must learn about cultures and environments—their own and those of others with whom they share the earth. Students, therefore, must study social studies, literature, languages, the arts, mathematics and science." (70 O.S. § 11-103.6)~~

(b) ~~The content standards for language learning included in this document are based on an instructional program in world languages other than English for all students, beginning in kindergarten and continuing through 12th grade. These standards reflect the latest research in the field of second language instruction as presented in the profession's national standards document, STANDARDS FOR FOREIGN LANGUAGE LEARNING: PREPARING FOR THE 21ST CENTURY. As in the national standards, there are five overarching goals in Oklahoma's curriculum framework:—communication,~~

~~cultures, connections, comparisons, and communities.—With communication and culture as the cornerstone for all language learning, the state's goal is for all Oklahoma students to learn "how, when, and why to say what to whom" in a language other than English (NATIONAL STANDARDS IN FOREIGN LANGUAGE EDUCATION PROJECT, 1996, p.11).~~

~~(e) LANGUAGES AWARENESS (Grades K-3) is to be a required program in Oklahoma schools through which children gain the insight that other languages exist besides their own. Districts will implement an exploratory program that will expose the student to several languages and cultures. The goal of this program model is to learn about language(s) and culture(s), and is not intended to lead to any proficiency in the language(s) studied. The student may be exposed to several languages and cultures.~~

~~(d) In addition to the required language(s) awareness program, districts may choose to start a sequential, articulated language program beginning in kindergarten that focuses on communication. The goal of this K-12 program model is communication that will lead to proficiency as students progress through the sequential, articulated program in their elementary and secondary schools.—Heining Boynton maintains that for those schools and/or districts that desire their students to begin the early study of foreign languages in a meaningful context with a highly structured curriculum articulated in a long sequence, then this is the model of choice (Heining Boynton, 1998, p. 2).~~

~~(e) For those districts who have not chosen to implement a sequential, articulated language program in K-3, Grade 4 is the beginning of a required sequential language program in Oklahoma schools through which all students begin to develop proficiency in a language. Language(s) selection is determined by each district. The students will continue the sequential and articulated program in the same language every year through Grade 8. By the end of the Grade 4-8 program sequence, students should demonstrate proficiency as described by the Novice Level progress indicators listed in this document. To reach the Novice Level proficiency requirement for the Grade 4-8 program, it is recommended that students will need to meet a minimum total of 365 hours of instruction in a standards-based curriculum classroom.~~

~~(f) Districts should be aware of federal legislation which offers monetary awards to districts who have implemented elementary foreign language programs that lead to student proficiency in the language. The Foreign Language Incentive Program of the No Child Left Behind Act of 2001 awarded "incentive payments to public elementary schools that provide students with a foreign language program designed to lead to communicative competency. A program leading to communicative competency is comparable to a program that provides at least 45 minutes of instruction per day for not less than 4 days per week throughout an academic year." (Federal Register, 2002, Vol. 67).~~

~~(g) Grades 9-12 provide continued sequencing of instruction for further language proficiency for Oklahoma students. School districts must offer at least two years of a specific language in high school. Districts may offer long-term, sequential programs in more than one language. Two Carnegie units of~~

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study (240 hours) of the same world language is part of the requirement for the Certificate of Distinction, an award that high schools may offer to high school graduates.—(70 O.S. §11-103.6c)

(h) In Oklahoma's 4th grade through 8th grade sequential language program requirement, students should reach the Novice Level benchmark by the end of their language learning experience. If students choose to continue the study of the same language through high school, students should reach the Intermediate benchmark. Students should reach the Pre-advanced benchmark if they begin a sequential, articulated program in kindergarten and continue through 12th grade. This instructional sequence represents a vision for how well Oklahoma world language learners will perform in languages if they start early and continue language learning throughout their school experience.

(i) Realistic performance levels for students enrolled in a sequential language learning experience at various points are outlined in the AMERICAN COUNCIL ON THE TEACHING OF FOREIGN LANGUAGES (ACTFL) PERFORMANCE GUIDELINES FOR K-12 LEARNERS. This document describes realistic performance levels depending upon entry and exit into a sequential and articulated language program. It reflects the influence of time on language performance ability and shows what ability is reasonable to expect of students who begin foreign language study at various points in the K-12 spectrum. This information is based on the assumption that "elementary programs (K-5) meet from 3-5 days per week for no less than 30-40 minutes per class; middle school programs meet daily for no less than 40-50 minutes; and high school programs meet the required time that equals four Carnegie units of credit (480 hours of seat time)" (ACTFL PERFORMANCE GUIDELINES FOR K-12 LEARNERS, 1999, p. 6). A K-12 language program sequence following these minimum guidelines would meet for no less than 1400 hours in order to reach Pre-advanced Learner Range performance.

(j) Varying learning rates, different learning styles, and the general language learning ability of students all affect how well second language acquisition will happen. The amount of time spent in language instruction greatly influences performance ability. It is important to note that language proficiency is best developed when students start early and stay late in a sequential, articulated program. Haas (1998) states that learning a foreign language is not much different from learning other core curriculum subjects. In any area, students benefit from starting early and continuing through a long sequence of learning that grows and deepens as they mature (p. 43).

(k) For elementary sites, language certification for teachers is not required. However, teachers with language certification or teachers with language proficiency are preferred. In K-8 elementary sites, language certification for teachers of Grade 7 and/or 8 is required if students will receive high school credit for foreign language on their high school transcript.

(l) For middle school and junior high sites, language certification for teachers is required. For middle school and junior

high sites giving high school credit for world languages, teachers must have secondary certification, and curriculum standards at the middle school or junior high level must equal requirements at the high school level.

(m) Oklahoma's world languages educators envision a future in which "ALL students will develop and maintain proficiency in English and at least one other language, modern or classical" (NATIONAL STANDARDS IN FOREIGN LANGUAGE EDUCATION PROJECT, 1996, p. 7). As stated in the profession's national goals, communication is at the heart of second language study, whether the communication takes place face to face, in writing, or through reading. Through the study of other languages, students gain a knowledge and understanding of the cultures that use that language. Learning languages provides connections to additional bodies of knowledge that are unavailable to monolingual English speakers. Through comparisons and contrasts with the language studied, students develop greater insight into their own language and culture and realize that multiple ways of viewing the world exist. Together, these elements enable the student of languages to participate in multilingual communities at home and around the world in a variety of contexts and in culturally appropriate ways (NATIONAL STANDARDS IN FOREIGN LANGUAGE EDUCATION PROJECT, 1996, p. 27). Students learn a language best when they are provided opportunities to use the target language to communicate in a wide range of activities. The more learners use the target language in meaningful situations, the more rapidly they achieve competency. Active use of language is central to the learning process; therefore, learners must be involved in generating utterances for themselves. They learn by doing, by trying out language, and by modifying it to serve communicative needs (NATIONAL STANDARDS IN FOREIGN LANGUAGE EDUCATION PROJECT, 1996, p. 37). The following graphic is a visual summary of Oklahoma Standards for World Languages. The communication goal is central to the attainment of all other goals. The other four goals (cultures, connections, comparisons, and communities) serve as a context for the development of interpretive, interpersonal, and presentational communication.

(n) In the Oklahoma World Languages Standards document there are five goals for each level of proficiency: communication, cultures, comparisons, connections and communities. For each of the five goals there are two or more student standards that describe what students should know and be able to do in the target language. For each standard, there are a list of progress indicators that specifically describe what students need to know and do within a specified proficiency range. After the progress indicators for each standard, there is a list of performance guidelines based on the ACTFL PERFORMANCE GUIDELINES FOR K-12 LEARNERS (1998). The performance guidelines describe how well a student will be able to perform the standard within the specified proficiency range. Following the performance guidelines there is a set of classroom examples that describe what types of sample activities appropriately reflect the standard addressed.

(o) The Oklahoma standards document defines skills within certain ranges: Novice Level Range, Intermediate Level Range, and Pre-advanced Level Range. These proficiency

ranges represent a continuum of student development, reflecting the diversity of individual student learning, as opposed to levels of instruction which are typically defined by years or semesters of classroom instruction.

(p) Typically, the levels of language instruction are based on the time involved in the instruction. Because the implementation of world language programs in Oklahoma varies greatly from one context to another and entry into a foreign language program can occur at various grades, the levels of instruction are described as follows:

(q) Level I instruction may be achieved in three ways: (1) in the elementary grades, kindergarten through Grade 5 (depending on the type of program offered); or (2) varying programs of instruction in middle school (comparable in content and contact hours to the course equivalent offered in high school); or (3) one Carnegie Unit (120 hours) of instruction in Grades 9–12.

(r) Level II is described as (1) instruction in middle school (depending on the type of program offered) after the successful completion of Level I in elementary school; or (2) one Carnegie Unit (120 hours) of instruction in high school after the successful completion of Level I in middle school or high school.

(s) Subsequent levels (Level III–VI) are described each as one Carnegie unit (120 hours) of instruction in high school after the successful completion of the previous level.

(t) Each proficiency range (Novice, Intermediate, Pre advanced) may require more than one level of instruction, depending on various factors such as student ability, classroom instruction, scheduling logistics, and other variables affecting student learning. The Novice Level Range starts in Level I and generally carries over into Level II. The Intermediate Level Range may be initiated in Level II with some students, and generally includes Level III, extending into Level IV. The Pre advanced Level Range will usually incorporate instruction initiated in Level IV and possibly continuing through Level VI.

(u) The standards written in this Oklahoma world languages curriculum framework are for all languages taught in Oklahoma schools. Some languages, such as American Sign Language, Native American languages, and classical languages have unique characteristics that may require some modifications in the standards to reflect their special traits. For example, Latin places a stronger emphasis on reading, while oral skills receive less emphasis. Native American languages emphasize oral skills, while written skills receive less emphasis. American Sign Language emphasize visual-gestural and interpretive communication.

## 210:15-3-133.1. Definitions [REVOKED]

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

**"Articulation"** means a foreign language program which provides for a gradual, sequential progression of knowledge and skills from level to level of language development.

**"Authentic assessment"** means assessments that evoke demonstrations of knowledge and skills in ways that are applied in the real world.

**"Authentic materials"** means resources including books, magazines, newspapers, brochures, menus, videos, recordings, etc., which are used by people in the target culture.

**"Benchmark"** means an interpretation of a performance standard according to age, grade, or developmental level.

**"Circumlocution"** means using alternate (roundabout) words and phrases to convey meaning or express an idea.

**"Classical languages"** means the forms of Latin and Greek used in ancient Greek and Latin literature.

**"Cognate"** means a word in the target language that looks like, or sounds like a word with the same meaning in English.

**"Culture"** means the term generally understood to include the philosophical perspectives, the behavioral practices, and the products—both tangible and intangible—of a society.

**"Curriculum framework"** means a comprehensive document developed for a content area consisting of overarching goals, content standards, and performance standards. The curriculum framework serves as a guide to local school districts as they create a curriculum unique to their needs.

**"Developmentally appropriate materials"** means materials that correlate to age, grade, or proficiency level of the student.

**"False start"** means the natural tendency of a speaker to restate what has just been uttered in order to correct, clarify, or improve upon it.

**"Idiomatic expressions"** means expressions in one language that cannot be directly translated into another language.

**"Intangible"** means examples of these types of products: a dance, an oral tale, a sacred ritual, a system of education.

**"Interpersonal mode of communication"** means communication that is characterized by active negotiation of meaning among individuals. Participants observe and monitor one another to see how their meanings and intentions are being communicated. Adjustments and clarifications can be made accordingly. The interpersonal mode is most obvious in conversation, but both the interpersonal and negotiated dimensions can be realized through reading and writing, such as the exchange of personal letters or of electronic mail messages. (ACTFL PERFORMANCE GUIDELINES FOR K–12 LEARNERS, 1998).

**"Interpretive mode of communication"** means communication that is focused on the appropriate cultural interpretation of meanings that occur in written and spoken form where there is no recourse to the active negotiation of meaning with the writer or the speaker. Such instances of "one-way" reading or listening include the cultural interpretation of texts, movies, radio and television broadcasts, and speeches. (ACTFL PERFORMANCE GUIDELINES FOR K–12 LEARNERS, 1998).

**"Overarching goals"** means relatively brief, very general statements that describe what students should know and be able to do. They should reflect the best and most recent theory and research in that area. They are more general than content standards, but provide a framework into which content standards can be organized.

**"Performance standards"** means standards that describe how well students perform the content standards. Performance standards gauge the degree to which content standards have been attained by individuals or groups, indicating the nature of

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the evidence and the quality of student performance on agreed-upon tasks or measurement instruments.

**"Perspectives"** means the attitudes, ideas, beliefs, viewpoints, or values of a cultural group.

**"Presentational mode of communication"** means communication that refers to the creation of messages in a manner that facilitates interpretation by members of the other culture where no direct opportunity for the active negotiation of meaning between members of the two cultures exists. Examples include the writing of reports and articles or the presentation of speeches. (ACTFL PERFORMANCE GUIDELINES FOR K-12 LEARNERS, 1998).

**"Proficiency"** means ability to communicate effectively in everyday real-life situations in both oral and written forms in the cultures where the language is spoken.

**"Recombination"** means the ability to use previously learned vocabulary and structures to create new and unique expressions.

**"Sequential language learning"** means language learned in a continuous related order. In an articulated, sequential program, courses are scheduled every year and teachers follow a curriculum that spirals learning objectives from year to year for the purpose of the students attaining communicative proficiency in the language learned.

**"Tangible"** means these types of products: a toy, a painting, an article of clothing, a cathedral, a piece of literature, a pair of chopsticks.

**"Target culture"** means the culture of the people who speak the target language.

**"Target language"** means the language that is being taught or learned.

## 210:15-3-134. Language(s) awareness k - grade 3 [REVOKED]

(a) **Standard—communication.** Students will communicate in languages other than English.

- (1) Understand limited one and two word phrases, cognates, and social greetings.
- (2) Speak with one or two word phrases such as reciting numbers, colors, classroom objects, etc.
- (3) Develop careful listening skills.
- (4) Read isolated words when strongly supported by visuals.
- (5) Copy familiar words for labeling, identifying, and organizing purposes.

(b) **Standard—cultures.** Students will gain knowledge and understanding of other cultures.

- (1) Develop an awareness of other cultures.
- (2) Be able to identify areas of the world where the languages studied are spoken.
- (3) Participate in developmentally appropriate cultural activities such as games and songs.
- (4) Identify and reproduce distinctive cultural products of the culture of the languages studied.
- (5) Imitate culturally appropriate etiquette in verbal and nonverbal communication during greetings, leave takings and daily classroom interactions.

(c) **Standard—connections.** Students will connect with other disciplines and acquire information.

- (1) Use isolated words from other content areas (math, science, geography, etc.) in foreign language class activities.
- (2) View and listen to developmentally appropriate programs in the target language on topics from other content areas (math, science, geography, etc.);

(d) **Standard—comparisons.** Students will develop insight into the nature of language and culture.

- (1) Be aware of the differences among cultures and respect those differences.
- (2) Develop awareness that the world has many languages.
- (3) Compare holidays and celebrations.
- (4) Compare daily practices of people in the target cultures with their own.

(e) **Standard—communities.** Students will use the language both within and beyond the school setting.

- (1) Develop an interest in future language(s) study.
- (2) Explore the value of communicating in another language.
- (3) Identify the target language in school and community environments.
- (4) Participate in activities related to special events celebrated in the target culture(s).

## 210:15-3-135. Novice level range [REVOKED]

(a) **Standard—interpersonal communication—speaking/writing.** Students will engage in conversations and/or written correspondence in which they provide and obtain information, express feelings and emotions, and exchange opinions.

- (1) Progress indicators.
  - (A) Initiate greetings, introductions, and leave taking.
  - (B) Ask and answer basic questions based on self and familiar material such as family members, personal belongings, school and leisure activities, location of people and objects, time, and weather.
  - (C) Express personal needs, preferences, and feelings.
  - (D) Initiate simple commands.

(2) **Performance guidelines.**

- (A) Use memorized phrases and short sentences when communicating.
- (B) Use words and phrases primarily as lexical items without awareness of grammatical structure.
- (C) Comprehend and produce vocabulary that is related to everyday objects and actions on a limited number of familiar topics.
- (D) Rely on visual aids, gestures and repetitions to enhance communication.
- (E) Imitate modeled words and phrases using intonation and pronunciation similar to that of the model.
- (F) Communicate with pauses, false starts, some recourse to their native language and make frequent errors when taking risks with the language.

- (G) Are understood primarily by those very accustomed to interacting with language learners.
- (3) **Classroom examples.**
- (A) Make five statements about yourself to a partner who must then agree or disagree with your self-perception.
- (B) Rank sports by preference and using highly practiced language, tell a friend why you like or dislike certain sports, and ask him/her what sports he/she likes.
- (C) Ask/Answer questions with a partner about the age and names of family members.
- (D) Write an e-mail to a friend listing the items in your school backpack, and then ask what is in his/her backpack.
- (E) Ask/answer questions with a friend about what you want to do this weekend, and at what time you want to do this.
- (F) Introduce friends and family members to others.
- (b) **Standard—interpretive communication—listening/reading/Viewing.** Students will understand and interpret written and spoken language on a variety of topics.
- (1) **Progress indicators.**
- (A) Comprehend simple daily communications on familiar topics, including simple instructions such as classroom procedures.
- (B) Understand key words in written material such as advertisements, schedules, and menus, etc.
- (C) Comprehend the main idea of selected, age-appropriate authentic recordings and broadcasts and videos.
- (D) Comprehend the main idea of selected, short, authentic written materials that use familiar vocabulary and language structures.
- (E) Respond to simple commands, familiar vocabulary, and language structures.
- (2) **Performance guidelines.**
- (A) Understand short, simple conversations and narratives (live or recorded), within highly predictable and familiar contexts.
- (B) Recognize highly predictable key words and phrases and familiar structures by using contextual clues with strong visual support.
- (C) Rely on personal background experience to assist in comprehension.
- (D) Rely on repetition for understanding.
- (E) Determine meaning by recognition of cognates, prefixes, suffixes, and thematic vocabulary.
- (3) **Classroom examples.**
- (A) Recognize key words on store fronts and identify the type of store or services provided (e.g., book store, bakery, video store).
- (B) Read and understand simple official forms (e.g., hotel registration, passport and visa applications).
- (C) Listen to your teacher tell you to place certain items in different parts of the classroom, and respond accordingly.
- (D) Listen to a patient explaining his/her symptoms of illness, including mention of various body parts, to a doctor and take simple notes listing what problems the patient is having.
- (E) Read advertisements from authentic magazines and list all of the cognates found in the ads.
- (F) Listen to authentic songs and write the main ideas expressed.
- (G) Listen to a conversation of two native speakers. Answer simple comprehension questions in English.
- (H) Listen to a simple story several times. Then draw what happened in the story.
- (e) **Standard—presentational communication—speaking/writing.** Students will present information, concepts, and ideas to an audience of listeners or readers on a variety of topics.
- (1) **Progress indicators.**
- (A) Describe in written or spoken format basic information, such as self, family members and friends, events, interests, school activities, and personal belongings.
- (B) Give simple commands and make requests of another person or group.
- (C) Retell a simple story using familiar vocabulary and language structures.
- (D) Write personal journals and send brief messages to friends.
- (E) Dramatize student created and/or authentic songs, short poems, skits or dialogs.
- (2) **Performance guidelines.**
- (A) Use memorized, short phrases and sentences in oral and written presentations based on familiar material.
- (B) Demonstrate some accuracy in pronunciation and intonation when presenting well-rehearsed material on familiar topics.
- (C) Rely heavily on repetition, gestures, facial expressions and visual aids to communicate their message orally.
- (D) Reproduce familiar material in written presentations.
- (E) Communicate with pauses, false starts, some recourse to their native language, and make frequent errors when taking risks with the language and attempting to produce language beyond the memorized.
- (F) Are understood primarily by those very accustomed to interacting with language learners.
- (3) **Classroom examples.**
- (A) Give short, simple directions to a person about how to get to the grocery store from your school parking lot.
- (B) Write a thank you postcard to your grandmother/aunt/brother for a birthday gift that you received.

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- (C) Prepare short messages in video or audio formats to be sent to your peers in the target culture on the things that you like to do.
- (D) Design a poster for a nutrition class showing foods that should and should not be eaten. Present it to the class in the target language.
- (E) Use a highly practiced vocabulary and visuals, retell a children's story to the class or group.
- (d) **Standard—practices of culture.** Students will demonstrate an understanding of the relationship between the practices and perspectives of the culture(s) studied.
- (1) **Progress indicators.**
- (A) Imitate patterns of behavior such as greetings or gestures used in formal and informal settings in the target culture.
- (B) Identify some customs and traditions such as celebrations and holiday practices of the target culture.
- (C) Participate in cultural activities such as games, songs, and dances of the target culture.
- (D) Identify some viewpoints of the target culture, such as those relating to time, school, transportation, pastimes, and the roles of family members.
- (E) Recognize and explore the process of stereotyping other cultures.
- (2) **Performance guidelines.**
- (A) Imitate the use of culturally appropriate vocabulary, idiomatic expressions, and nonverbal behaviors modeled by the teacher.
- (B) Use memorized phrases and short sentences when communicating in spoken or written formats.
- (C) Rely on visual aids, gestures, and repetition to enhance comprehensibility.
- (D) Comprehend written and spoken language better when content has been previously presented in an oral and/or visual context.
- (E) Understand a story line or event in written or oral contexts that reflect a cultural background similar to their own.
- (F) Use the student's native language only when the investigation of cultural perspectives extends beyond the novice proficiency range.
- (3) **Classroom examples.**
- (A) Collaborate in creating a class book with illustrations and written descriptions of various aspects of daily life in the target cultures.
- (B) Write your key pal with lists of personal interests (the contents of your backpack, the programs you watch on TV, or a list of your school holidays) and ask your key pal to respond with lists of personal interests.
- (C) Identify and illustrate or perform a traditional custom or celebration.
- (D) Initiate and respond to formal and informal telephone calls.
- (e) **Standard—products of culture.** Students will demonstrate an understanding of the relationship between the products and perspectives of the culture(s) studied.
- (1) **Progress indicators.**
- (A) Identify objects, images and symbols, such as flags, currency, food, dress, and toys, that are commonly used in the target culture.
- (B) Identify some major contributions and historical figures from the target culture, including contributions in science, mathematics, government, and fine arts.
- (C) Identify some historical and contemporary influences from the target culture that are significant in the U.S. culture, such as explorers and settlers, music and sports.
- (D) Identify countries, regions, and geographic features where the target language is spoken.
- (E) Extract samples of the culture's perspectives from popular media in the target culture.
- (2) **Performance guidelines.**
- (A) Use memorized phrases and short sentences when communicating in spoken or written formats about cultural products.
- (B) Rely on visual aids, gestures, and repetition to enhance comprehensibility about cultural products.
- (C) Comprehend written and spoken language about cultural products better when content has been previously presented in an oral and/or visual context.
- (D) Understand a story line or event in written or oral contexts that reflects a cultural background similar to their own.
- (E) Use the student's native language only when the investigation of cultural perspectives extends beyond the novice proficiency range.
- (3) **Classroom examples.**
- (A) Recite a poem/sing a song of the target language.
- (B) Demonstrate understanding of a story, folk tale, or legend by answering questions or retelling the story with or without visuals.
- (C) Listen to the teacher's description of the physical attributes and/or contributions of a famous person of the target culture and identify who it is.
- (f) **Standard—interdisciplinary studies.** Students will reinforce and further their knowledge of other content areas through the foreign language.
- (1) **Progress indicators.**
- (A) Identify and/or use selected information and skills from other content areas (such as the arts, health, social studies, sciences, mathematics, and English) in the target language classroom.
- (B) Using authentic target language resources, (such as the Internet, books, magazines), identify and/or use selected information to reinforce or expand learning in other content area classrooms (the arts, health, social studies, sciences, mathematics, English, etc.).
- (2) **Performance guidelines.**
- (A) Use memorized phrases and short sentences when communicating about selected content areas.

- (B) Rely on visual aids, gestures and repetitions to enhance communication about other content areas.
- (C) Understand short, simple conversations and narratives about other content areas (live or recorded), within highly predictable and familiar contexts.
- (D) Recognize highly predictable key words and phrases and familiar structures by using contextual clues with strong visual support.
- (E) Rely on personal background experience to assist in comprehension.
- (F) Rely on repetition for understanding.
- (G) Determine meaning by recognition of cognates, prefixes, suffixes and thematic vocabulary.
- (3) **Classroom examples.**
- (A) Use currency of the target culture to make change using bills and coins.
- (B) Prepare a healthy menu using typical foods of the target culture.
- (C) Use authentic instruments of the target culture to explore music and rhythms.
- (D) Learn the solar system, parts of a plant, life cycle of a butterfly.
- (g) **Standard—distinctive Viewpoints.** Students will acquire information and recognize the distinctive viewpoints that are only available through the foreign language and its cultures.
- (1) **Progress indicators.**
- (A) Extract information about the target culture from selected authentic sources (such as the Internet, books, magazines).
- (B) Use authentic target language sources to gain insight about the distinctive perspectives of the target culture.
- (2) **Performance guidelines.**
- (A) Understand general oral and written information when enhanced by illustrations within highly predictable contexts.
- (B) Increase their comprehension by looking for and recognizing key words or phrases.
- (C) Rely on personal background information to help in understanding something they read or hear.
- (D) Rely on memorized phrases and short sentences to describe distinctive viewpoints of the target culture.
- (E) Use the student's native language only when the discussion of distinctive viewpoints extends beyond the novice proficiency range.
- (3) **Classroom examples.**
- (A) With several other students, act out familiar folktales, fables, or legends known to children of the target culture while another student reads the story aloud.
- (B) Use the target language to describe an animal or plant that is indigenous to a particular region or country of the target culture.
- (C) Use authentic sources to identify the current popular products of the target culture.
- (h) **Standard—language comparisons.** Students demonstrate understanding of the nature of language through comparisons of the language studied with their own.
- (1) **Progress indicators.**
- (A) Recognize cognates and borrowed words and be aware of their usefulness in comprehending language.
- (B) Identify and compare the sound and writing systems of the target language with their own, including stress, intonation, punctuation, etc.
- (C) Identify basic grammatical structures of the language studied and compare these structures to their own language, including word order, gender, agreement, etc.
- (D) Recognize identified idiomatic expressions that cannot be directly translated into their own language.
- (2) **Performance guidelines.**
- (A) Rely primarily on memorized phrases or short sentences when describing language structure comparisons between cultures.
- (B) Rely heavily on visuals to get ideas across to the audience.
- (C) Rely on personal background information to help in understanding similarities and differences of grammatical structures between the cultures.
- (3) **Classroom examples.**
- (A) Create a graphic organizer to compare language structures in English and the target language.
- (B) Discuss the variations in vocabulary in English (apartment/flat, elevator/lift) as well as the variations in vocabulary among target language countries.
- (C) Listen as the teacher models how to express language structures (e.g., word order, number and gender agreement, question formation) in the target language and identify how it is different from English.
- (i) **Standard—culture comparisons.** Students demonstrate understanding of the concept of culture through comparisons of the cultures studied and their own.
- (1) **Progress indicators.**
- (A) Identify similarities and differences in verbal and nonverbal behavior between cultures.
- (B) Recognize cross-cultural similarities and differences in the practices of the culture studied.
- (C) Identify cross-cultural similarities and differences in the products of the culture studied.
- (D) Recognize cross-cultural similarities and differences in the perspectives within the target culture.
- (2) **Performance guidelines.**
- (A) Rely primarily on memorized phrases or short sentences when describing comparisons between cultures.
- (B) Rely heavily on visuals to get ideas across to the audience.
- (C) Rely on personal background information to help in understanding cultural similarities and differences between the culture studied and their own.

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- (3) **Classroom examples.**
- (A) Follow the teacher's model to practice the table manners of the target culture and compare them with the student's own culture.
  - (B) Identify the significance of signs and symbols in the target culture.
  - (C) Make a Venn diagram comparing a celebration in the U.S. with the same or equivalent celebration in the target culture.
  - (D) Compare the greetings, leave takings, and the use of personal space in the target culture and in the U.S.
  - (E) Looking at pictures of restaurant scenes in the U.S. and the target country, compare similarities and differences of the scenes.
- (j) **Standard—school and community.** Students will use the language both within and beyond the school setting.
- (1) **Progress indicators.**
- (A) Identify professions/occupations which are enhanced by proficiency in another language.
  - (B) Practice oral or written use of the foreign language with people outside the classrooms.
  - (C) Communicate on a personal level with speakers of the language via short letters, e-mail, audio, and videotapes.
  - (D) Produce short skits, stories, poems, multimedia shows, etc., and present their works at school and/or in the community.
- (2) **Performance guidelines.**
- (A) Use memorized phrases or short sentences with very familiar topics.
  - (B) Write simple tasks, such as short messages or notes.
  - (C) Be accurate in pronunciation when presenting well-rehearsed materials.
  - (D) Understand general information when enhanced by visuals or gestures.
- (3) **Classroom examples.**
- (A) Keep an in-class log or chart of personal encounters with the target language outside of the school.
  - (B) Establish a pen pal/key pal correspondence with someone from the target culture.
  - (C) Locate/visit stores within the community that cater to the target culture.
  - (D) Listen to radio broadcasts and list recognizable words from the target culture.
  - (E) Teach basic expressions and level-appropriate songs and games from the target culture to children in a neighboring elementary or preschool or at home to members of the family.
- (k) **Standard—personal enrichment.** Students will show evidence of becoming lifelong learners by using the language for personal enjoyment and enrichment.
- (1) **Progress indicators.**
- (A) Demonstrate a willingness to interact with native speakers.
  - (B) Discover and explore a variety of entertainment sources representative of the target culture.
  - (C) Identify current issues of interest within the target culture.
  - (D) Discover and explore samples of art, literature, music, etc., representative of the target culture.
- (2) **Performance guidelines.**
- (A) Be understood primarily by those very accustomed to interacting with language learners.
  - (B) Exhibit increased comprehension when constructing meaning through recognition of key words or phrases embedded in familiar contexts.
  - (C) Rely heavily on visuals to enhance comprehensibility in both oral and written presentations.
  - (D) Use primarily memorized phrases and short sentences during highly predictable interactions on very familiar topics.
- (3) **Classroom examples.**
- (A) Use Web sites in the target language to make plans for a vacation in the target culture.
  - (B) Select an audio clip of favorite music in the target language and share it with other members of the class.
  - (C) Attend cultural events of the target culture within the community.
  - (D) Visit art exhibits of artists from the target culture.
  - (E) Learn a dance of the target culture and host a dance with music only from the target culture.
- 210:15-3-136. Intermediate level range [REVOKED]**
- (a) **Standard—interpersonal communication—speaking/writing.** Students will engage in conversations and/or written correspondence in which they provide and obtain information, express feelings and emotions, and exchange opinions.
- (1) **Progress indicators.**
- (A) Sustain a conversation on selected topics about themselves and others, using details and descriptions.
  - (B) Ask and answer a variety of questions, giving reasons for their answers.
  - (C) Express personal preferences and feelings with some explanation.
  - (D) Initiate a series of commands.
- (2) **Performance guidelines.**
- (A) Use strings of sentences when communicating on familiar topics.
  - (B) Recombine learned vocabulary and structures to express their own thoughts within familiar contexts.
  - (C) Use some paraphrasing and can find another way to express an idea/term to avoid a breakdown in communication, and can ask for clarification.
  - (D) May mispronounce words in new context or words being read for the first time.
  - (E) Continue to communicate with false starts and pause frequently to search for words when interacting with others.

- (F) Are understood by those accustomed to interacting with language learners.
- (G) Demonstrate control of present time and show evidence of some control of other time frames.
- (3) **Classroom examples.**
- (A) Write an apology (e.g., for missing a birthday, date, hurting someone's feelings)
- (B) Tell what you or others will be doing five years from now and ask someone else about his/her future plans.
- (C) Give instructions to someone to do something (how to study for a test, what to do in case of an emergency).
- (b) **Standard—interpretive communication—listening/reading/viewing.** Students will understand and interpret written and spoken language on a variety of topics.
- (1) **Progress indicators.**
- (A) Understand spoken language that incorporates familiar vocabulary and structures including high frequency idioms.
- (B) Understand more detailed information in written advertisements, schedules, and menus.
- (C) Comprehend the main idea and some supporting ideas of selected authentic materials including recordings, broadcasts, videos, and Internet resources.
- (D) Comprehend the main idea and some supporting ideas of selected authentic written materials such as short stories, narratives, advertisements, and brochures on topics of personal interest.
- (E) Respond to a series of commands.
- (2) **Performance guidelines.**
- (A) Understand longer, more complex conversations and narratives as well as recorded material in familiar contexts.
- (B) Identify main ideas and some specific information on a limited number of predictable topics.
- (C) Use background knowledge to comprehend simple stories and personal correspondence.
- (D) Depend on the use of paraphrase and restate-ment in order to understand the message.
- (E) Infer meaning of some unfamiliar words in order to understand the gist of an oral or written text.
- (3) **Classroom examples.**
- (A) Read and understand the directions for assembling a child's toy.
- (B) Read and understand the general meaning of a movie review.
- (C) Listen to and understand a native speaker describe a significant life event (e.g., obtaining his/her driving license, important sporting event, passing an exam, getting a job).
- (D) Listen to and understand a sequence of directions about what to do during a tornado.
- (c) **Standard—presentational communication—speaking and writing.** Students will present information, concepts, and ideas to an audience of listeners or readers on a variety of topics.
- (1) **Progress indicators.**
- (A) Describe in written or spoken format a short presentation on familiar topics (e.g., school, community, or personal experiences).
- (B) Give directions to someone in order to complete a multistep task.
- (C) Recount an event incorporating some description and detail.
- (D) Write one page compositions and letters.
- (E) Present student created and/or authentic short plays, stories, skits, poems and songs.
- (2) **Performance guidelines.**
- (A) Express their own thoughts, describe and narrate, using sentences and strings of sentences in oral and written presentations about familiar topics.
- (B) Communicate oral and written information with sufficient accuracy that listeners and readers understand most of what is presented.
- (C) Make occasional use of paraphrasing and can find another way to express an idea/term to avoid a breakdown in communication, and make efforts at self-correction.
- (D) Supplement their basic vocabulary for both oral and written presentations with expressions acquired from other sources such as dictionaries.
- (E) Continue to pause to search for words and shows some interference from the native language when attempting to present less familiar material.
- (F) Use pronunciation and intonation patterns that can be understood by those accustomed to interacting with language learners.
- (G) Formulate oral and written presentations primarily in present time but also, with preparation, in past and future time.
- (3) **Classroom examples.**
- (A) Give excuses or explanations for why you were late for class or why you did not do your work.
- (B) Retell a familiar fairy tale or short story.
- (C) Write a diary entry about an event that happened in the past, including background information and circumstances.
- (d) **Standard—practices of culture.** Students will demonstrate an understanding of the relationship between the practices and perspectives of the culture studied.
- (1) **Progress indicators.**
- (A) Interact with respect using culturally appropriate patterns of behavior in everyday informal and social situations.
- (B) Explain in simple terms the reasons for different traditions and customs of the target culture.
- (C) Experience cultural and social activities common to a student of similar age in the target culture such as school life, sports, music and other entertainment.
- (D) Identify and discuss perspectives typically associated with the target culture's business practices.
- (E) Discuss some commonly held generalizations about the target culture.

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- (2) **Performance guidelines.**
- (A) Begin to use culturally appropriate vocabulary, idiomatic expressions, and nonverbal behaviors outside the memorized context.
  - (B) Express their own thoughts, describe and narrate, using sentences and strings of sentences in oral and written presentations about cultural practices.
  - (C) Demonstrate some cultural knowledge in oral and written presentations.
  - (D) Recognize the reflections of practices, products, and perspectives of the target culture in oral and written texts.
  - (E) Use knowledge of their own culture and that of the target culture to communicate more accurately about cultural practices.
  - (F) Supplement their basic vocabulary about cultural practices from other sources such as dictionaries.
  - (G) Use the student's native language when the investigation of cultural perspectives extends beyond the Intermediate Level Range.
- (3) **Classroom examples.**
- (A) Prepare messages on video or audio tape to be sent to peers in the target culture on topics of shared personal interest in their daily lives at home or at school.
  - (B) Teach the class how to play a game/sport of the target country.
  - (C) Prepare a presentation (written report, poem, dramatization) which describes ways in which the learner's views about the target culture have changed over time.
  - (D) View a video depicting a cultural celebration and write a short letter in the language describing it and explaining its origin.
  - (E) Using the Internet, research information about several common businesses in the target country and document such things as store hours, requirements for employment, and acceptable methods of payments.
- (e) **Standard—products of culture.** Students will demonstrate an understanding of the relationship between the products and perspectives of the culture studied.
- (1) **Progress indicators.**
- (A) Explain the significance of objects, images, and symbols, and products of the target culture.
  - (B) Describe major contributions and historical figures from the target culture including contributions in science, mathematics, government, and fine arts.
  - (C) Identify the influence of the target culture on the products of the U.S.
  - (D) Explain the impact of the target country's geography on daily life in the target culture.
  - (E) Identify the target culture's basic perspectives in its art, literature, music, dance, etc.
- (2) **Performance guidelines.**
- (A) Express their own thoughts, describe and narrate, using sentences and strings of sentences in oral and written presentations about cultural products.
  - (B) Recognize the reflections of practices, products, and perspectives of the target culture in oral and written texts.
  - (C) Demonstrate some cultural knowledge about cultural products in oral and written presentations.
  - (D) Use the student's native language when the investigation of cultural perspectives extends beyond the intermediate proficiency range.
- (3) **Classroom examples.**
- (A) After reading about the lives of famous people of the target culture, the learner will summarize in writing and present orally information about one of the famous people.
  - (B) Create and explain a visual display which illustrates the influence of the target culture on the student's home culture.
  - (C) Develop a timeline which illustrates major contributions of the culture to the world community.
  - (D) Write a letter describing how to get to a specific place in the target culture, including means of transportation, directions, landmarks, and distance.
  - (E) Paint an animal of your choice in the style of an artist from the target country.
  - (F) Research and report on the symbolism found in the colors and symbols on the national flag of the target culture.
- (f) **Standard—interdisciplinary studies.** Students will reinforce and further their knowledge of other content areas through the foreign language.
- (1) **Progress indicators.**
- (A) Transfer and apply information and skills from other content areas (the arts, health, social studies, sciences, mathematics, English, etc.) to the target language classroom.
  - (B) Apply the information gathered through target language resources in other content area classrooms (such as the arts, health, social studies, sciences, mathematics, English) in order to supplement learning.
- (2) **Performance guidelines.**
- (A) Use strings of sentences when communicating in oral or written contexts on familiar topics in selected content areas.
  - (B) Recombine learned vocabulary and structures to express their own thoughts within familiar contexts.
  - (C) Understand longer, more complex conversations and narratives as well as recorded material in familiar contexts about selected content areas.
  - (D) Identify main ideas and some specific information on a limited number of predictable topics in selected content areas.
- (3) **Classroom examples.**
- (A) Explore the measuring system used in the target culture.
  - (B) Present a dramatization of an historical event.
  - (C) Prepare, conduct, and record results of a science experiment in the target language.

- (D) Use weather reports in newspapers to compare temperatures in Fahrenheit and Celsius.
- (E) Explain the historical reason for the origin of the geographical names found in the United States that are derived from the target language.
- (g) **Standard—distinctive Viewpoints.** Students will acquire information and recognize the distinctive viewpoints that are only available through the foreign language and its cultures.
- (1) **Progress indicators.**
- (A) Using authentic target language sources, (such as the Internet, books and magazines) acquire and apply information about the target culture.
- (B) Use authentic sources to explore the distinctive perspectives of the foreign culture.
- (2) **Performance guidelines.**
- (A) Understand longer, more complex oral and written information in familiar contexts.
- (B) Identify main ideas and some specific information on a limited number of topics found in the target culture.
- (C) Determine meaning by using contextual clues.
- (D) Are helped by the use of redundancy, paraphrase, and restatement in order to understand the message.
- (E) Use strings of sentences to describe distinctive viewpoints of the target culture.
- (F) Use the student's native language only when the discussion of distinctive viewpoints extends beyond the Intermediate Level Range.
- (3) **Classroom examples.**
- (A) Using a Web site for a department store in the target culture, identify the popular product lines you might not find in the U.S.
- (B) Apply the grammatical knowledge acquired in the foreign language to achieve a better understanding of English grammatical structures.
- (C) Show how the works of artists in the target culture have influenced the arts in the home culture.
- (h) **Standard—language comparisons.** Students demonstrate understanding of the nature of language through comparisons of the language studied with their own.
- (1) **Progress indicators.**
- (A) Explore the historical and cultural reasons for cognates and borrowed words.
- (B) Use knowledge of sound and writing systems (including stress, intonation, punctuation, etc.) to communicate on topics of personal interest.
- (C) Contrast identified structural patterns of the language studied (such as tense, gender, word order, agreement) to structural patterns in their own language.
- (D) Use appropriate idiomatic expressions in limited settings.
- (2) **Performance guidelines.**
- (A) Understand general concepts about language comparisons.
- (B) Express their own thoughts using sentences/strings of sentences when describing language structure comparisons.
- (C) Rely on paraphrase and restatement in order to understand or communicate about language structure comparisons between cultures.
- (3) **Classroom examples.**
- (A) Compare the target language and English titles for movies originating in the U.S. to determine whether the title in the target language is a literal translation of the English title, or if the title in the target language is meant to be a representation of the movie content.
- (B) Identify terms of respect and terms of affection used in the target language and compare them to terms used in English.
- (C) Discuss the various command forms of the target language compared with only one command form of English.
- (D) Discuss the idea of past tense in English and compare it to the past tense(s) of the target language.
- (i) **Standard—culture comparisons.** Students demonstrate understanding of the concept of culture through comparisons of the cultures studied and their own.
- (1) **Progress indicators.**
- (A) Give simple descriptions of the similarities and differences in verbal and non verbal behavior between cultures.
- (B) Give basic descriptions of cross-cultural similarities and differences in the practices of the target culture.
- (C) Give basic descriptions of cross-cultural similarities and differences in the products of the target culture.
- (D) Give simple descriptions of cross-cultural similarities and differences in the perspectives of the target culture.
- (2) **Performance guidelines.**
- (A) Express their own thoughts using sentences/strings of sentences when describing cultural comparisons between the culture studied and their own.
- (B) Understand general concepts about cultural similarities and differences.
- (C) Rely on paraphrase and restatement in order to understand or communicate about cross-cultural comparisons.
- (3) **Classroom examples.**
- (A) Listen to a song always associated with a particular celebration in the target culture and compare it to the song sung in the U.S. for the same celebration.
- (B) Use Web sites, magazines, movies, and television programs to collect information about the favorite stars in the target culture. Compare them with the favorites in the U.S.
- (C) Compare the symbols/landmarks of the American culture to those found in the target culture.

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(j) **Standard—school and community.** Students will use the language both within and beyond the school setting.

(1) **Progress indicators.**

(A) Investigate and/or participate in activities where the ability to communicate in a second language is beneficial, such as local business visitations, exchange programs, and sister city projects.

(B) Communicate with others who speak or have a working knowledge of the language about a variety of topics, such as sports, hobbies, or current events.

(C) Establish contact with a native speaker through Internet, e-mail, personal travel, etc.

(D) Take part in language-related activities to benefit their school and/or community such as tutoring, interpreting, or public performance.

(2) **Performance guidelines.**

(A) Express their own thoughts using sentences/strings of sentences on familiar topics.

(B) Demonstrate control of present time and some control of other time frames.

(C) Describe and narrate in oral and written presentations on familiar topics.

(D) Understand main ideas and some specific information on a limited number of topics.

(3) **Classroom examples.**

(A) Use the target language to communicate with speakers of the target culture while on community service projects/trips.

(B) Listen to personal accounts from people who speak more than one language.

(C) Keep a log of personal encounters with the target language in the school and community.

(D) Research topics of interest in magazines, newspapers or on the Web.

(k) **Standard—personal enrichment.** Students will show evidence of becoming lifelong learners by using the language for personal enjoyment and enrichment.

(1) **Progress indicators.**

(A) Exchange information with native speakers about topics of personal interest.

(B) Explore various target language resources to expand their knowledge of individual hobbies or interests.

(C) Research current issues of interest using various foreign language/culture sources.

(D) Demonstrate extracurricular use of target language media as a source of entertainment.

(2) **Performance guidelines.**

(A) Are understood by those very accustomed to interacting with language learners.

(B) Identify main ideas and some specific information on a limited number of topics found in the products of the target culture such as those presented on TV, radio, video, or live and computer-generated presentations, although comprehension may be uneven.

(C) Rely on the use of paraphrase and restatement in order to enhance comprehensibility in both oral and written presentations.

(D) Express their own thoughts, describe and narrate, using sentences and strings of sentences, in oral and written presentations on familiar topics.

(3) **Classroom examples.**

(A) Students will identify their "ideal home" and then use a Web site of homes for sale in the target culture to find a good match.

(B) View videos, television programs, and/or movies of interest in the target language.

(C) Invite/interact with classmates who are native speakers of the target language to school functions and interact with them in the target language.

(D) Attend a service or meeting conducted in the target language.

### 210:15-3-137. Pre-advanced level range [REVOKED]

(a) **Standard—interpersonal communication—speaking/writing.** Students will engage in conversations, and/or written correspondence in which they provide and obtain information, express feelings and emotions, and exchange opinions.

(1) **Progress indicators.**

(A) Initiate, sustain and conclude communication on a variety of topics.

(B) Ask and answer a variety of questions that require follow-up questions and responses for more information.

(C) Support personal preferences, feelings, opinions with more complete explanation.

(D) Persuade another person to do something.

(2) **Performance guidelines.**

(A) Use connected sentences and/or paragraphs when communicating on a variety of familiar topics, making use of transition words and phrases.

(B) Interact with others in more complicated or unfamiliar contexts using vocabulary from a variety of topics.

(C) Ask for clarification and suggest alternative words to ensure understanding.

(D) Be able to use rules of pronunciation to correctly pronounce new words.

(E) Use language more confidently and with fewer pauses.

(F) Be understood by native speakers unaccustomed to interacting with language learners.

(G) Demonstrate sustained control of basic structures in present time and partial control of more complex structures and time frames in the past and future.

(3) **Classroom examples.**

(A) In a panel discussion, discuss what constitutes a healthy diet and its impact on health.

(B) Introduce yourself to an incoming freshman and give him/her pointers on how to survive at your school.

(C) With three or four classmates debate the issue of whether family life is more or less important in today's world.

(b) **Standard—interpretative communication—listening/reading/Viewing.** Students will understand and interpret written and spoken language on a variety of topics.

(1) **Progress indicators.**

- (A) Understand spoken language that incorporates more advanced vocabulary and structures, including idiomatic expressions.
- (B) Understand more complex written materials in both concrete and abstract contexts.
- (C) Comprehend the main ideas and supporting ideas of oral and written presentations, and selected authentic materials, including videos, radio and television broadcasts, and Internet resources.
- (D) Analyze the main elements of authentic literary texts.
- (E) Respond appropriately to compound directions, instructions, and commands.
- (F) Research and synthesize information from a variety of sources.

(2) **Performance guidelines.**

- (A) Demonstrate growing independence as a reader or listener and generally comprehend what they read and hear without relying solely on formally learned vocabulary.
- (B) Understand main ideas and significant details on a variety of topics.
- (C) Deduce meaning in unfamiliar language passages by classifying words or concepts according to word order or grammatical use.
- (D) Apply rules of language to construct meaning from oral and written text.
- (E) Move beyond literal comprehension toward more critical reading and listening.

(3) **Classroom examples.**

- (A) Read and understand an article in popular magazines and be able to give a brief global summary and find specific facts.
- (B) As the teacher describes the scene in a well-known painting, draw as you visualize it.
- (C) Listen to and understand excerpts from a film/play and demonstrate comprehension of plot and character traits.

(c) **Standard—presentational communication—speaking/writing.** Students will present information, concepts, and ideas to an audience of listeners or readers on a variety of topics.

(1) **Progress indicators.**

- (A) Describe in written or spoken format a presentation on a topic of personal interest.
- (B) Give a series of directions to someone, coaching the person in order to complete the tasks.
- (C) Recount an event with substantive description and detail.
- (D) Write formal compositions and letters for a variety of purposes.
- (E) Present student created works and excerpts of authentic literature.

(2) **Performance guidelines.**

(A) Report, narrate, and describe, using paragraph length and longer forms of discourse in oral and written presentations on topics of personal, school, and community interest.

(B) Demonstrate conscious efforts at correct formulation and self-correction by use of self-editing.

(C) Make use of simplification, reformulation, and circumlocution to enhance written and oral communication.

(D) Demonstrate control of an extensive vocabulary from a variety of topics.

(E) Use language with ease and with few pauses.

(F) Make use of a variety of resource materials and presentation methods to enhance communication.

(G) Possibly show some inaccuracies and interference from the native language when presentations deal with multiple time frames.

(3) **Classroom examples.**

(A) Narrate an accident that you have experienced or witnessed.

(B) Write and perform an original dialog based on two characters from a film or text.

(C) Write a complaint about a familiar topic (dress code, food in the cafeteria, choice of course offerings) and give suggestions for changes.

(D) Speculate about what life would be like elsewhere (on the moon, under the sea, in the target culture).

(E) Present yourself in a job interview, explain your qualifications, why you want the job, why you would be better than other applicants, etc. (This presentation may be videotaped.)

(d) **Standard—practices of culture.** Students will demonstrate an understanding of the relationship between the practices and perspectives of the culture(s) studied.

(1) **Progress indicators.**

(A) Interact according to the social and cultural requirements of most social and some formal contexts.

(B) Discuss inappropriately used verbal and non-verbal expressions and analyze the cultural implications.

(C) Participate in and analyze cultural events.

(D) Exhibit deeper knowledge of historical background of the target culture that explain their cultural practices.

(E) Analyze some commonly held generalizations about the target culture.

(2) **Performance guidelines.**

(A) Use language increasingly reflective of authentic cultural practices and perspectives.

(B) Describe cultural practices by using connected narrative and descriptive sentences in present and other time frames.

(C) Use culturally appropriate vocabulary, idioms, and nonverbal behaviors in an authentic situation.

(D) Integrate culturally embedded words, phrases, and idioms in everyday communication.

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- (E) Communicate with a fairly high degree of facility when making oral and written presentations about well-researched topics of cultural practices.
- (F) Apply understanding of cultural practices to enhance comprehension of oral and written texts.
- (3) **Classroom examples.**
- (A) Read a short passage about the origins of a custom or cultural celebration in the language and do a presentation on it using the language.
- (B) Report on information gained from authentic texts (newspapers, magazines, letters, e-mail) on how people in the target culture view the role of the U.S. in world affairs.
- (C) Write a report giving examples of how media and texts in the target language reflect patterns of behavior, beliefs, and attitudes.
- (e) **Standard—products of culture.** Students will demonstrate an understanding of the relationship between the products and perspectives of the culture(s) studied.
- (1) **Progress indicators.**
- (A) Research the cultural significance of objects, images, and symbols of the target culture.
- (B) Describe the target culture through its visual arts, architecture, literature, and music.
- (C) Describe the role and significance of the contributions of the target culture in today's world.
- (D) Research an environmental issue from the target country and use the language to tell/write of its impact on the target country.
- (E) Identify some of the target language's literary masterpieces and authors and explore the cultural perspectives representative of their work.
- (2) **Performance guidelines.**
- (A) Describe cultural products by using connected narrative and descriptive sentences in present and other time frames.
- (B) Integrate culturally embedded words, phrases, and idioms in everyday communication.
- (C) Use language increasingly reflective of authentic cultural products and perspectives.
- (D) Communicate with a fairly high degree of facility when making oral and written presentations about well-researched topics on cultural products
- (3) **Classroom examples.**
- (A) You are a tour guide in a tourist area of the target country. Give information about the sites to the group of tourists as the tour bus drives through the area.
- (B) While participating in a conversation with peers and/or adults, exchange information/opinions about causes and consequences of an historical event in the target language country.
- (C) After reading a literary text (short story, poem, novel, drama or viewing a film in the target language), participate in a panel presentation and share viewpoints/opinions about the text/film.
- (D) Prepare a display and orally present information about commercial trade patterns between the home and target culture.
- (f) **Standard—interdisciplinary studies.** Students will reinforce and further their knowledge of other content areas through the foreign language.
- (1) **Progress indicators.**
- (A) Interpret information and apply skills from other content areas (such as the arts, health, social studies, sciences, mathematics, English) to the target language classroom.
- (B) Locate target language resources in order to analyze and synthesize information for use in other content areas (such as the arts, health, social studies, sciences, mathematics, English).
- (2) **Performance guidelines.**
- (A) Use connected sentences and/or paragraphs when communicating on a variety of familiar topics studied in selected content areas.
- (B) Interact with others on information learned in other selected content areas.
- (C) Understand main ideas and significant details on topics studied in selected content areas.
- (D) Make use of a variety of resource materials and presentation methods to enhance communication.
- (3) **Classroom examples.**
- (A) Measure and record distances, weights, and capacities of a variety of objects using the measuring system of the target cultures.
- (B) Make a display and orally present information about careers that require communicative competence in the target language.
- (C) Research the importance of a major historical event in the target culture.
- (D) Read newspaper accounts of the same event in English and the target language to compare the treatment of the event.
- (E) Demonstrate understanding of maps, graphs, charts, and other visuals by responding to questions that require the learner to identify patterns, note trends, and draw conclusions.
- (g) **Standard—distinctive Viewpoints.** Students will acquire information and recognize the distinctive viewpoints that are only available through the foreign language and its cultures.
- (1) **Progress indicators.**
- (A) Synthesize information about the target culture, using authentic sources.
- (B) Use authentic sources to analyze the distinctive perspectives of the target culture.
- (2) **Performance guidelines.**
- (A) Understand more complex written materials in both concrete and abstract contexts.
- (B) Apply rules of language to construct meaning from oral and written text.
- (C) Comprehend the main ideas and supporting ideas of oral and written presentations.

- (D) Use connected sentences and/or paragraphs when communicating about distinctive viewpoints of the target culture.
- (3) **Classroom examples.**
- (A) Access the Internet to find information about AIDS in the target culture.
- (B) Using authentic popular music, identify cultural perspectives associated with the target culture.
- (C) Use information gained from authentic texts to develop a timeline which illustrates major contributions of the target culture to the world community.
- (D) Research the interpretation of the same historical event from the home culture and the target cultures' points of view.
- (h) **Standard—language comparisons.** Students demonstrate understanding of the nature of language through comparisons of the language studied with their own.
- (1) **Progress indicators.**
- (A) Have some insight into the origins of cognates and borrowed words and speculate about what changes might occur in the future.
- (B) Apply knowledge of sound and writing systems in spontaneous communicative situations.
- (C) Use knowledge of structural patterns of their own language and the target language for effective communication.
- (D) Apply idiomatic expression in a variety of social contexts.
- (2) **Performance guidelines.**
- (A) Use connected sentences and/or paragraphs when communicating about basic language comparisons between cultures.
- (B) Use more specialized and precise vocabulary when describing language structure comparisons.
- (C) Use background knowledge to deduce meaning and to understand complex information about language structures.
- (D) Be able to clarify details about language structures by asking questions.
- (3) **Classroom examples.**
- (A) Compare how people express apologies, condolences, praise, reprimands, requests, etc., in the target language and English.
- (B) Analyze the differences among grammatical structures in English and the target language.
- (C) Explore authentic materials to find new words adapted from English.
- (D) Role play a shopping situation in a foreign market place using appropriate idiomatic expressions.
- (i) **Standard—culture comparisons.** Students demonstrate understanding of the concept of culture through comparisons of the cultures studied and their own.
- (1) **Progress indicators.**
- (A) Apply appropriate verbal and nonverbal behavior between cultures.
- (B) Analyze cross-cultural similarities and differences in the practices of the culture studied.
- (C) Analyze cross-cultural similarities and differences in the products of the culture studied.
- (D) Analyze and infer cross-cultural similarities and differences in the perspectives of the culture studied.
- (2) **Performance guidelines.**
- (A) Use connected sentences and/or paragraphs when communicating about similarities and differences between the culture studied and their own.
- (B) Use more specialized and precise vocabulary when describing cultural similarities and differences between cultures.
- (C) Use background knowledge to deduce meaning and to understand complex information about cultural similarities and differences.
- (D) Be able to clarify details about cultural differences by asking questions.
- (3) **Classroom examples.**
- (A) Study murals painted in both the USA and in the target culture and compare their artistic styles and political messages.
- (B) Discuss the similarities and differences of folk legends in the target culture with those found in the student's own culture.
- (C) Analyze the differences of the concept of life/death between the target culture and the student's own culture.
- (D) Discuss the similarities and differences in the perspectives of time/money/work ethic between the two cultures.
- (E) Explore how ceremonies such as weddings or funerals differ between the target culture and the student's own culture.
- (j) **Standard—school and community.** Students will use the language both within and beyond the school setting.
- (1) **Progress indicators.**
- (A) Research the benefits of being able to communicate in more than one language.
- (B) Interact appropriately in the target language in real-life situations.
- (C) Maintain ongoing personal contact with a native speaker.
- (D) Provide services such as tutoring, interpreting, and public performances within and beyond the school community using the target language.
- (2) **Performance guidelines.**
- (A) Narrate and describe using connected sentences and paragraphs in present and other time frames when interacting on topics of personal, school, and community interest.
- (B) Communicate with a fairly high degree of facility when making oral and written presentations about familiar and well-researched topics.
- (C) May encounter difficulty comprehending language dealing with abstract topics.
- (D) Understand main ideas and significant details on a variety of topics, although comprehension may be uneven.

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- (3) **Classroom examples.**
- (A) Using e-mail communication, survey students in the target culture concerning U.S. involvement in world affairs and then compile and analyze the data.
  - (B) Intern with someone from the business community who uses the target language at work.
  - (C) Volunteer to interpret for a community service, such as a clinic, that serves speakers of the target language.
  - (D) Interview bilingual professionals to find out how being bilingual has enhanced opportunities in their field.
  - (E) Prepare and conduct a survey among corporations and businesses to identify second language skills required of their employees.
- (k) **Standard—personal enrichment.** Students will show evidence of becoming lifelong learners by using the language for personal enjoyment and enrichment.
- (1) **Progress Indicators.**
- (A) Initiate and sustain long-term associations with others proficient in the language.
  - (B) Use a variety of sources for entertainment or personal growth such as films, books, Internet, or social events.
  - (C) Critically discuss current issues of the target culture.
  - (D) Pursue personal interests in various aspects of the target culture.
- (2) **Performance guidelines.**
- (A) Are able to be understood by those with whom they interact, although there may still be a range of linguistic inaccuracies, and on occasion the communication partner may need to make a special effort to understand the message.
  - (B) Understand main ideas and significant details on a variety of topics found in the products of the target culture such as those presented on TV, radio, video, or live and computer generated presentations, although comprehension may be uneven.
  - (C) Occasionally do not comprehend but usually are able to clarify details by asking questions.
  - (D) Formulate paragraph length and longer oral and written presentations in present time, on topics of personal, school, community and global interest.
  - (E) May show some inaccuracies and/or interference from the native language when presentations deal with multiple time frames and/or other complex structures.
- (3) **Classroom examples.**
- (A) Participate in a study abroad program and/or host an exchange student from the target culture.
  - (B) Interact with an exchange student in the target language.
  - (C) Volunteer in the community where the target language can be utilized.
  - (D) Attend performances presented in the target language.

- (E) Using electronic media, report on current events from the target culture.
- (F) Using the target language, teach others the rules and strategies of a popular sport of the target culture.

[OAR Docket #15-829; filed 10-28-15]

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

[OAR Docket #15-828]

**RULEMAKING ACTION:**

EMERGENCY adoption

**RULES:**

Subchapter 3. Funding Criteria  
210:25-3-4. Personnel [AMENDED]

**AUTHORITY:**

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

**ADOPTION:**

September 24, 2015

**EFFECTIVE:**

Immediately upon Governor's approval

**APPROVED BY GOVERNOR:**

October 5, 2015

**EXPIRATION:**

Effective through September 14, 2016, unless superseded by another rule or disapproved by the Legislature.

**SUPERSEDED EMERGENCY ACTIONS:**

N/A

**INCORPORATIONS BY REFERENCE:**

N/A

**FINDING OF EMERGENCY:**

The amendment removes problematic language that too broadly stated the eligibility of certain teachers for accumulating credit for years of teaching service. The School Personnel Records office at the State Department of Education must address this issue regularly, and amendment by emergency will ensure the rule does not create confusion for the remainder of the school year.

**ANALYSIS:**

Certified teachers employed by charter schools are eligible to accrue years of service in the same manner as teachers in traditional public schools, although the minimum salary schedule itself does not apply to charter schools. However, some statewide virtual charter schools do not directly contract with their teachers and instead contract with a third party education services provider which employs the teachers. Because teachers who work for these third party contractors are not actually employees of the school, years of service cannot be counted for these indirectly employed teachers. Teachers who contract directly with statewide virtual charter schools are and will remain eligible for years of service credit.

**CONTACT PERSON:**

Lori Murphy, (405) 522-5260

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

#### SUBCHAPTER 3. FUNDING CRITERIA

### 210:25-3-4. Personnel

(a) Teachers who have not yet received their degrees shall be considered as having a degree if all requirements have been completed except participation in graduation exercises.

(b) A teacher who has taught more than one-half of a day for 120 days or more shall be considered as having had one year of experience. A teacher who has taught the equivalent of 120 days within not more than two contractual years shall be considered as having had one year of experience. Experience shall be counted if the individual was legally employed and paid from funds under the supervision of a school board of education or any school accredited by the State Board of Education. Practice teaching or a practicum in a teacher-training institution shall not be considered as experience. Veterans Agricultural training instructors or any teacher employed full-time by an accredited college or university shall be considered as having one (1) year of teaching experience for each year of service after July 1, 1945, if such teaching experience is approved by the State Board of Education, provided such teacher held a bachelor's degree at the time these services were performed and was eligible to have been issued a teaching certificate.

(c) Any district identified as contracting with a teacher, or administrator without a valid certificate shall be penalized in state aid. The state aid penalty amount shall be the salary amount paid by the district for the number of days the teacher or administrator taught without a valid certificate in excess of allowable substitute days.

(d) All teachers must have an official transcript on file with the Professional Standards Section showing the degree completed.

(e) The timeframe for submitting Initial Personnel Reports shall be open from September 1 through October 1 of each year. No later than October 1, all public school districts must file an accurate Initial Personnel Report with the State Department of Education. The report shall list all personnel in the district and shall list for each person the position code, compensation, degree, certification information, years of qualified experience, number of days employed and other information as deemed necessary. Beginning with the 2004-2005 school year the school district will report to the State Department of Education the salary and benefit information disaggregated as required by law. For each employee not returning from the previous year, a reason for no return code shall be recorded. The Initial Personnel Report must be certified no later than October 15.

(f) From November 1 through December 15 of each year, a school district superintendent shall have access to the district's Initial Personnel Report. During this period, the superintendent will be permitted to make necessary corrections and updates to the report. Any changes made by a superintendent to the school district's Initial Personnel Report must be submitted no later than December 15. Reports are to be recertified after updates are complete.

(g) The timeframe for submitting Mid-Year Personnel Reports shall be open from January 1 through February 1 of each year. No later than February 1, all public school districts must file an accurate revised Mid-Year Personnel Report with the State Department of Education. The report shall contain any

corrections, departures, and additions that have occurred since the October 1 Initial Personnel Report was filed so that more accurate information is available for state aid calculations, legislative projections and other statistical requirements. State Aid funds shall be withheld from any school district that does not submit the Mid-Year Personnel Report by February 1. Only after the accurate report has been received by the State Department of Education shall the withheld State Aid funds be released to the school district.

(h) From February 15 through May 15 of each year, a school district superintendent shall have access to the district's Mid-Year Personnel Report. During this period, the superintendent will be permitted to make necessary corrections and updates to the report. Any changes made by a superintendent to the school district's Mid-Year Personnel Report must be submitted no later than May 15. Reports are to be recertified after updates are complete.

(i) All public school districts must file an accurate End-of-Year Supplemental Personnel Report showing the changes for personnel previously listed as well as all information required on any new employees not previously listed. This report shall contain any corrections or changes to be made to the February 1 Mid-Year Personnel Report. All employees that departed the school district prior to completion of the school year shall be given a "Reason-For-Leaving" code and have salary and days employed adjusted. School districts shall also file the Certified Substitute Teachers Report listing the number of days taught in the school year by all certified substitute teachers. The timeframe for submitting End-of-Year Supplemental Personnel Reports and Certified Substitute Teachers Reports shall be open from June 1 to July 15 of each year. These two reports shall be filed with the State Department of Education ~~no~~ later than July 15.

(j) If the district pays a teacher less than the minimum salary required by law, the difference shall be deducted from the next payment of state aid, or a claim shall be filed by the Director of Finance to recover any such overpayment to the school district.

(1) The School Personnel Records Section will notify the school superintendent of all potentially underpaid teachers after the Mid-Year Personnel Reports are filed with the State Department of Education in February. The school superintendent shall notify the School Personnel Records Section of the district's intent to pay the teacher the underpaid amount or to dispute the amount. If disputed, the school superintendent is responsible for providing documentation to the School Personnel Records Section to show the teacher was not underpaid based on the state minimum salary schedule. The State Aid Section shall withhold from state aid the amount underpaid by October 1 in the school year following the year in which the underpayment occurred.

(2) The method for calculating teacher salaries to ensure state minimums are met shall be determined by the School Personnel Records Section.

(k) If a teacher asserts that the school district he or she is employed by and was employed by the previous year, (or if underpayment occurred prior to July 1, 2002, and the teacher

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filed an action to recover an underpayment in a court of competent jurisdiction before July 1, 2002), has reduced the salary and/or fringe benefit level without a proportionate reduction in hours or duties, the teacher may file a complaint with the State Department of Education's School Personnel Records Section. The complaint must be accompanied by documentation sufficient to justify the allegations in the complaint. The teacher shall also send a copy of the complaint and supporting documentation to the superintendent of the school district. The documentation shall include, but not be limited to, the teacher's salary and benefit amount for each year in question. The superintendent shall be given an opportunity to submit documentation to refute the teacher's claim within 20 calendar days of receipt of the complaint. The School Personnel Records Section shall review all the documentation presented and present the complaint to the State Board of Education for determination of whether the school district willfully reduced the teacher's salary and benefits in violation of the law. If the school district does not provide a response and supporting documentation to the complaint, the complaint shall be upheld. In the event the review of the documents reveals that the complaint is valid, the State Board of Education shall withhold the amount underpaid from the district's state aid as a penalty. Additionally, the same amount shall be withheld and that amount shall be sent to the teacher.

(l) Any superintendent, principal, or teacher shall not be considered as having received their minimum salary unless such salary is paid by school district warrants issued by the board of education or the school district.

(m) Personnel on the staff of the Oklahoma Department of Career and Technology Education shall be approved by the State Board of Education for increment purposes.

(n) Certified personnel teaching in Manpower Skill Centers and other Manpower Development Training Programs approved by the Oklahoma Department of Career and Technology Education shall be considered as teaching in a school approved by the State Board of Education for increment purposes as provided by Oklahoma School Law.

~~(o) Certified personnel teaching in virtual charter schools shall be considered as teaching in a school approved by the State Board of Education for increment purposes as provided for by Oklahoma School Law.~~

[OAR Docket #15-828; filed 10-28-15]

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

[OAR Docket #15-838]

**RULEMAKING ACTION:**  
EMERGENCY adoption

**RULES:**

Subchapter 3. Licensing Standards for Child Care Facilities  
Part 9. Requirements for Residential Child Care Facilities  
340:110-3-146 [AMENDED]  
340:110-3-152 [AMENDED]  
340:110-3-153.1 [AMENDED]

340:110-3-154.1 [AMENDED]  
Subchapter 5. Requirements for Child-Placing Agencies  
Part 1. Requirements for Child-Placing Agencies

340:110-5-3 [AMENDED]  
340:110-5-6 [AMENDED]  
Part 5. Requirements for Foster Home Agencies

340:110-5-57 [AMENDED]  
340:110-5-58 [AMENDED]  
340:110-5-61 [AMENDED]

(Reference WF 15-11)

**AUTHORITY:**

Director of Human Services; Section 162 of title 56 of the Oklahoma Statutes (56 O.S. § 162), 21 O.S. § 870, 10A O.S. § 1-1-105, and P.L. 113-183.

**ADOPTION:**

October 22, 2015

**EFFECTIVE:**

Upon Governor's approval.

**APPROVED BY GOVERNOR:**

November 2, 2015

**EXPIRATION:**

Effective through September 14, 2016, 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 is requested to protect the health, safety, and welfare of children. If the rules are not approved as an emergency: (1) licensed residential and child-placing agencies will be in violation of Oklahoma Statute; (2) reporting of trafficking of children will not be required; and (3) residential programs will incur unnecessary costs in obtaining tuberculosis (TB) testing.

**ANALYSIS:**

The proposed revisions amend rules for requirements for residential programs and child-placing and foster home agencies to comply with statutory changes following passage of House Bill (HB) 1078 during the 2015 legislative session with a November 1, 2015, effective date. This parallels Public Law (P.L. 113-183) revisions effective 9-29-14 allowing for a 9-29-15 implementation date. Language amendments include definition of age and developmentally appropriate activities and the application of reasonable and prudent parenting standards. Rules are also revised to: (1) remove requirements for residential programs to no longer obtain TB testing for employees; and (2) comply with 21 O.S. § 870 requiring reporting of trafficking of children.

**CONTACT PERSON:**

Dena Thayer at 405-521-4326

**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(F):**

### SUBCHAPTER 3. LICENSING STANDARDS FOR CHILD CARE FACILITIES

#### PART 9. REQUIREMENTS FOR RESIDENTIAL CHILD CARE FACILITIES

##### 340:110-3-146. Definitions

The following words and terms when used in this Part shall have the following meaning unless the context clearly states otherwise:

"Advisory board" means the entity that offers advice and counsel on the operation of a program.

**"Age or developmentally appropriate"** means per Section 1-1-105 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-1-105) suitable, developmentally appropriate activities for children of a certain age or maturity level based on the capacities typical for the age group and the individual child.

**"Basement"** means an area of a building or structure having one-half or more of its clear height below grade level.

**"Behavior management"** means guidance that provides a learning experience for the child that contributes to developing the capacity for self-control, self-direction, and the understanding of behavioral consequences.

**"Chemical restraint"** means medication prescribed by a health professional used to control behavior or to restrict freedom of movement and is not a standard treatment for the child's medical or psychiatric condition.

**"Child"** means an individual ~~under~~ younger than 18 years of age.

**"Child Care Restricted Registry," or "Restricted Registry," also named "Joshua's List"** means a registry for registrants who are prohibited from licensure, ownership, employment, having unsupervised access to children, and/or residence in child care facilities per ~~Section 405.3 of Title 10 of Oklahoma Statutes~~ 10 O.S. § 405.3.

**"Child care staff"** means staff, including part-time, on-call, and substitute staff, who provide direct care and supervision of residents. To be counted as required child care staff, workers must be engaged in providing care and meeting the minimum qualifications for child care staff.

**"Children's services"** means an educational program, child welfare agency, child-serving institution, child-placing agency, foster family home, hospital, or mental health treatment program that serves children.

**"Children's shelter"** means a non-secure public or private residential program that provides temporary care and supervision for children.

**"Contracted personnel"** means individuals who perform services for the program who do not have an employee relationship with the program.

**"Custodian"** means the adult or agency legally responsible for the child.

**"Department"** means the Oklahoma Department of Human Services (DHS).

**"Food"** means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use in whole or in part for human consumption.

**"Governing board"** means the entity with ultimate responsibility and authority for the overall operation of a private, nonprofit program.

**"Grievance process"** means an identified procedure followed when a parent, child, or individual acting in the child's behalf, desires to document dissatisfaction regarding the operation of the program.

**"Health professional"** means a licensed physician, nurse practitioner, or physician's assistant, as defined by the appropriate state licensing board.

**"Interstate Compact on the Placement of Children (ICPC)"** means the process of ensuring protection and services to children who are placed across state lines.

**"Licensed mental health professional"** means an individual possessing the training, qualifications, and professional recognition in a mental health-related field and has a license issued by the appropriate state board.

**"Licensed social worker"** means a social worker who has a license issued by the State Board of Licensed Social Workers.

**"Licensing requirements for residential child care facilities"** means the regulations specified in this Part that constitute the minimum requirements for residential programs.

**"Mechanical restraint"** means a device that restricts movement or function of a child or portion of a child's body.

~~**"Nonprofit facility"** means an operating program that does not make a profit.~~

**"On-call or substitute staff"** means staff available to work during the absence of regular part-time or full-time staff.

**"Organizational structure"** means the legal basis or ownership of the program.

**"OSDH"** means the Oklahoma State Department of Health.

**"Parent"** means an individual who is legally responsible for the child, such as a mother, father, legal custodian, or legal guardian.

**"Physical restraint"** means using the body to restrict movement or function of a child or portion of a child's body.

**"Potentially hazardous foods"** means any food that contains milk or milk products, eggs, meat, poultry, fish, shellfish, crustacean, or other ingredients in a form capable of supporting rapid and progressive growth of harmful microorganisms.

**"Privately operated facility"** means a program owned and operated by an individual, partnership, corporation, or association that may be operated on a profit or nonprofit basis.

**"Proprietary facility"** means a program that operates on a for-profit basis.

**"Psychotropic medications"** means medications with well-demonstrated efficacy in the treatment of mental disorders through the modification of behavior, mood, and emotions.

**"Publicly operated facility"** means a program operated by a governmental entity.

**"Qualified Substance Abuse Professional (QSAP)"** means an individual who meets the criteria established by the Oklahoma Department of Mental Health and Substance Abuse Services.

**"Reasonable and prudent parent standard"** means per 10A O.S. § 1-1-105, the standard characterized by careful and sensible parental decisions maintaining the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child and is used in determining whether to allow a child to participate in extracurricular, enrichment, cultural, and social activities. This standard is used by a representative of a group home where a child has been placed or a designated official for a residential child care facility where a child in foster care has been placed.

**"Regimented residential program"** means a military-style training program where residents are subject to a controlled and regimented environment that affirms dignity of self and respect for others and includes physical training and discipline.

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**"Residential child care facility"** means a 24-hour residential program where children live together with, or are supervised by, adults other than the child's parents or relatives.

**"Residential treatment facility"** means a program that cares for children under 24-hour medical care who have emotional, psychological, or mental disorders.

**"Seclusion"** means the involuntary confinement of a child in a room or area where the child is physically prevented from leaving.

**"Secure care facility"** means a program that cares for and supervises adjudicated children in a building where entering and exiting is prohibited through the use of internal or external locks or through secure fencing around the perimeter.

**"Separation"** means removing a child from the group or group activity as a method of behavior management.

**"Serious incident"** means any non-routine occurrence that has an impact on the care, supervision, or treatment of a child.

**"Service plan"** means a comprehensive individualized program of action based on the child's needs.

**"Social services"** means services that may include, but are not limited to, admission assessments, placement services, counseling, casework services to residents and the residents' families, service planning, and discharge planning.

**"Social services staff"** means program employees who provide social services.

**"Specialized service professional"** means an individual from an academic discipline or field of expertise who provides individualized services to a child, such as behavioral or physical therapists.

**"Staff member"** means an individual employed by or working for or with a residential child care facility on a regularly scheduled basis. This includes full-time, part-time, on-call, and substitute staff, whether paid or unpaid.

**"Supervision of residents"** means overseeing and guiding residents including awareness of and responsibility for the ongoing activity of each child.

**"Support staff"** means clerical staff, cooks, building custodians, and other personnel who provide support services to the program.

**"Unsupervised access to children"** means an individual being present with children without personnel present who has a complete criminal history review.

**"Volunteer"** means an individual who provides services to the program without compensation.

### 340:110-3-152. Organization and administration

(a) **Statement of intent.** The purpose or function of the residential child care facility is clearly defined in a statement filed with the Oklahoma Department of Human Services (~~OKDHS~~) (DHS). The statement includes the:

- (1) program philosophy;
- (2) program goals and objectives;
- (3) ages and characteristics of children accepted for care;
- (4) geographical area served; and
- (5) types of services provided.

(b) **Organizational structure.** The legal basis or ownership of the residential child care facility is fully documented and submitted to ~~OKDHS~~DHS.

(1) **Publicly operated facility.** Documentation identifies the statutory basis of the facility and the administrative framework of the governmental entity that operates the facility.

(2) **Privately operated facility.** A privately operated facility submits:

(A) the charter, partnership agreement, constitution, articles of incorporation, or resolution authorizing the facility's operation, as applicable;

(B) names, titles, addresses, and telephone numbers for:

(i) association members or corporate officers for a nonprofit facility; and

(ii) owners, partners, or corporate officers for a proprietary facility.

(3) **Changes in ownership and facility name.** ~~OKDHS~~DHS is notified of any changes in the legal basis for operation, ownership, or name of the facility at least 30-calendar days prior to the changes.

(c) **Governing and advisory board.** A private, nonprofit facility establishes a governing board and may also have an advisory board.

(1) **Meetings.** The governing board meets at least twice a year and maintains accurate minutes of each meeting.

(2) **Responsibility of the governing board.** The governing board maintains ultimate responsibility for governing but, having selected and employed an executive director, delegates to the executive director responsibility for administration of the facility.

(A) The board assumes joint responsibility with the executive director for general program and policy, funding, and compliance with minimum requirements.

(B) The responsibilities and relationship between the board and the executive director are defined in the constitution and bylaws and submitted to ~~OKDHS~~DHS.

(3) **Governing board members.** A current list of names, titles, addresses, and telephone numbers of the governing board members is submitted to ~~OKDHS~~DHS.

(4) **Board composition.** The governing board represents the diversity of the community served.

(A) The board is comprised of a minimum of three members.

(B) A majority of the members of the board reside in Oklahoma. Multi-state operations; however, may have a governing board outside of Oklahoma if they establish local advisory boards that meet the requirements in ~~paragraph~~ (5) of this subsection.

(C) Facility staff members cannot comprise a majority of the voting members of the governing board for ~~that~~the facility.

(D) Board members receive an orientation to board responsibilities upon appointment.

(5) **Advisory board.** A private, proprietary facility without a governing board that meets the requirements in ~~OAC~~Oklahoma Administrative Code (OAC) 340:110-3-152(c)(1) - (4) establishes an advisory board.

- (A) The advisory board meets at least twice a year.
- (B) The advisory board provides advice and counsel to the facility on the policies and operation of the facility, reflects local concerns, and represents the program to the community.
- (C) A current list of names, addresses, and telephone numbers of the advisory board members is submitted to ~~OKDHS~~DHS.
- (D) Facility staff members cannot comprise a majority of the voting members of the advisory board for that facility.
- (E) A majority of the members of the advisory board reside in Oklahoma.

(d) **Administrative policy.** Policy is clearly written, current, and available for residents, parents or custodians, staff, and licensing staff to review. Policy is reviewed annually by the governing board. Policy includes, but is not limited to, areas governing:

- (1) admission and discharge;
- (2) personnel;
- (3) volunteers;
- (4) programs;
- (5) grievance procedures as approved by ~~OKDHS~~DHS Office of Client Advocacy;
- (6) behavior management;
- (7) mandatory reporting of child abuse;
- (8) suicide awareness and protocol;
- (9) medical services ;
- (10) administering and disposing of medication;
- (11) confidentiality of records;
- (12) a child absent without permission; ~~and~~
- (13) emergency procedures; ~~and~~
- (14) application of reasonable and prudent parent standard when approving an activity for a child.

(e) **Records and reports.** The records and reports maintained at the facility and available for licensing staff to review are:

- (1) children's records;
- (2) personnel records;
- (3) criminal history investigation records;
- (4) orientation and ~~training hour~~professional development records;
- (5) menus of food served to residents;
- (6) fire and tornado drill records;
- (7) schedules of planned recreational, leisure, or physical exercise activities;
- (8) visitation records; and
- (9) transportation records.

(f) **Notifications.** The facility complies with the notification requirements as outlined in this subsection.

- (1) The facility notifies Licensing on the next working day in the event of:
  - (A) temporary or permanent closing of the facility;
  - (B) a change in the executive director;

- (C) changes to liability insurance coverage;
- (D) damage to the premises of the facility caused by fire, accident, or the elements that seriously affects the provision of services;
- (E) legal action against a facility or staff member that involves a resident or the operation of the facility;
- (F) any serious resident injury requiring emergency medical treatment by a health professional; or
- (G) ~~the a resident~~ death of a resident.

(2) ~~The facility immediately reports any suspicion of child abuse or neglect to the OKDHS Office of Client Advocacy or the OKDHS 24 hour statewide~~ Any person who has reason to believe a child has been abused or neglected as described in 10 O.S. § 1-1-105 is required to report the matter promptly to the DHS Child Abuse and Neglect Hotline 1-800-522-3511 per Section 1-2-101 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-2-101). ~~Any staff who has reason to believe that a child has been abused or neglected is responsible to ensure that a report has been made in accordance with Sections 7102 and 7103 of Title 10 of Oklahoma Statute.~~ Failure to report is a misdemeanor offense and upon conviction is punishable by law. Failure to report with prolonged knowledge, six months or more, of ongoing abuse or neglect is a felony offense.

(3) Per 21 O.S. § 870 every person having reason to believe that a person or child-placing agency is engaging in the crime of trafficking in children, as described in 21 O.S. § 866 of the Oklahoma Statutes, reports the matter promptly to the Oklahoma Bureau of Narcotics and Dangerous Drugs Control.

(34) ~~If~~When a resident is absent without permission, the resident's parents or custodian are notified immediately.

**340:110-3-153.1. Personnel**

(a) **Personnel policy.** Personnel policy includes, but is not limited to, defining staff, essential position functions, qualifications, and lines of authority.

(b) **Staff and responsibilities.** The program recruits staff with specialized skills, knowledge, and the cultural understanding and competencies necessary for quality residential care services.

(1) **Executive director.** The program employs an executive director, superintendent, or administrator. In the absence of the executive director, ~~a person~~ an individual is designated as in charge.

(A) The executive director, superintendent, or administrator is responsible for employing ~~per-~~ personsindividuals possessing adequate education, training, and experience to perform the essential functions of the assigned position.

(B) The executive director is responsible for implementing the policies adopted by the governing board.

(C) The executive director is responsible for the ongoing operation of the program.

(2) **Program director.** The program director is responsible for implementing and supervising programs and

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services. The executive director may also serve as the program director, when the director meets the qualifications specified in subsection (d)(2) of this Section.

(3) **Social services staff.** Social services staff are responsible for admission assessments, placement services, counseling, casework services to residents and the residents' families, service plans, service plan reviews, and discharge plans.

(4) **Child care staff.** Child care staff are responsible for meeting the needs of residents, taking into account the residents' ages, physical and mental conditions, and other factors that affect the amount of attention indicated.

(5) **Support staff.** Support staff are responsible for providing support duties.

(6) **On-call and part-time staff.** On-call and part-time staff are responsible for the duties of the position to which they are assigned.

(7) On-site official. There must be an on-site official authorized to apply the reasonable and prudent parent standard.

(c) **Volunteers.** ~~When~~ a program uses volunteers, the program has current, written volunteer policy.

(1) Volunteers counted in the staff to child ratio meet all requirements for child care staff.

(2) Volunteers receive orientation before having contact with residents.

(3) Volunteers work under the direct supervision of the executive director or a designated staff member.

(d) **Executive director and program director qualifications.** The executive director, superintendent, or administrator, and program director possess adequate education, training, and experience to perform the essential functions of the position.

(1) In a program where the executive director operates primarily as an administrator and employs a program director, an executive director hired after June 15, 1990, has a minimum of a bachelor's degree from an accredited college or university.

(2) ~~A person~~ Individuals hired after June 15, 1990, who ~~is~~ are solely responsible for direct program supervision, whether ~~the filling the position of~~ executive director or the program director, ~~meets~~ must meet one of these qualifications:

(A) a bachelor's degree in a behavioral science or other related area of study from an accredited college or university and three years of experience in children's services;

(B) a master's degree in social work, psychology, guidance and counseling, sociology, child development, human relations, or other related area of study from an accredited college or university and two years of experience in children's services;

(C) a doctorate in medicine, social work, psychology, guidance and counseling, sociology, child development, human relations, or other related area of study from an accredited college or university and one year of experience in children's services; or

(D) for programs specializing in substance abuse treatment, the program director is a Qualified Substance Abuse Professional (QSAP).

(e) **Child care and supervisory staff qualifications.** Child care and supervisory staff possess adequate education, training, and experience to perform the essential functions of the position.

(1) All child care workers are 21 years of age or older.

(2) Staff hired after June 15, 1990, have a high school diploma or equivalent within one year of employment.

(f) **Social services staff qualifications.** Social services staff, whether employees or contractors, possess adequate education, training, and experience to perform the essential functions of the position.

(1) Social services supervisory staff, hired after June 15, 1990, who are responsible for developing and implementing the social services program, meet one of these qualifications:

(A) a bachelor's degree in social work from an accredited college or university;

(B) a bachelor's degree in behavioral science, social science, or other related area of study from an accredited college or university and one year of experience in children's services; or

(C) for programs specializing in substance abuse treatment, the social services supervisory staff are supervised by a QSAP.

(2) Social services staff hired after June 15, 1990, who provide only casework services have a bachelor's degree in a related area of study from an accredited college or university.

(g) **Employment requirements.** Staff meet ~~the~~ requirements specified in this subsection.

(1) **References.** The program obtains a minimum of three references for all staff prior to employment.

(A) References include the date, interview questions, responses, and the interviewer's signature.

(B) Copies of references are maintained in the employee's personnel record.

(2) **Tuberculin test.** ~~Upon employment, each employee has a documented mantoux (PPD) tuberculin skin test with a booster, if needed, within the previous 12 months, unless the employee shows medical verification of a previous positive skin test.~~

~~(A) Only tests read by a physician or nurse are accepted.~~

~~(B) Employees with a new positive tuberculin skin test reaction have a chest x ray. Employees with a previous history of a positive skin test present documentation of a chest x ray. Further x rays are not required unless signs or symptoms suggestive of tuberculosis develop.~~

~~(C) Employees with a positive skin test reaction submit annual documentation by medical personnel that signs or symptoms of tuberculosis are not present. Testing for tuberculosis is not required on a routine basis. Programs comply with the Oklahoma~~

State Department of Health recommendation regarding tuberculin skin testing, when there is a local identified tuberculin exposure.

(3) **Performance evaluation.** Each employee has a written performance evaluation at least annually ~~that~~ is maintained in the employee's personnel record.

(h) **Background investigations - general.**

(1) **Required individuals.** Background investigations are required per Section 401 et seq. of Title 10 of the Oklahoma Statutes (10 O.S. §§ 401 et seq.), Oklahoma Child Care Facilities Licensing Act (Licensing Act), unless an exception per (2) or (3) of this subsection applies for:

- (A) owners, prior to authorization to operate;
- (B) responsible entities, prior to authorization to operate and when there is a change in a responsible entity;
- (C) personnel applicants, prior to hire. However:

- (i) the program may hire individuals who are only awaiting the national criminal history records search, based upon the submission of fingerprints, provided the:

- (I) preliminary criminal history review results from the Licensing Records Office (LRO) are received by the program. However, until complete results are received, the individual does not have unsupervised access to children without personnel being present who have a completed criminal history review; and
- (II) completed criminal history review results from LRO are received by the program within 30-calendar days from submission of the fingerprints for employment to continue; and

- (ii) personnel who come from another licensed program owned by the same business entity are not required to repeat the background investigation process, with the exception of criminal history restriction waivers, provided there is no break in employment from the business entity;

(D) individuals with unsupervised access to children, prior to having access to children, unless an exception per (3) of this subsection applies;

(E) adults living in the facility, prior to authorization to operate or moving into the facility of an existing program. This includes children who ~~turn~~become 18 years of age while living in the facility, unless exempt as a resident receiving services from the program; and

(F) individuals who have access to or review of the fingerprint results, prior to access to or review of the results.

(2) **Existing required individuals as of November 1, 2013.** On or before November 1, 2016, the fingerprinting and criminal history review process of this Section is completed for existing required individuals, with the exception of individuals who have access to or review of the fingerprint results. These individuals complete the process prior to having access to or review of the results.

(3) **Non-required individuals.** Background investigations are not required for:

(A) specialized service professionals who are not program personnel, provided parent releases are obtained per ~~OAC~~Oklahoma Administrative Code (OAC) 340:110-3-154(a)(4)(E);

(B) volunteer drivers who transport children on an irregular basis and do not fill another position, provided parent releases are obtained per OAC 340:110-3-154(a)(4)(E);

(C) contracted drivers who do not fill another position or have unsupervised access to children;

(D) contracted non-personnel who do not have unsupervised access to children, such as when the program contracts for special activities or facility repair;

(E) individuals who are not program personnel and have contact with residents as part of family, community, and social activities, education, or employment, provided administrative and program policies are met including policy regarding trips away from the facility; and

(F) residents who ~~turn~~become 18 years of age while living in the facility and continue to receive services from the program.

(i) **Background investigations - Restricted Registry.** The program conducts a search of the online Child Care Restricted Registry or Restricted Registry, also named Joshua's List, when required per (h) of this Section.

(1) **Non-registrants.** Non-registrants are individuals who are not recorded on the Restricted Registry.

(2) **Registrants.** Registrants are individuals who are recorded on the Restricted Registry, prohibited from licensure, ownership, employment, unsupervised access to children, or residence in the facility and are prohibited individuals per (e) of this Section.

(j) **Background investigations - criminal history.** The program and required individuals complete the criminal history review process. The program receives the completed criminal history review results from LRO when required per (h) of this Section.

(1) **Criminal history prohibitions.** Individuals with criminal history prohibitions are prohibited per (k) of this Section. Criminal history prohibitions include required ~~to~~ registration under the:

- (A) Sex Offenders Registration Act; or
- (B) Mary Rippey Violent Crime Offenders Registration Act.

(2) **Criminal history restrictions.** Individuals with criminal history restrictions are prohibited per (k) of this Section, unless a criminal history restriction waiver is granted. Criminal history restrictions include pending charges, pleas of guilty or nolo contendere (no contest), or of any criminal activity involving:

- (A) gross irresponsibility or disregard for the safety of others;
- (B) violence against an individual;
- (C) sexual misconduct;

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- (D) child abuse or neglect;
  - (E) animal cruelty;
  - (F) possession, sale, or distribution of illegal drugs; or
  - (G) a pattern of criminal activity.
- (3) **Criminal history restriction waivers.** Restriction waivers are specified in this subsection.
- (A) Restriction waivers may be requested for individuals who have criminal history restrictions. The owner, responsible entity, or director completes requests on a ~~DHS~~ Oklahoma Department of Human Services (DHS) form.
  - (B) Restriction waivers are not requested or granted for:
    - (i) Restricted Registry registrants;
    - (ii) individuals with criminal history prohibitions; or
    - (iii) individuals whose sentence has not expired for any of the criminal history restrictions.
  - (C) Individuals identified in pending or denied restriction waiver requests are prohibited per (k) of this Section.
- (k) **Prohibited individuals.**
- (1) **Background investigation of required individuals.** The program does not allow a required individual to be the owner or responsible entity, to be employed, to live in the facility, or have:
    - (A) access to children, such as being present at the facility during the hours of operation or present with the children in care while off-site, when the individual has criminal history:
      - (i) prohibitions; or
      - (ii) restrictions, unless a criminal history restriction waiver is granted. Individuals identified in a pending or denied restriction waiver request are prohibited; or
    - (B) unsupervised access to children, when the individual is a Restricted Registry registrant.
  - (2) **Impaired functioning.** ~~Persons~~ Individuals who are employed by the program or who provide services to the program may not use or be under the influence of alcohol and/or illegal drugs during work hours of work.
  - (3) **Criminal allegations.** ~~If~~ When a staff member is alleged to have committed an act described in ~~subsection~~ (j) of this Section, the program's executive director determines and documents whether the staff member is removed from contact with children until the allegation is resolved. However, ~~if~~ when criminal charges are filed, the accused is removed from contact with children until the charges are resolved.
  - (4) **Deferred sentences.** ~~A person~~ Individuals who ~~has~~ have received a deferred sentence for any charge in ~~paragraph~~ (j)(2) of this Section ~~is~~ are removed from contact with children for the duration of the deferment.
- (l) **Orientation.** Staff receive orientation within 30-calendar days of employment.
- (1) Staff who will work with residents receive orientation before being assigned as the primary staff responsible for residents.
  - (2) Orientation includes, but is not limited to:
    - (A) confidentiality;
    - (B) resident grievance process;
    - (C) fire and disaster plans;
    - (D) suicide awareness and protocol;
    - (E) emergency medical procedures;
    - (F) organizational structure;
    - (G) program philosophy;
    - (H) personnel policy and procedure;
    - (I) the mandatory reporting of child abuse; and
    - (J) administrative policy and procedure regarding behavior management.
  - (3) ~~OKDHS~~ DHS Publication No. 86-78, Licensing Requirements for Residential Child Care Facilities, is part of the orientation process and is available to staff at all times.
  - (4) Orientation may ~~be counted~~ count toward the total ~~training~~ professional development hours for the first year.
- (m) **Staff ~~training~~ professional development.** Staff meet the requirements for ~~training~~ professional development specified in (1) - ~~(6)~~ (7) of this subsection.
- (1) **~~Training~~ Professional development for the administrator and program director.** The administrator and program director obtain a minimum of 12-clock hours of continuing education per calendar year. Hours are prorated at one hour per month for staff who have not been employed for a full year. The content pertains to the roles and responsibilities of the position.
  - (2) **~~Training~~ Professional development for social services staff.** Social services staff, including licensed mental health professionals and those providing casework services, obtain a minimum of 12-clock hours of continuing education per calendar year. Hours are prorated at one hour per month for staff who have not been employed for a full year. The content pertains to the roles and responsibilities of the position.
  - (3) **~~Training~~ Professional development for child care staff.** Child care staff receive training.
    - (A) Full-time child care staff obtain a minimum of 24-clock hours per calendar year of staff development courses. Hours are prorated at two hours per month for staff who have not been employed for a full year.
    - (B) Part-time child care staff obtain a minimum of 12-clock hours per calendar year of staff development courses.
    - (C) On-call or substitute child care staff obtain a minimum of six-clock hours per calendar year of staff development courses.
    - (D) The content for staff development courses for child care staff pertains to the roles and responsibilities of the position assigned.
    - (E) When residents are in care on the facility premises or on any program sponsored field trip, at least one staff is present who has current documentation of certification in age-appropriate first aid and

cardio-pulmonary resuscitation (CPR). All other child care staff complete training in first aid and CPR, including infant and child ~~if~~when appropriate, within 90-calendar days of employment. Child care staff maintain current training in CPR and first aid thereafter.

(i) CPR training is conducted by an individual certified as an instructor through the:

- (I) American Red Cross;
- (II) Emergency Medical Services (EMS) Safety Services;
- (III) Emergency Care and Safety Institute;
- (IV) American Heart Association or American Heart sponsored CPR for Family and Friends; or
- (V) American Safety and Health Institute.

(ii) First aid training is conducted by a ~~person~~person or individual certified as a first aid instructor, or a health professional using a curriculum from a DHS approved source through:

- (I) Emergency Medical Services for Children (EMSC) First Care;
- (II) American Red Cross;
- (III) EMS Safety Services;
- (IV) Emergency Care and Safety Institute;
- (V) American Heart Association;
- (VI) American Safety and Health Institute;
- (VII) American Academy of Pediatrics First Aid for Caregivers and Teachers (PedFACTs); or
- (VIII) another DHS approved source.

(4) **Training Professional development for support staff.** Support staff who occasionally provide instruction or training to residents obtain a minimum of six-clock hours of staff development courses per calendar year. The content is relative to the role and responsibility of the position or relative to interacting with residents.

(5) **Behavioral intervention techniques.** Within 30-calendar days of employment, and prior to being solely responsible for residents, child care staff and those support staff that occasionally provide instruction or training to residents, complete training professional development or provide proof of current certification in behavioral intervention techniques ~~that includes~~to include:

- (A) rules and appropriate consequences of various interventions;
- (B) techniques for early de-escalation and preventive intervention;
- (C) team approaches to behavior management;
- (D) verbal crisis intervention; and
- (E) safe and appropriate physical restraint.

(6) **Reasonable and prudent parent standard training.** Designated on-site official authorized to apply reasonable and prudent parent standard receives training on use and application of reasonable and prudent parent standards.

(67) **Training Professional development for contracted personnel.** Contracted personnel not providing

direct care or counted in the supervision ratio are exempt from meeting staff ~~training~~professional development requirements as specified in subsection (m)(1) - (5) of this Section.

(n) **Documentation.** All orientation and ~~training~~professional development hours are documented and available for licensing staff to review. Documentation includes the names of staff members who attended, course ~~titles~~titles, course ~~description~~descriptions, ~~date~~dates, hours attended, and the ~~name~~names of the trainer or facilitator.

(o) **Personnel records.** Programs maintain personnel records for each employee.

(1) The program submits to DHS at the time of ~~application~~request for license a:

- (A) current list of employees; and
- (B) DHS provided staff information sheet, ~~provided by DHS~~, for each employee.

(2) The program maintains on file a written personnel record for each employee working at the program ~~that is kept~~ for at least one year following an employee's separation from employment. The personnel record includes:

- (A) an application, resume, or staff information sheet that documents position qualifications ~~for the position~~;
- (B) any health records required by the program;
- (C) ~~documentation of the mantoux (PPD) tuberculin skin test and annual documentation by a health professional for child care staff who have had a positive tuberculin skin test reaction that signs or symptoms of tuberculosis are not present;~~
- ~~(D)~~ documentation of requests and/or results of criminal history reviews;
- ~~(E)~~ other applicable criminal history records;
- ~~(F)~~ three references;
- ~~(G)~~ annual performance evaluations and any reports and notes relating to the individual's employment with the program;
- ~~(H)~~ date of employment; and
- ~~(I)~~ date and reason for leaving employment.

**340:110-3-154.1. Program**

(a) **Rights of residents.** The facility has current, written clients' rights policy that supports and protects all residents, which is available for residents, parents or custodians, staff, and licensing staff to review.

(1) Each resident and family is informed, in a language they commonly use, of the facility's policies and procedures regarding ~~their~~his or her rights.

(2) Each resident has a right to an individualized plan of care or treatment that focuses the services of the facility toward meeting the resident's needs. Each resident has the right to participate in the development of the plan.

(3) The facility ensures ~~that the~~ resident's rights and responsibilities are protected regarding ~~the~~ items listed in (A) - ~~(O)~~(P) of this paragraph.

(A) **Personal finances.** Each resident is given the opportunity to have and handle money for personal use ~~in accordance with~~per the resident's service plan.

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(B) **Personal possessions.** Each resident is allowed to bring personal possessions to the facility and to acquire personal belongings as permitted by facility policy and procedure.

(C) **Personal care and hygiene.** Each resident is supplied with facilities and supplies for personal care, hygiene, and grooming.

(D) **Clothing.** Each resident possesses adequate, clean, well-fitting, and seasonable clothing and has a safe place to keep it.

(E) **Community activities.** Each resident has the right to community contacts and opportunities for participation in the local community ~~in accordance with~~ per the resident's service plan.

(F) **Telephone contacts.** Each resident has access to a telephone to initiate and receive uncensored personal calls ~~in accordance with~~ per facility policy and procedure. The residents have access to an attorney and authorized representative of the referring agency.

(G) **Mail.** Resident's letters, both incoming and outgoing, are not opened unless there is suspicion of contraband. ~~If~~ When correspondence is opened, the resident is informed in advance, and is present when the letter is opened. This action is documented.

(H) **Restrictions.** Any restrictions placed on communications are explained to the resident and clearly documented.

(I) **Publicity.** Consent is obtained by the facility from the resident and the resident's parents or custodian prior to the use of any publicity about or related to the resident.

(i) Residents are not caused embarrassment by any publicity or promotional materials.

(ii) Residents are not forced to acknowledge their dependency on the facility or their gratitude to it.

(J) **Grievance.** Residents and parents or custodians have the right to file a grievance.

(K) **Religious training.** Each resident is provided an opportunity to participate in religious services.

(L) **Work.** Each resident is taught good work habits and is provided with a variety of tasks. Whenever possible, residents earn money through work. Residents are never substituted for employed staff.

(M) **Safety.** Adequate measures are taken to prevent accidents and to avoid health and safety hazards.

(N) **Activities.** The program provides each resident regular opportunities to engage in age appropriate or developmentally appropriate activities.

(NO) **Recreation.** Each resident is given time to pursue talents, hobbies, and chosen interests ~~in accordance with~~ per the resident's service plan.

(i) The facility provides a balanced ~~on-grounds~~ on- or off-grounds recreational program.

(ii) A written schedule of planned recreational, leisure, or physical exercise activities is developed with input from staff members and residents and

is kept on file and available for licensing staff to review.

(OP) **Sleep.** The facility provides adequate time and facilities for proper rest and sleep commensurate with each resident's age, health needs, safety, and activities.

(b) **Visitation.** The facility provides the residents and parents or custodian the opportunity for on- or off-campus visits ~~in accordance with~~ per each resident's service plan.

(1) A record is kept of all visits.

(2) Reasons for visitation restrictions are explained to the resident and parents or custodian, documented in the resident's record, and reviewed every six months.

(3) Residents have access to their attorney and the referring agency authorized representative ~~of the referring agency.~~

(c) **Education.** The facility has a clearly written policy that describes the plans for meeting ~~the~~ educational needs of residents.

(1) Training and education are available to meet each resident's abilities.

(2) The facility ensures ~~that~~ school-age residents receive the educational instruction ~~to which~~ they are entitled under provisions of federal and state education laws and regulations.

(3) Education is provided in or by a public school or a private school.

(4) The facility ensures ~~that~~ any resident who is legally not attending school is either gainfully employed or enrolled in a high school ~~equivalent~~ equivalent General Education Development (GED) program or in a training program that teaches necessary life skills or methods of job acquisition.

(5) Tutoring is provided or arranged by the facility for residents, as needed.

(d) **Care of children birth to ~~five~~ five years of age.** Programs caring for children birth to ~~five~~ five years of age provide age or developmentally appropriate activities and equipment. Staff responsible for the care of these children are trained in age or developmentally appropriate practice.

### SUBCHAPTER 5. REQUIREMENTS FOR CHILD-PLACING AGENCIES

#### PART 1. REQUIREMENTS FOR CHILD-PLACING AGENCIES

##### 340:110-5-3. Definitions

The following words and terms when used in this Subchapter shall have the following meaning unless the context clearly states otherwise:

"**Adoption agency**" means an agency licensed as a child-placing agency for the purpose of placing children into adoptive families.

"**Advisory board**" means the entity that offers advice and counsel on the operation of a child-placing agency.

**"Age or developmentally appropriate"** means per Section 1-1-105 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-1-105), suitable, developmentally appropriate activities for children of a certain age or maturity level based on the capacities typical for the age group and the individual child.

**"Agency"** means child-placing agency.

**"Auxiliary personnel"** means cooks, building custodians, or other personnel who provide support services to the agency.

**"Basement"** means an area of a building or structure having one-half or more of its clear height below grade level.

**"Behavior management"** means guidance that provides a learning experience for the child that contributes to developing the capacity for self-control, self-direction, and an understanding of behavioral consequences.

**"Child"** means an individual ~~under~~ younger than 18 years of age.

**"Child Care Restricted Registry," or "Restricted Registry," also named "Joshua's List"** means a registry for registrants who are prohibited from licensure, ownership, employment, having unsupervised access to children, and/or residence in child care facilities per ~~Section 405.3 of Title 10 of Oklahoma Statutes~~ 10 O.S. § 405.3.

**"Child care staff"** means staff who provide direct care and supervision of children.

**"Child-placing agency"** means an agency that arranges for or places a child in a foster family home, adoptive home, or independent living program.

**"Child with special needs"** means a child who, because of age, ethnic origin, physical, mental, or behavioral problems, or sibling group for whom placement for adoption is difficult.

**"Custodian"** means the adult or agency legally responsible for the child.

**"Department"** means the Oklahoma Department of Human Services (DHS).

**"Emergency foster care"** means foster home care provided to a child when an emergency exists or initial placement does not exceed 30-calendar days.

**"Foster home"** means a home that provides full-time substitute family care for a child for a planned period when the child's family cannot provide care.

**"Foster home agency"** means an agency licensed as a child-placing agency for the purpose of certifying foster homes.

**"Foster parent(s)"** means the individual(s) providing foster home care for a child placed by the child-placing agency.

**"Governing board"** means the entity with ultimate responsibility and authority for the overall operation of a private, nonprofit agency.

**"Health professional"** means a licensed physician, nurse practitioner, or physician's assistant, as defined by the appropriate state licensing board.

**"Independent living (IL) program"** means a residential program that places youth, at least 16 years of age, in a living situation supervised by a licensed child-placing agency with the goal of preparing the youth for living independently without supervision.

**"Indian child"** means an unmarried or unemancipated individual younger than 18 years of age who is a member of an Indian tribe or eligible for membership and is the biological child of a member of an Indian tribe per 10 O.S. § 40.2.

**"Infant foster care"** means a category of foster care when the foster home provides care ~~to~~for infants only.

**"Interstate Compact on the Placement of Children (ICPC)"** means the process of ensuring protection and services to children who are placed across state lines.

**"Legal risk placement"** means placement of a child when consent to adoption or permanent relinquishment of parental rights for adoption has not been obtained from both birth parents and parental rights have not been previously terminated.

**"Long-term foster care"** means foster home care when the initial placement plan exceeds 30-calendar days.

**"On-call or substitute staff"** means staff available to work during the absence of regular part-time or full-time staff.

**"Openness in adoption"** means the pre- or post-placement exchange of information, communication, or contact between birth and adoptive families.

**"Parent"** means an individual who is legally responsible for the child, such as a mother, father, legal custodian, or legal guardian.

**"Placement plan"** means a component of the service plan or agreement that contains plans for the placement of the child that best meet the child's needs.

**"Post-adoption services"** means direct or referral services available through the child-placing agency to birth and adoptive parents and the adopted child after the adoption is finalized.

**"Post-placement supervision"** means supervision and services provided after the child is placed with an adoptive family.

**"Proprietary facility"** means a program that operates on a for-profit basis.

**"Reasonable and prudent parent standard"** means per 10A § 1-1-105, the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child. This standard is used by the child's foster parent when determining whether to allow a child to participate in extracurricular, enrichment, cultural, and social activities.

**"Serious incident"** means any non-routine occurrence that has an impact on the care, supervision, or treatment of a child.

**"Service plan or agreement"** means a comprehensive individualized program of action for the child and the child's family, when parental rights have not been terminated, developed by the child-placing agency in cooperation with the child and family or custodian. It establishes specific outcomes and time frames based on the:

- (A) child's age and level of functioning; and
- (B) family's ability and willingness to participate.

**"Social services staff"** means child-placing agency employees who provide social services that include, but are not limited to:

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- (A) casework services to children and the children's families;
- (B) adoptive child and family studies;
- (C) placement services;
- (D) certification of agency facilities;
- (E) admission assessments; and
- (F) service planning.

**"Specialized service professional"** means an individual from an academic discipline or field of expertise who provides individualized services to a child, such as behavioral or physical therapists.

**"Unsupervised access to children"** means an individual being present with children without personnel present who has a complete criminal history review.

**"Volunteer"** means an individual who provides services to the child-placing agency without compensation.

## 340:110-5-6. Organization and administration

(a) **Purpose.** The purpose or function of the child-placing agency (agency) is clearly defined in a statement filed with the Oklahoma Department of Human Services (~~OKDHS~~DHS). This includes the philosophy, goals and objectives, ages and characteristics of children accepted for care, geographical area of service, and types of services provided.

(b) **Organizational structure.** The legal basis or ownership of the agency is fully documented and submitted to ~~OKDHS~~DHS with the initial application request for a license.

(1) **Publicly operated agency.** Documentation of a publicly operated agency identifies the statutory basis of the agency and the administrative framework of the governmental entity that operates the agency.

(2) **Privately operated agency.** A privately operated agency submits:

- (A) as applicable, the charter, partnership agreement, constitution, and articles of incorporation resolution authorizing the agency operation;
- (B) the names, titles, addresses, and telephone numbers for:
  - (i) association members or corporate officers for nonprofit agencies; or
  - (ii) owners, partners, or corporate officers of for-profit agencies;
- (C) the physical address in Oklahoma where child-placing business is conducted; and
- (D) a notification informing ~~OKDHS~~DHS of any change in the legal basis for operation or ownership before the change occurs.

(c) **Governing and advisory boards.** Private, nonprofit agencies establish a governing board and may also have an advisory board. Private, for-profit agencies without a governing board have an advisory board.

- (1) The governing board:
- (A) meets at least ~~twice~~ two times each calendar year and maintains accurate minutes of each meeting;
  - (B) maintains ultimate responsibility for governing and delegates responsibility for administration of the agency to the executive director;

(C) specifies in the constitution and bylaws the responsibilities of and relationship between the governing board and executive director, and submits them to ~~OKDHS~~DHS;

(D) submits to ~~OKDHS~~DHS a current list of names, titles, addresses, and telephone numbers of the members of the governing board;

(E) members receive an orientation to board responsibilities upon appointment; and

(F) is composed of a minimum of five members, the majority of whom:

- (i) may not be ~~made up of~~ agency staff members; and
- (ii) reside in Oklahoma. Multi-state operations may have a governing board outside Oklahoma if they establish local advisory boards that meet the requirements in this subsection.

(2) The advisory board:

(A) meets at least ~~twice~~ two times each calendar year;

(B) is comprised of members, the majority of whom:

- (i) ~~reside in Oklahoma~~ may not be agency staff members; and
- (ii) ~~may not be staff members of the agency~~ reside in Oklahoma;

(C) provides advice and counsel to the agency on the policies and operation of the agency, reflects local concerns, and represents the program to the community; and

(D) submits to ~~OKDHS~~ a current list of names, addresses, and telephone numbers of the members of the advisory board to DHS.

(d) **Policy.**

(1) Agency policy:

- (A) is clearly written and kept current;
- (B) includes, but is not limited to, areas governing personnel, admission, program, behavior management, and care of children; and
- (C) is available at the agency for Licensing staff to review.

(2) The agency maintains current written policy and procedure regarding:

- (A) ~~regarding~~ a child who is absent without permission. ~~If~~ When a child is not located, the agency immediately notifies the child's custodian and the appropriate law enforcement agency. Efforts to locate the child and notify appropriate ~~persons~~ individuals are documented;
- (B) ~~regarding~~ grievance issues related to children. Grievance policy and procedure are explained, and a copy is provided to each child and the child's parents or custodian;
- (C) ~~regarding~~ religious training ~~that is~~ made known to the child and family prior to admission or placement. All children are provided an opportunity to participate in religious services;

- (D) ~~for~~ the care of children, including medical services and safe transportation by staff, volunteers, and foster parents, that complies with all applicable state laws; and
  - (E) ~~for~~ reporting child abuse and neglect.
- (e) **Notifications.** The agency:
- (1) notifies Licensing:
    - (A) on the next ~~working~~agency business day when:
      - (i) the agency is temporarily or permanently closed;
      - (ii) the executive director is ~~changed~~changes; or
      - (iii) damage to the premises caused by fire, accident, or the elements seriously affects the provision of services;
      - (iv) changes to liability insurance coverage are made; and
    - (B) prior to making any program change;
  - (2) submits a detailed written report for any serious incident involving staff or children, ~~including~~, but not limited to:
    - (A) suicide attempts;
    - (B) injuries requiring medical treatment;
    - (C) runaways;
    - (D) commission of a crime; and
    - (E) allegations of abuse, neglect, ~~or~~ mistreatment, or human trafficking. The date and time of the incident, ~~name(s)~~names of the staff and children involved, the nature of the incident, and the circumstances surrounding it are included in the report.
      - (i) ~~In accordance with Section 7103 of Title 10 of the Oklahoma Statutes, any~~Any person who has reason to believe a child has been abused or neglected as described in 10 O.S. § 1-1-105 is required to report the matter promptly to the ~~statewide toll free Child Abuse Hot Line, DHS Child Abuse and Neglect Hotline, 1-800-522-3511 per Section 1-2-101 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-2-101).~~
      - (ii) Failure to report abuse or neglect of a child is a misdemeanor offense and upon conviction is punishable by law. Failure to report with prolonged knowledge, six months or more, of ongoing abuse or neglect is a felony offense.
      - (iii) Per 21 O.S. § 870, every person having reason to believe that a person or child-placing agency is engaging in the crime of trafficking in children, as described in 21 O.S. § 866 of the Oklahoma Statutes, reports the matter promptly to the Oklahoma Bureau of Narcotics and Dangerous Drugs Control.
- (f) **Records.** Agency records pertaining to child-placing activity are maintained within the state of Oklahoma and are made immediately accessible to authorized representatives of ~~OKDHS-DHS~~.
- (g) **Legal compliance.** The agency follows all applicable state and federal laws, including:

- (1) The Oklahoma Adoption Code, ~~Sections 7501-1.1 through 7505-7.2 of Title 10 of the Oklahoma Statutes~~10 O.S. §§ 7501-1.1 through 7505-7.2;
- (2) The Interstate Compact on the Placement of Children, ~~Section 571 of Title 10 of the Oklahoma Statutes~~10 O.S. § 571; and
- (3) Federal and state Indian Child Welfare Acts, Section 1901 et seq. of Title 25 of the United States Code and ~~Sections 40 through 40.9 of Title 10 of the Oklahoma Statutes~~10 O.S. §§ 40 through 40.9.

## PART 5. REQUIREMENTS FOR FOSTER HOME AGENCIES

### **340:110-5-57. Requirements for foster home agencies**

(a) **Agency responsibility.** The licensed foster home agency (agency) retains legal responsibility for supervision, decision-making, and ensuring continuity of care. The agency is responsible for certification of the foster home to Child Care Services (CCS) Licensing, on Oklahoma Department of Human Services (DHS) provided forms ~~provided by the Oklahoma Department of Human Services (DHS) that verify~~verifying the foster home meets minimum requirements.

(1) **Criminal history records search.** The agency conducts a criminal history records search for each member of the foster family ~~who is~~ 18 years of age or older.

(A) **Authorized agencies.** A criminal history records search is obtained from:

- (i) the Oklahoma State Bureau of Investigation (OSBI); and
- (ii) the authorized agency in a ~~person's~~an individual's previous state of residence when the ~~person~~individual has resided in Oklahoma for less than one year;
- (iii) a Federal Bureau of Investigation (FBI) national criminal history search, based on the fingerprints of the individual; and
- (iv) a search of any child abuse registry maintained by a state ~~in which~~where the prospective foster parent or any adult living in the home of the prospective foster parent ~~has~~ resided in the past five years.

(B) **Sex Offenders Registry.** The OSBI report must include a search of the Oklahoma Department of Corrections files maintained by OSBI pursuant to the Sex Offenders Registration Act.

(2) **Disqualifying crimes.** A prospective foster parent is not an approved placement for a child when the prospective foster parent or any other ~~person~~individual residing in the home of the prospective foster parent has been convicted of any of the following felony offenses:

- (A) within the five-year period preceding the application date, physical assault, battery, or a drug-related offense;
- (B) child abuse or neglect;
- (C) domestic abuse;

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- (D) a crime against a child, including, but not limited to, child pornography; or
- (E) a crime involving violence including, but not limited to, rape, sexual assault, or homicide, but excluding those crimes specified in (A) of this paragraph.
- (3) **Certification.** A copy of the certification is maintained in the foster home file.
- (A) Certification of the foster home applies only to the location of the residence at the time the home study is made.
- (B) If the family moves, the agency certifies the new location.
- (4) **Policy.** The agency provides foster parents with agency policy relative to foster care.
- (5) **Medical services.** The agency ensures the child in foster care receives appropriate medical services.
- (6) **Case planning.** The agency is responsible for case planning.
- (7) **Supervision.** The agency provides supervision at least once a month to each child in foster care, including private visits with the child in foster care, and on-site visits to the home, to assess the continued suitability of the foster home environment.
- (8) **Written agreement.** The agency has a written agreement with the foster family, and provides the foster parents a copy of the agreement. The agreement includes statements:
- (A) regarding the financial agreement, when applicable, between the agency and the foster home;
- (B) ~~that~~ the foster home will not:
- (i) accept a non-relative child from any source other than through the foster home agency without the approval of the certifying agency; or
- (ii) provide child care on a regular basis;
- (C) ~~that~~ the agency has the right to remove the child at its discretion;
- (D) ~~that~~ the child in foster care is discharged from foster care only with the consent of the agency;
- (E) ~~that~~ visitation by the child's parents or relatives must be approved by the agency;
- (F) regarding absences of the child from the home, including respite care, as per agency policy;
- (G) ~~that~~ the foster parents agree to cooperate with agency staff in evaluating the foster home and in the ongoing supervision of the foster home; and
- (H) ~~that~~ the foster parents agree to contact the agency when a household member is alleged to have committed an act described in (a)(2) of this Section.
- (9) **Grievance policy and procedure.** The agency has written grievance policy and procedure for foster parents and children.
- (b) **Foster home certification.** Certification of the foster home includes written documentation of:
- (1) application for foster home certification that includes prior child care experience with other agencies;
- (2) appropriate immunizations for the foster parents' children;
- (3) a statement from a health professional certifying ~~that~~ all members of the household ~~have~~ had a physical examination within one year prior to application, verifying ~~that~~ they:
- (A) are in good health; and
- (B) do not have a condition that would interfere with household members' ability to care for children;
- (4) three written references from non-relatives who have knowledge of family functioning;
- (5) a current, completed foster home study before the home is approved; and
- (6) a criminal history records search conducted for each household member ~~who~~ is 18 years of age or older, per ~~OAC~~ Oklahoma Administrative Code (OAC) 340:110-5-57(a)(1) - (2).
- (c) **Foster home study.** The agency prepares a written home study before approving the foster home and prior to placement of a child that contains at a minimum, information regarding:
- (1) **interviews and home visits.** Interviews and home visits include documentation of at least one:
- (A) separate face-to-face interview with each parent, school-age child, and any other household member;
- (B) joint face-to-face interview; and
- (C) home visit;
- (2) **household composition.** Information regarding household composition includes each ~~person~~ individual residing in the home;
- (3) **criminal history records search.** A criminal history records search is conducted on each household member ~~who~~ is 18 years of age or older, per OAC 340:110-1-57(a)(1) - (2), prior to the initial approval of the home and when a ~~new~~ household member, 18 years of age or older, moves into the home;
- (4) **foster child preferred.** The foster home study includes statements regarding the applicant's preference for age, gender, and special needs of the child;
- (5) **motivation, attitudes, and expectations.** The foster home study includes motivation and attitudes toward foster care and expectations regarding children in foster care;
- (6) **health.** Health information for each household member includes:
- (A) present physical health;
- (B) emotional stability;
- (C) medical history; and
- (D) ~~any history~~ histories of drug and/or alcohol use;
- (7) **family functioning;**
- (8) **foster parents' marital status.** The foster home study includes information regarding the marital status of the foster parents, such as present marital status, date of present marriage, description of the marriage or relationship, and history of previous marriages or significant relationships, ~~date of present marriage, and description of the marriage or relationship;~~
- (9) **employment.** The foster home study includes the employment ~~history~~ histories of family members;

- (10) **financial information.** Financial information in the foster home study includes documentation of annual income;
  - (11) **education.** The foster home study includes information regarding the education of family members;
  - (12) **religion.** Information regarding religion includes the family's religious preference and practices;
  - (13) **description of the home.** The description of the home includes the:
    - (A) type of dwelling and physical description; and
    - (B) location of the home and description of the neighborhood;
  - (14) **weapons and firearms.** The foster home study includes the location of weapons and firearms, if any, and an explanation of safety precautions;
  - (15) **transportation.** Information regarding transportation includes the family's means of transportation and verification of:
    - (A) a valid ~~driver's~~driver license for each family member who will transport a child in foster care;
    - (B) current vehicle license tag;
    - (C) current vehicle insurance verification; and
    - (D) an agreement to transport all children and adults in compliance with applicable state law, per Section 11-1112 of Title 47 of the Oklahoma Statutes;
  - (16) **family history.** The foster home study includes information regarding family history, including:
    - (A) names of parents and siblings;
    - (B) dates and places of birth;
    - (C) physical health and mental stability;
    - (D) relationship with family members;
    - (E) social, cultural, and religious orientation; and
    - (F) information regarding the foster parent's childhood, including how they were disciplined;
  - (17) **written references.** The foster home study includes three written references from ~~persons~~individuals who have information relative to the family's ability to provide foster care that include:
    - (A) name, address, and ~~telephone~~phone number;
    - (B) when and how the ~~person~~individual became acquainted with the applicants;
    - (C) how often the ~~person~~individual has contact with the family;
    - (D) information regarding family functioning; and
    - (E) opinions regarding personal qualities and ability to provide care for children in foster care; and
  - (18) **recommendation.** The foster home study includes the recommendation whether to approve the home that:
    - (A) is signed and dated by the ~~person~~individual who conducted the foster home study and the child placement supervisor; and
    - (B) when approved, ~~contains~~includes the type of child preferred and number of children for which the home is approved.
- (d) **Annual home study updates.** The foster home study is updated annually to include:
- (1) documentation of a home visit;
  - (2) documentation of a face-to-face interview with each parent, school-age child, and any other household ~~member~~members;
  - (3) current vehicle insurance verification; and
  - (4) reports of any significant changes from the initial home study.
- (e) **Foster parent training.** The agency provides and documents ~~that~~ each foster parent ~~has~~ received, at a minimum:
- (1) six hours of orientation or pre-service training prior to approval of the foster home or placement of a child ~~and includes~~including, at a minimum:
    - (A) organizational structure of the agency;
    - (B) agency policy;
    - (C) program philosophy;
    - (D) confidentiality;
    - (E) mandatory reporting of child abuse;
    - (F) grievance process;
    - (G) emergency medical procedures; ~~and~~
    - (H) fire and disaster plans; and
    - (I) skills and knowledge on application of reasonable and prudent parent standard;
  - (2) six additional hours of training within the first calendar year of certification ~~that is~~ relevant to the needs of the child placed in the foster parent's care and ~~is~~ documented by the agency to include, but ~~is~~ not limited to:
    - (A) normal child development;
    - (B) behavior management;
    - (C) separation and loss; and
    - (D) infection control and injury prevention; and
  - (3) 12 hours of training each calendar year thereafter that is relevant to foster parents' roles and responsibilities and may include workshops and video presentations.
- 340:110-5-58. Requirements for foster parents**
- (a) **General.** Foster parents provide the foster home agency (agency) any information related to compliance with all requirements and allow representatives of the agency access to any member of the household and into all rooms within the home. Foster parents:
- (1) are responsible, mature, healthy adults capable of meeting the needs of the children in care;
  - (2) apply the reasonable and prudent parent standard;
  - (23) demonstrate a capacity for setting realistic expectations for behavior and performance based on the ages, abilities, and special needs of the children;
  - (34) may be married ~~couples~~, single ~~persons~~, or family members with a stable living arrangement; and
  - (45) ensure ~~that~~ all members of the household are informed of and agree to accept the child into the home.
- (b) **Age.** Foster parents are at least 21 years of age.
- (c) **Income and employment.** Foster parents have sufficient income to meet their needs and ensure the security and stability of the household independent of foster care maintenance payments, ~~if when~~ applicable.
- (1) Foster parents who both work outside the home obtain approval from the agency for their plan of care for the children during ~~their absence~~the parents' absences.

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- (2) Foster parents obtain approval from the agency to conduct a business in the home and demonstrate that ~~the~~ activities related to this business will do not interfere with the children's care ~~of the children~~.
- (d) **Notifications.** Foster parents comply with the requirements pertaining to notifications. Foster parents notify the agency:
- (1) in writing prior to allowing any ~~person~~individual to ~~take up residence~~reside for more than ~~two weeks~~14-calendar days, in the foster home;
  - (2) immediately of the occurrence of:
    - (A) the death of a child;
    - (B) a serious injury or illness involving medical treatment of the child;
    - (C) unauthorized absence of the child from the home as defined by agency policy;
    - (D) removal of the child from the home by any ~~person~~individual or agency other than the placing agency, or attempts at such removal;
    - (E) loss of income that affects the family's ability to meet the needs of the children in foster care;
    - (F) any involvement of a child with legal authorities;
    - (G) any known arrests, criminal investigations, criminal charges, or child abuse investigations involving persons living in the home;
    - (~~G~~H) any fire or other emergency requiring evacuation of the home; and
    - (~~H~~I) lack of heat, water, or electricity; and
  - (3) as soon as possible of:
    - (A) any serious illness or death in the household;
    - (B) the departure or return of any member of the household;
    - (C) a move to another residence; and
    - (D) any other circumstance or incident seriously affecting the child or care of the child; and
    - (E) any allegations of child abuse.
- (e) **Cooperation.** Foster parents work cooperatively with agency representatives as members of the treatment team responsible for planning, providing, and discussing the total care and services provided to each child. Foster parents:
- (1) fully disclose all information related to a child's problems or progress to agency representatives;
  - (2) treat any personal information about a child or the child's family in a confidential manner; and
  - (3) participate in an annual, mutual review with the agency to evaluate ~~the~~ strengths and weaknesses of the foster home and of agency representatives' relationships with foster parents.

### 340:110-5-61. Children's rights

The foster home agency (agency) ensures ~~that~~ the child in foster care is:

- (1) not forced to participate in publicity or promotional activities;
- (2) not publicly identified as a ward of the agency;
- (3) provided an opportunity to participate in religious services;

- (4) supplied with facilities and supplies for personal care, hygiene, and grooming;
- (5) supplied with his or her own clothing and shoes appropriate to the season, age, activities, and individual needs and comparable to that of other children in the community;
- (6) provided individual space in the foster home for the child's personal possessions and a reasonable degree of privacy.
  - (A) The child has the right to bring, possess, and acquire personal belongings subject only to reasonable household rules and the child's service plan.
  - (B) Personal belongings are sent with the child when the child leaves the home;
- (7) expected to perform only household tasks that are within the child's abilities, reasonable for the child's age, and similar to those expected of other household members of comparable age and ability;
- (8) given guidance in managing money.
  - (A) Money earned by the child or received as a gift or allowance is the child's personal property.
  - (B) The child is not required to use earned money to pay for room and board, unless it is a part of the service plan and approved by the parent or custodian and the agency;
- (9) allowed privacy in writing, sending, or receiving correspondence, unless restricted by the service plan;
- (10) not denied meals as punishment;
- (11) not subjected to remarks that belittle or ridicule the child or the child's family;
- (12) allowed to visit with the child's family, ~~in accordance with~~per the service plan;
- (13) not forced to acknowledge dependency on the agency or foster home or gratitude to them;
- (14) given the opportunity, at the child's or agency's request, for private conversation with the agency's staff members ~~who are~~ responsible for the child's supervision; ~~and~~
- (15) provided educational opportunities ~~in accordance with~~per the child's plan of care; ~~and~~
- (16) provided regular opportunities to engage in age appropriate or developmentally appropriate activities.

[OAR Docket #15-838; filed 11-4-15]

## TITLE 485. OKLAHOMA BOARD OF NURSING

### CHAPTER 10. LICENSURE OF PRACTICAL AND REGISTERED NURSES

[OAR Docket #15-832]

#### RULEMAKING ACTION:

EMERGENCY adoption

#### RULES:

Subchapter 6. Minimum Standards for Approved Advanced Practice Registered Nursing (APRN) Education Programs (Effective January 1, 2016)

485:10-6-2. [AMENDED]

**AUTHORITY:**

Oklahoma Board of Nursing; 59 O.S., §§ 567.2 A, 567.4 F, 567.12a

**ADOPTION:**

September 28, 2015

**EFFECTIVE:**

Immediately upon Governor's approval

**APPROVED BY GOVERNOR:**

October 26, 2015

**EXPIRATION:**

Effective through September 14, 2016, unless superseded by another rule or disapproved by the Legislature

**SUPERSEDED EMERGENCY ACTIONS:**

n/a

**INCORPORATIONS BY REFERENCE:**

n/a

**FINDING OF EMERGENCY:**

On August 27, 2015, a new section of law went into effect [OAC Title 485:10-6] which sets forth requirements for approval of advanced practice registered nursing education programs. Effective January 1, 2016, advanced practice registered nursing education programs in Oklahoma shall meet the Rule requirements, which include nursing faculty requirements. Currently, not all faculty of the advanced practice registered nursing education programs meet the nursing faculty qualifications in the newly adopted Rules. The proposed emergency rules will allow faculty employed in the advanced practice registered nursing education programs to retain current positions. Retention of faculty in nursing education programs impacts public health, safety and welfare by providing adequate number of faculty to teach future health care providers. Limited number of faculty correlates to limited health care provider graduates, which further decreases access to care in Oklahoma.

**ANALYSIS:**

The emergency rule of OAC 485:10-6-2(4)(D) allows for persons employed in advanced practice registered nursing education programs in the positions of program administrator, lead faculty, and/or faculty member on December 31, 2015, to be deemed as meeting the education and clinical experience qualifications as included in OAC 485:10-6-2(4). There are faculty in Oklahoma advanced practice registered nursing education programs who currently do not meet the requirements, specifically the requirement of two years of clinical experience as an Advanced Practice Registered Nurse. While representatives of these programs provided input in developing the newly adopted rules, oversight of this matter has been noted and is being addressed through emergency rule request.

**CONTACT PERSON:**

Jackye Ward, Deputy Director, (405) 962-1809, 2915 North Classen Boulevard, Suite 524, Oklahoma City, OK 73106

**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(F):**

**SUBCHAPTER 6. MINIMUM STANDARDS FOR APPROVED ADVANCED PRACTICE REGISTERED NURSING (APRN) EDUCATION PROGRAMS (EFFECTIVE JANUARY 1, 2016)**

**485:10-6-2. Minimum standards for APRN education programs**

To be approved as an APRN education program in the state of Oklahoma, the program shall meet the following standards:

- (1) The APRN education program is a graduate-level program offered by a university accredited by an accrediting body that is recognized by the U.S. Secretary of Education and/or the Council for Higher Education Accreditation (CHEA);

- (2) The APRN education program holds accreditation or candidacy status from one of the following:

- (A) The Accreditation Commission for Education in Nursing
- (B) The Commission on Collegiate Nursing Education
- (C) The Commission for Nursing Education Accreditation
- (D) The Accreditation Commission for Midwifery Education
- (E) The American Association of Nurse Anesthetists' Council on Accreditation of Nurse Anesthesia Educational Programs;

- (3) The curriculum of the APRN education program must prepare the graduate to practice in one of the four identified APRN roles (i.e., CRNA, CNM, CNS, or CNP) and in at least one of the six population foci (i.e., Family/Individual across the Lifespan, Adult-Gerontology (acute and/or primary), Neonatal, Pediatrics (acute and/or primary), Women's Health/Gender-Related, or Psychiatric/Mental Health). The curriculum shall include:

- (A) Graduate APRN core courses, to include three separate graduate level courses in:
  - (i) Advanced physiology and pathophysiology, including general principles that apply across the lifespan;
  - (ii) Advanced health assessment, which includes assessment of all human systems, advanced assessment techniques, concepts and approaches; and
  - (iii) Advanced pharmacology (a minimum of a three academic credit hour course), which includes pharmacodynamics, pharmacokinetics and pharmacotherapeutics of all broad categories of agents;
- (B) Additional core course content, specific to the role and population in APRN core areas, integrated throughout the specific role and population focus didactic and clinical courses, to include the use and prescription of pharmacologic and non-pharmacologic interventions;
- (C) Preparation in legal, ethical, and professional responsibilities of the APRN; and
- (D) A minimum of 500 supervised clinical hours directly related to each role and population focus, including pharmacotherapeutic management of patients.

- (4) An APRN program shall appoint the following personnel:

- (A) An APRN program administrator whose qualifications shall include:
  - (i) A current, unencumbered APRN license in the state of Oklahoma;
  - (ii) A minimum of a master's degree in nursing and an earned doctoral degree; and
  - (iii) At least two years of clinical experience as an APRN.
- (B) A lead faculty member to coordinate each role and population focus track in the APRN program,

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including curriculum development, whose qualifications shall include:

- (i) A current, unencumbered APRN license in the state of Oklahoma;
- (ii) A minimum of a master's degree in nursing that includes preparation in the same role and population focus as the track for which he/she is responsible;
- (iii) At least two years of clinical experience as an APRN; and
- (iv) Current knowledge, competence and certification as an APRN in the role and population focus consistent with teaching responsibilities.
- (v) The APRN program administrator may also serve as the lead faculty member if all qualifications are met. If the APRN program administrator has teaching or other responsibilities, adequate time will be provided to fulfill administrative duties for the APRN education program.

(C) Nursing faculty, including adjunct clinical faculty, to teach any APRN nursing course that includes a clinical learning experience shall meet the following qualifications:

- (i) A current, unencumbered APRN license in the state of Oklahoma;
- (ii) A minimum of a master's degree in nursing that includes preparation in a role and population focus consistent with teaching responsibilities;
- (iii) Two years of APRN clinical experience; and
- (iv) Current knowledge, competence and certification as an APRN in the role and population foci consistent with teaching responsibilities.

(D) Any person employed in the position of APRN program administrator, APRN lead faculty, and/or APRN faculty member on December 31, 2015, shall be deemed to meet the education and clinical experience qualifications.

~~(E)~~ Interdisciplinary faculty who teach non-clinical nursing courses shall have advanced preparation appropriate to these areas of content.

~~(F)~~ Clinical preceptors will serve as a role model and educator to the student. Clinical preceptors may be used to enhance faculty-directed clinical learning experiences, but not to replace them.

~~(G)~~ Clinical preceptors will be approved by faculty and meet the following requirements:

- (i) Hold a current, unencumbered license in the state of Oklahoma, or in another state (if employed by the United States Government or any bureau, division, or agency thereof; or if the preceptorship takes place in another state), as an APRN, Medical Doctor, or Doctor of Osteopathy and practices in a comparable practice focus;
- (ii) Function as a supervisor and teacher and contribute to the evaluation of the individual's performance in the clinical setting; and

(iii) Have demonstrated competencies related to the area of assigned clinical teaching responsibilities.

(5) Each student enrolled in the APRN program shall have a current, unencumbered Oklahoma Registered Nurse license.

(6) APRN programs preparing for two population foci or a combined nurse practitioner/clinical nurse specialist shall include content and 500 hours of clinical experience in each functional role and population focus.

(7) Advanced placement policies shall allow fair, consistent, valid, and defensible evaluation of students' didactic knowledge and clinical competence. Students admitted with advanced placement must meet the program's APRN outcome competencies.

[OAR Docket #15-832; filed 11-2-15]

### TITLE 485. OKLAHOMA BOARD OF NURSING CHAPTER 10. LICENSURE OF PRACTICAL AND REGISTERED NURSES

[OAR Docket #15-831]

**RULEMAKING ACTION:**  
EMERGENCY Adoption

**RULES:**  
Subchapter 12. Corrective Action [NEW]  
485:10-12-1. [NEW]  
485:10-12-2. [NEW]  
485:10-12-3. [NEW]  
485:10-12-4. [NEW]

**AUTHORITY:**  
Oklahoma Board of Nursing; 59 O.S. §§ 567.8a, 567.2

**ADOPTION:**  
September 29, 2015

**EFFECTIVE:**  
Immediately upon Governor's approval or November 1, 2015, whichever is later.

**APPROVED BY GOVERNOR:**  
October 26, 2015

**EXPIRATION:**  
Effective through September 14, 2016, unless superseded by another rule or disapproved by the Legislature

**SUPERSEDED EMERGENCY ACTIONS:**  
n/a

**INCORPORATIONS BY REFERENCE:**  
n/a

**FINDING OF EMERGENCY:**  
On April 21, 2015, the Governor approved a new section of law [59 O.S. § 567.8a] to be added to the statute governing the Oklahoma Board of Nursing. The new law grants the Board additional authority to dispose of certain violations of the Oklahoma Nursing Practice Act and/or Rules in an entirely new manner and directs the Board to promulgate rules to carry out the new law.

The new law goes into effect on November 1, 2015. In order to protect the public health, safety and welfare, which, by statute, is the purpose of the Oklahoma Board of Nursing, the rules to carry out the purpose and directives of the new law must be ready when the statute goes into effect.

**ANALYSIS:**  
The rules are authorized by and relate to new law, Section 567.8a of Title 59, which creates a new form of action to be issued by the Oklahoma Board of Nursing: corrective action.

The rules: 1) define corrective action as remedial education and/or an administrative penalty imposed for a violation of the Oklahoma Nursing Practice Act and/or Rules, and make clear that a corrective action is not a disciplinary or negative action; 2) state what conduct may warrant a corrective

action and exclude certain acts from eligibility for corrective action; 3) establish a maximum limit of five hundred dollars (\$500.00) per violation for the administrative penalty; 4) establish the procedure for issuing a corrective action and provide for notice and an opportunity to respond; and 5) state the consequences of failure to comply with the notice procedures and failure to fulfill the substantive requirements of a person's corrective action.

**CONTACT PERSON:**

Kim Glazier, Executive Director, (405) 962-1813, 2915 North Classen Boulevard, Suite 524, Oklahoma City, OK 73106

**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 (F):**

## **SUBCHAPTER 12. CORRECTIVE ACTION**

### **485:10-12-1. Purpose**

The rules of this Subchapter have been adopted for the purpose of complying with the provisions of the Oklahoma Nursing Practice Act. [59 O.S. § 567.8a] This Subchapter governs the imposition of Corrective Action in lieu of disciplinary action. A Corrective Action imposed under this Subchapter is not a disciplinary action, a negative action or an adverse action under the Oklahoma Nursing Practice Act.

### **485:10-12-2. Definitions**

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

"Corrective Action" means an administrative penalty and/or remedial education that is not considered a disciplinary action, an adverse action or a negative action or finding imposed on an individual who is licensed or regulated under the Oklahoma Nursing Practice Act. The Board may consider a Corrective Action in an individual's subsequent violation(s) of the Oklahoma Nursing Practice Act, Board Rules or Corrective Action Order(s).

### **485:10-12-3. Imposition of Corrective Action**

(a) a Corrective Action may be issued for any of the following violations:

- (1) practice without current licensure/certification/recognition in accordance with time parameters identified in the Board's Violation Guidelines,
- (2) initial failure to provide the Board with complete and accurate answers on any licensure application,
- (3) failure of an Advanced Practice Registered Nurse to obtain prescriptive authority recognition in an additional role and population focus area, where the Advanced Practice Registered Nurse otherwise meets all requirements for the prescriptive authority recognition,
- (4) other violations of the Oklahoma Nursing Practice Act and/or Board Rules that are appropriate for resolution

at the remediation level of education and/or an administrative penalty, in accordance with the Board's Violation Guidelines.

(b) an individual may not be eligible for Corrective Action if, at the time of imposition:

- (1) the individual has committed more than one of the violations listed in (a) of this subsection;
- (2) the individual has previously received Corrective Action for similar practice-related violation(s);

(c) An individual shall not be eligible for Corrective Action if, at the time of imposition:

- (1) the violation involved significant harm or substantial risk of harm to a patient or the public; or
- (2) if the individual attempted to conceal his or her violation(s) at any time during the facility, government and/or Board investigation(s).

(d) the administrative penalty for each violation shall not exceed five hundred dollars (\$500.00).

(e) The opportunity to enter into an agreed Corrective Action is at the sole discretion of the Executive Director within the parameters of these Rules as a condition of settlement by agreement. A contested procedure conducted pursuant to 59 O.S. § 567.8 and OAC 485:10-11-1 *et seq.* may result in a Corrective Action.

### **485:10-12-4. Corrective Action Procedure**

(a) If the Executive Director determines that an individual has committed a violation for which a Corrective Action may be imposed, the Executive Director may give him or her written notice of the determination and recommendation for Corrective Action. The notice may be given by certified mail sent to the individual's address on file. The notice must:

- (1) Include a brief summary of the alleged violation;
- (2) State the recommended Corrective Action; and
- (3) Inform the individual of his or her options in responding to the notice.

(b) Not later than the 20th day after receipt of the notice, the individual may:

- (1) Accept in writing the Executive Director's determination and recommended Corrective Action; or
- (2) Reject the determination and recommended Corrective Action.

(c) If the individual accepts the Executive Director's determination and recommended Corrective Action the case is placed in monitoring for the time period identified in the Corrective Action Order, or until the individual completes the requirements of the Corrective Action Order, whichever occurs first.

(d) The Executive Director may terminate Corrective Action proceedings and dispose of the matter as a disciplinary proceeding if the individual:

- (1) does not accept the Executive Director's determination and recommended Corrective Action as originally proposed or as modified,
- (2) fails to respond in a timely manner to the Executive Director's notice, or

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(3) having accepted the recommended Corrective Action, fails to timely complete the terms of the Corrective Action Order.

[OAR Docket #15-831; filed 11-2-15]

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

[OAR Docket #15-839]

**RULEMAKING ACTION:**

EMERGENCY adoption

**RULES:**

575:10-1-3 [AMENDED]

**AUTHORITY:**

Oklahoma State Board of Examiners of Psychologists; 59, O.S., 2001, Section 1352.1(8).

**ADOPTION:**

September 18, 2015

**EFFECTIVE:**

Immediately upon Governor's approval.

**APPROVED BY GOVERNOR:**

October 26, 2015

**EXPIRATION:**

Effective through September 14, 2016, unless superseded by another rule or disapproved by the Legislature.

**SUPERSEDED EMERGENCY ACTIONS:**

n/a

**INCORPORATIONS BY REFERENCE:**

n/a

**FINDING OF EMERGENCY:**

At the September meeting, the Board voted to initiate Emergency Rule making action and strike 575:10-1-3(i) Board members not eligible. This rule prohibits board members to supervise applicants during the postdoctoral year. Recently, the Governor appointed a new board member who was approved to serve as a supervisor in a postdoctoral supervision agreement prior to becoming appointed to the Board.

**ANALYSIS:**

Striking rule 575:10-1-3(i) will enable a new board member to complete a previously approved supervision agreement and will also allow board members to provide supervision in the future.

**CONTACT PERSON:**

Teanne Rose, Executive Officer, Oklahoma State Board of Examiners of Psychologists, 421 N.W. 13<sup>th</sup> Street, Suite 180, Oklahoma City, OK 73103, 405-522-1333.

**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(F):**

**575:10-1-3. Private Practice Under Supervision**

(a) **Purpose.** The purpose of this provision is to provide an opportunity for individuals to fulfill the experience requirements for licensure in psychology in other than academic, governmental, or institutional settings. The applicant for such approval is considered to be requesting entrance into the established practice of a licensed psychologist for the purpose of gaining supervised experience.

(b) **Not an independent practitioner.** The applicant, if approved to conduct Private Practice Under Supervision, is not authorized to represent him/herself as an independent practitioner of psychology to the public.

(c) **Application; eligibility; approval.** Application for approval to Practice Psychology Under Supervision shall be made in the same manner, and on the same forms that are used to apply for licensure. A statement, signed by both the applicant and proposed supervisor, must be submitted with the application. The statement shall contain an explicit statement indicating that the supervisor agrees to supervise the practice of psychology of the applicant, and that the supervisor has read, understands and agrees to the provisions of the law with respect to practice under supervision, 59 O.S., Section 1353(d) to wit, that the supervisor accepts complete and full responsibility for the psychological activities and services of the applicant. Permission to practice under supervision will be granted only after the applicant has completed all requirements for the doctorate and the Board has been so notified by the university awarding the degree. Approval will be extended only to those whose training and experience would qualify them for licensure after completion of the experience requirements of the law, except for the second year of supervised experience as required in 575:10-1-2(g), and has been approved by the Board or a committee selected by the Board to sit for examination. Approval for practice under this provision shall be for a period of one calendar year dating from the date of approval by the Board of the application for Private Practice Under Supervision or until date of licensure. Extension of this approval shall be considered only upon written request of the supervisee and such request must be received prior to the end of the one-year period of previous approval.

(d) **Written agreement between applicant and supervisor.** Applications for approval to engage in Private Practice Under Supervision shall include a written agreement, co-signed by the applicant and his/her supervisor, describing the terms of the supervisory arrangement. Said terms must include supervision time amounting to at least 90 minutes weekly and a statement of fees charged for supervisory time, the extent of the applicant's services rendered to the public while practicing under supervision, and an evaluation of the quality of the applicant's professional and interpersonal skills for rendering services to the public.

(e) **Notice of decision.** The individual applicant for approval for Private Practice Under Supervision shall be notified in writing as to the decision of the Board or committee with respect to said application.

(f) **Preparation and distribution of certain announcements forbidden.** Persons approved for the private practice under supervision are not authorized to represent themselves as independent practitioners of psychology. Preparation or distribution of announcements of practice, independent telephone listings, or other such notices shall be in violation of the authorization to practice under supervision and will lead to automatic revocation of the approval for practice under supervision.

(g) **Terminate responsibilities and obligations.** Any individual practicing psychology under supervision must take the

Examination for Professional Practice in Psychology (EPPP) and Jurisprudence Examination. No later than one calendar year after the day permission to practice under supervision is granted. Failure to take the examination within the designated time period shall result in automatic revocation of the approval to practice under supervision. An individual approved for Private Practice Under Supervision who fails all or part of the examination for licensure, may be granted an extension of the approval for Private Practice Under Supervision; however, such approval shall be automatically revoked if the individual does not attempt re-examination within one calendar year from the date of the completion of the last part of the examination which was previously attempted. Under unusual circumstance, such as military service or major illness, an applicant may be granted an extension of the approval to practice until the next examination which the supervisee might reasonably be expected to attempt. If the applicant fails any of the three portions of the licensing examination three times then approval for practice under supervision will automatically be revoked.

(h) **Requirements for supervisors.** Permission to practice psychology under supervision shall be granted to applicants who otherwise qualify, only if the supervisor for their practice is:

- (1) A psychologist who has been licensed for two years and in good standing.
- (2) Trained in the same major program of study as the applicant's doctoral training and who will supervise the

candidate in work consistent with that major program of study.

(3) Currently engaged in a private practice rendering psychological services to the public on at least a 10-hour weekly basis.

(4) Is not a member of the psychologist's immediate family nor an individual with whom the necessary level of objectivity can be maintained. This will include, but is not limited to, a spouse, children, siblings, and parents or anyone with whom the psychologist has an emotionally or sexually intimate relationship.

~~(i) **Board members not eligible.** Board members shall not be authorized as supervisors under this provision.~~

(j) **Supervisor's responsibility.** As per 59 O.S., Section 1353(6), the supervising psychologist accepts full and complete responsibility for all professional conduct of the supervisee; all professional responsibility resides with the supervisor, not with the supervisee. The supervisee will be considered to have joined the practice of the supervisor. The supervisory psychologist will normally be expected to accept no more than three supervisees under the provision of this section. Exceptions to this limit may be approved by the Board if the Board determines that adequate supervision will be provided by the proposed relationship.

*[OAR Docket #15-839; filed 11-5-15]*

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