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# The Oklahoma Register

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Oklahoma  
Secretary of State  
Office of Administrative Rules



**Mary Fallin, Governor**  
**James A. Williamson,**  
**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 210. STATE DEPARTMENT OF EDUCATION CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES**

*[OAR Docket #18-660]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions

210:10-1-3. Reports and records for attendance, enrollment, and transportation [AMENDED]

### **SUMMARY:**

The rule describing the creation and maintenance of school attendance, enrollment, and transportation records must be updated to reflect changes in law and practice. The existing rule language refers to requirements that are no longer in effect, such as making records in ink when digital recordkeeping is now authorized. References to the County Superintendent must also be removed, as that position no longer exists.

### **AUTHORITY:**

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 18-116; 70 O.S. § 24-114

### **COMMENT PERIOD:**

Written comments on the proposed rule(s) will be accepted from October 1, 2018 until 4:30 p.m. on Friday, November 2, 2018.

Written comments in electronic form will be accepted during the open public comment period via email at [rules@sde.ok.gov](mailto:rules@sde.ok.gov) or by fax at (405) 522-6256. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person."

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

### **PUBLIC HEARING:**

A public hearing is scheduled for 2:00 p.m. on Friday, November 2, 2018, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

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

N/A

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

Copies of the proposed rule(s) may be obtained for review by the public from the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Electronic copies of proposed rules are also available for review thirty (30) days prior to the hearing on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent. A copy of the RIS will also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

### **CONTACT PERSON:**

Lori Murphy, Assistant General Counsel, Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 522-5260

*[OAR Docket #18-660; filed 9-7-18]*

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

*[OAR Docket #18-661]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

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

Part 5. Standard III: Administration and Organization

210:35-3-46. Administrative and supervisory services [AMENDED]

Subchapter 27. Proficiency Based Promotion

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210:35-27-2. Proficiency based promotion and evaluations of student placement [AMENDED]

### SUMMARY:

These rules from the standards for school accreditation must be updated due to changes in law since the rules were adopted. In 210:35-3-46, "Administrative and supervisory services", references to kindergarten as solely a half-day program and the school day as consistently 6 hours long are no longer accurate and will be updated accordingly. In 210:35-27-2, "Proficiency based promotion", references to the repealed Achieving Classroom Excellence Act and discontinued End-of-Instruction exams are being removed.

### AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 1-109; 70 O.S. § 18-108; 70 O.S. § 1210.521 et seq. (repealed)

### COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from October 1, 2018 until 4:30 p.m. on Friday, November 2, 2018.

Written comments in electronic form will be accepted during the open public comment period via email at [rules@sde.ok.gov](mailto:rules@sde.ok.gov) or by fax at (405) 522-6256. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person."

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

### PUBLIC HEARING:

A public hearing is scheduled for 2:00 p.m. on Friday, November 2, 2018 at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

### COPIES OF PROPOSED RULES:

Copies of the proposed rule(s) may be obtained for review by the public from the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Electronic copies of proposed rules are also available for review thirty (30) days prior to the hearing on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent. A copy of the RIS will

also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

### CONTACT PERSON:

Lori Murphy, Assistant General Counsel, Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 522-5260

*[OAR Docket #18-661; filed 9-7-18]*

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

*[OAR Docket #18-662]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 87. Rules for Payments to Charter Schools

210:40-87-4. Penalty for noncompliance [AMENDED]

210:40-87-6. Charter school insurance and surety bonding [AMENDED]

### SUMMARY:

Two of the rules addressing charter schools are being updated to reflect changes to the Oklahoma Charter Schools Act in the time since their adoption. Both amended sections were drafted to refer only to school districts as charter school sponsors, while the Charter Schools Act now authorizes sponsorship by other entities including technology center districts, colleges that are part of the State System of Higher Education, federally recognized Indian tribes, and in certain instances the State Board of Education.

### AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 3-132

### COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from October 1, 2018 until 4:30 p.m. on Friday, November 2, 2018.

Written comments in electronic form will be accepted during the open public comment period via email at [rules@sde.ok.gov](mailto:rules@sde.ok.gov) or by fax at (405) 522-6256. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person."

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

### PUBLIC HEARING:

A public hearing is scheduled for 2:00 p.m. on Friday, November 2, 2018, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must

sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule(s) may be obtained for review by the public from the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Electronic copies of proposed rules are also available for review thirty (30) days prior to the hearing on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent. A copy of the RIS will also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

**CONTACT PERSON:**

Lori Murphy, Assistant General Counsel, Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 522-5260

*[OAR Docket #18-662; filed 9-7-18]*

**TITLE 610. STATE REGENTS FOR HIGHER EDUCATION  
CHAPTER 25. STUDENT FINANCIAL AID AND SCHOLARSHIPS**

*[OAR Docket #18-659]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 23. Oklahoma Higher Learning Access Program
- 610:25-23-4. Program requirements [AMENDED]
- 610:25-23-7. Payment of awards; policies and limitations [AMENDED]
- 610:25-23-8. Administrative responsibilities [AMENDED]

**SUMMARY:**

The proposed permanent rule revisions are necessary for three reasons:

(a) To incorporate changes from HB 3592 passed during the 2018 legislative session related to the return of award funds when a student withdraws from a course in college.

(b) To incorporate changes approved as emergency rules earlier in 2018 that clarify the student requirements to "attend school regularly," "refrain from substance abuse," and "refrain from commission of crimes or delinquent acts."

(c) To include language related to the prohibition of awards for noncredit remedial courses as required by SB 529 passed during the 2017 session.

Return of Award Funds for Certain Course Withdrawals: HB 3592 requires that award funds be returned to the program when a student withdraws from a college course prior to the end of the add/drop period for the semester in which the student is enrolled. This requirement is consistent with current program procedures.

Clarification Related to Student Conduct Requirements: The current language in the rules states that "compliance with the program requirements for attending school regularly, refraining from substance abuse, and refraining from criminal or delinquent acts shall be determined according to the local school district's policy." The proposed revisions specify the following:

(a) "Attend school regularly" will mean that the student was in attendance at least eighty percent (80%) of each school year, excluding absences excused by the school.

(b) "Refrain from substance abuse" will mean that the student was not adjudicated delinquent as a juvenile nor convicted of a crime as an adult by a court of law for an offense involving a controlled dangerous substance, as defined in the Oklahoma Statutes.

(c) "Refrain from the commission of a crime or delinquent act" will mean that student was not adjudicated delinquent as a juvenile nor convicted of a crime as an adult by a court of law.

The revisions also direct local school districts to report to the State Regents the compliance or noncompliance of students with the three conduct requirements. This revision would also align the rule with guidance provided by the office of the Oklahoma Attorney General.

Relatively few Oklahoma's Promise students are disqualified for failure to comply with the conduct requirements. Of the over 8,300 students in the 2017 high school graduating class, about forty (0.5%) were disqualified only on the basis of noncompliance with one or more of the three conduct requirements.

Eliminating Award Payment for Remedial Courses: SB 529 of the 2017 legislative session included the requirement that, beginning with the 2018-2019 academic year, the program will no longer pay for noncredit remedial courses.

**AUTHORITY:**

70 O.S. §2601 *et seq.*; 70 O.S. §3206 (i); Oklahoma State Regents for Higher Education

**COMMENT PERIOD:**

Interested persons may submit written and oral comments to David B. Harting, Assistant General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway,

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Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., October 31, 2018.

### **PUBLIC HEARING:**

A public hearing has not been scheduled; however, one can be requested by contacting David B. Harting, Assistant General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., October 31, 2018.

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

N/A

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

Copies of proposed rules may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104.

### **RULE IMPACT STATEMENT:**

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 on and after October 1, 2018.

### **CONTACT PERSON:**

David B. Harting, Associate General Counsel, Oklahoma State Regents for Higher Education, (405) 225-9289.

*[OAR Docket #18-659; filed 9-7-18]*

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# Executive Orders

As required by 75 O.S., Sections 255 and 256, Executive Orders issued by the Governor of Oklahoma are published in both the *Oklahoma Register* and the *Oklahoma Administrative Code*. Executive Orders are codified in Title 1 of the *Oklahoma Administrative Code*.

Pursuant to 75 O.S., Section 256(B)(3), "Executive Orders of previous gubernatorial administrations shall terminate ninety (90) calendar days following the inauguration of the next Governor unless otherwise terminated or continued during that time by Executive Order."

## TITLE 1. EXECUTIVE ORDERS

**1:2018-23.**

### EXECUTIVE ORDER 2018-23

I, Mary Fallin, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 8:00 a.m. to 5:00 p.m. on Tuesday, September 11, 2018, to honor the victims of the 9/11 terrorist attack on America.

On September 11, 2001, our nation suffered the worst terrorist attack on United States soil that heartbreakingly ended the lives of thousands of innocent people. With continued gratefulness, our nation remembers our armed forces who have made the ultimate sacrifice in defense of our freedom and security, and honor those who continue to heroically serve.

This executive order shall be forwarded to the Division of Capital Assets Management, who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 6th day of September, 2018.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:  
Amy Canton  
Acting Assistant Secretary of State

*[OAR Docket #18-658; filed 9-6-18]*

**1:2018-24.**

### EXECUTIVE ORDER 2018-24

I, Mary Fallin, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and

Oklahoma flags on State property at half-staff from 8:00 a.m. to 5:00 p.m. on Friday, September 14, 2018, to honor former state lawmaker Frank Davis, who passed away on September 9, 2018.

Frank Davis served in the Oklahoma House of Representatives from 1978-2004 and was minority leader from 1982-86. A 1959 University of Oklahoma College of Law graduate, Davis continued practicing law even after celebrating his 82<sup>nd</sup> birthday last month. He also served as Acting Postmaster in Ada, practiced law in Medford, served as County Attorney in Logan County (1961-65), served as a judge for the Guthrie Municipal Court (1974-78), and then went into private practice. He leaves behind a loving wife and two children. His service to our state was meaningful, and his character and integrity were well known to all who knew him.

This executive order shall be forwarded to the Division of Capital Assets Management, who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 11<sup>th</sup> of September, 2018.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:  
James A. Williamson  
Secretary of State

*[OAR Docket #18-663; filed 9-11-18]*

