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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 5. OKLAHOMA ABSTRACTORS BOARD CHAPTER 11. ADMINISTRATION OF ABSTRACTORS ACT

[OAR Docket #24-1280]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Abstract Licenses, Certificates of Authority, and Permits

5:11-3-9. Forms [AMENDED]

Subchapter 5. Regulation of Licensees, Certificate Holders, and Permit Holders

5:11-5-3. Preparation of abstracts [AMENDED]

SUMMARY:

The proposed revisions to Chapter 11 to create uniformity with other statutes to allow the ability for abstractors to exclude older, non-federal mortgages from the process and, in turn, create potential time savings for production.

AUTHORITY:

Oklahoma Abstractors Board; 1 § 1-22 B. et. seq.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 17, 2025 at the following address: Katherine Smith, Oklahoma Abstractors Board, 421 NW 13th St., Suite 180, Oklahoma City, OK 73103, or Katherine.Smith@abstract.ok.gov.

PUBLIC HEARING:

A public hearing during the regularly scheduled Board Meeting will be held at 10:00 a.m. on Tuesday, January 21, 2025 at the 421 NW 13th Street, OLERS Conference Room, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 9:50 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Abstractors Board requests that business entities affected by these proposed rules provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Katherine Smith, at the above addresses, before the close of the comment period on January 17, 2025.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by visiting <https://oklahoma.gov/abstractor.html> or contacting the Oklahoma Abstractors Board, 421 NW 13th St., Suite 180, Oklahoma City, OK 73103, 405-522-5019, Fax 405-522-5503 or via electronic mail to Katherine.smith@abstract.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement has been prepared and may be viewed by visiting <https://oklahoma.gov/abstractor.html>.

CONTACT PERSON:

Katherine Smith, State Administrator of Abstracting, (405) 522-5019, Katherine.Smith@abstract.ok.gov.

[OAR Docket #24-1280; filed 11-21-24]

TITLE 25. OKLAHOMA DEPARTMENT OF AEROSPACE AND AERONAUTICS CHAPTER 15. AIRPORT CONSTRUCTION PROGRAM

[OAR Docket #24-1300]

Notices of Rulemaking Intent

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

25:15-1-2. Definitions [AMENDED]

25:15-1-3. Planning [AMENDED]

25:15-1-4. Programming Implementation Airport Grant and Loan Program Requirements and Procedures [AMENDED]

25:15-1-5. Airport compliance [AMENDED]

SUMMARY:

The proposed permanent rules are necessary to address funding and other program requirements implemented by items passed during the 2024 Legislative Session. Refurbishment, remodel, and expansion of a terminal building and refurbishment of a sponsor owned hangar have been added as acceptable rehabilitation projects under the airport construction program with new construction or complete reconstruction of an existing terminal building considered eligible for funding and state level and sponsor match requirements identified. Selection criteria for hangar construction projects has been modified to include that an airport sponsor must demonstrate an acceptable plan on how they will advertise for available hangar space once constructed. Maximum state level participation on fuel system projects was increased and the requirement that they be in new condition and in compliance with local procurement procedures was added. Airport compliance was modified to reference terms and conditions and definitions were clarified on non-primary entitlement funds and project sketch.

AUTHORITY:

3 O.S. Section 85; Oklahoma Department of Aerospace and Aeronautics

COMMENT PERIOD:

Persons wishing to present their views in writing may do so from December 16, 2024, through January 19, 2025, at the following address: Oklahoma Department of Aerospace and Aeronautics, 110 N Robinson Ave, Suite 200, Oklahoma City, OK 73102, or by email to michelle.bouziden@aerospace.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Tuesday, January 21, 2025, at the Oklahoma Department of Aerospace and Aeronautics, 110 N. Robinson Ave., Oklahoma City, OK 73102. 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 proposed rules may be obtained from the Oklahoma Department of Aerospace and Aeronautics, 110 N Robinson Ave, Suite 200, Oklahoma City, OK 73102. The proposed rules will also be available on the ODAA's website at <https://oklahoma.gov/aerospace>.

RULE IMPACT STATEMENT:

Pursuant to 3 O.S. Section 85, a rule impact statement will be prepared and may be obtained from the Oklahoma Department of Aerospace and Aeronautics at the above address beginning Monday, December 30, 2024.

CONTACT PERSON:

Michelle Bouziden, Senior Project and Grants Manager, Oklahoma Department of Aerospace and Aeronautics, 110 N. Robinson, Suite 200, Oklahoma City, OK 73102, michelle.bouziden@aerospace.ok.gov (405) 604-6912.

[OAR Docket #24-1300; filed 11-22-24]

TITLE 25. OKLAHOMA DEPARTMENT OF AEROSPACE AND AERONAUTICS CHAPTER 25. AEROSPACE AND AVIATION EDUCATION GRANT PROGRAM

[OAR Docket #24-1307]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

25:25-1-1. Purpose [AMENDED]

25:25-1-2. Requirements for receiving funding for an Aerospace and Aviation Education Grant Program [AMENDED]

25:25-1-3. Criteria selection for applicants [AMENDED]

25:25-1-4. Procedures for awarding funding to an Aerospace and Aviation Education Grant Program [AMENDED]

Notices of Rulemaking Intent

25:25-1-5. Procedures for requesting reimbursement of an Aerospace and Aviation Education Grant [NEW]

25:25-1-6. Requirements for receiving funding for an Aerospace and Aviation Classroom Laboratory Development Grant [NEW]

25:25-1-7. Requirements for receiving funding for an internship or apprenticeship program [NEW]

SUMMARY:

The proposed permanent rules are necessary to address funding and other program requirements implemented by items passed during the 2024 Legislative Session. The deadline for an applicant to submit closeout paperwork for a grant award was adjusted and clarification on extension requests was given. Clarification on what grant funds can be used toward was identified, including the start date and length of a program, eligible items, details of payments, changes in scope of a program and unmanned aircraft system requirements. Procedures for requesting reimbursement have been identified. A new classroom laboratory development grant and internship or apprenticeship program have also been added with details of eligibility and requirements for applying for each based on available budget.

AUTHORITY:

3 O.S. Section 85; Oklahoma Department of Aerospace and Aeronautics

COMMENT PERIOD:

Persons wishing to present their views in writing may do so from December 16, 2024, through January 19, 2025, at the following address: Oklahoma Department of Aerospace and Aeronautics, 110 N Robinson Ave, Suite 200, Oklahoma City, OK 73102, or by email to michelle.bouziden@aerospace.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Tuesday, January 21, 2025, at the Oklahoma Department of Aerospace and Aeronautics, 110 N. Robinson Ave., Oklahoma City, OK 73102. 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 proposed rules may be obtained from the Oklahoma Department of Aerospace and Aeronautics, 110 N Robinson Ave, Suite 200, Oklahoma City, OK 73102. The proposed rules will also be available on the ODAA's website at <https://oklahoma.gov/aerospace>.

RULE IMPACT STATEMENT:

Pursuant to 3 O.S. Section 85, a rule impact statement will be prepared and may be obtained from the Oklahoma Department of Aerospace and Aeronautics at the above address beginning Monday, December 30, 2024.

CONTACT PERSON:

Michelle Bouziden, Senior Project and Grants Manager, Oklahoma Department of Aerospace and Aeronautics, 110 N. Robinson, Suite 200, Oklahoma City, OK 73102, michelle.bouziden@aerospace.ok.gov (405) 604-6912.

[OAR Docket #24-1307; filed 11-22-24]

TITLE 45. ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #24-1301]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Organization, Operations, Procedures and Forms

45:1-3-3. Availability of records and forms [AMENDED]

45:1-3-4. Manner of obtaining information [AMENDED]

Subchapter 7. Director of the Commission

45:1-7-1. Duties and responsibilities [AMENDED]

45:1-7-2. Authority to conduct hearings [AMENDED]

SUMMARY:

Notices of Rulemaking Intent

These administrative rules address how and where to obtain information from the ABLE Commission, duties and responsibilities of the Director of the Commission, and the Director's authority to conduct hearings. The ABLE Commission proposes amending the rules to update our address; delete references to Bottle Clubs, which no longer exist in Oklahoma; and specifically reference the Director's authority to assign a Hearing Officer/Examiner to hear a matter.

AUTHORITY:

Alcoholic Beverage Laws Enforcement Commission; 37A O.S., Section 1-107 and 75 O.S., Section 302.

COMMENT PERIOD:

Written and oral comments will be accepted until 1:30 p.m. on January 15, 2025, at the ABLE Commission, 50 NE 23rd Street, Oklahoma City, OK 73105, Attn: Leif Arvidson, or by e-mail to leif.arvidson@able.ok.gov.

PUBLIC HEARING:

A public hearing will be held on January 16, 2025, at 1:30 p.m., at 50 NE 23rd Street, Oklahoma City, OK 73105. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door by 1:30 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be viewed on the ABLE Commission's website at oklahoma.gov/able-commission.html. Copies may also be obtained at the ABLE Commission, 50 NE 23rd Street, Oklahoma City, OK 73105, Attn: Leif Arvidson, or requested by e-mail to leif.arvidson@able.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and made available for review on the ABLE Commission's website at oklahoma.gov/able-commission.html by December 31, 2024. Copies may also be obtained at the ABLE Commission office at the above address or requested by e-mail to leif.arvidson@able.ok.gov.

CONTACT PERSON:

Leif Arvidson, Deputy General Counsel, (405) 521-4950, leif.arvidson@able.ok.gov; or Lori Carter, Assistant Director and General Counsel, (405) 521-3484, lori.carter@able.ok.gov.

[OAR Docket #24-1301; filed 11-22-24]

**TITLE 45. ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION
CHAPTER 10. PROVISIONS AND PENALTIES APPLICABLE TO ALL LICENSEES**

[OAR Docket #24-1304]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Provisions Applicable to All Licensees

45:10-3-1. Denial of application [AMENDED]

45:10-3-4. Notice of intent to apply for license [AMENDED]

45:10-3-5. Application filing period [AMENDED]

45:10-3-10. Prohibited conduct on licensed premises [AMENDED]

45:10-3-24. Acceptance of certain inducements prohibited [AMENDED]

45:10-3-28. Refunds for erroneous or excessive collections [AMENDED]

45:10-3-31. Designated bar areas [AMENDED]

45:10-3-33. Requirement to update contact information [NEW]

Subchapter 5. Penalties

45:10-5-1. General penalty [AMENDED]

45:10-5-3. Penalty schedules [AMENDED]

Appendix A. Major Violations Penalty Schedule [AMENDED]

Appendix B. Minor Violations Penalty Schedule [AMENDED]

SUMMARY:

These administrative rules address license applications, conduct on licensed premises, prohibited inducements, refunds for payments, designated bar areas, updates to licensee contact information, and penalties for violations of alcoholic beverage laws. The ABLE Commission proposes amending these administrative rules to address dangerous conduct; delete references to Bottle Clubs, which no longer exist in Oklahoma; clarify refund policies; reference main purpose

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requirements for food service entities, in line with relevant statutes; and require timely updates to contact information. Changes to the penalty schedules are proposed in order to eliminate references to administrative rules that no longer exist, correct inaccurate references to statutes, add cross-references between similar statutes and rules, clarify language, reference rules in proper order, provide a small general penalty for violations that are not otherwise addressed by the penalty schedule, and provide options for fines in lieu of revocation of licenses for certain violations. The updated penalty schedule is intended to be clearer, more accurate and more concise.

AUTHORITY:

Alcoholic Beverage Laws Enforcement Commission; 37A O.S., Sections 1-107, 6-114(D), and 2-148(F) and (G); 3A O.S., Section 403(B).

COMMENT PERIOD:

Written and oral comments will be accepted until 1:30 p.m. on January 15, 2025, at the ABLE Commission, 50 NE 23rd Street, Oklahoma City, OK 73105, Attn: Leif Arvidson, or by e-mail to leif.arvidson@able.ok.gov.

PUBLIC HEARING:

A public hearing will be held on January 16, 2025, at 1:30 p.m., at 50 NE 23rd Street, Oklahoma City, OK 73105. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door by 1:30 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be viewed on the ABLE Commission's website at oklahoma.gov/able-commission.html. Copies may also be obtained at the ABLE Commission, 50 NE 23rd Street, Oklahoma City, OK 73105, Attn: Leif Arvidson, or requested by e-mail to leif.arvidson@able.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and made available for review on the ABLE Commission's website at oklahoma.gov/able-commission.html by December 31, 2024. Copies may also be obtained at the ABLE Commission office at the above address or requested by e-mail to leif.arvidson@able.ok.gov.

CONTACT PERSON:

Leif Arvidson, Deputy General Counsel, (405) 521-4950, leif.arvidson@able.ok.gov; or Lori Carter, Assistant Director and General Counsel, (405) 521-3484, lori.carter@able.ok.gov.

[OAR Docket #24-1304; filed 11-22-24]

TITLE 45. ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION CHAPTER 25. WINEMAKERS, SELF-DISTRIBUTION, DIRECT SHIPMENT

[OAR Docket #24-1305]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Direct Shipment of Wine

45:25-5-2. Limited amount to be shipped [AMENDED]

45:25-5-3. Label, signature, and other shipping requirements [AMENDED]

45:25-5-4. Reporting required [AMENDED]

45:25-5-6. Reporting required [NEW]

SUMMARY:

These administrative rules address the direct shipment of wine. The ABLE Commission proposes amending the rules to clarify wording and to address a new statutory requirement of quarterly reports.

AUTHORITY:

Alcoholic Beverage Laws Enforcement Commission; 37A O.S., Sections 1-107, 2-105, 3-102, 3-106, and 5-130.

COMMENT PERIOD:

Written and oral comments will be accepted until 1:30 p.m. on January 15, 2025, at the ABLE Commission, 50 NE 23rd Street, Oklahoma City, OK 73105, Attn: Leif Arvidson, or by e-mail to leif.arvidson@able.ok.gov.

PUBLIC HEARING:

A public hearing will be held on January 16, 2025, at 1:30 p.m., at 50 NE 23rd Street, Oklahoma City, OK 73105. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door by 1:30 p.m.

Notices of Rulemaking Intent

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be viewed on the ABLE Commission's website at oklahoma.gov/able-commission.html. Copies may also be obtained at the ABLE Commission, 50 NE 23rd Street, Oklahoma City, OK 73105, Attn: Leif Arvidson, or requested by e-mail to leif.arvidson@able.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and made available for review on the ABLE Commission's website at oklahoma.gov/able-commission.html by December 31, 2024. Copies may also be obtained at the ABLE Commission office at the above address or requested by e-mail to leif.arvidson@able.ok.gov.

CONTACT PERSON:

Leif Arvidson, Deputy General Counsel, (405) 521-4950, leif.arvidson@able.ok.gov; or Lori Carter, Assistant Director and General Counsel, (405) 521-3484, lori.carter@able.ok.gov.

[OAR Docket #24-1305; filed 11-22-24]

TITLE 45. ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION CHAPTER 30. MANUFACTURERS, WINE AND SPIRIT WHOLESALERS, BREWERS, NONRESIDENT SELLERS AND BEER DISTRIBUTORS

[OAR Docket #24-1306]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Manufacturers and Wine and Spirits Wholesalers
45:30-3-2. Manufacturer's brand name label registration [AMENDED]

SUMMARY:

This administrative rule addresses the registration of manufacturers' brand name labels. The ABLE Commission proposes amending the rule to delete repetitive language and to update an outdated statutory reference.

AUTHORITY:

Alcoholic Beverage Laws Enforcement Commission; 37A O.S., Sections 1-107, 3-102 and 5-130.

COMMENT PERIOD:

Written and oral comments will be accepted until 1:30 p.m. on January 15, 2025, at the ABLE Commission, 50 NE 23rd Street, Oklahoma City, OK 73105, Attn: Leif Arvidson, or by e-mail to leif.arvidson@able.ok.gov.

PUBLIC HEARING:

A public hearing will be held on January 16, 2025, at 1:30 p.m., at 50 NE 23rd Street, Oklahoma City, OK 73105. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door by 1:30 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be viewed on the ABLE Commission's website at oklahoma.gov/able-commission.html. Copies may also be obtained at the ABLE Commission, 50 NE 23rd Street, Oklahoma City, OK 73105, Attn: Leif Arvidson, or requested by e-mail to leif.arvidson@able.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and made available for review on the ABLE Commission's website at oklahoma.gov/able-commission.html by December 31, 2024. Copies may also be obtained at the ABLE Commission office at the above address or requested by e-mail to leif.arvidson@able.ok.gov.

CONTACT PERSON:

Leif Arvidson, Deputy General Counsel, (405) 521-4950, leif.arvidson@able.ok.gov; or Lori Carter, Assistant Director and General Counsel, (405) 521-3484, lori.carter@able.ok.gov.

[OAR Docket #24-1306; filed 11-22-24]

TITLE 45. ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION

Notices of Rulemaking Intent

CHAPTER 35. EVENTS, AIRLINE/RAILROAD, HOTEL/MOTEL

[OAR Docket #24-1308]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Special Events
- 45:35-1-1. Application [AMENDED]
- Subchapter 3. Public Events
- 45:35-3-1. Application [AMENDED]
- Subchapter 5. Charitable Events
- 45:35-5-1. Application [AMENDED]
- Subchapter 9. Hotels and Motels
- 45:35-9-4. Size of containers to be sold [AMENDED]

SUMMARY:

These administrative rules address special events, public events and charitable events. The ABLE Commission proposes amending the rules to ensure that applications for event licenses are received with sufficient time to process the applications, verify information and inspect the premises before a license is issued. Currently, some applications are received last minute, such as the day before a weekend event, which does not allow sufficient time to process the application. These rules also address the size of containers of alcoholic beverages that are sold in hotels and motels. The ABLE Commission proposes amending the rules to clarify the wording.

AUTHORITY:

Alcoholic Beverage Laws Enforcement Commission; 37A O.S., Sections 1-107, 2-115(B), and 2-117(B)

COMMENT PERIOD:

Written and oral comments will be accepted until 1:30 p.m. on January 15, 2025, at the ABLE Commission, 50 NE 23rd Street, Oklahoma City, OK 73105, Attn: Leif Arvidson, or by e-mail to leif.arvidson@able.ok.gov.

PUBLIC HEARING:

A public hearing will be held on January 16, 2025, at 1:30 p.m., at 50 NE 23rd Street, Oklahoma City, OK 73105. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door by 1:30 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be viewed on the ABLE Commission's website at oklahoma.gov/able-commission.html. Copies may also be obtained at the ABLE Commission, 50 NE 23rd Street, Oklahoma City, OK 73105, Attn: Leif Arvidson, or requested by e-mail to leif.arvidson@able.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and made available for review on the ABLE Commission's website at oklahoma.gov/able-commission.html by December 31, 2024. Copies may also be obtained at the ABLE Commission office at the above address or requested by e-mail to leif.arvidson@able.ok.gov.

CONTACT PERSON:

Leif Arvidson, Deputy General Counsel, (405) 521-4950, leif.arvidson@able.ok.gov; or Lori Carter, Assistant Director and General Counsel, (405) 521-3484, lori.carter@able.ok.gov.

[OAR Docket #24-1308; filed 11-22-24]

TITLE 45. ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION CHAPTER 40. TRANSPORTATION, CONTAINERS AND CHANGES IN STATUS OR LOCATION

[OAR Docket #24-1309]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 7. Changes in Status or Location
- 45:40-7-1. Change in location [AMENDED]

Notices of Rulemaking Intent

45:40-7-2. Sale of entire stock of merchandise [AMENDED]

45:40-7-3. Operation by legal representative [AMENDED]

SUMMARY:

These administrative rules address changes in status or location and transfers of inventory of alcoholic beverages. The ABLE Commission proposes amending the rules to delete references to Bottle Clubs, which no longer exist in Oklahoma, and to reference a statute that allows bottles of alcoholic beverages that have been opened to be transferred in certain circumstances.

AUTHORITY:

Alcoholic Beverage Laws Enforcement Commission; 37A O.S., Section 1-107

COMMENT PERIOD:

Written and oral comments will be accepted until 1:30 p.m. on January 15, 2025, at the ABLE Commission, 50 NE 23rd Street, Oklahoma City, OK 73105, Attn: Leif Arvidson, or by e-mail to leif.arvidson@able.ok.gov.

PUBLIC HEARING:

A public hearing will be held on January 16, 2025, at 1:30 p.m., at 50 NE 23rd Street, Oklahoma City, OK 73105. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door by 1:30 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be viewed on the ABLE Commission's website at oklahoma.gov/able-commission.html. Copies may also be obtained at the ABLE Commission, 50 NE 23rd Street, Oklahoma City, OK 73105, Attn: Leif Arvidson, or requested by e-mail to leif.arvidson@able.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and made available for review on the ABLE Commission's website at oklahoma.gov/able-commission.html by December 31, 2024. Copies may also be obtained at the ABLE Commission office at the above address or requested by e-mail to leif.arvidson@able.ok.gov.

CONTACT PERSON:

Leif Arvidson, Deputy General Counsel, (405) 521-4950, leif.arvidson@able.ok.gov; or Lori Carter, Assistant Director and General Counsel, (405) 521-3484, lori.carter@able.ok.gov.

[OAR Docket #24-1309; filed 11-22-24]

TITLE 75. ATTORNEY GENERAL CHAPTER 1. ADMINISTRATION

[OAR Docket #24-1286]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Information

75:1-1-1.1. Definitions [AMENDED]

75:1-1-4. Organization [AMENDED]

75:1-1-5. Objectives [AMENDED]

75:1-1-6. Public records [AMENDED]

75:1-1-7. Requests for agency public information [REVOKED]

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

75:1-1-10. Procedures to petition the Office of the Attorney General to promulgate, amend or repeal a rule [AMENDED]

Subchapter 3. Contracts for Domestic Violence and Sexual Assault Services

Part 1. ELIGIBILITY TO CONTRACT

75:1-3-1. Purpose [AMENDED]

75:1-3-2. Applicability [AMENDED]

Part 3. CONTRACTS AND CONTRACTING PROCESSES

75:1-3-14. Purpose [AMENDED]

Notices of Rulemaking Intent

75:1-3-15. Applicability [AMENDED]

75:1-3-19. Contract renewal [AMENDED]

75:1-3-20. Contractor reimbursement rates [AMENDED]

Subchapter 7. Certification and Designation of Domestic Violence Programs, Sexual Assault Programs, Including Programs Serving Adult Victims of Sex Trafficking, and Batterers Intervention Programs

75:1-7-5. Procedures for application for certification [AMENDED]

75:1-7-6. Procedures for completion of certification process [AMENDED]

75:1-7-8. Site reviews [AMENDED]

SUMMARY:

The proposed rule amendments to Chapter 1 correct references to the now Victims Advocacy and Services Unit from the Victims Services Unit. Punctuation and language is adjusted throughout. The proposed rules implement new, more streamlined records processes. The rule for public information is revoked. The proposed rules also amend contact information for declaratory ruling requests and procedures for petitioning rule promulgation, amendment, or repeal. Certain paragraphs in sections are renumbered, and citations to state statute and rules are fixed.

AUTHORITY:

Attorney General; 74 O.S.2021, § 18p-6, and 75 O.S.2021, § 302(A)

COMMENT PERIOD:

Written comments will be accepted from the date of publication in the Oklahoma Register through January 17, 2025, by mail to the Oklahoma Office of the Attorney General, 313 NE 23rd St., ATTN: Thomas Schneider, Rulemaking Liaison, Oklahoma City, OK 73105, or by email to rules@oag.ok.gov.

PUBLIC HEARING:

A public hearing will be held on Friday, January 17, 2025, at 1:00 p.m., at the Office of the Attorney General, 313 N.E. 21st St., Oklahoma City, OK 73105, to provide an opportunity for persons to orally present their views related to the proposed permanent rules. Each person will be allowed a maximum of five (5) minutes to speak and must sign in at the door by 12:55 p.m.

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 Thomas R. Schneider at the contact information below during the period from December 16, 2024, to January 17, 2025.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting the individuals below or by visiting the Attorney General's website, <https://oklahoma.gov/oag/about/divisions/victim-advocacy-and-services-unit.html>. You may also mail a written request to Oklahoma Office of the Attorney General, ATTN: Thomas R. Schneider, 313 NE 23rd St., Oklahoma City, OK 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is being prepared and will be available for review on or after December 16 but no later than December 31, 2024. A copy of the rule impact statement will be available online at <https://oklahoma.gov/oag/about/divisions/victim-advocacy-and-services-unit.html>, or requested through email at the contact information below.

CONTACT PERSON:

Thomas Schneider, Deputy General Counsel, Office of the Attorney General, (405) 521-3921, rules@oag.ok.gov.

[OAR Docket #24-1286; filed 11-22-24]

**TITLE 75. ATTORNEY GENERAL
CHAPTER 15. STANDARDS AND CRITERIA FOR DOMESTIC VIOLENCE AND SEXUAL ASSAULT
PROGRAMS**

[OAR Docket #24-1287]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

Notices of Rulemaking Intent

75:15-1-1.1. Mission and underlying philosophy [AMENDED]
75:15-1-2. Definitions [AMENDED]
Subchapter 2. Domestic Violence and Sexual Assault Programs
75:15-2-4. Safe Home program [REVOKED]
75:15-2-5. Crisis intervention services [AMENDED]
Subchapter 5. Client Records and Confidentiality
75:15-5-3.1. Record content - service specific [AMENDED]
75:15-5-4. Client confidentiality [AMENDED]
75:15-5-4.1. Waiver of Confidential Information [AMENDED]
75:15-5-7. Shelter Policy on Medications [AMENDED]
Subchapter 7. Physical Environments
75:15-7-6. Program environment [AMENDED]
75:15-7-8. Program environment, Safe Home services program [REVOKED]
Subchapter 13. Personnel and Volunteers
Part 3. TRAINING
75:15-13-20.2. In-service and ongoing training for personnel and volunteers [AMENDED]
75:15-13-27. Provider training, Safe Home services [REVOKED]
Subchapter 17. Clients Rights
75:15-17-4. Client grievance policies and procedures [AMENDED]
Subchapter 18. Code of Professional Ethics [NEW]
75:15-18-1. Applicability [NEW]
75:15-18-2. Code of Professional Ethics [NEW]

SUMMARY:

The proposed rule amendments correct references to the now Victims Advocacy and Services Unit away from the Victims Services Unit. The rules also adjust language and punctuation throughout. The rules insert new definitions about education, counseling, and human trafficking, among others. Some definitions are also modified and brought up to date. The rule concerning Safe Home programs and related provisions and language about such programs are revoked. The rules require that any technology or services used by crisis intervention programs provide immediate assistance. Any technology or services that do not provide immediate assistance are insufficient under law. The rules also move away from referring to "in the event of my death" clauses and adopting "legacy" clauses. The rules also remove the capability of domestic violence prevention and sexual violence programs to qualify for certification with the Attorney General by being in good standing with the Oklahoma Coalition Against Domestic Violence and Sexual Assault. The rules also provided for a new code of professional ethics for certified programs and shelters.

AUTHORITY:

Attorney General; 74 O.S.2021, § 18p-6

COMMENT PERIOD:

Written comments will be accepted from the date of publication in the Oklahoma Register through January 17, 2025, by mail to the Oklahoma Office of the Attorney General, 313 NE 23rd St., ATTN: Thomas Schneider, Rulemaking Liaison, Oklahoma City, OK 73105, or by email to rules@oag.ok.gov.

PUBLIC HEARING:

A public hearing will be held on Friday, January 17, 2025, at 1:00 p.m., at the Office of the Attorney General, 313 N.E. 21st St., Oklahoma City, OK 73105, to provide an opportunity for persons to orally present their views related to the proposed permanent rules. Each person will be allowed a maximum of five (5) minutes to speak and must sign in at the door by 12:55 p.m.

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 Thomas R. Schneider at the contact information below during the period from December 16, 2024, to January 17, 2025.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting the individuals below or by visiting the Attorney General's website, <https://oklahoma.gov/oag/about/divisions/victim-advocacy-and-services-unit.html>. You may also mail a written request to Oklahoma Office of the Attorney General, ATTN: Thomas R. Schneider, 313 NE 23rd St., Oklahoma City, OK 73105.

RULE IMPACT STATEMENT:

Notices of Rulemaking Intent

Pursuant to 75 O.S. § 303(D), a rule impact statement is being prepared and will be available for review on or after December 16 but no later than December 31, 2024. A copy of the rule impact statement will be available online at <https://oklahoma.gov/oag/about/divisions/victim-advocacy-and-services-unit.html>, or requested through email at the contact information below.

CONTACT PERSON:

Thomas Schneider, Deputy General Counsel, Office of the Attorney General, (405) 521-3921, rules@oag.ok.gov.

[OAR Docket #24-1287; filed 11-22-24]

**TITLE 75. ATTORNEY GENERAL
CHAPTER 25. STANDARDS AND CRITERIA FOR BATTERERS INTERVENTION PROGRAMS**

[OAR Docket #24-1288]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

75:25-1-3. Definitions [AMENDED]

Subchapter 3. Batterers Intervention

75:25-3-1. Batterers intervention program [AMENDED]

75:25-3-3. Client records [AMENDED]

75:25-3-4. Assessment [AMENDED]

75:25-3-4.1. Record Content [AMENDED]

75:25-3-4.2. Victim safety and confidentiality [AMENDED]

Subchapter 5. Personnel and Volunteers

Part 5. TRAINING

75:25-5-21. Personnel training, batterers intervention services [AMENDED]

Subchapter 9. Technology

75:25-9-1. Technology and system plan [AMENDED]

Subchapter 11. Code of Professional Ethics [NEW]

75:25-11-1. Applicability [NEW]

75:25-11-2. Code of Professional Ethics [NEW]

SUMMARY:

The proposed rule amendments correct references to the now Victims Advocacy and Services Unit away from the Victims Services Unit. The rules also adjust language and punctuation throughout. Specifically, references to "batterer" are amended to "client" where appropriate. The rules also set limits on absences for clients missing sessions with the program. It also defines what constitutes an excused absence. The rules also establish approved methods of meeting clients and how client sessions may be conducted. The rules also set requirements for client participation in virtual group sessions. The rules also provided for a new code of professional ethics for batterers intervention programs.

AUTHORITY:

Attorney General; 74 O.S.2021, § 18p-6

COMMENT PERIOD:

Written comments will be accepted from the date of publication in the Oklahoma Register through January 17, 2025, by mail to the Oklahoma Office of the Attorney General, 313 NE 23rd St., ATTN: Thomas Schneider, Rulemaking Liaison, Oklahoma City, OK 73105, or by email to rules@oag.ok.gov.

PUBLIC HEARING:

A public hearing will be held on Friday, January 17, 2025, at 1:00 p.m., at the Office of the Attorney General, 313 N.E. 21st St., Oklahoma City, OK 73105, to provide an opportunity for persons to orally present their views related to the proposed permanent rules. Each person will be allowed a maximum of five (5) minutes to speak and must sign in at the door by 12:55 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Notices of Rulemaking Intent

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 Thomas R. Schneider, Rulemaking Liaison, at the contact information below during the period from December 16, 2024, to January 17, 2025.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting the individuals below or by visiting the Attorney General's website, <https://oklahoma.gov/oag/about/divisions/victim-advocacy-and-services-unit.html>. You may also mail a written request to Oklahoma Office of the Attorney General, ATTN: Thomas R. Schneider, 313 NE 23rd St., Oklahoma City, OK 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is being prepared and will be available for review on or after December 16 but no later than December 31, 2024. A copy of the rule impact statement will be available online at <https://oklahoma.gov/oag/about/divisions/victim-advocacy-and-services-unit.html>, or requested through email at the contact information below.

CONTACT PERSON:

Thomas Schneider, Deputy General Counsel, Office of the Attorney General, (405) 521-3921, rules@oag.ok.gov.

[OAR Docket #24-1288; filed 11-22-24]

TITLE 75. ATTORNEY GENERAL CHAPTER 50. OPIOID SETTLEMENT PAYMENTS AND ABATEMENT GRANTS [AMENDED]

[OAR Docket #24-1285]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Opioid Abatement Grants

75:50-3-1. Opioid grant application process [AMENDED]

75:50-3-3. Maximum grant awards [AMENDED]

75:50-3-4. Application review and disbursement process; allowable costs [AMENDED]

75:50-3-7. Grant award quarterly reporting, oversight, and compliance [AMENDED]

Appendix B. COUNTY TIERS [REVOKED]

Appendix C. MUNICIPALITY TIERS [REVOKED]

Appendix D. COMMON EDUCATION SCHOOL DISTRICT TIERS [REVOKED]

Appendix E. TECHNOLOGY SCHOOL DISTRICT TIERS [REVOKED]

Appendix F. COLLABORATIVE MULTI-APPLICANT TIERS [REVOKED]

Appendix G. SCORING RUBRIC [REVOKED]

SUMMARY:

The proposed rule amendments clean up cross references and grant amounts. They also delete award amounts and tiers, allowing the Opioid Abatement Board to set award amounts for each round of grant applications. The rules also revoke the scoring rubric, permitting the necessary flexibility for the Board to establish scoring rubrics based on the number of grant applications. Finally, the proposed rules also clean up language about the reporting forms considering the deployment of grant management software by the Attorney General. The software will allow grantees to electronically submit quarterly reports and upload necessary documentation.

AUTHORITY:

Attorney General, as approved by the Opioid Abatement Board; 74 O.S.2021, § 30.7(G)

COMMENT PERIOD:

Written comments will be accepted from the date of publication in the Oklahoma Register through January 17, 2025, by mail to the Oklahoma Office of the Attorney General, 313 NE 23rd St., ATTN: Thomas Schneider, Rulemaking Liaison, Oklahoma City, OK 73105, or by email to rules@oag.ok.gov.

PUBLIC HEARING:

Notices of Rulemaking Intent

A public hearing will be held on Friday, January 17, 2025, at 1:45 p.m., at the Office of the Attorney General, 313 N.E. 21st St., Oklahoma City, OK 73105, to provide an opportunity for persons to orally present their views related to the proposed permanent rules. Each person will be allowed a maximum of five (5) minutes to speak and must sign in at the door by 1:40 p.m.

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 Thomas R. Schneider at the contact information below during the period from December 16, 2024, to January 17, 2025.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting the individuals below or by visiting the Attorney General's website, <https://oklahoma.gov/oag/resources/meetings/opioid-abatement-board.html>. You may also mail a written request to Oklahoma Office of the Attorney General, ATTN: Thomas R. Schneider, 313 NE 23rd St., Oklahoma City, OK 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is being prepared and will be available for review on or after December 16 but no later than December 31, 2024. A copy of the rule impact statement will be available online at <https://oklahoma.gov/oag/resources/meetings/opioid-abatement-board.html>, or requested through email at the contact information below.

CONTACT PERSON:

Thomas Schneider, Deputy General Counsel, Office of the Attorney General, (405) 521-3921, rules@oag.ok.gov; Jill Nichols, Office of the Attorney General, (405) 521-3921, OAB@oag.ok.gov.

[OAR Docket #24-1285; filed 11-22-24]

TITLE 75. ATTORNEY GENERAL CHAPTER 55. STATE LONG-TERM CARE OMBUDSMAN PROGRAM [AMENDED]

[OAR Docket #24-1289]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

75:55-1-1. Purpose [AMENDED]

75:55-1-2. Definitions [AMENDED]

75:55-1-3. ~~Oklahoma Department of Human Services (DHS)~~ Office of the State Long-Term Care Ombudsman responsibilities [AMENDED]

75:55-1-4. Office of the State Long-Term Care Ombudsman policies and procedures [AMENDED]

75:55-1-5. Grievance process [AMENDED]

75:55-1-6. Records, confidentiality, and disclosure [AMENDED]

75:55-1-7. Liability and legal counsel [AMENDED]

75:55-1-8. Other policies [AMENDED]

Subchapter 2. Complaints

75:55-2-1. Complaint investigation [AMENDED]

75:55-2-2. Complaint processing [AMENDED]

Subchapter 3. Conflicts of Interest

75:55-3-1. Conflict of interest [AMENDED]

75:55-3-2. Organizational conflict of interest [AMENDED]

75:55-3-3. Conflict of interest remedies [AMENDED]

75:55-3-4. Conflict of interest statement and ethical guidelines [AMENDED]

75:55-3-5. Freedom from conflict of interest assurances [AMENDED]

Subchapter 4. Operational Duties and Responsibilities of the Office of the Long-Term Care Ombudsman and Area Agencies on Aging

75:55-4-1. Access [AMENDED]

75:55-4-2. Facility visitation [AMENDED]

Notices of Rulemaking Intent

- 75:55-4-3. Reporting system [AMENDED]
- 75:55-4-4. Provision of information [AMENDED]
- 75:55-4-5. Systems Advocacy, monitoring laws, regulations, and policies [AMENDED]
- 75:55-4-6. Procedures related to the disclosure of witnessed abuse, neglect, or exploitation [AMENDED]
- 75:55-4-7. Designation of area programs and area representatives including staff and volunteers [AMENDED]
- 75:55-4-8. Responsibilities of agencies hosting local ombudsman representatives [AMENDED]
- 75:55-4-9. Duties of representatives of the Office of the State Long-Term Care Ombudsman (~~Office~~) [AMENDED]
- Subchapter 5. Personnel and Volunteer Management
- 75:55-5-1. Area Agency on Aging ombudsman supervisor I [AMENDED]
- 75:55-5-2. Area Agency on Aging ombudsman supervisor II [AMENDED]
- 75:55-5-3. Screening criteria for ombudsman [AMENDED]
- 75:55-5-4. Training [AMENDED]
- 75:55-5-5. ~~Office of the State Long-Term Care (Office) ombudsman~~ staff and volunteer training [AMENDED]
- 75:55-5-6. Ombudsman volunteer rules and guidelines [AMENDED]

SUMMARY:

The proposed rule amendments to Chapter 55 follow the enactment of Senate Bill 339, 2024 Okla. Sess. Laws ch. 339, effective on November 1, 2024, and transfer of the rules from Title 340 of the Oklahoma Administrative Code. The proposed rules to Chapter 55 remove references to the Oklahoma Department of Human Services or DHS and replace them with the Attorney General or OAG. Citations to legal authorities are amended to ensure uniformity in citation format as well as updated where appropriate. References to title 340 of the Oklahoma Administrative Code are removed. Redundancy in naming is corrected to make the rules more readable. References to Part have been changed to Chapter. Where possible, unnecessary citations are removed in light of potential future changes and transfers in the United States Code and Code of Federal Regulations. Designated form numbers are stricken to allow for flexibility in the development of any necessary forms. Certain sections were reorganized to ensure clarity in formatting and understanding state and local roles. Rules of procedure for appeals of removal or withdrawal of designations of an area agency are established. Salary bands and experience and education requirements are removed to provide the Attorney General and Office flexibility in finding qualified candidates.

AUTHORITY:

Attorney General; 63 O.S.Supp.2024, § 1-2216(A)

COMMENT PERIOD:

Written comments will be accepted from the date of publication in the Oklahoma Register through January 17, 2025, by mail to the Oklahoma Office of the Attorney General, 313 NE 23rd St., ATTN: Thomas R. Schneider, Rulemaking Liaison, Oklahoma City, OK 73105, or by email to rules@oag.ok.gov.

PUBLIC HEARING:

A public hearing will be held on Friday, January 17, 2025, at 2:30 p.m., at the Office of the Attorney General, 313 N.E. 21st St., Oklahoma City, OK 73105, to provide an opportunity for persons to orally present their views related to the proposed permanent rules. Each person will be allowed a maximum of five (5) minutes to speak and must sign in at the door by 2:25 p.m.

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 Thomas R. Schneider, Rulemaking Liaison, at the contact information below during the period from December 16, 2024, to January 17, 2025.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting the individuals below or by visiting the Attorney General's website, <https://oklahoma.gov/oag/about/divisions/lto.html>. You may also mail a written request to Oklahoma Office of the Attorney General, ATTN: Thomas R. Schneider, Rulemaking Liaison, 313 NE 23rd St., Oklahoma City, OK 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is being prepared and will be available for review on or after December 16 but no later than December 31, 2024. A copy of the rule impact statement will be available online at <https://oklahoma.gov/oag/about/divisions/lto.html>, or requested through email at the contact information below.

CONTACT PERSON:

Thomas Schneider, Deputy General Counsel, Office of the Attorney General, (405) 521-3921, rules@oag.ok.gov.

[OAR Docket #24-1289; filed 11-25-24]

Notices of Rulemaking Intent

TITLE 92. OKLAHOMA STATE ATHLETIC COMMISSION CHAPTER 1. GENERAL AGENCY RULES

[OAR Docket #24-1318]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Rulemaking Procedures

92:1-7-6. Adoption of rules related to boxing, mixed martial arts, kickboxing, bare knuckle fighting, muay thai or other variations of combative sports [NEW]

SUMMARY:

Comply with the Unified Rules adopted by the Association of Boxing Commissions.

AUTHORITY:

Oklahoma State Athletic Commission; 3A O.S. § 604.2

COMMENT PERIOD:

Interested persons may submit data, views, or arguments in writing by using the Public Comment form at ok.gov/osac through January 16, 2025.

PUBLIC HEARING:

Interested persons may attend the Public Hearing on January 17th, 1-2 pm, at the Oklahoma Commons Building at 123 Robert S. Kerr, Ste. 28TH Floor Room 1 Oklahoma City, OK 73102

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by the public online at ok.gov/osac

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained for review by the public online at ok.gov/osac

CONTACT PERSON:

Diana Fletcher, Director 405-426-8035

[OAR Docket #24-1318; filed 11-22-24]

TITLE 92. OKLAHOMA STATE ATHLETIC COMMISSION CHAPTER 10. RULES FOR BOXING AND OTHER ACTIVITIES

[OAR Docket #24-1319]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

92:10-1-1. Purpose [AMENDED]

92:10-1-2. Definitions [AMENDED]

92:10-1-4. Licenses process [AMENDED]

92:10-1-5. Sanctioning permits [AMENDED]

SUMMARY:

The mission of the Oklahoma State Athletic Commission shall be to preserve and protect the health, safety and welfare of combative sports event participants and the general public through the effective regulation of combative sports in the State of Oklahoma, while fostering an environment that expands existing combative sports events and brings new events into the state. Key Updates and Enhancements Event Sanctioning: Every professional combative sports event and amateur mixed martial arts event must be sanctioned by the Commission. - Made this more compressive and added new proposed definition. Expanded and Updated Definitions: New definitions have been added to broaden and clarify the scope of regulated sports. Existing definitions have been updated to ensure clarity and alignment with current practices. Purpose Expansion: The Commission's purpose has been expanded to include the regulation of additional combative sport,

Notices of Rulemaking Intent

reflecting the evolving landscape of the industry. **Medical Requirements:** Language regarding medical requirements for athletes over 40 has been clarified. Updates have been made to align with national standards, ensuring safety while maintaining fairness and inclusivity for athletes. **Administrative Changes:** In January 2024, the Commission underwent an administrative transition. These updates are based on feedback and observations from this transition to enhance the agency's regulatory effectiveness. These updates underscore the Commission's dedication to fostering a safe, fair, and progressive environment for combative sports in Oklahoma.

AUTHORITY:

Oklahoma State Athletic Commission; 3A O.S. § 604.2

COMMENT PERIOD:

Interested persons may submit data, views, or arguments in writing by using the Public Comment form at ok.gov/osac through January 16, 2025.

PUBLIC HEARING:

Interested persons may attend the Public Hearing on January 17th, 1-2 pm, at the Oklahoma Commons Building at 123 Robert S. Kerr, Ste. 28TH Floor Room 1 Oklahoma City, OK 73102

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by the public online at ok.gov/osac

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained for review by the public online at ok.gov/osac

CONTACT PERSON:

Diana Fletcher, Director 405-426-8035

[OAR Docket #24-1319; filed 11-25-24]

**TITLE 135. COMMISSION ON CHILDREN AND YOUTH
CHAPTER 10. PROGRAMS, BOARDS, AND COUNCILS: OPERATION AND ADMINISTRATION**

[OAR Docket #24-1337]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 25. Freestanding Multidisciplinary Child Abuse Teams

135:10-25-1. Origin and authority [AMENDED]

135:10-25-3. Approval of freestanding multidisciplinary child abuse team [AMENDED]

135:10-25-4. Services provided by a freestanding multidisciplinary child abuse team [AMENDED]

135:10-25-8. Process for removal of a non-functioning freestanding multidisciplinary child abuse team from the list of freestanding functioning multidisciplinary child abuse teams: [AMENDED]

SUMMARY:

The proposed rule amendments clarify the authority of the Oklahoma Commission on Children and Youth with respect to approving and monitoring freestanding multidisciplinary child abuse teams. The proposed amendments add definitions and provide procedures for annual reviews and site visits that incorporate the use of peer reviews to determine the functioning of freestanding multidisciplinary teams. The proposed amendments provide for the use of a secure database to collect information gathered during a case review, establish criteria for individuals who can be granted access to the database, clarify the role and responsibilities of the freestanding multidisciplinary teams and delete obsolete and redundant language.

AUTHORITY:

The Oklahoma Commission on Children and Youth; 10 O.S. Section 601.4(9)

COMMENT PERIOD:

The comment period will begin on December 16, 2024 and end on January 15, 2025. Written comments will be accepted during the comment period at the following address: Oklahoma Commission on Children and Youth, Attn: Marcia Johnson, 2915 N. Classen Boulevard, Suite 300, Oklahoma City, OK 73106.

PUBLIC HEARING:

Notices of Rulemaking Intent

A public hearing will be held at 10:00 am on January 17, 2025 at 2915 N. Classen Boulevard, Suite 300, Oklahoma City, OK 73106. Individuals wishing to speak must sign in at the door by 9:45 am that day.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained during normal business hours from the Oklahoma Commission on Children and Youth, 2915 N. Classen Boulevard, Suite 300, Oklahoma City, OK 73106. The proposed rules will be available on the OCCY website at <https://oklahoma.gov/occy> no later than December 16, 2024.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Sec. 303(D), a rule impact statement will be prepared and available for review at the Commission on Children and Youth, 2915 N. Classen Boulevard, Suite 300, Oklahoma City, OK 73106 beginning December 31, 2024.

CONTACT PERSON:

Marcia Johnson, Legislative Liaison, (405) 898-7915, marcia.johnson@occy.ok.gov

[OAR Docket #24-1337; filed 11-25-24]

**TITLE 140. BOARD OF CHIROPRACTIC EXAMINERS
CHAPTER 15. SPECIAL CERTIFICATES AND MISCELLANEOUS PROVISIONS**

[OAR Docket #24-1260]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Authorization for Injectables

140:15-5-3. Education and training [AMENDED]

140:15-5-5. Injectable Formulary [NEW]

Subchapter 8. Animal Chiropractic Diagnosis and Treatment

140:15-8-3. Animal chiropractic certification card [AMENDED]

SUMMARY:

The proposed amendments to 140:15-5-3 removes the 90 day submission requirement for the education and training program for Board approval. The proposed new language in 140:15-5-5 would create an Injectable Formulary for those certified by the Board in injectables. The proposed amendments in 140:15-8-3 removes the passport photo requirement for the Animal Chiropractic Certification Card.

AUTHORITY:

59 O.S. Supp 2008, SEC.; Board of Chiropractic Examiners

COMMENT PERIOD:

Written comments will be accepted December 16, 2024 through January 15, 2025 at the Oklahoma Board of Chiropractic Examiners, 421 NW 13th Street, Suite 180, Oklahoma City, Oklahoma 73103, Attn: Beth Kidd

PUBLIC HEARING:

Public hearing is scheduled on January 23, 2025 at 10:00 a.m., at 421 NW 13th Street, Suite 100, Oklahoma City, Oklahoma 73103 Telephone (405) 522-3400.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Oklahoma Board of Chiropractic Examiners, 421 NW 13th Street, Suite 180, Oklahoma City, Oklahoma 73103. Telephone (405) 522-3400.

RULE IMPACT STATEMENT:

The rule impact statement may be obtained from the Oklahoma Board of Chiropractic Examiners, 421 NW 13th Street, Suite 180, Oklahoma City, Oklahoma 73103. Telephone (405) 522-3400.

CONTACT PERSON:

Beth Kidd, Executive Director, beth.kidd@chiro.ok.gov, (405) 522-3400

[OAR Docket #24-1260; filed 11-18-24]

Notices of Rulemaking Intent

TITLE 145. OKLAHOMA DEPARTMENT OF EMERGENCY MANAGEMENT CHAPTER 10. GUBERNATORIAL DECLARATIONS FOR DISASTER ASSISTANCE

[OAR Docket #24-1312]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 11. Advanced Financial Liquidity for Local Economies Impacted by Federally Declared Disasters [NEW]

145:10-11-1. Purpose, authority and applicability [NEW]

145:10-11-2. Definitions [NEW]

145:10-11-3. Permissible uses of advanced financial liquidity [NEW]

145:10-11-4. Applications for advanced financial liquidity [NEW]

145:10-11-5. Qualifying repayment agreement [NEW]

145:10-11-6. Administration of funding [NEW]

145:10-11-7. Repayment [NEW]

SUMMARY:

The proposed subchapter, 11, and rules are responsive to a recently implemented aid program through the Oklahoma Department of Emergency Management. These rules are seen to set basic procedure and expectations for the program that will provide for a more effective and transparent administration of state funds to local governmental divisions seeking to apply upon impact from a federally declared disaster or emergency. Such rules will ensure this new program's integrity to both the Oklahoma legislature's intent and appropriate FEMA/federal funding programs requirements.

AUTHORITY:

Oklahoma Department of Emergency Management; 63 O.S., §§ 690.10

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 17, 2025, at the Oklahoma Department of Emergency Management, PO Box 53365, Oklahoma City, OK 73107, Attention: Keli Cain or keli.cain@oem.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 11 a.m. on Tuesday, January 21, 2025, at the Concourse Theater, Will Rogers Building, 2401 N. Lincoln Blvd, Oklahoma City, OK 73105. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door by 11 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained from the Oklahoma Department of Emergency Management office at 2401 N. Lincoln Blvd., Oklahoma City, OK 73105 or email keli.cain@oem.ok.gov. The proposed rule will also be available on the OEM's website at oem.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Department of Emergency Management at the above address. The rule impact statement will also be uploaded to the above website beginning December 16, 2025.

CONTACT PERSON:

Keli Cain, Public Affairs Director (405) 590-0210, keli.cain@oem.ok.gov. For legal questions, contact Austin Bower, Assistant Attorney General, (405) 522-0113, austin.bower@oag.ok.gov.

[OAR Docket #24-1312; filed 11-22-24]

TITLE 145. OKLAHOMA DEPARTMENT OF EMERGENCY MANAGEMENT CHAPTER 15. OKLAHOMA 9-1-1 MANAGEMENT AUTHORITY

[OAR Docket #24-1303]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Administrative Operations

Notices of Rulemaking Intent

- 145:15-1-2. Definitions [AMENDED]
- Subchapter 3. Oklahoma 9-1-1 Management Authority
- 145:15-3-2. Committees [AMENDED]
- 145:15-3-3. Meetings [AMENDED]
- 145:15-3-4. Reimbursement for member travel to Authority meetings [NEW]
- Subchapter 5. Reporting Requirements
- 145:15-5-1. Annual reports [AMENDED]
- Subchapter 7. Disbursement of 9-1-1 Telephone Fees
- 145:15-7-1. ~~Annual determination of eligibility and population~~ Governing body eligibility and fee distribution data [AMENDED]
- 145:15-7-2. Escrow of funds [AMENDED]
- 145:15-7-3. Eligible use list of approved expenditures for landline and wireless 9-1-1 fee revenue [AMENDED]
- Subchapter 9. Grant Program
- 145:15-9-1. Purpose [AMENDED]
- 145:15-9-2. Application process [AMENDED]
- 145:15-9-3. Award process [AMENDED]
- 145:15-9-4. Grant administration and evaluation [AMENDED]
- Subchapter 11. NG9-1-1 Compliance Requirements [NEW]
- 145:15-11-1. 9-1-1 operational requirements [NEW]
- 145:15-11-2. 9-1-1 geographic information system (GIS) [NEW]
- 145:15-11-3. Next generation 9-1-1 services (NG9-1-1) [NEW]
- 145:15-11-4. 9-1-1 call routing and responder requirements [NEW]

SUMMARY:

The proposed rule modifications are to ensure compliance with the Legislative amendments within Chapter 57 of Title 63 of the Oklahoma Statutes via House Bill 1590 (HB 1590), effective November 1, 2023. The proposed rule amendments provide for administrative changes deriving from HB 1590, implement the new fee distribution formula for distributing 9-1-1 telephone fees and providing improvements within the grant program. The proposed additions in Subchapter 11. NG9-1-1 Compliance Requirements detail compliance standards for Primary Safety Answering Points with the Authority's statewide implementation of Next Generation 9-1-1.

AUTHORITY:

Oklahoma 9-1-1 Management Authority; Oklahoma 9-1-1 Management Authority Act, 63 O.S. Section 2862 to 2872; Emergency Telephone Act, 63 O.S. Section 2801 to 2810; Nine-One-One Wireless Emergency Number Act, 63 O.S. Section 2841 to 2847

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so in person, by mail, or by email through the end of the public hearing on January 20, 2025 at: Oklahoma 9-1-1 Management Authority, P.O. Box 53365, Oklahoma City, Oklahoma 73152, Lance Terry, Lance.Terry@oem.ok.gov or Stacey.Root@oem.ok.gov.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their comments to the Authority. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held as follows: Monday, January 20, 2025 at 1:00PM in the 4th Floor OEM Training Room in the Will Rogers Building, 2401 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

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 the conclusion of the comment period and public hearing on Monday, January 20, 2025 at 1:00PM in the 4th floor OEM Training Room in the Will Rogers Building, 2401 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by email via stacey.root@oem.ok.gov or on the Authority's website <http://www.ok.gov/911/>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and will be available at the email and website provided above on or after December 16, 2024

CONTACT PERSON:

Notices of Rulemaking Intent

Lance Terry, Oklahoma 9-1-1 Management Authority Coordinator at (405)521-3193 or Lance.Terry@oem.ok.gov; For all legal questions: Austin Bower, Assistant Attorney General at (405)522-0113 or Austin.Bower@oag.ok.gov.

[OAR Docket #24-1303; filed 11-22-24]

TITLE 150. OKLAHOMA DEPARTMENT OF COMMERCE CHAPTER 1. GENERAL RULES OF PRACTICE AND PROCEDURE

[OAR Docket #24-1313]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Organization

150:1-1-3. Deputy; Chief of Staff; Director of CORE; Director of EDGE [AMENDED]

SUMMARY:

This action is to implement the permanent amended status of the Oklahoma Department of commerce, which was adopted by the Oklahoma Department of Commerce on September 19, 2024 under emergency rulemaking provisions of the Administrative Procedures Act, 75 O.S., Sections 250 et. seq. None of the actions being taken with respect to these rules increase costs of the agency or the agency's clients/partners.

AUTHORITY:

Oklahoma Department of Commerce; 74 O.S. §§ 5003.1 et seq.; 68 O.S. § 2357.105, 69 O.S., § 4041(C)

COMMENT PERIOD:

Written and oral comments will be accepted from December 16, 2024, through January 15, 2025, during regular business hours by contacting Karla Jackson, Grants Coordinator, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma, 73104, (405) 208-9620, or karla.jackson@okcommerce.gov.

PUBLIC HEARING:

A public hearing will be held on January 16, 2025, at 1:00 P. M., at Gallery 1-2, 900 North Stiles Avenue, Oklahoma City, Oklahoma. 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:

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 the end of the comment period to Karla Jackson, Grants Coordinator, Oklahoma Department of Commerce at 900 North Stiles Avenue, Oklahoma City, OK 73104. The Department is unaware of any business entities affected by the proposed changes.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained without charge from the Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma, by contacting Karla Jackson at (405) 208-9620, or karla.jackson@okcommerce.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement has been prepared and is available at the offices of the Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma.

CONTACT PERSON:

Karla Jackson, Grants Coordinator, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma, 73104, (405) 208-9620 or karla.jackson@okcommerce.gov.

[OAR Docket #24-1313; filed 11-22-24]

TITLE 155. OKLAHOMA CONSERVATION COMMISSION CHAPTER 42. SOIL HEALTH [NEW]

[OAR Docket #24-1240]

Notices of Rulemaking Intent

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. GENERAL PROVISIONS [NEW]

155:42-1-1. Purpose [NEW]

155:42-1-2. Definitions [NEW]

Subchapter 3. Soil Health Technical Assistance and Education Program [NEW]

155:42-3-1. Purpose [NEW]

155:42-3-2. Technical assistance program [NEW]

155:42-3-3. Educational program [NEW]

Subchapter 5. SOIL HEALTH ASSESSMENT PROGRAM [NEW]

155:42-5-1. Purpose [NEW]

155:42-5-2. Program objectives [NEW]

155:42-5-3. Working on Regenerative Management Systems [NEW]

Subchapter 7. HEALTHY SOIL GRANT PROGRAMS [NEW]

155:42-7-1. Soil Health Implementation Program [NEW]

155:42-7-2. Program objectives [NEW]

155:42-7-3. Establishment of state guidelines [NEW]

155:42-7-4. Eligibility requirements [NEW]

155:42-7-5. Technical representatives [NEW]

155:42-7-6. Eligible SHIP conservation practices and associated rates [NEW]

155:42-7-7. Application, review, and approval process [NEW]

155:42-7-8. Conservation plan [NEW]

155:42-7-9. Completion and reimbursement payment [NEW]

SUMMARY:

The Healthy Soil Program Act was enacted to promote and support sustainable farming, ranching, and land management practices that enhance soil organic matter, aggregate stability, microbiology, and water retention. These improvements aim to boost soil health, increase yields, and enhance profitability across Oklahoma. The Act mandates the creation of several initiatives, including a healthy soil assessment program, educational programs, and grant opportunities, all overseen by the Oklahoma Conservation Commission. The new rules clarify the Commission's assessment and educational efforts, as well as the Soil Health Implementation Program (SHIP)—the first grant initiative established under the Act. These programs are designed to educate and serve both rural and urban producers and landowners while delivering widespread benefits to all Oklahomans.

AUTHORITY:

Oklahoma Conservation Commission; the Conservation District Act, 27A O.S. §§3-1-101 et seq., and more specifically 27A O.S. §3-7-101 et. seq.

COMMENT PERIOD:

Persons may submit written comments through the conclusion of the public hearing on January 16, 2025.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing has been scheduled for 10:00 a.m. on January 16, 2025, in the Oklahoma Department of Agriculture, Food, and Forestry Building, Room 201 located on the second floor at 2800 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105.

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 rule. Business entities may submit this information in writing to the contact person before 11:00 am the close of the comment period on January 16, 2025.

COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained by visiting <https://conservation.ok.gov/about/#rules> or by requesting copies from the contact person.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement has been prepared and is available at the same location listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Janet Stewart, 2800 North Lincoln Boulevard, Suite 200, Oklahoma City, Oklahoma 73105-4210, (405) 742-1240

Notices of Rulemaking Intent

[OAR Docket #24-1240; filed 11-18-24]

TITLE 160. DEPARTMENT OF CONSUMER CREDIT CHAPTER 5. FEES

[OAR Docket #24-1177]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

160:5-1-2. Fees [AMENDED]

SUMMARY:

The proposed rules would revoke certain outdated fees for mortgage brokers and mortgage lenders that have been supplanted by statute, and would remove an outdated statutory reference.

AUTHORITY:

Commission on Consumer Credit; 59 O.S., Section 2095.1

COMMENT PERIOD:

Persons may submit written comments through January 15, 2025, to J. Steven Coates at 629 N.E. 28th Street, Oklahoma City, OK 73105, or by email to scoates@okdocc.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 2:00 p.m. on January 16, 2025, at the Oklahoma Department of Consumer Credit, 629 N.E. 28th Street, Oklahoma City, OK 73105. Anyone who wishes to speak must sign in by 2:10 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at <http://www.ok.gov/okdocc> and copies may be obtained from the Department of Consumer Credit's office located at 629 N.E. 28th Street, Oklahoma City, OK 73105. Copies may also be obtained by written request mailed to the attention of J. Steven Coates, 629 N.E. 28th Street, Oklahoma City, OK 73105, or emailed to scoates@okdocc.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Department of Consumer Credit, 629 N.E. 28th Street, Oklahoma City, OK 73105, no later than December 17, 2024. The Rule Impact Statement will also be available on the agency's website at <http://www.ok.gov/okdocc>.

CONTACT PERSON:

J. Steven Coates, (405) 522-4665

[OAR Docket #24-1177; filed 11-12-24]

TITLE 160. DEPARTMENT OF CONSUMER CREDIT CHAPTER 55. MORTGAGE BROKERS, MORTGAGE LENDERS AND MORTGAGE LOAN ORIGINATORS

[OAR Docket #24-1178]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Licensing

160:55-3-1.1. Licensing requirements [AMENDED]

160:55-3-8. Mortgage broker and mortgage lender license changes [AMENDED]

160:55-3-9.1. Address changes and closing requirements [AMENDED]

Subchapter 9. Enforcement

160:55-9-2. Individual proceedings [AMENDED]

SUMMARY:

Notices of Rulemaking Intent

The proposed rules would revoke certain requirements for mortgage branches that have been supplanted by statute. The proposed rules also clean up typographical errors and make terms uniform by striking the word "location" and replacing it with "principal place of business or branch office."

AUTHORITY:

Commission on Consumer Credit; 59 O.S. Section 2095.1

COMMENT PERIOD:

Persons may submit written comments through January 15, 2025 to J. Steven Coates at 629 N.E. 28th Street, Oklahoma City, OK 73105, or by email to scoates@okdocc.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 2:00 p.m. on January 16, 2025, at the Oklahoma Department of Consumer Credit, 629 N.E. 28th Street, Oklahoma City, OK 73105. Anyone who wishes to speak must sign in by 2:10 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at <http://www.ok.gov/okdocc> and copies may be obtained from the Department of Consumer Credit's office located at 629 N.E. 28th Street, Oklahoma City, OK 73105. Copies may also be obtained by written request mailed to the attention of J. Steven Coates, 629 N.E. 28th Street, Oklahoma City, OK 73105, or emailed to scoates@okdocc.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Department of Consumer Credit, 629 N.E. 28th Street, Oklahoma City, OK 73105, no later than December 31, 2024. The Rule Impact Statement will also be available on the agency's website at <http://www.ok.gov/okdocc>.

CONTACT PERSON:

J. Steven Coates, (405) 522-4665

[OAR Docket #24-1178; filed 11-12-24]

**TITLE 175. STATE BOARD OF COSMETOLOGY AND BARBERING
CHAPTER 10. LICENSURE OF COSMETOLOGISTS, BARBERS, SCHOOLS AND RELATED
ESTABLISHMENTS**

[OAR Docket #24-1336]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Licensure of Schools

Part 5. EQUIPMENT AND CURRICULUM REQUIREMENTS

175:10-3-34. ~~Basic Cosmetologist~~ Cosmetology course curriculum for privately owned and public schools [AMENDED]

175:10-3-37. Master cosmetology instructor course entrance and curriculum requirements [AMENDED]

175:10-3-44. Manicurist/Nail Technician Instructor course entrance and curriculum requirements [AMENDED]

175:10-3-45. Barber course entrance and curriculum requirements [AMENDED]

175:10-3-46. Master Barber instructor course, entrance and curriculum requirements [AMENDED]

175:10-3-47. Eyelash Extension Specialist course entrance and curriculum requirements [AMENDED]

175:10-3-48. Eyelash Extension Specialist Instructor course, entrance and curriculum requirements [NEW]

Part 7. GENERAL OPERATIONS AND LICENSING REQUIREMENTS

175:10-3-56. Student training; approved credits; credit limits [AMENDED]

175:10-3-60. Attendance and other records and requirements [AMENDED]

175:10-3-64. School uniform/dress code [AMENDED]

Subchapter 7. Sanitation, Disinfection and Safety Standards for Establishments and Schools

175:10-7-4. Furnishings; windows; ceilings; walls; floors [AMENDED]

175:10-7-12. Towels/linens [AMENDED]

SUMMARY:

Notices of Rulemaking Intent

The proposed rule changes update the requirements for Eyelash Extension Specialist and Master Instructor courses, including entrance criteria, mandatory textbooks, supervised training, and restrictions on patron services. These rule changes are necessary to comply with recent statutory changes. The curriculum and hours for privately owned schools and public schools has been adjusted to comply with statutory changes made in 2024. The proposed rules also revise regulations for training credits, attendance, hybrid learning, and facility standards. Training credit limits for field trips are reduced, hybrid learning credits increase from 10% to 25%, and student hour reporting changes from monthly to quarterly. Uniform requirements emphasize clean, washable materials, and certain facility provisions, like vented towel bins, are removed. These changes aim to standardize training, enhance flexibility, and streamline administrative processes while maintaining high professional and sanitary standards.

AUTHORITY:

59 O.S. § 199.3.; State Board of Cosmetology and Barbering

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 pm on January 16, 2025, at the following address: 2401 NW 23rd Street Suite 84, Oklahoma City, OK 73107 Matthew.Burton@cosmo.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 10:00 am on January 17th, 2024, at the Oklahoma State Board of Cosmetology and Barbering office, 2401 NW 23rd Street Suite 84, Oklahoma City, OK 73107. Anyone who wishes to speak must sign in at the door by 10:05am

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 by 5:00 p.m. on January 16, 2025, at the Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street Suite 84, Oklahoma City, OK 73107, Attn: Matthew Burton, or by email to Matthew.Burton@cosmo.ok.gov.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.cosmo.ok.gov and copies may be obtained from the Oklahoma State Board of Cosmetology and Barbering Board's office located at 2401 NW 23rd Street, Suite 84, Oklahoma City, OK 73107. Copies may also be obtained by written request mailed to the attention of Matthew Burton, 2401 NW 23rd Street, Suite 84, Oklahoma City, OK 73107 or emailed to Matthew.Burton@cosmo.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma State Board of Cosmetology and Barbering at the above address beginning December 30, 2024.

CONTACT PERSON:

Matthew Burton, Oklahoma State Board of Cosmetology and Barbering. Tel. 405-522-7616, Matthew.Burton@cosmo.ok.gov.

[OAR Docket #24-1336; filed 11-25-24]

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 1. STATE BOARD OF EDUCATION**

[OAR Docket #24-1321]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

210:1-1-2. Definitions [AMENDED]

210:1-1-3. Powers, duties, and officers [REVOKED]

210:1-1-5. Administrative office [AMENDED]

210:1-1-6. Meetings [AMENDED]

210:1-1-7. Purpose [AMENDED]

Subchapter 3. Departmental Precepts

210:1-3-1. Nature [AMENDED]

210:1-3-5. Civil Rights [REVOKED]

Notices of Rulemaking Intent

210:1-3-11. Open Records Act [AMENDED]

Subchapter 5. Due Process

210:1-5-3. ~~Declaratory ruling~~ Petition requesting promulgation, amendment or repeal of a rule [AMENDED]

210:1-5-6. Suspension and/or revocation of certificates [AMENDED]

SUMMARY:

Purpose of changes are to ensure clarity and uniformity. Updates are necessary to bring rules in conformity with statute and state law.

AUTHORITY:

Department of Education; Ok. Const. art. XIII § 5, 70 O.S. § 1-105, 70 O.S. § 3-104, 70 O.S. § 6-184, 51 O.S. §§ 24A.1 et seq, 25 O.S. §§ 301 et seq, 75 O.S. §§ 250 et seq

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from December 16, 2024, until January 17, 2025. Written comments in electronic form will be accepted during the open public comment period via email at kory.kile@sde.ok.gov. 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 10:00 a.m. on Friday, January 17, 2025, at the Oliver 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, 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, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent by December 31, 2024. 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:

Kory L. Kile, Law Clerk, Office of Legal Services, State Department of Education, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. kory.kile@sde.ok.gov, (405) 885-3357

[OAR Docket #24-1321; filed 11-25-24]

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

[OAR Docket #24-1322]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

210:10-1-5. Audits [AMENDED]

210:10-1-18. Transfers [AMENDED]

Subchapter 13. Student Assessment and School Accountability

210:10-13-1.1. Assessment system [AMENDED]

210:10-13-1.2. Make-up Assessments [NEW]

210:10-13-25. Determination of the chronic absenteeism indicator [AMENDED]

Notices of Rulemaking Intent

SUMMARY:

Purpose of changes are to ensure clarity and uniformity. Updates are necessary to bring rules in conformity with statute and state law. Makes emergency action from previous year permanent.

AUTHORITY:

Department of Education; OK Const. Art. XIII § 5, 70 O.S. § 3-104, 70 O.S. § 1210.545, 70 O.S. § 1210.507, 70 O.S. § 8-114, 70 O.S. § 13-103

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from December 16, 2024, until January 17, 2025. Written comments in electronic form will be accepted during the open public comment period via email at kory.kile@sde.ok.gov. 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 11:00 a.m. on Friday, January 17, 2025, at the Oliver 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, 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, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent by December 31, 2024. 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:

Kory L. Kile, Law Clerk, Office of Legal Services, State Department of Education, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. kory.kile@sde.ok.gov, (405) 885-3357

[OAR Docket #24-1322; filed 11-25-24]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 20. STAFF

[OAR Docket #24-1323]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. ~~Professional~~Professional Standards: Teacher Education and Certification [AMENDED]

Part 9. TEACHER CERTIFICATION

210:20-9-102. Paraprofessional credentials and career development program for paraprofessionals [AMENDED]

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

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

Subchapter 13. Teacher Testing

210:20-13-1. Teacher testing regulations [AMENDED]

Subchapter 23. School Board Members

210:20-23-5. Records management [AMENDED]

SUMMARY:

Notices of Rulemaking Intent

Purpose of changes are to ensure clarity and uniformity. Updates are necessary to bring rules in conformity with statute and state law.

AUTHORITY:

Department of Education; OK Const. Art. XIII § 5, Executive Order 2023-31, 70 O.S. § 3-104, 70 O.S. § 6-187, 70 O.S. § 6-127A, 70 O.S. § 5-110

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from December 16, 2024, until January 17, 2025. Written comments in electronic form will be accepted during the open public comment period via email at kory.kile@sde.ok.gov. 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 12:00 p.m. on Friday, January 17, 2025, at the Oliver 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, 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, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent by December 31, 2024. 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:

Kory L. Kile, Law Clerk, Office of Legal Services, State Department of Education, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. kory.kile@sde.ok.gov, (405) 885-3357

[OAR Docket #24-1323; filed 11-25-24]

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

[OAR Docket #24-1324]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Funding Criteria

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

Subchapter 5. Budgeting and Business Management

Part 1. IMPLEMENTATION

210:25-5-4. Accounting [AMENDED]

SUMMARY:

Purpose of changes are to ensure clarity and uniformity. Updates are necessary to bring rules in conformity with statute.

AUTHORITY:

Department of Education; OK Const. Art. XIII § 5, 70 O.S. § 3-104, 70 O.S. § 22-113

COMMENT PERIOD:

Notices of Rulemaking Intent

Written comments on the proposed rule(s) will be accepted from December 16, 2024, until January 17, 2025. Written comments in electronic form will be accepted during the open public comment period via email at kory.kile@sde.ok.gov. 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 1:00 p.m. on Friday, January 17, 2025, at the Oliver 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, 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, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent by December 31, 2024. 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:

Kory L. Kile, Law Clerk, Office of Legal Services, State Department of Education, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. kory.kile@sde.ok.gov, (405) 885-3357

[OAR Docket #24-1324; filed 11-25-24]

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 30. SCHOOL FACILITIES AND TRANSPORTATION**

[OAR Docket #24-1325]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Transportation

210:30-5-8. School bus driver certification [AMENDED]

SUMMARY:

Purpose of changes are to ensure clarity and uniformity. Updates are necessary to bring rules in conformity with statute and state law. Adds enforcement mechanism regarding bus driver certification.

AUTHORITY:

Department of Education; OK Const. Art. XIII § 5, 70 O.S. § 3-104, 70 O.S. § 6-184, 70 O.S. § 1-105, 47 O.S. § 15-109

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from December 16, 2024, until January 17, 2025. Written comments in electronic form will be accepted during the open public comment period via email at kory.kile@sde.ok.gov. 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, January 17, 2025, at the Oliver 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.

Notices of Rulemaking Intent

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, 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, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent by December 31, 2024. 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:

Kory L. Kile, Law Clerk, Office of Legal Services, State Department of Education, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. kory.kile@sde.ok.gov, (405) 885-3357

[OAR Docket #24-1325; filed 11-25-24]

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

[OAR Docket #24-1326]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

Part 1. STANDARD I: PHILOSOPHY (AND/OR MISSION) AND GOALS

210:35-3-5. Policy Regarding the Flag of the United States of America [NEW]

Part 11. STANDARD VI: STUDENT SERVICES

210:35-3-106. Guidance and counseling services [AMENDED]

Subchapter 5. Additional Standards for Elementary Schools

Part 13. STANDARD VII: THE MEDIA PROGRAM

210:35-5-74. Expenditures [AMENDED]

Subchapter 7. Additional Standards for Middle Level Schools

Part 13. STANDARD VII: THE MEDIA PROGRAM

210:35-7-64. Expenditures [AMENDED]

Subchapter 9. Additional Standards for Secondary Schools

Part 13. STANDARD VII: THE MEDIA PROGRAM

210:35-9-74. Expenditures [AMENDED]

SUMMARY:

Purpose of changes are to ensure clarity and uniformity. Updates are necessary to bring rules in conformity with statute and state law.

AUTHORITY:

Department of Education; OK Const. Art. XIII § 5, 70 O.S. § 3-104, 70 O.S. § 3-104.4

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from December 16, 2024, until January 17, 2025. Written comments in electronic form will be accepted during the open public comment period via email at kory.kile@sde.ok.gov. 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:

Notices of Rulemaking Intent

A public hearing is scheduled for 3:00 p.m. on Friday, January 17, 2025, at the Oliver 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, 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, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent by December 31, 2024. 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:

Kory L. Kile, Law Clerk, Office of Legal Services, State Department of Education, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. kory.kile@sde.ok.gov, (405) 885-3357

[OAR Docket #24-1326; filed 11-25-24]

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

[OAR Docket #24-1327]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 21. Multicultural Equity Programs [REVOKED]

210:40-21-1. Multicultural equity advisory committee operational procedures [REVOKED]

SUMMARY:

Purpose of changes are to ensure clarity and uniformity. Updates are necessary to bring rules in conformity with statute and state law.

AUTHORITY:

Department of Education; OK Const. Art. XIII § 5, 70 O.S. § 3-104, Executive Order 2023-31

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from December 16, 2024, until January 17, 2025. Written comments in electronic form will be accepted during the open public comment period via email at kory.kile@sde.ok.gov. 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 4:00 p.m. on Friday, January 17, 2025, at the Oliver 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:

Notices of Rulemaking Intent

Copies of the proposed rule(s) may be obtained for review by the public from the Office of Legal Services, State Department of Education, 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, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent by December 31, 2024. 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:

Kory L. Kile, Law Clerk, Office of Legal Services, State Department of Education, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. kory.kile@sde.ok.gov, (405) 885-3357

[OAR Docket #24-1327; filed 11-25-24]

**TITLE 218. OFFICE OF EDUCATIONAL QUALITY AND ACCOUNTABILITY
CHAPTER 10. EDUCATIONAL QUALITY**

[OAR Docket #24-1315]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Educator Preparation Program Accreditation

218:10-5-1. Educator preparation program accreditation and review process [AMENDED]

218:10-5-3. Specific state requirements for program accreditation [AMENDED]

Subchapter 7. Educator Assessment Regulations

218:10-7-1. Educator assessment regulations [AMENDED]

218:10-7-3. Alternative testing arrangements [AMENDED]

Subchapter 9. Education Leadership Oklahoma

218:10-9-1. Education Leadership Oklahoma regulations [AMENDED]

SUMMARY:

The proposed revisions to the rules: Revise and add to current language of OAC 218:10-5-1 to more accurately indicate that CAEP accreditation guidelines should only be followed when applicable, clarify some of the data that must be submitted, and certain records that must be kept, by Educator Preparation Programs seeking accreditation, clarify training for CEQA/OEQA accreditation review teams, and indicate requirement to conduct site visits virtually when possible; Add to current language of OAC 218:10-5-3 to give teacher candidates within an Educator Preparation Program to achieve clinical experience through an additional, but equivalent, alternative to the current student teaching pathway; Revise and add to current language of OAC 218:10-7-1 and OAC 218:10-7-3 to refer to testing vendors generally rather than specifically by name, and to clarify competency examination components; Remove old language in OAC 218:10-9-1 that inadvertently broadens the Education Leadership Oklahoma Act, 70 O.S. § 3-204 et, seq. to provide state funding of up to two retakes of components of the National Board Certification process to teachers seeking National Board Certification, and to include teachers who are maintaining, rather than seeking, National Board Certification as being eligible to participate in the ELO Program; and Revise and add to current language of OAC 218:10-9-1 that clarifies that the ELO Program application and selection process.

AUTHORITY:

Commission of Educational Quality and Accountability; 70 O.S. § 3-116.2; Creation of Office of Accountability; 70 O.S. § 3-117; Oklahoma Teacher Preparation Act; 70 O.S. § 6-180, et seq.; Education Leadership Oklahoma Act; 70 O.S. § 3-204 et, seq.

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 15, 2025, at the Office of Educational Quality and Accountability, 5400 N Grand Blvd, Ste. 200, Oklahoma City, Oklahoma 73112, Attn: Rusty Faircloth, or by email to Rusty.Faircloth@oeqa.ok.gov.

PUBLIC HEARING:

Notices of Rulemaking Intent

A public hearing will be held on January 16, 2025, at 9:30 a.m. at the Office of Educational Quality and Accountability, 5400 N Grand Blvd, First Floor, Oklahoma City, Oklahoma 73112. Each person wishing to speak must sign in at the door by 9:30 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Office of Educational Quality and Accountability 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 the Office of Educational Quality and Accountability, 5400 N Grand Blvd, Ste. 200, Oklahoma City, Oklahoma 73112, Attn: Rusty Faircloth, or by email to Rusty.Faircloth@oeqa.ok.gov before the close of the public comment period, at 4:30 p.m., on January 15, 2025.

COPIES OF PROPOSED RULES:

Copies of the proposed changes may be obtained from the Office of Educational Quality and Accountability, 5400 N Grand Blvd, Ste. 200, Oklahoma City, Oklahoma 73112, Attn: Rusty Faircloth, or by email to Rusty.Faircloth@oeqa.ok.gov. The proposed rules may also be viewed on the agency's website at www.Oklahoma.gov/oeqa.

RULE IMPACT STATEMENT:

A copy of the rule impact statement will be prepared and may be obtained from the Office of Educational Quality and Accountability, 5400 N Grand Blvd, Ste. 200, Oklahoma City, Oklahoma 73112, Attn: Rusty Faircloth, or by email to Rusty.Faircloth@oeqa.ok.gov. The rule impact statement may also be viewed on the agency's website at www.Oklahoma.gov/oeqa. The rule impact statement will be available as described above beginning December 16, 2024.

CONTACT PERSON:

Rusty Faircloth, Deputy Director of the Office of Educational Quality and Accountability, (405) 522-2187, Rusty.Faircloth@oeqa.ok.gov. For legal questions, contact Kristin Bugg, Assistant Attorney General, (405) 522-1961, Kristin.Bugg@oag.ok.gov.

[OAR Docket #24-1315; filed 11-22-24]

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

[OAR Docket #24-1328]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Election Personnel

Part 1. COUNTY ELECTION BOARD MEMBERS AND EMPLOYEES

230:10-3-18. Candidates related to county election board members [NEW]

Subchapter 5. Election Training

Part 3. PRECINCT ELECTION OFFICIALS

230:10-5-14. Precinct official oath [NEW]

Subchapter 7. General Administration of the County Election Board Office

Part 5. MAINTAINING THE OFFICE

230:10-7-43. Retention of forms and materials documenting voter registration transactions [AMENDED]

SUMMARY:

The new proposed rule in 230:10-3-18 is intended to set out a procedure for the events described in subparagraph C of 26 O.S. § 2-132. There is not currently a uniform procedure for situations where someone related to a county election board member files for office with the State or County Election Board for an election to be conducted within that county. The new proposed rule related to precinct official oaths is intended to codify current practice that precinct officials must sign an oath before they work at an election in which they affirm that they are qualified to serve and will follow all applicable laws and procedures. The amendments to other rules in this Chapter relate to updating language throughout Title 230 that mention the Department of Public Safety (DPS), which should now be a reference to Service Oklahoma, and/or motor license agencies, which are now referred to as licensed operators.

AUTHORITY:

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

Notices of Rulemaking Intent

COMMENT PERIOD:

Persons may submit written comments through January 15, 2025 by writing Rachel Rogers at: State Election Board, P.O. Box 53156, Oklahoma City, OK 73152, or email: Rachel.rogers@elections.ok.gov

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. Section 303(B)(9), “persons may demand a hearing” by writing Rachel Rogers at: State Election Board, P.O. Box 53156, Oklahoma City, OK 73152, or email: Rachel.rogers@elections.ok.gov.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed amendments are available at the State Election Board, Room G38, Oklahoma State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City, OK 73105, or Oklahoma.gov/elections/laws-and-procedures.html or by emailing Rachel.rogers@elections.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Section 303(d), a rule impact statement is being prepared and will be available for review no later than December 31, 2024 at: State Election Board, Room G38, Oklahoma State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City, OK 73105, or by email: Rachel.rogers@elections.ok.gov.

CONTACT PERSON:

Rachel Rogers Mailing address: State Election Board, P.O. Box 53156, Oklahoma City, OK 73152. Email: Rachel.rogers@elections.ok.gov.

[OAR Docket #24-1328; filed 11-25-24]

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

[OAR Docket #24-1339]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

230:15-1-1. Purpose [AMENDED]

230:15-1-2. Definitions [AMENDED]

Subchapter 3. Voter Outreach

Part 3. DISTRIBUTION OF VOTER REGISTRATION APPLICATION FORMS

230:15-3-23. Voter registration application forms available to individuals [AMENDED]

Subchapter 5. Application for Voter Registration

Part 1. QUALIFICATIONS FOR REGISTRATION

230:15-5-1. Persons eligible to register to vote [AMENDED]

230:15-5-3. Felons ineligible to register to vote [AMENDED]

230:15-5-4. Exceptions for felony convictions [AMENDED]

Part 9. ACCESSIBILITY OF VOTER REGISTRATION APPLICATION SERVICES

230:15-5-36. Accessibility of voter registration application services for elderly and handicapped voters [AMENDED]

Part 21. VOTER REGISTRATION APPLICATION BY MAIL

230:15-5-83. Applying for voter registration by mail [AMENDED]

Part 23. VOTER REGISTRATION APPLICATION SERVICES AT ~~DEPARTMENT OF PUBLIC SAFETY FACILITIES AND IN MOTOR LICENSE AGENCIES~~ SERVICE OKLAHOMA LOCATIONS AND IN LICENSED OPERATORS [AMENDED]

230:15-5-100. Voter registration application services provided with driver license services at ~~Department of Public Safety facilities and at motor license agencies~~ Service Oklahoma locations and at licensed operators [AMENDED]

230:15-5-101. Training for ~~motor license agency~~ licensed operator personnel [AMENDED]

230:15-5-101.1. Training for driver license examiners and other ~~Department of Public Safety~~ Service Oklahoma personnel [AMENDED]

Notices of Rulemaking Intent

230:15-5-102. ~~Motor license agency procedure~~Procedure for simultaneous voter registration application with a driver license renewal [AMENDED]

230:15-5-102.1. ~~Motor license agency procedure~~Procedure for simultaneous voter registration application with in-person driver license change of address or name [AMENDED]

230:15-5-102.3. Confidential information regarding voter registration services [AMENDED]

230:15-5-103. Passive voter registration application services in ~~motor license agency~~licensed operator locations [AMENDED]

230:15-5-104. ~~Department of Public Safety and motor license agency~~Service Oklahoma and licensed operator personnel responding to questions and/or requests for information about voter registration or election conduct [AMENDED]

230:15-5-105. Voter registration application services impartial and nonpartisan [AMENDED]

230:15-5-106. Responsibility for Voter Registration Statements received in ~~motor license agency~~licensed operator locations [AMENDED]

230:15-5-107. Source coding and dating completed applications received by ~~motor license agency~~licensed operator [AMENDED]

230:15-5-108. Transmitting completed Oklahoma Voter Registration Application forms to the State Election Board [AMENDED]

230:15-5-109. Materials for voter registration application services in ~~motor license agency~~licensed operator locations [AMENDED]

230:15-5-110. Payment of ~~motor license agents~~licensed operators [AMENDED]

Part 27. ONLINE VOTER REGISTRATION APPLICATION SERVICES

230:15-5-140. Online submission of applications for voter registration authorized [AMENDED]

Subchapter 9. Receiving and Processing Voter Registration Applications

Part 1. RESPONSIBILITIES OF THE STATE ELECTION BOARD FOR VOTER REGISTRATION

230:15-9-1. Secretary of State Election Board is chief state election official [AMENDED]

230:15-9-2. Voter registration applications transmitted to the State Election Board [AMENDED]

230:15-9-3. Processing paper voter registration applications received at the State Election Board [AMENDED]

Part 3. COUNTY ELECTION BOARD RESPONSIBILITY FOR PROCESSING VOTER REGISTRATION APPLICATIONS

230:15-9-11. Receiving voter registration applications at the County Election Board [AMENDED]

Part 5. PROCESSING VOTER REGISTRATION APPLICATIONS

230:15-9-18. Entering paper applications for voter registration in MESA [AMENDED]

230:15-9-20. Processing applications for name change [AMENDED]

230:15-9-21. Processing applications for change of residence address or mailing address [AMENDED]

230:15-9-26. Receiving, processing, and acknowledging electronic address changes from ~~DPSS~~Service Oklahoma [AMENDED]

Subchapter 11. Voter Registration List Maintenance

Part 3. VOTER REGISTRATION ADDRESS CONFIRMATION

230:15-11-29. Identification and notification of voters who may have changed addresses of residence [AMENDED]

SUMMARY:

The proposed amendments in Part 1 of Subchapter 5 are necessary clarifications due to the amendment of 26 O.S. Section 4-101 as a result of House Bill 1629 from the 2024 Legislative Session. This bill altered the eligibility requirements for when convicted felons may be eligible to register to vote. All other proposed amendments in this Chapter relate to updating language throughout Title 230 referencing the Department of Public Safety (DPS), which should now be a reference to Service Oklahoma, and/or motor license agencies, which are now referred to as licensed operators. Because Service Oklahoma has taken over those driver license services from DPS and has launched additional online services, there are necessary updates to the rules related to voter registration application services that Service Oklahoma and licensed operators must provide under state and Federal law.

AUTHORITY:

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

COMMENT PERIOD:

Persons may submit written comments through January 15, 2025 by writing Rachel Rogers at: State Election Board, P.O. Box 53156, Oklahoma City, OK 73152, or email: Rachel.rogers@elections.ok.gov.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. Section 303(B)(9), "persons may demand a hearing" by writing Rachel Rogers at: State Election Board, P.O. Box 53156, Oklahoma City, OK 73152, or email: Rachel.rogers@elections.ok.gov.

Notices of Rulemaking Intent

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed amendments are available at the State Election Board, Room G38, Oklahoma State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City, OK 73105, or Oklahoma.gov/elections/laws-and-procedures.html or by emailing Rachel.rogers@elections.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Section 303(d), a rule impact statement is being prepared and will be available for review no later than December 31, 2024 at: State Election Board, Room G38, Oklahoma State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City, OK 73105, or by email: Rachel.rogers@elections.ok.gov.

CONTACT PERSON:

Rachel Rogers Mailing address: State Election Board, P.O. Box 53156, Oklahoma City, OK 73152. Email: Rachel.rogers@elections.ok.gov. Physical address: Room G38, Oklahoma State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City, OK.

[OAR Docket #24-1339; filed 11-25-24]

**TITLE 230. STATE ELECTION BOARD
CHAPTER 20. CANDIDATE FILING**

[OAR Docket #24-1329]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Filing Candidacy for Federal, state, county, and Other Elective Office

Part 7. STATE AND COUNTY ELECTION BOARD PROCEDURES FOR RECEIVING, REVIEWING, AND ACCEPTING DECLARATIONS OF CANDIDACY

230:20-3-44. Candidates in restricted records status [REVOKED]

Part 9. WITHDRAWALS OF CANDIDATES

230:20-3-52. Removal of deceased candidate from ballot [NEW]

SUMMARY:

The rule in 230:20-3-44 became obsolete upon the passage of Senate Bill 677 from the 2023 Legislative Session, which provided for the confidentiality of address information contained in a Declaration of Candidacy Form. The proposed addition of 230:20-3-52 is to provide the authority for removing a deceased candidate's name from the ballot if they pass away after the withdrawal period has ended but before ballot printing has begun.

AUTHORITY:

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

COMMENT PERIOD:

Persons may submit written comments through January 15, 2025 by writing Rachel Rogers at: State Election Board, P.O. Box 53156, Oklahoma City, OK 73152, or email: Rachel.rogers@elections.ok.gov.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. Section 303(B)(9), "persons may demand a hearing" by writing Rachel Rogers at: State Election Board, P.O. Box 53156, Oklahoma City, OK 73152, or email: Rachel.rogers@elections.ok.gov.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed amendments are available at the State Election Board, Room G38, Oklahoma State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City, OK 73105, or Oklahoma.gov/elections/laws-and-procedures.html or by emailing Rachel.rogers@elections.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Section 303(d), a rule impact statement is being prepared and will be available for review no later than December 31, 2024 at: State Election Board, Room G38, Oklahoma State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City, OK 73105, or by email: Rachel.rogers@elections.ok.gov.

Notices of Rulemaking Intent

CONTACT PERSON:

Rachel Rogers Mailing address: State Election Board, P.O. Box 53156, Oklahoma City, OK 73152. Email: Rachel.rogers@elections.ok.gov. Physical address: Room G38, Oklahoma State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City, OK.

[OAR Docket #24-1329; filed 11-25-24]

TITLE 230. STATE ELECTION BOARD CHAPTER 30. ABSENTEE VOTING

[OAR Docket #24-1330]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Absentee Voting Boards

230:30-7-14. Verifying voter registration information and status of in-person absentee voters [AMENDED]

Subchapter 19. Counting the Ballots

Part 1. COUNTING ABSENTEE BALLOTS ON ELECTION DAY

230:30-19-5. Procedure for counting mutilated ballots [AMENDED]

230:30-19-6. Marking substitute ballot to count write-in ballots, faxed ballots, and ballots transmitted to voters by electronic mail [AMENDED]

SUMMARY:

The amendment to 230:30-7-14 is to remove the word “internet” when it should more appropriately state “secure network” in reference to early voting procedures. The proposed amendments to Subchapter 19 relate to clarifying how and when the County Election Board can mark a substitute ballot in certain limited circumstances.

AUTHORITY:

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

COMMENT PERIOD:

Persons may submit written comments through January 15, 2025 by writing Rachel Rogers at: State Election Board, P.O. Box 53156, Oklahoma City, OK 73152, or email: Rachel.rogers@elections.ok.gov.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. Section 303(B)(9), “persons may demand a hearing” by writing Rachel Rogers at: State Election Board, P.O. Box 53156, Oklahoma City, OK 73152, or email: Rachel.rogers@elections.ok.gov.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed amendments are available at the State Election Board, Room G38, Oklahoma State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City, OK 73105, or Oklahoma.gov/elections/laws-and-procedures.html or by emailing Rachel.rogers@elections.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Section 303(d), a rule impact statement is being prepared and will be available for review no later than December 31, 2024 at: State Election Board, Room G38, Oklahoma State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City, OK 73105, or by email: Rachel.rogers@elections.ok.gov.

CONTACT PERSON:

Rachel Rogers Mailing address: State Election Board, P.O. Box 53156, Oklahoma City, OK 73152. Email: Rachel.rogers@elections.ok.gov. Physical address: Room G38, Oklahoma State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City, OK.

[OAR Docket #24-1330; filed 11-25-24]

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

Notices of Rulemaking Intent

[OAR Docket #24-1331]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
230:40-1-3. Resolutions [NEW]

SUMMARY:

The proposed new rule in Chapter 40 is intended to clarify how and when entities may submit resolutions to the County Election Board in order to meet the prescribed statutory deadline.

AUTHORITY:

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

COMMENT PERIOD:

Persons may submit written comments through January 15, 2025 by writing Rachel Rogers at: State Election Board, P.O. Box 53156, Oklahoma City, OK 73152, or email: Rachel.rogers@elections.ok.gov.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. Section 303(B)(9), “persons may demand a hearing” by writing Rachel Rogers at: State Election Board, P.O. Box 53156, Oklahoma City, OK 73152, or email: Rachel.rogers@elections.ok.gov.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed amendments are available at the State Election Board, Room G38, Oklahoma State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City, OK 73105, or Oklahoma.gov/elections/laws-and-procedures.html or by emailing Rachel.rogers@elections.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Section 303(d), a rule impact statement is being prepared and will be available for review no later than December 31, 2024 at: State Election Board, Room G38, Oklahoma State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City, OK 73105, or by email: Rachel.rogers@elections.ok.gov.

CONTACT PERSON:

Rachel Rogers Mailing address: State Election Board, P.O. Box 53156, Oklahoma City, OK 73152. Email: Rachel.rogers@elections.ok.gov. Physical address: Room G38, Oklahoma State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City, OK.

[OAR Docket #24-1331; filed 11-25-24]

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

[OAR Docket #24-1259]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Qualification and Requirements for Licensure
235:10-3-2. Requirements for licensing funeral service establishments [AMENDED]
235:10-3-4. ~~Registration of individual sellers of preneed funeral service merchandise~~ Licensing crematories [NEW]
Subchapter 7. Licensure Renewal, Revocation and Suspension
235:10-7-3. Enforcement [NEW]
Subchapter 9. Procedures for the Disposition of Cases
235:10-9-2. Investigations [AMENDED]
Subchapter 14. Crematories
235:10-14-1. Requirements [AMENDED]
Subchapter 15. Advertising
235:10-15-3. False or misleading advertising [AMENDED]

Notices of Rulemaking Intent

SUMMARY:

The proposed rule amendments and new rules provide for addition of rules regarding crematories and the dignified procedures during the cremation process, rule clarification of false or misleading advertising, rule removal regarding the number of caskets required, rule clarification of Funeral Director in Charge and name change procedures, and the addition of a penalty fee schedule and emergency complaint procedures for the protection of the public health and safety.

AUTHORITY:

Oklahoma Funeral Board; Title 59 O.S. Section 396.2a, Title 59 O.S. Section 396.17, Title 59 O.S. Section 396.31, Title 75 O.S. Section 302 (A)(1), Title 75 O.S. Section 307

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Oklahoma Funeral Board, 3700 N. Classen Boulevard, Suite 175, Oklahoma City, OK, 73118 from December 16, 2024- January 17, 2025.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Friday, January 17, 2025, at the 1st floor conference room in the building of the Oklahoma Funeral Board office, 3700 N. Classen Boulevard, Suite 175, Oklahoma City, OK 73118.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Funeral Board request that business entities affected by these proposed rules provide the Board, within the comment period, in dollar amounts the level of direct cost, indirect cost, or other costs expected to be incurred by the business entity due to compliance with proposed rules. Business entities may submit this information in writing to Tyler Stiles at the address above, before the close of the comment period on January 17, 2025.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Oklahoma Funeral Board, 3700 N. Classen Boulevard, Suite 175, Oklahoma City, OK 73118 or by email request at info@funeral.ok.gov.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and available on and after November 19, 2024 at the office of the Oklahoma Funeral Board.

CONTACT PERSON:

Tyler Stiles, Executive Director, Oklahoma Funeral Board, 3700 N. Classen Boulevard, Suite 175, Oklahoma City, OK 73118, 405.522.1790, tyler.stiles@funeral.ok.gov

[OAR Docket #24-1259; filed 11-18-24]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 1. FUNCTION AND STRUCTURE OF THE OFFICE OF JUVENILE AFFAIRS

[OAR Docket #24-1357]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Function and Structure of the Office of Juvenile Affairs

377:1-1-1. Purpose [AMENDED]

377:1-1-5. Board of Juvenile Affairs [REVOKED]

377:1-1-6. Rates and Standards Committee [REVOKED]

377:1-1-7. Legal Base for Rates and Standards Committee [REVOKED]

377:1-1-8. Rates and Standards Committee membership [REVOKED]

377:1-1-9. Conduct of Committee meetings [REVOKED]

377:1-1-10. Public hearing regarding a fixed rate [REVOKED]

Subchapter 3. Board of Juvenile Affairs

377:1-3-25. Purpose [NEW]

377:1-3-26. ~~Legal base~~ Board Composition [NEW]

377:1-3-27. Rates and Standards Committee membership [NEW]

377:1-3-28. Conduct of Committee meetings [NEW]

377:1-3-29. Board meeting in which the Board may vote for a fixed rate [NEW]

SUMMARY:

Notices of Rulemaking Intent

The proposed changes to 377:1-1-1 through 377:1-1-11 were added, amended, or revoked as part of the agency review completed under Executive Order 2020-03.

AUTHORITY:

Board of Juvenile Affairs; 10A O.S. §§ 2-7-101(F)(2) and 2-7-101(G)(1), and 75 O.S. § 302(A)(1)

COMMENT PERIOD:

The comment period will begin on Monday, December 16, 2024, and end on Tuesday, January 15, 2025. Written comments will be accepted during the comment period at the following address: Office of Juvenile Affairs, Attn: Audrey Rockwell, P.O. Box 268812, Oklahoma City, OK 73126, or by email at audrey.rockwell@oja.ok.gov.

PUBLIC HEARING:

A Public Hearing will be held at 10:00 a.m. on Friday, January 17, 2025, virtually at <https://www.zoomgov.com/j/1610680696?pwd=IhNzi3OqFQhcDTG4XaqYSdyf9ziVaM.1> Meeting ID: 161 068 0696 Passcode: 380344 or in person at the OJA State Office, 2501 N. Lincoln Blvd., Ste. 500, Oklahoma City, OK 73105. Persons wishing to make oral comments must sign in via email for virtual comments at audrey.rockwell@oja.ok.gov or at the door by 9:45 a.m. on that day. Each individual will be allowed to make oral comments for a maximum of five (5) minutes.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests business entities affected by the proposed rules to provide written information to the Office of Juvenile Affairs, within the comment period, in dollar amounts if possible, of the increase in the level of direct services, revenue loss, direct or indirect costs, or other costs, such as fees, reporting, recordkeeping, equipment, construction, labor, or professional costs, expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information via email to audrey.rockwell@oja.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained during regular business hours from the Office of Juvenile Affairs, 2501 N. Lincoln Blvd., Ste. 500, Oklahoma City, OK 73105, or by email at audrey.rockwell@oja.ok.gov. The proposed rules will be available on the OJA website at <https://oklahoma.gov/oja.html> no later than December 16, 2024.

RULE IMPACT STATEMENT:

Under 75 O.S., § 303(D), a rule impact statement will be prepared and available for review at the Office of Juvenile Affairs, 2501 N. Lincoln Blvd., Ste. 500, Oklahoma City, OK 73105 beginning on or before December 16, 2024, as well as on the OJA website at <https://oklahoma.gov/oja.html>.

CONTACT PERSON:

Audrey Rockwell, Executive Assistant/ Paralegal, (405) 530-2806, or audrey.rockwell@oja.ok.gov

[OAR Docket #24-1357; filed 11-25-24]

**TITLE 377. OFFICE OF JUVENILE AFFAIRS
CHAPTER 3. ADMINISTRATIVE SERVICES**

[OAR Docket #24-1358]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Office of the Executive Director

Part 3. OFFICE OF THE ADVOCATE GENERAL

377:3-1-20. Legal ~~base and authority~~ basis [AMENDED]

377:3-1-21. Definitions [AMENDED]

377:3-1-23. Job duties [AMENDED]

377:3-1-24. Staff [AMENDED]

377:3-1-25. Abuse, neglect, and caretaker misconduct of a child in OJA custody and placed in a secure facility or other facility operated by or through contract with OJA [AMENDED]

377:3-1-26. Advocate General procedures during an abuse, neglect, or caretaker misconduct investigation for other than OJA secure institutions [AMENDED]

377:3-1-27. OJA grievance policy [AMENDED]

377:3-1-28. General Grievance Procedure [AMENDED]

377:3-1-31. Monitoring and evaluation [AMENDED]

Notices of Rulemaking Intent

- 377:3-1-32. Notice to the Executive Director [AMENDED]
- 377:3-1-33. Coordination with other OJA divisions [REVOKED]
- 377:3-1-34. Coordination with other monitoring entities [REVOKED]
- 377:3-1-35. Conflict of interest [REVOKED]
- 377:3-1-36. Mandatory annual review of rules [REVOKED]

SUMMARY:

The proposed rules were created, amended, or revoked part of the agency review completed under Executive Order 2020-03.

AUTHORITY:

Board of Juvenile Affairs; 10A O.S. §§ 2-7-101(F)(2) and 2-7-101(G)(1), and 75 O.S. § 302(A)(1)

COMMENT PERIOD:

The comment period will begin on Monday, December 16, 2024, and end on Tuesday, January 15, 2025. Written comments will be accepted during the comment period at the following address: Office of Juvenile Affairs, Attn: Audrey Rockwell, P.O. Box 268812, Oklahoma City, OK 73126, or by email at audrey.rockwell@oja.ok.gov.

PUBLIC HEARING:

A Public Hearing will be held at 10:00 a.m. on Friday, January 17, 2025, virtually at <https://www.zoomgov.com/j/1610680696?pwd=IhNzi3OqFQhcDTG4XaqYSdyf9ziVaM.1> Meeting ID: 161 068 0696 Passcode: 380344 or in person at the OJA State Office, 2501 N. Lincoln Blvd., Ste. 500, Oklahoma City, OK 73105. Persons wishing to make oral comments must sign in via email for virtual comments at audrey.rockwell@oja.ok.gov or at the door by 9:45 a.m. on that day. Each individual will be allowed to make oral comments for a maximum of five (5) minutes.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests business entities affected by the proposed rules to provide written information to the Office of Juvenile Affairs, within the comment period, in dollar amounts if possible, of the increase in the level of direct services, revenue loss, direct or indirect costs, or other costs, such as fees, reporting, recordkeeping, equipment, construction, labor, or professional costs, expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information via email to audrey.rockwell@oja.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained during regular business hours from the Office of Juvenile Affairs, 2501 N. Lincoln Blvd., Ste. 500, Oklahoma City, OK 73105, or by email at audrey.rockwell@oja.ok.gov. The proposed rules will be available on the OJA website at <https://oklahoma.gov/oja.html> no later than December 16, 2024.

RULE IMPACT STATEMENT:

Under 75 O.S., § 303(D), a rule impact statement will be prepared and available for review at the Office of Juvenile Affairs, 2501 N. Lincoln Blvd., Ste. 500, Oklahoma City, OK 73105 beginning on or before December 16, 2024, as well as on the OJA website at <https://oklahoma.gov/oja.html>.

CONTACT PERSON:

Audrey Rockwell, Executive Assistant/ Paralegal, (405) 530-2806, or audrey.rockwell@oja.ok.gov

[OAR Docket #24-1358; filed 11-25-24]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 3. ADMINISTRATIVE SERVICES

[OAR Docket #24-1359]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Office of General Counsel Services

Part 1. GENERAL PROVISIONS

377:3-3-1. Purpose [REVOKED]

377:3-3-2. Legal base [REVOKED]

377:3-3-3. Duties and responsibilities [REVOKED]

Subchapter 5. Office of Human Resources Management

Part 1. OVERVIEW OF THE OFFICE OF HUMAN RESOURCES MANAGEMENT

Notices of Rulemaking Intent

377:3-5-1. Purpose [REVOKED]

377:3-5-2. Duties & Responsibilities of the office of Human Resources Management [REVOKED]

Part 3. OFFICE OF HUMAN RESOURCES MANAGEMENT- PERSONNEL PROGRAMS

377:3-5-12. The Office Of Juvenile Affairs promotional plan [REVOKED]

SUMMARY:

The proposed rules were created, amended, or revoked part of the agency review completed under Executive Order 2020-03.

AUTHORITY:

Board of Juvenile Affairs; 10A O.S. §§ 2-7-101(F)(2) and 2-7-101(G)(1), and 75 O.S. § 302(A)(1)

COMMENT PERIOD:

The comment period will begin on Monday, December 16, 2024, and end on Tuesday, January 15, 2025. Written comments will be accepted during the comment period at the following address: Office of Juvenile Affairs, Attn: Audrey Rockwell, P.O. Box 268812, Oklahoma City, OK 73126, or by email at audrey.rockwell@oja.ok.gov.

PUBLIC HEARING:

A Public Hearing will be held at 10:00 a.m. on Friday, January 17, 2025, virtually at <https://www.zoomgov.com/j/1610680696?pwd=lhNzi3OqFQhcDTG4XaqYSdyf9ziVaM.1> Meeting ID: 161 068 0696 Passcode: 380344 or in person at the OJA State Office, 2501 N. Lincoln Blvd., Ste. 500, Oklahoma City, OK 73105. Persons wishing to make oral comments must sign in via email for virtual comments at audrey.rockwell@oja.ok.gov or at the door by 9:45 a.m. on that day. Each individual will be allowed to make oral comments for a maximum of five (5) minutes.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests business entities affected by the proposed rules to provide written information to the Office of Juvenile Affairs, within the comment period, in dollar amounts if possible, of the increase in the level of direct services, revenue loss, direct or indirect costs, or other costs, such as fees, reporting, recordkeeping, equipment, construction, labor, or professional costs, expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information via email to audrey.rockwell@oja.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained during regular business hours from the Office of Juvenile Affairs, 2501 N. Lincoln Blvd., Ste. 500, Oklahoma City, OK 73105, or by email at audrey.rockwell@oja.ok.gov. The proposed rules will be available on the OJA website at <https://oklahoma.gov/oja.html> no later than December 16, 2024.

RULE IMPACT STATEMENT:

Under 75 O.S., § 303(D), a rule impact statement will be prepared and available for review at the Office of Juvenile Affairs, 2501 N. Lincoln Blvd., Ste. 500, Oklahoma City, OK 73105 beginning on or before December 16, 2024, as well as on the OJA website at <https://oklahoma.gov/oja.html>.

CONTACT PERSON:

Audrey Rockwell, Executive Assistant/ Paralegal, (405) 530-2806, or audrey.rockwell@oja.ok.gov

[OAR Docket #24-1359; filed 11-25-24]

**TITLE 377. OFFICE OF JUVENILE AFFAIRS
CHAPTER 3. ADMINISTRATIVE SERVICES**

[OAR Docket #24-1360]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Finance Department

377:3-7-1. Legal basis and purpose [AMENDED]

377:3-7-2. Purpose [REVOKED]

377:3-7-3. Regulatory authority [REVOKED]

377:3-7-4. OJA financial system [REVOKED]

Subchapter 9. Office of Policy

Part 7. POLICY AND ACCREDITATION

377:3-9-40. Legal basis [AMENDED]

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377:3-9-41. Purpose [REVOKED]

377:3-9-42. Public hearings [REVOKED]

377:3-9-43. Availability of OJA rules, policies, and procedures [AMENDED]

377:3-9-44. Petitions for the promulgation, amendment, or repeal of rules [AMENDED]

SUMMARY:

The proposed rules were created, amended, or revoked part of the agency review completed under Executive Order 2020-03.

AUTHORITY:

Board of Juvenile Affairs; 10A O.S. §§ 2-7-101(F)(2) and 2-7-101(G)(1), and 75 O.S. § 302(A)(1)

COMMENT PERIOD:

The comment period will begin on Monday, December 16, 2024, and end on Tuesday, January 15, 2025. Written comments will be accepted during the comment period at the following address: Office of Juvenile Affairs, Attn: Audrey Rockwell, P.O. Box 268812, Oklahoma City, OK 73126, or by email at audrey.rockwell@oja.ok.gov.

PUBLIC HEARING:

A Public Hearing will be held at 10:00 a.m. on Friday, January 17, 2025, virtually at <https://www.zoomgov.com/j/1610680696?pwd=IhNzi3OqFQhcDTG4XaqYSdyf9ziVaM.1> Meeting ID: 161 068 0696 Passcode: 380344 or in person at the OJA State Office, 2501 N. Lincoln Blvd., Ste. 500, Oklahoma City, OK 73105. Persons wishing to make oral comments must sign in via email for virtual comments at audrey.rockwell@oja.ok.gov or at the door by 9:45 a.m. on that day. Each individual will be allowed to make oral comments for a maximum of five (5) minutes.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests business entities affected by the proposed rules to provide written information to the Office of Juvenile Affairs, within the comment period, in dollar amounts if possible, of the increase in the level of direct services, revenue loss, direct or indirect costs, or other costs, such as fees, reporting, recordkeeping, equipment, construction, labor, or professional costs, expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information via email to audrey.rockwell@oja.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained during regular business hours from the Office of Juvenile Affairs, 2501 N. Lincoln Blvd., Ste. 500, Oklahoma City, OK 73105, or by email at audrey.rockwell@oja.ok.gov. The proposed rules will be available on the OJA website at <https://oklahoma.gov/oja.html> no later than December 16, 2024.

RULE IMPACT STATEMENT:

Under 75 O.S., § 303(D), a rule impact statement will be prepared and available for review at the Office of Juvenile Affairs, 2501 N. Lincoln Blvd., Ste. 500, Oklahoma City, OK 73105 beginning on or before December 16, 2024, as well as on the OJA website at <https://oklahoma.gov/oja.html>.

CONTACT PERSON:

Audrey Rockwell, Executive Assistant/ Paralegal, (405) 530-2806, or audrey.rockwell@oja.ok.gov

[OAR Docket #24-1360; filed 11-25-24]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 3. ADMINISTRATIVE SERVICES

[OAR Docket #24-1361]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 13. Office of Public Integrity

Part 1. GENERAL PROVISIONS

377:3-13-1. General purpose, legal basis and authority [AMENDED]

377:3-13-2. Internal affairs investigations [AMENDED]

Part 3. REQUIREMENTS FOR SECURE JUVENILE DETENTION CENTERS

377:3-13-43. Staff requirements [AMENDED]

377:3-13-44. Security and control [AMENDED]

Part 7. REQUIRMENTS FOR COMMUNITY INTERVENTION CENTERS (CIC)

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377:3-13-88. Personnel [AMENDED]

Part 11. REQUIREMENTS FOR SECURE JUVENILE DETENTION CENTERS CARE [AMENDED]

377:3-13-123. Provisional certification [REVOKED]

377:3-13-144. Security and control [AMENDED]

SUMMARY:

The proposed rules were created, amended, or revoked part of the agency review completed under Executive Order 2020-03.

AUTHORITY:

Board of Juvenile Affairs; 10A O.S. §§ 2-7-101(F)(2) and 2-7-101(G)(1), and 75 O.S. § 302(A)(1)

COMMENT PERIOD:

The comment period will begin on Monday, December 16, 2024, and end on Tuesday, January 15, 2025. Written comments will be accepted during the comment period at the following address: Office of Juvenile Affairs, Attn: Audrey Rockwell, P.O. Box 268812, Oklahoma City, OK 73126, or by email at audrey.rockwell@oja.ok.gov.

PUBLIC HEARING:

A Public Hearing will be held at 10:00 a.m. on Friday, January 17, 2025, virtually at <https://www.zoomgov.com/j/1610680696?pwd=lhNzi3OqFQhcDTG4XaqYSdyf9ziVaM.1> Meeting ID: 161 068 0696 Passcode: 380344 or in person at the OJA State Office, 2501 N. Lincoln Blvd., Ste. 500, Oklahoma City, OK 73105. Persons wishing to make oral comments must sign in via email for virtual comments at audrey.rockwell@oja.ok.gov or at the door by 9:45 a.m. on that day. Each individual will be allowed to make oral comments for a maximum of five (5) minutes.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests business entities affected by the proposed rules to provide written information to the Office of Juvenile Affairs, within the comment period, in dollar amounts if possible, of the increase in the level of direct services, revenue loss, direct or indirect costs, or other costs, such as fees, reporting, recordkeeping, equipment, construction, labor, or professional costs, expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information via email to audrey.rockwell@oja.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained during regular business hours from the Office of Juvenile Affairs, 2501 N. Lincoln Blvd., Ste. 500, Oklahoma City, OK 73105, or by email at audrey.rockwell@oja.ok.gov. The proposed rules will be available on the OJA website at <https://oklahoma.gov/oja.html> no later than December 16, 2024.

RULE IMPACT STATEMENT:

Under 75 O.S., § 303(D), a rule impact statement will be prepared and available for review at the Office of Juvenile Affairs, 2501 N. Lincoln Blvd., Ste. 500, Oklahoma City, OK 73105 beginning on or before December 16, 2024, as well as on the OJA website at <https://oklahoma.gov/oja.html>.

CONTACT PERSON:

Audrey Rockwell, Executive Assistant/ Paralegal, (405) 530-2806, or audrey.rockwell@oja.ok.gov

[OAR Docket #24-1361; filed 11-25-24]

TITLE 380. DEPARTMENT OF LABOR CHAPTER 25. BOILER AND PRESSURE VESSEL RULES

[OAR Docket #24-1256]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Administration

380:25-3-29. Penalties [AMENDED]

SUMMARY:

The proposed rule amendments provide for an administrative enforcement program and fine schedule for violations of the Boiler and Pressure Vessel Safety Act and Rules. The circumstances which created the need for the amendments are that HB1331 went into effect November 1, 2023 giving the Oklahoma Department of Labor the authority to promulgate rules establishing a schedule of administrative penalties and fines for violations of the Boiler and Pressure Vessel Safety Act and/or the Boiler and Pressure Vessel Rules. The intended effect of the proposed amendments is to give the Oklahoma

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Department of Labor the ability to more effectively enforce the provisions of the Oklahoma Boiler and Pressure Vessel Safety Act. Any funds collected under this enforcement program are transferred to the General Revenue Fund.

AUTHORITY:

Department of Labor; 40 O.S. §§ 141.3 and 141.6, Boiler and Pressure Vessel Safety Act

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 5:00 p.m., January 16, 2025, at the Oklahoma Department of Labor, Office of the General Counsel, 409 NE 28th St. Third Floor, Oklahoma City, OK 73105

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 9:00 a.m., January 16, 2025, at the Oklahoma Department of Labor, 409 NE 28th St. First Floor, Oklahoma City, OK 73105.

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 5:00 p.m., January 16, 2025, at the Oklahoma Department of Labor, Office of the General Counsel, 409 NE 28th St. Third Floor, Oklahoma City, OK 73105.

COPIES OF PROPOSED RULES:

Copies of proposed rules are available at the Oklahoma Department of Labor, 409 NE 28th St. Third Floor, Oklahoma City, OK 73105 or online at www.ok.gov/odol.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning December 17, 2024 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Daniel A. Mares, Assistant General Counsel, (405) 521-6186 or daniel.mares@labor.ok.gov or Don Schooler, Chief of Staff and General Counsel, (405) 521-6181 or don.schooler@labor.ok.gov.

[OAR Docket #24-1256; filed 11-14-24]

TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #24-1268]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

475:1-1-2. Definitions [AMENDED]

475:1-1-3. Requests for declaratory rulings [NEW]

Subchapter 5. Administrative Actions

475:1-5-1. Purpose [AMENDED]

475:1-5-2. ~~Burden~~ Purpose of hearing and burden of proof [AMENDED]

475:1-5-11. Surrender of Registration in Lieu of Administrative Action [AMENDED]

475:1-5-12. Service in administrative proceedings [AMENDED]

475:1-5-13. Request for hearing and default [AMENDED]

475:1-5-14. Discovery in administrative proceedings [AMENDED]

SUMMARY:

The additions to subchapter 1 provide clarity to the registrants by adding definitions and clarifying existing definitions. The changes in subchapter 5 make the administrative rules match the statutory changes that were made during the most recent legislative session. An addition to the rules details how the agency provides notice to a registrant of an administrative hearing, how the registrant is required to request a hearing, and who is able to request a hearing. Another modification clarifies who has the ability to surrender a registration. A final addition to subchapter 5 is a procedure for discovery during administrative hearings.

AUTHORITY:

Notices of Rulemaking Intent

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; 63 O.S. §§ 2-301, 2-309H

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5 pm on January 16, 2025, at the following address: Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or by email to public.comment@obn.ok.gov.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on January 17, 2025 at the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105 at 9:00 a.m. Anyone who wishes to speak must sign in at the door by 8:45 a.m.

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 before 5 pm on January 16, 2025, at the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or by email to public.comment@obn.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or on the OBND website <https://www.obndd.ok.gov/news-and-publications/public-notice>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control at the above address or on the agency website at <https://www.obndd.ok.gov/news-and-publications/public-notice>.

CONTACT PERSON:

Jessica McGuire, Manager, (405) 521-2885, or jmcguire@obn.ok.gov.

[OAR Docket #24-1268; filed 11-25-24]

TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL CHAPTER 10. REQUIREMENTS FOR REGISTRATION

[OAR Docket #24-1269]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

475:10-1-4. Separate registration [AMENDED]

475:10-1-9. Application for registration pursuant to Title 63 Okl. St. Ann § 2-302 [AMENDED]

475:10-1-10. Application notices for registration and re-registration [AMENDED]

475:10-1-15. Amendments to and withdrawal of applications [AMENDED]

475:10-1-20. Modification of registration [AMENDED]

475:10-1-22. Termination of registration [AMENDED]

SUMMARY:

The rules make changes to the registration requirements including who is required to disclose ownership; updating when and how registrations can be applied for; and clarifying when and how to update a registration. The addition to and modification of some rules provides more clarity changes to the registration and ownership changes. Finally, there are changes that update rules to match statute due to statutory changes that occurred during the most recent legislative session. Some of those changes include limiting the number of medical marijuana grows that can exist at one location and what steps to take upon an ownership or business name change as well as when renewals must be submitted by to be considered timely and sufficient.

AUTHORITY:

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 63 O.S. §§ 2-301, 2-309H

COMMENT PERIOD:

Notices of Rulemaking Intent

Persons wishing to present their views in writing may do so before 5 pm on January 16, 2025, at the following address: Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or by email to public.comment@obn.ok.gov.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on January 17, 2025 at the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105 at 9:00 a.m. Anyone who wishes to speak must sign in at the door by 8:45 a.m.

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 before 5 pm on January 16, 2025, at the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or by email to public.comment@obn.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or on the OBND website <https://www.obndd.ok.gov/news-and-publications/public-notice>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control at the above address or on the agency website at <https://www.obndd.ok.gov/news-and-publications/public-notice>.

CONTACT PERSON:

Jessica McGuire, Manager, (405) 521-2885, or jmcguire@obn.ok.gov.

[OAR Docket #24-1269; filed 11-25-24]

TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL CHAPTER 15. IMMINENT DANGER SUSPENSION

[OAR Docket #24-1270]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

475:15-1-3. Hearing Process following immediate suspension [AMENDED]

SUMMARY:

The rule changes modify when the hearing must be held after an immediate suspension of a registration. The change now puts rule in alignment with statute.

AUTHORITY:

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; 63 O.S. §§ 2-301, 2-309H

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5 pm on January 16, 2025, at the following address: Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or by email to public.comment@obn.ok.gov.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on January 17, 2025 at the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105 at 9:00 a.m. Anyone who wishes to speak must sign in at the door by 8:45 a.m.

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 before 5 pm on January 16, 2025, at the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or by email to public.comment@obn.ok.gov.

COPIES OF PROPOSED RULES:

Notices of Rulemaking Intent

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or on the OBND website <https://www.obndd.ok.gov/news-and-publications/public-notices>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control at the above address or on the agency website at <https://www.obndd.ok.gov/news-and-publications/public-notices>.

CONTACT PERSON:

Jessica McGuire, Manager, (405) 521-2885, or jmcguire@obn.ok.gov.

[OAR Docket #24-1270; filed 11-25-24]

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

[OAR Docket #24-1273]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 8. Criminal Background Checks for Applicants for Licensure/Certification

485:10-8-1. Requirements for criminal background checks for ~~initial~~ licensure/certification in this state [AMENDED]

Subchapter 10. Advanced Unlicensed Assistant

485:10-10-1. Purpose [AMENDED]

485:10-10-2. Certification training program [AMENDED]

Subchapter 11. Disciplinary Action

485:10-11-4. Licensure or certification of individuals with criminal history [AMENDED]

SUMMARY:

Proposed revisions to 485:10-8-1 align rule language with HB 3328 (2024) revisions to the Oklahoma Nursing Practice Act related to fingerprint-based background check requirements. The revisions to 485:10-10-1 correct an outdated statutory reference and the proper title name of AUAs, changing the title from advanced unlicensed assistive personnel to Advanced Unlicensed Assistant as has already occurred in other areas of this subchapter. The change made in 485:10-10-2 was only to also correct the proper title to Advanced Unlicensed Assistant. Emergency rules expiring September 14, 2025, are being made permanent in 485:10-11-4, to align rule language with state statute in the Oklahoma Nursing Practice Act. The proposed changes will ensure protection of the general public through nursing regulation and minimize barriers to licensing and certification in a way that is consistent with state statute.

AUTHORITY:

Oklahoma Board of Nursing; 59 O.S., §§ 567.2(A), 567.6a, 567.18(B)

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30 p.m. on January 23, 2025, at the following address: Oklahoma Board of Nursing, P.O. Box 52926, Oklahoma City, Oklahoma 73152, Attn: Mike Starchman, RN, CPA, Deputy Executive Director

PUBLIC HEARING:

A public hearing will be held at 8:00 a.m. on Wednesday, January 29, 2025, at The M.C. Connors Building, 2501 N. Lincoln Blvd., Ste. 400 Arc Conference Room, Oklahoma City, Oklahoma. Anyone who wishes to speak at this public hearing must sign in with the Oklahoma Board of Nursing by 8:00 a.m., January 29, 2025.

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 23, 2025, at 4:30 p.m., to the Oklahoma Board of Nursing, P.O. Box 52926, Oklahoma City, OK 73152, Attn: Mike Starchman, RN, CPA, Deputy Executive Director

COPIES OF PROPOSED RULES:

Notices of Rulemaking Intent

Copies of the proposed Rules may be obtained by contacting Mike Starchman, RN, CPA, Deputy Executive Director, at the Oklahoma Board of Nursing, physical address: 2501 N. Lincoln Blvd., Ste. 207, Oklahoma City, Oklahoma 73105, mailing address: P.O. Box 52926, Oklahoma City, OK 73152, (405) 962-1809. The proposed amendments may also be viewed on the Oklahoma Board of Nursing web site at: <https://oklahoma.gov/nursing/title-485-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 Mike Starchman, RN, CPA, Deputy Executive Director, at the Oklahoma Board of Nursing, physical address: 2501 N. Lincoln Blvd., Ste. 207, Oklahoma City, OK 73105, mailing address: P.O. Box 52926, Oklahoma City, OK 73152, (405) 962-1809. The Rule Impact Statement may also be viewed on the Oklahoma Board of Nursing web site at: <https://oklahoma.gov/nursing/title-485-rules.html>

CONTACT PERSON:

Mike Starchman, RN, CPA, Deputy Executive Director, (405) 962-1809

[OAR Docket #24-1273; filed 11-20-24]

TITLE 610. STATE REGENTS FOR HIGHER EDUCATION CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #24-1267]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. The Oklahoma State System of Higher Education
610:1-1-6. Prohibition of Race and Sex Discrimination [NEW]

SUMMARY:

The Oklahoma Legislature passed HB 1775 during the 2021 legislative session and the bill was signed into law by Governor Kevin Stitt on May 7, 2021. HB 1775 created a new section of law, codified at 70 O.S. § 24-157(A)(1), and that provides the following: “No enrolled student of an institution of higher education within The Oklahoma State System of Higher Education shall be required to engage in any form of mandatory gender or sexual diversity training or counseling; provided, voluntary counseling shall not be prohibited. Any orientation or requirement that presents any form of race or sex stereotyping or a bias on the basis of race or sex shall be prohibited.” In *Black Emergency Response Team, et al. v. Drummond, et al.*, students, educators and others challenged 70 O.S. § 24-157 and its restrictions on training, counseling, orientation and requirements concerning race and gender at institutions of higher education among other restrictions on primary and secondary schools. Plaintiffs sought preliminary and permanent injunctive relief from enforcement of HB 1775. On June 14, 2024, an Order of Preliminary Injunction was granted in part and denied in part and a Motion to Dismiss was granted in part and denied as moot in part. The case is still pending judgment on the merits. Under 70 O.S. § 24-157, the Oklahoma State Regents for Higher Education are required to promulgate rules, subject to approval by the Governor and the Legislature, to implement the provisions of 70 O.S. § 24-157(A)(1). See 70 O.S. § 24-157(A)(2) (“Pursuant to the provisions of the Administrative Procedures Act, the Oklahoma State Regents for Higher Education shall promulgate rules, subject to approval by the Legislature, to implement the provisions of this subsection.”). The proposed permanent rule is necessary to comply with 70 O.S. § 24-157(A). The permanent rules will provide guidance to institutions and enrolled students.

AUTHORITY:

Oklahoma State Regents for Higher Education; 75 O.S. § 250 et. seq., 70 O.S. § 3206, and 70 O.S. § 24-157(A).

COMMENT PERIOD:

Interested persons may submit written comments to Taylor Dearborn, Legal Assistant, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK 73104, tdearborn@osrhe.edu, by 9:30 a.m., January 16, 2024.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. § 303(B)(9), "persons may demand a hearing" by contacting Taylor Dearborn, Legal Assistant, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK 73104, 405-225-9643, tdearborn@osrhe.edu, by 9:30 a.m., January 16, 2024.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

Notices of Rulemaking Intent

COPIES OF PROPOSED RULES:

Copies of the proposed rules will be made available at the office of the Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK 73104, and on the agency's website at <https://www.okhighered.org> on or before December 16, 2024.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be made available on the agency's website at <https://www.okhighered.org> on or before December 16, 2024.

CONTACT PERSON:

Taylor Dearborn, tdearborn@osrhe.edu, 655 Research Parkway Suite 200, Oklahoma City, OK 73104

[OAR Docket #24-1267; filed 11-20-24]

**TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES
CHAPTER 10. VOCATIONAL REHABILITATION AND SERVICES FOR THE BLIND AND VISUALLY
IMPAIRED**

[OAR Docket #24-1335]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

612:10-1-2. Definitions [AMENDED]

612:10-1-3.2. Pilot projects [AMENDED]

612:10-1-5. Confidentiality [AMENDED]

Subchapter 3. Client Participation in Cost of Services

612:10-3-3. Participation of individuals in cost of services based on financial need [AMENDED]

Subchapter 7. Vocational Rehabilitation and Services for the Blind and Visually Impaired

Part 1. SCOPE OF VOCATIONAL REHABILITATION AND SERVICES FOR THE BLIND AND VISUALLY
IMPAIRED

612:10-7-1. Overview of Vocational Rehabilitation and Services for the Blind and Visually Impaired [AMENDED]

Part 3. CASE PROCESSING REQUIREMENTS

612:10-7-20. Case recording [AMENDED]

612:10-7-22.1. Processing referrals and applications [AMENDED]

612:10-7-24.1. Basic eligibility requirements for vocational rehabilitation services [AMENDED]

612:10-7-24.2. Assessment for determining eligibility [AMENDED]

612:10-7-24.3. Trial Work Experience [AMENDED]

612:10-7-25.1. Ability to serve all eligible individuals; order of selection for services [AMENDED]

Part 5. CASE STATUS AND CLASSIFICATION SYSTEM

612:10-7-50.1. Assessment for determining rehabilitation needs [AMENDED]

612:10-7-51. Individualized Plan for Employment [AMENDED]

612:10-7-52. Scope of vocational rehabilitation services for individuals with disabilities [AMENDED]

612:10-7-55. Job Ready [AMENDED]

612:10-7-56. Employment [AMENDED]

612:10-7-58. Closed Rehabilitated [AMENDED]

Part 11. PHYSICAL AND MENTAL RESTORATION SERVICES

612:10-7-98. General guidelines for physical and mental restoration services [AMENDED]

Part 13. SUPPORTIVE SERVICES

612:10-7-130. Maintenance [AMENDED]

Part 14. Community Provider Employment Services

612:10-7-136. Job Placement Services [AMENDED]

612:10-7-137. JOBS Services [REVOKED]

Part 15. TRAINING

612:10-7-142. General guidelines for training services [AMENDED]

612:10-7-152. Payment of tuition and fees at colleges and universities [AMENDED]

Notices of Rulemaking Intent

612:10-7-157. Out-of-state training [AMENDED]

612:10-7-164. Personal and work adjustment training [AMENDED]

Part 17. SUPPORTED EMPLOYMENT SERVICES

612:10-7-179. Overview of Supported Employment Services [AMENDED]

612:10-7-183. Ongoing support services [AMENDED]

612:10-7-184. Extended services [AMENDED]

612:10-7-185. Provision of supported employment services [AMENDED]

Part 18. EMPLOYMENT AND RETENTION SERVICES

612:10-7-186. Overview of Employment and Retention Services [AMENDED]

612:10-7-188. Provision of Employment and Retention Services [AMENDED]

Part 19. SPECIAL SERVICES FOR INDIVIDUALS WHO ARE BLIND, DEAF, OR HAVE OTHER SIGNIFICANT DISABILITIES

612:10-7-201. Rehabilitation teaching services [AMENDED]

612:10-7-203. Orientation and Mobility (O & M) [AMENDED]

Part 23. SELF-EMPLOYMENT PROGRAMS AND OTHER SERVICES

612:10-7-233. Special consideration in state government employment for persons with severe disabilities [REVOKED]

Part 25. TRANSITION FROM SCHOOL TO WORK STUDY PROGRAM [AMENDED]

612:10-7-240. Overview of transition from school to work study services [AMENDED]

612:10-7-242. Pre-Employment Transition Services [AMENDED]

612:10-7-245. Definitions [AMENDED]

612:10-7-246. Cooperative agreements for transition services [AMENDED]

Subchapter 9. Rehabilitation Teaching Services

Part 1. GENERAL PROVISIONS

612:10-9-2. Consumer rights [AMENDED]

612:10-9-3. Rehabilitation teacher's role [AMENDED]

Subchapter 13. Special Services for the Deaf and Hard of Hearing

Part 3. CERTIFICATION OF INTERPRETERS

612:10-13-20. Certification maintenance [AMENDED]

612:10-13-23. Formal hearing [AMENDED]

SUMMARY:

The majority of revisions in this Chapter consists with updating language to be consistent with contract terminology and federal regulations. Additional revisions to Chapter 10 consist of updating definitions and removing antiquated language. Revoking 612:10-7-137 JOBS services and 612:10-7-233 Special consideration in state government employment for persons with severe disabilities.

AUTHORITY:

Commission for Rehabilitation Services; 74 O.S. § 166.2

COMMENT PERIOD:

Written and oral comments will be accepted December 16, 2024 through January 28, 2025 during regular business hours by contacting Tina Calloway, Rulemaking Liaison, Department of Rehabilitation Services, 3535 NW 58th Street, Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3552 – Toll free 1-800-845-8476, email tcalloway@okdrs.gov.

PUBLIC HEARING:

In-person and Zoom meeting Tuesday, January 28, 2025 2:00 PM - 3:00 PM Central Time (US and Canada) Public Comment Period for Proposed Administrative Rule Amendments Department of Rehabilitation Services 3535 NW 58th Street, 2nd floor conference room Oklahoma City, Oklahoma 73112 Join ZoomGov Meeting <https://www.zoomgov.com/j/1605285836?pwd=rTaxm7OYWvs8QYq5LjbIJYJwIP8bbm.1>

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from: the DRS Website www.okdrs.gov, by e-mail tcalloway@okdrs.gov, by letter to the Policy Administration and Development Section, attention Tina Calloway, Department of Rehabilitation Services, 3535 N.W. 58th Street, Suite 500, Oklahoma City, Oklahoma 73112 or by calling (405) 951-3552 – Toll free 1-800-845-8476.

Notices of Rulemaking Intent

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after December 31, 2024, at the Department of Rehabilitation Services office at the above listed address.

CONTACT PERSON:

Tina Calloway, Rulemaking Liaison, tcalloway@okdrs.gov

[OAR Docket #24-1335; filed 11-25-24]

**TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES
CHAPTER 25. BUSINESS ENTERPRISE PROGRAM**

[OAR Docket #24-1338]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 2. General Provisions

612:25-2-5. Definitions [AMENDED]

Subchapter 4. The State Licensing Agency

Part 11. BUSINESS ENTERPRISE PROGRAM AUDITING AND DUE PROCESS

612:25-4-73. Due process [AMENDED]

612:25-4-75. Arbitration of complaints after the evidentiary hearing [AMENDED]

612:25-4-76. Arbitration of SLA complaints against federal agencies [AMENDED]

SUMMARY:

Due to state and federal audits, revision to the Business Enterprise Program rules must be made as well as adding and updating language.

AUTHORITY:

Commission for Rehabilitation Services; 74 O.S. § 166.2

COMMENT PERIOD:

Written and oral comments will be accepted December 16, 2024 through January 28, 2025 during regular business hours by contacting Tina Calloway, Rulemaking Liaison, Department of Rehabilitation Services, 3535 NW 58th Street, Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3552 – Toll free 1-800-845-8476, email tcalloway@okdrs.gov.

PUBLIC HEARING:

In-person and Zoom meeting Tuesday, January 28, 2025 2:00 PM - 3:00 PM Central Time (US and Canada) Public Comment Period for Proposed Administrative Rule Amendments Department of Rehabilitation Services 3535 NW 58th Street, 2nd floor conference room Oklahoma City, Oklahoma 73112 Join ZoomGov Meeting <https://www.zoomgov.com/j/1605285836?pwd=rTaxm7OYWvs8QYq5LjbIJYJwIP8bbm.1>

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from: the DRS Website www.okdrs.gov, by e-mail tcalloway@okdrs.gov, by letter to the Policy Administration and Development Section, attention Tina Calloway, Department of Rehabilitation Services, 3535 N.W. 58th Street, Suite 500, Oklahoma City, Oklahoma 73112 or by calling (405) 951-3552 – Toll free 1-800-845-8476.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after December 31, 2024, at the Department of Rehabilitation Services office at the above listed address.

CONTACT PERSON:

Tina Calloway, Rulemaking Liaison, tcalloway@okdrs.gov

[OAR Docket #24-1338; filed 11-25-24]

Notices of Rulemaking Intent

TITLE 655. SECRETARY OF STATE CHAPTER 10. ADMINISTRATIVE RULES ON RULEMAKING

[OAR Docket #24-1253]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

655:10-1-2. Definitions [AMENDED]

655:10-1-8. Forms and instructions [AMENDED]

Subchapter 3. Codification of Rules

Part 1. INTRODUCTORY PROVISIONS

655:10-3-1. Function; scope [AMENDED]

655:10-3-3. Rulemaking after publication of first OAC [AMENDED]

Part 3. CODE STRUCTURE

655:10-3-10. Six major OAC divisions [AMENDED]

Part 5. CODE NUMBERING, HEADINGS, AND TAGLINES

655:10-3-24.1. Appendix letters and headings [AMENDED]

Part 7. REGULATORY TEXT

655:10-3-35. Placement of Sections and Section text [AMENDED]

655:10-3-37. Graphics and appendices [AMENDED]

Subchapter 5. Rule Drafting Requirements

655:10-5-2. Identifying new rules [AMENDED]

655:10-5-3. Identifying amendatory language in rules [AMENDED]

655:10-5-4. Identifying revoked rules [AMENDED]

655:10-5-6. Superseded emergency actions; expired emergency rules [AMENDED]

655:10-5-8. Renumbering Sections and Appendices within a Chapter [AMENDED]

655:10-5-10. Use of definitions [AMENDED]

655:10-5-17. Agency Notes [AMENDED]

Subchapter 7. Preparation of Documents

Part 1. GENERAL PROVISIONS

655:10-7-1. Types of documents; inclusion in Code; excluded documents [AMENDED]

655:10-7-2. Typing and word processing requirements [AMENDED]

655:10-7-3. Document headings [AMENDED]

655:10-7-4. Page numbering [AMENDED]

655:10-7-6. Transmittal sheet; liaison verification [AMENDED]

Part 3. RULE DOCUMENTS

655:10-7-10. Types of rules and rule documents; rule document components; transmittal sheets [AMENDED]

655:10-7-11. Preamble for permanent, emergency, and preemptive rule documents [AMENDED]

655:10-7-11.1. Preamble for expedited rule repeal documents [REVOKED]

655:10-7-12. Summaries of lengthy rules [REVOKED]

655:10-7-13. Enacting clause [AMENDED]

655:10-7-14. Regulatory text [AMENDED]

655:10-7-15. Supplemental information [AMENDED]

655:10-7-16. Attestations [AMENDED]

Part 5. NOTICE DOCUMENTS

655:10-7-25. Notice document types; transmittal sheet [AMENDED]

655:10-7-26. Notices of rulemaking intent [AMENDED]

655:10-7-26.1. Notices of expedited repeal request [REVOKED]

655:10-7-27. Notices of cancelled hearing and/or comment period [AMENDED]

655:10-7-28. Notices of continued hearing and/or comment period [AMENDED]

655:10-7-29. Statements of submission of adopted rules to Governor and Legislature [AMENDED]

655:10-7-32. Notices of legislative disapproval [AMENDED]

655:10-7-33. Notices of withdrawn rules [AMENDED]

655:10-7-35. Notices of errors in published documents [AMENDED]

Notices of Rulemaking Intent

Part 9. DOCUMENT SCOPE

655:10-7-51. Rule document scope, limitations [AMENDED]

655:10-7-52. Notice document scope, limitations [AMENDED]

Subchapter 9. Submission of Documents

655:10-9-1. Electronic copies and submissions; special treatment of rule documents [AMENDED]

655:10-9-3. Filing and acceptance deadlines [AMENDED]

655:10-9-5. Acknowledgement of receipt [AMENDED]

Subchapter 11. Review of Documents

655:10-11-1. Review of Register submissions [AMENDED]

655:10-11-3. Acknowledgement of acceptance [AMENDED]

Subchapter 13. Correction of Errors

655:10-13-2. Errors prior to Register publication [AMENDED]

655:10-13-3. Errors after Register publication [AMENDED]

Subchapter 15. The Oklahoma Register

655:10-15-5. Register contents [AMENDED]

655:10-15-9. Unpublished material [AMENDED]

655:10-15-10. Editor's Notes [AMENDED]

655:10-15-11. Proof of publication [AMENDED]

Subchapter 17. The Oklahoma Administrative Code

655:10-17-6. Source notes [AMENDED]

Subchapter 19. Public Inspection and Copies of Documents

655:10-19-1. Public access to documents and publications [AMENDED]

SUMMARY:

Revisions to the Secretary of State's Administrative Rules on Rulemaking (ARR) [OAC 655:10] are proposed to supersede effective emergency rules and to implement and reflect statutory revisions to the Administrative Procedures Act (APA) enacted in SB 515 (2023) and HB 1297 (2024). The proposed revisions also address administrative rules filing procedures, following the launch of rules.ok.gov. Agency documents submitted for publication in the Oklahoma Register now occur via web submission, eliminating requirements for paper or email filings.

AUTHORITY:

Oklahoma Secretary of State; 75 O.S., § 251(A)(2)

COMMENT PERIOD:

Persons wishing to submit written comments must do so by January 15, 2025. Written comments should be submitted to Chris Coffman at 421 NW 13th St., Suite 210, Oklahoma City, OK 73103 (postal) or to chris.coffman@sos.ok.gov (email).

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., Section 303(B)(9), "persons may demand a hearing" by contacting Chris Coffman at (405) 521-4911 or chris.coffman@sos.ok.gov no later than 5:00 p.m. on January 15, 2025.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the Secretary of State 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 Chris Coffman at the above address during the comment period.

COPIES OF PROPOSED RULES:

The proposed rules are available on the Secretary of State's website at <https://www.sos.ok.gov/home/rulesProposed.aspx>. Copies of the proposed rules may also be obtained by contacting Chris Coffman at 405-521-4911, chris.coffman@sos.ok.gov (email), or 421 NW 13th St., Suite 210, Oklahoma City, OK 73103 (postal).

RULE IMPACT STATEMENT:

As required by 75 O.S., Section 303(D), a rule impact statement has been prepared. The rule impact statement is available on the Secretary of State's website at <https://www.sos.ok.gov/home/rulesProposed.aspx>, or from Chris Coffman at 421 NW 13th St., Suite 210, Oklahoma City, OK 73103 (postal) or chris.coffman@sos.ok.gov (email).

CONTACT PERSON:

Chris Coffman, Rules Liaison, 405-521-4911 or chris.coffman@sos.ok.gov.

[OAR Docket #24-1253; filed 11-12-24]

Notices of Rulemaking Intent

TITLE 660. DEPARTMENT OF SECURITIES CHAPTER 2. ORGANIZATION AND PROCEDURES OF DEPARTMENT OF SECURITIES

[OAR Docket #24-1264]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Individual Proceeding Practices and Procedures

660:2-9-1. Hearings in general [AMENDED]

660:2-9-2. Initiation of individual proceedings [AMENDED]

660:2-9-3. Prehearing proceedings and processes [AMENDED]

Subchapter 11. Procedures for Inspecting and/or Copying Public Records

660:2-11-1. Purpose [AMENDED]

660:2-11-2. Definitions [AMENDED]

660:2-11-3. Record custodians [AMENDED]

660:2-11-5. Procedures for inspection of records [AMENDED]

660:2-11-6. Procedures for copying records [AMENDED]

Subchapter 13. Declaratory Rulings and Interpretive Opinions

660:2-13-1. ~~Opinions~~ Interpretative opinions, no-action letters, and discretionary orders of exemption [AMENDED]

SUMMARY:

The proposed rule amendments specify the applicable statutory provisions for summary orders that are not subject to the general hearing procedures; provide that the Administrator may enter an agreed scheduling order in addition to setting the hearing date or denying the hearing; amend the description of records that a records custodian is responsible for; update the process for the public to request inspection or copying of records; clarify the process for requesting interpretive opinions, no-action letters and discretionary orders of exemption; correct or remove statutory cites and terminology; and correct scrivener and numbering errors. The Administrator finds that the subject rule amendments are necessary or appropriate in the public interest or for the protection of investors and are consistent with the purposes intended by the Oklahoma Uniform Securities Act of 2004.

AUTHORITY:

Administrator, Oklahoma Department of Securities; 71 O.S. §§1-605 and 1-608

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30 p.m., January 16, 2025, at the Oklahoma Department of Securities, City Place, 204 North Robinson Avenue, Suite 400, Oklahoma City, OK 73102-7001.

PUBLIC HEARING:

A public hearing will be held at 1:30 p.m. on Thursday, January 23, 2025, to provide an opportunity for persons to orally present their views. The hearing will be held in the conference room at the Oklahoma Department of Securities, 204 North Robinson Avenue, Suite 400, Oklahoma City, OK, and virtually. Information to access the hearing virtually will be posted on the Department's website, www.securities.ok.gov, at least three days prior to the hearing, or you may contact the Department at 405-280-7700 for the access information. Should you wish to speak during the hearing, please sign in at the door or log in virtually by 1:15 p.m. and post your name, phone number, email address, and name of the person you are representing, if any, in the chat box. Each person will be allowed a maximum of 10 minutes to speak.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities should evaluate the effect of the proposed rule amendments upon their business operations. The Department requests that business entities that may be affected by the proposed rule amendments provide the Department, within the comment period, in dollar amounts, if possible, any increase in the level of direct costs, indirect costs, or other costs expected to be incurred due to compliance with the proposed rule amendments. Business entities may submit this information in writing to Gerri Kavanaugh, at the above address, before the close of the comment period on January 16, 2025.

COPIES OF PROPOSED RULES:

The public may access copies of the proposed rule amendments on the Department's website at www.securities.ok.gov or obtain copies for review between 8:30 a.m. and 4:30 p.m., Monday through Friday, at the offices of the Oklahoma Department of Securities, City Place, 204 North Robinson Avenue, Suite 400, Oklahoma City, OK, or by calling (405) 280-7700.

RULE IMPACT STATEMENT:

Notices of Rulemaking Intent

A rule impact statement will be available as of December 31, 2024, at the Oklahoma Department of Securities (address, telephone number, times, and website as listed above).

CONTACT PERSON:

Gerri Kavanaugh, General Counsel, Oklahoma Department of Securities, (405) 280-7721

[OAR Docket #24-1264; filed 11-22-24]

**TITLE 660. DEPARTMENT OF SECURITIES
CHAPTER 6. FORMS**

[OAR Docket #24-1265]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Forms for General Purposes

660:6-3-1. Forms to inspect or copy records [AMENDED]

Subchapter 5. Forms Used Under the Securities Act

660:6-5-1. Forms for registration or exemption of securities [AMENDED]

660:6-5-2. Forms for securities industry registration [AMENDED]

660:6-5-3. Form to file a notice of financial exploitation [NEW]

Subchapter 9. Forms Used Under the Land Sales Act

660:6-9-2. Forms for licensing of agents [REVOKED]

SUMMARY:

The proposed new rule, rule amendments, and revocation update the forms used by the Department and delete forms no longer used. The Administrator finds that the subject new rule, rule amendments, and revocation are necessary or appropriate in the public interest or for the protection of investors and are consistent with the purposes intended by the Oklahoma Uniform Securities Act of 2004.

AUTHORITY:

Administrator, Oklahoma Department of Securities; 71 O.S. §§1-605 and 1-608

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30 p.m., January 16, 2025, at the Oklahoma Department of Securities, City Place, 204 North Robinson Avenue, Suite 400, Oklahoma City, OK 73102-7001.

PUBLIC HEARING:

A public hearing will be held at 1:30 p.m. on Thursday, January 23, 2025, to provide an opportunity for persons to orally present their views. The hearing will be held in the conference room at the Oklahoma Department of Securities, 204 North Robinson Avenue, Suite 400, Oklahoma City, OK, and virtually. Information to access the hearing virtually will be posted on the Department's website, www.securities.ok.gov, at least three days prior to the hearing, or you may contact the Department at 405-280-7700 for the access information. Should you wish to speak during the hearing, please sign in at the door or log in virtually by 1:15 p.m. and post your name, phone number, email address, and name of the person you are representing, if any, in the chat box. Each person will be allowed a maximum of 10 minutes to speak.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities should evaluate the effect of the proposed new rule, rule amendments, and revocation upon their business operations. The Department requests that business entities that may be affected by the proposed new rule, rule amendments, and revocation provide the Department, within the comment period, in dollar amounts, if possible, any increase in the level of direct costs, indirect costs, or other costs expected to be incurred due to compliance with the proposed new rule, rule amendments, and revocation. Business entities may submit this information in writing to Gerri Kavanaugh, at the above address, before the close of the comment period on January 16, 2025.

COPIES OF PROPOSED RULES:

The public may access copies of the proposed new rule, rule amendments, and revocation on the Department's website at www.securities.ok.gov or obtain copies for review between 8:30 a.m. and 4:30 p.m., Monday through Friday, at the offices of the Oklahoma Department of Securities, City Place, 204 North Robinson Avenue, Suite 400, Oklahoma City, OK, or by calling (405) 280-7700.

RULE IMPACT STATEMENT:

Notices of Rulemaking Intent

A rule impact statement will be available as of December 31, 2024, at the Oklahoma Department of Securities (address, telephone number, times, and website as listed above).

CONTACT PERSON:

Gerri Kavanaugh, General Counsel, Oklahoma Department of Securities, (405) 280-7721

[OAR Docket #24-1265; filed 11-22-24]

TITLE 660. DEPARTMENT OF SECURITIES CHAPTER 11. OKLAHOMA UNIFORM SECURITIES ACT OF 2004

[OAR Docket #24-1311]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

660:11-1-3. Definitions [AMENDED]

Subchapter 3. Investment Certificate Issuers

Part 3. REPORTING AND ACCOUNTING REQUIREMENTS

660:11-3-21. Loans [AMENDED]

Part 5. MISCELLANEOUS PROVISIONS

660:11-3-31. Qualifications of conservator or liquidator [AMENDED]

660:11-3-32. Acknowledgment [AMENDED]

660:11-3-33. Examination standards [AMENDED]

Subchapter 5. Broker-Dealers and Agents

Part 1. GENERAL PROVISIONS

660:11-5-2. Definitions [AMENDED]

Part 3. LICENSING PROCEDURES

660:11-5-11. Initial registration [AMENDED]

660:11-5-13. Agent transfer [AMENDED]

660:11-5-14. Broker-dealer and agent termination [AMENDED]

660:11-5-16. Examination requirements for agents and for principals of non-FINRA member broker-dealers [AMENDED]

660:11-5-17. Net capital for broker-dealers [AMENDED]

660:11-5-20. ~~Cross-border licensing~~ Canadian broker-dealer exemption [AMENDED]

660:11-5-21. Supplemental disclosures [AMENDED]

660:11-5-22. Private offering issuer agent exemption [AMENDED]

660:11-5-23. Coordinated limited offering issuer agent exemption [AMENDED]

660:11-5-24. Oklahoma Accredited Investor issuer agent exemption [AMENDED]

660:11-5-25. Registration relief for military service members and their spouses [AMENDED]

660:11-5-26. Merger and acquisition broker exemption [AMENDED]

Part 5. REPORTING REQUIREMENTS

660:11-5-31. Post-registration reporting requirements [AMENDED]

Part 7. RECORD KEEPING AND ETHICAL STANDARDS

660:11-5-41. Books and records requirements for broker-dealers [AMENDED]

660:11-5-42. Dishonest and unethical practices of broker-dealers and agents [AMENDED]

660:11-5-43. Examination of broker-dealers [AMENDED]

660:11-5-45. Financial statements for non-FINRA broker-dealers [AMENDED]

Subchapter 7. Investment Advisers and Investment Adviser Representatives

Part 1. GENERAL PROVISIONS

660:11-7-2. Definitions [AMENDED]

Part 3. LICENSING PROCEDURES

660:11-7-11. Initial registration [AMENDED]

660:11-7-13. Examination requirements for investment adviser representatives [AMENDED]

660:11-7-14. Investment adviser and investment adviser representative termination [AMENDED]

Notices of Rulemaking Intent

- 660:11-7-16. Solicitor exemption [AMENDED]
- 660:11-7-17. Registration exemption for investment advisers to qualifying private funds. [AMENDED]
- 660:11-7-18. Oil and gas professional exclusion [AMENDED]
- 660:11-7-19. Registration relief for military service members and their spouses [AMENDED]
- 660:11-7-20. Supplemental disclosures [AMENDED]
- 660:11-7-22. Municipal advisor exemption [AMENDED]
- Part 5. REPORTING REQUIREMENTS
- 660:11-7-31. Post-registration reporting requirements [AMENDED]
- Part 7. RECORD KEEPING AND ETHICAL STANDARDS
- 660:11-7-41. Record keeping requirements [AMENDED]
- 660:11-7-42. Dishonest and unethical practices of investment advisers and investment adviser representatives [AMENDED]
- 660:11-7-43. Disclosure requirements [AMENDED]
- 660:11-7-45. Examination of investment advisers [AMENDED]
- 660:11-7-46. Written policies and procedures [AMENDED]
- 660:11-7-48. Custody requirements for investment advisers [AMENDED]
- 660:11-7-49. Investment adviser representative continuing education requirements [AMENDED]
- Subchapter 9. Registration of Securities
- Part 3. REGISTRATION PROCEDURES
- 660:11-9-12. Content of registration statement [AMENDED]
- 660:11-9-13. Amendments to registration statements [AMENDED]
- 660:11-9-14. Financial statements [AMENDED]
- 660:11-9-16. Abandoned filings [AMENDED]
- Part 5. GUIDELINES AND POLICIES APPLICABLE TO OFFERINGS OF REGISTERED SECURITIES
- 660:11-9-31. Prospectus delivery requirement [AMENDED]
- 660:11-9-34. Application of NASAA Statements of Policy and guidelines [AMENDED]
- 660:11-9-36. Promoters' and organizers' equity contributions [AMENDED]
- Part 7. REPORTING REQUIREMENTS
- 660:11-9-51. Registration renewal and sales reporting requirements [AMENDED]
- 660:11-9-53. Special examinations of registrations [AMENDED]
- Subchapter 11. Exemptions From Securities Registration
- Part 1. GENERAL PROVISIONS
- 660:11-11-1. Definitions [AMENDED]
- 660:11-11-3. Number of purchasers [AMENDED]
- 660:11-11-4. Integration of offerings [AMENDED]
- 660:11-11-5. Application of NASAA Statements of Policy and guidelines [AMENDED]
- 660:11-11-6. Abandoned filings [NEW]
- Part 3. EXEMPT SECURITIES
- 660:11-11-21. Not for profit debt securities notice filing [AMENDED]
- Part 5. EXEMPT TRANSACTIONS
- 660:11-11-40. Manual exemption [AMENDED]
- 660:11-11-42. Existing securities security holders exemption [AMENDED]
- 660:11-11-43. Coordinated limited offering exemption [AMENDED]
- 660:11-11-52. Oklahoma accredited investor exemption [AMENDED]
- 660:11-11-53. Exemptions for offers but not sales [AMENDED]
- 660:11-11-54. Intrastate offering exemption [AMENDED]
- Part 7. FEDERAL COVERED SECURITIES
- 660:11-11-60. Investment company notices [AMENDED]
- 660:11-11-61. Regulation D Rule 506 federal covered security notice filing [AMENDED]
- 660:11-11-62. Regulation A Tier 2 federal covered security notice filing [AMENDED]
- Subchapter 13. Sales Literature
- 660:11-13-3. Filing requirements [AMENDED]
- 660:11-13-4. Content [AMENDED]
- Subchapter 15. Miscellaneous Provisions
- 660:11-15-1. General rules for presentation of financial statements [AMENDED]

SUMMARY:

Notices of Rulemaking Intent

The proposed new rule and rule amendments clarify registration and termination notice requirements for broker-dealers; require broker-dealers to register persons acting as supervisors; clarify the terms to qualify for the exemption of registration for Canadian broker-dealers and agents and the requirement to amend any filings that materially change; promote uniformity by conforming the merger and acquisition broker exemption to federal law and a NASAA model rule; clarify the registration requirements of a sole proprietor investment adviser and provide for a fee waiver; amend acceptable designations that may qualify an investment adviser representative in lieu of examinations; promote uniformity by conforming the registration exemption for investment advisers to qualifying private funds to federal law and a NASAA model rule; clarify that investment advisers who are exempt from the requirement to send an annual privacy notice to their clients are not required to under Oklahoma law; clarify how registration and exemption filings will be deemed abandoned; describe time of payment for the statutorily authorized fee for late Regulation D filings; remove prohibitions against the use of testimonials, third-party ratings, and past performance advertising in investment adviser sales literature; correct and standardize statutory cites and terminology, and clarify existing law and changing regulatory procedures. The Administrator finds that the new rule and rule amendments are necessary or appropriate in the public interest or for the protection of investors and are consistent with the purposes intended by the Oklahoma Uniform Securities Act of 2004.

AUTHORITY:

Administrator, Oklahoma Department of Securities; 71 O.S. §§1-605 and 1-608

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30 p.m., January 16, 2025, at the Oklahoma Department of Securities, City Place, 204 North Robinson Avenue, Suite 400, Oklahoma City, OK 73102-7001.

PUBLIC HEARING:

A public hearing will be held at 1:30 p.m. on Thursday, January 23, 2025, to provide an opportunity for persons to orally present their views. The hearing will be held in the conference room at the Oklahoma Department of Securities, 204 North Robinson Avenue, Suite 400, Oklahoma City, OK, and virtually. Information to access the hearing virtually will be posted on the Department's website, www.securities.ok.gov, at least three days prior to the hearing, or you may contact the Department at 405-280-7700 for the access information. Should you wish to speak during the hearing, please sign in at the door or log in virtually by 1:15 p.m. and post your name, phone number, email address, and name of the person you are representing, if any, in the chat box. Each person will be allowed a maximum of 10 minutes to speak.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities should evaluate the effect of the proposed new rule and rule amendments upon their business operations. The Department requests that business entities that may be affected by the proposed new rule and rule amendments provide the Department, within the comment period, in dollar amounts, if possible, any increase in the level of direct costs, indirect costs, or other costs expected to be incurred due to compliance with the proposed new rule and rule amendments. Business entities may submit this information in writing to Gerri Kavanaugh, at the above address, before the close of the comment period on January 16, 2025.

COPIES OF PROPOSED RULES:

The public may access copies of the proposed new rule and rule amendments on the Department's website at www.securities.ok.gov or obtain copies for review between 8:30 a.m. and 4:30 p.m., Monday through Friday, at the offices of the Oklahoma Department of Securities, City Place, 204 North Robinson Avenue, Suite 400, Oklahoma City, OK, or by calling (405) 280-7700.

RULE IMPACT STATEMENT:

A rule impact statement will be available as of December 31, 2024, at the Oklahoma Department of Securities (address, telephone number, times, and website as listed above).

CONTACT PERSON:

Gerri Kavanaugh, General Counsel, Oklahoma Department of Securities, (405) 280-7721

[OAR Docket #24-1311; filed 11-22-24]

TITLE 670. SERVICE OKLAHOMA CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #24-1352]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Notices of Rulemaking Intent

670:1-1-8. General rules regarding hearings [AMENDED]

670:1-1-10. Hearing examiners [AMENDED]

670:1-1-12. Witnesses and exhibits [AMENDED]

670:1-1-15. Appeal [AMENDED]

SUMMARY:

The rules relate to the administrative operations of Service Oklahoma, in particular processes related to administrative hearings. The proposed amendments align the rules and processes for hearings related to all services offered by Service Oklahoma. The rules of Service Oklahoma were transferred from the Department of Public Safety and the Oklahoma Tax Commission, pursuant to 47 O.S. Section 3-101 and there were some conflicting or duplicating rules from the various agencies.

AUTHORITY:

Service Oklahoma, The Executive Director of Service Oklahoma; 47 O.S. Section 3-101 and 47 O.S. Section 3-103

COMMENT PERIOD:

Persons may submit written comments through January 17, 2025 to April Kelso, General Counsel, Service Oklahoma, P.O. Box 11415, Oklahoma City, OK 73136.

PUBLIC HEARING:

A public hearing has been scheduled for January 20, 2025 at 8:00 am at Service Oklahoma, 6015 N. Classen Blvd., Oklahoma City, OK. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. In the event an attendee would like to speak, please notify April Kelso by email at April.Kelso@service.ok.gov.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting April Kelso of Service Oklahoma by mailing a request to P.O. Box 11415, Oklahoma City, OK 73136-0415.

RULE IMPACT STATEMENT:

As required by 75 O.S. § 303(D), a rule impact statement will be available beginning December 31, 2024. The rule impact statement may be obtained for review by contacting April Kelso of Service Oklahoma.

CONTACT PERSON:

April Kelso, Service Oklahoma, (405) 522-0204

[OAR Docket #24-1352; filed 11-25-24]

**TITLE 670. SERVICE OKLAHOMA
CHAPTER 10. LICENSED OPERATORS**

[OAR Docket #24-1353]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. OPERATION OF SERVICE OKLAHOMA LOCATION BY LICENSED OPERATOR

670:10-9-5. Pre-registration [NEW]

SUMMARY:

This rule relates to the licensed operators' operation of their location. SB2035 was enacted in 2024 and requires those selling or transferring a motor vehicle in the state of Oklahoma to complete pre-registration through Service Oklahoma. This service is performed by licensed operators and this rule is required in order to specify the timing and completion of pre-registration transactions.

AUTHORITY:

Service Oklahoma, The Executive Director of Service Oklahoma; 47 O.S. Section 3-101, 47 O.S. Section 3-103

COMMENT PERIOD:

Persons may submit written comments through January 17, 2025 to April Kelso, General Counsel, Service Oklahoma, P.O. Box 11415, Oklahoma City, OK 73136.

PUBLIC HEARING:

Notices of Rulemaking Intent

A public hearing has been scheduled for January 20, 2025 at 9:00 am at Service Oklahoma, 6015 N. Classen Blvd., Oklahoma City, OK. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. In the event an attendee would like to speak, please notify April Kelso by email at April.Kelso@service.ok.gov.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting April Kelso of Service Oklahoma by mailing a request to P.O. Box 11415, Oklahoma City, OK 73136-0415.

RULE IMPACT STATEMENT:

As required by 75 O.S. § 303(D), a rule impact statement will be available beginning December 31, 2024. The rule impact statement may be obtained for review by contacting April Kelso of Service Oklahoma.

CONTACT PERSON:

April Kelso, Service Oklahoma, (405) 522-0204

[OAR Docket #24-1353; filed 11-25-24]

TITLE 670. SERVICE OKLAHOMA CHAPTER 15. DRIVER LICENSES AND IDENTIFICATION CARDS

[OAR Docket #24-1354]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. CLASS D DRIVER LICENSES AND IDENTIFICATION CARDS

670:15-1-7. Procedure for obtaining a renewal driver license [AMENDED]

670:15-1-10. Procedure for obtaining a replacement driver license [AMENDED]

670:15-1-13. Procedure for obtaining a renewal identification card [AMENDED]

670:15-1-14. Procedure for obtaining a replacement identification card [AMENDED]

Subchapter 7. DRIVER LICENSE AND IDENTIFICATION CARD CONTENT

670:15-7-1. Information displayed on driver licenses [AMENDED]

670:15-7-3. Information displayed on identification cards [AMENDED]

Subchapter 17. CERTIFIED SCHOOLS AND DESIGNATED CLASS D EXAMINERS

670:15-17-1. Purpose [AMENDED]

670:15-17-3. Definitions [AMENDED]

670:15-17-4. Requirements for certification as a designated examiner; display of certificate; certification renewal [AMENDED]

670:15-17-5. Course of instruction for driver education instructors applying for certification as a designated examiner [AMENDED]

670:15-17-6. Examination requirements and standards [AMENDED]

670:15-17-8. Driver license applicant [AMENDED]

670:15-17-9. Records to be maintained by designated examiners [AMENDED]

670:15-17-10. Records to be maintained at Service Oklahoma [AMENDED]

670:15-17-11. Prescribed forms [AMENDED]

670:15-17-12. Official seal [AMENDED]

670:15-17-15. Hearings [AMENDED]

Subchapter 19. PARENT-TAUGHT DRIVER EDUCATION

670:15-19-7. Prescribed forms [AMENDED]

Subchapter 29. COMMERCIAL DRIVER LICENSE EXAMINATION

670:15-29-6. Vehicle inspection examination of commercial motor vehicles [AMENDED]

670:15-29-7. Skills examination [AMENDED]

Subchapter 31. COMMERCIAL DRIVER LICENSE THIRD-PARTY EXAMINERS

670:15-31-4. Requirements for certification as a certified school; display of certificate; certification renewal [AMENDED]

Notices of Rulemaking Intent

670:15-31-5. Requirements for certification as a third-party examiner, display of certificate, certification renewal [AMENDED]

Subchapter 33. TRUCK DRIVER TRAINING

670:15-33-3. School licenses and instructor permits [AMENDED]

670:15-33-4. Qualifications for instructors [AMENDED]

670:15-33-10. Specification for commercial motor vehicles [AMENDED]

670:15-33-12. Reports [AMENDED]

670:15-33-13. Requirements for schools and classrooms [AMENDED]

Subchapter 37. DRIVER EDUCATION INSTRUCTION

670:15-37-3. Driver education instructor permit/license [AMENDED]

670:15-37-4. Qualifications for instructors [AMENDED]

670:15-37-8. Prescribed course of study [AMENDED]

670:15-37-10. Specification for vehicles [AMENDED]

Subchapter 39. PARKING PLACARDS FOR PHYSICALLY DISABLED PERSONS

670:15-39-3. Applications for physically disabled parking placards [AMENDED]

670:15-39-5. Duplication of physically disabled parking placards; replacement of a lost, stolen, or defective physically disabled parking placard [AMENDED]

SUMMARY:

Driver license services were transferred to Service Oklahoma from the Department of Public Safety, pursuant to 47 O.S. §3-101. The majority of the rule changes are proposed in order to bring the rules into alignment with statutory requirements, including the offering of credentials online and via mail and the information to be displayed on the face of a credential. Additionally, the passage of SB1766 and HB1854 require amendments to rules related to designated examiners and related driving skills examination. The proposed rule changes regarding commercial vehicle inspections and skills examinations would allow for modernized skills testing pursuant to federal regulations.

AUTHORITY:

Service Oklahoma, The Executive Director of Service Oklahoma; 47 O.S. Section 3-101, 47 O.S. Section 3-103

COMMENT PERIOD:

Persons may submit written comments through January 17, 2025 to April Kelso, General Counsel, Service Oklahoma, P.O. Box 11415, Oklahoma City, OK 73136.

PUBLIC HEARING:

A public hearing has been scheduled for January 20, 2025 at 10:00 am at Service Oklahoma, 6015 N. Classen Blvd., Oklahoma City, OK. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. In the event an attendee would like to speak, please notify April Kelso by email at April.Kelso@service.ok.gov.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting April Kelso of Service Oklahoma by mailing a request to P.O. Box 11415, Oklahoma City, OK 73136-0415.

RULE IMPACT STATEMENT:

As required by 75 O.S. § 303(D), a rule impact statement will be available beginning December 31, 2024. The rule impact statement may be obtained for review by contacting April Kelso of Service Oklahoma.

CONTACT PERSON:

April Kelso, Service Oklahoma, (405) 522-0204

[OAR Docket #24-1354; filed 11-25-24]

**TITLE 670. SERVICE OKLAHOMA
CHAPTER 20. MOTOR VEHICLE**

[OAR Docket #24-1355]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 13. MOTOR VEHICLES – REGISTRATION AND LICENSING

Notices of Rulemaking Intent

670:20-13-1. General registration information [AMENDED]
670:20-13-9. Display of vehicle license plates [AMENDED]
670:20-13-17. License plate remains with owners [AMENDED]
670:20-13-18. Pre-registration process [NEW]
Subchapter 17. MOTOR VEHICLES – DEALERS
670:20-17-5. Used vehicle dealer's registration policy [AMENDED]
670:20-17-7. New and used vehicle dealer temporary license plate [REVOKED]
670:20-17-8. Temporary license plates for vehicles purchased subject to a lien [AMENDED]
Subchapter 41. LIENS
670:20-41-1. Perfecting Lien [AMENDED]
670:20-41-6. Releasing Lien [AMENDED]
Subchapter 45. VEHICLE SALES TAX AND MOTOR VEHICLE EXCISE TAX
670:20-45-1. General provisions [AMENDED]
670:20-45-3. General provisions [AMENDED]

SUMMARY:

SB0235 was enacted in 2024 and requires those selling or transferring a motor vehicle in the state of Oklahoma to complete pre-registration through Service Oklahoma. These proposed rules are required for the full implementation of SB2035.

AUTHORITY:

Service Oklahoma, The Executive Director of Service Oklahoma; 47 O.S. Section 3-101, 47 O.S. Section 3-103

COMMENT PERIOD:

Persons may submit written comments through January 17, 2025 to April Kelso, General Counsel, Service Oklahoma, P.O. Box 11415, Oklahoma City, OK 73136.

PUBLIC HEARING:

A public hearing has been scheduled for January 20, 2025 at 11:00 am at Service Oklahoma, 6015 N. Classen Blvd., Oklahoma City, OK. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. In the event an attendee would like to speak, please notify April Kelso by email at April.Kelso@service.ok.gov.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting April Kelso of Service Oklahoma by mailing a request to P.O. Box 11415, Oklahoma City, OK 73136-0415.

RULE IMPACT STATEMENT:

As required by 75 O.S. § 303(D), a rule impact statement will be available beginning December 31, 2024. The rule impact statement may be obtained for review by contacting April Kelso of Service Oklahoma.

CONTACT PERSON:

April Kelso, Service Oklahoma, (405) 522-0204

[OAR Docket #24-1355; filed 11-25-24]

TITLE 670. SERVICE OKLAHOMA CHAPTER 25. AIRCRAFT

[OAR Docket #24-1356]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 2. Aircraft Dealer Licenses
670:25-2-7. Granting of license; options available upon denial [AMENDED]
670:25-2-8. Cancellation, suspension, revocation of license [AMENDED]

SUMMARY:

Aircraft registration and oversight of aircraft dealers were transferred from the Oklahoma Tax Commission to Service Oklahoma on July 1, 2024. The associated rules were transferred, but these proposed changes will make the necessary reference changes from the Oklahoma Tax Commission to Service Oklahoma.

Notices of Rulemaking Intent

AUTHORITY:

Service Oklahoma, The Executive Director of Service Oklahoma; 47 O.S. Section 3-101, 47 O.S. Section 3-103

COMMENT PERIOD:

Persons may submit written comments through January 17, 2025 to April Kelso, General Counsel, Service Oklahoma, P.O. Box 11415, Oklahoma City, OK 73136.

PUBLIC HEARING:

A public hearing has been scheduled for January 20, 2025 at 12:00 pm at Service Oklahoma, 6015 N. Classen Blvd., Oklahoma City, OK. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. In the event an attendee would like to speak, please notify April Kelso by email at April.Kelso@service.ok.gov.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting April Kelso of Service Oklahoma by mailing a request to P.O. Box 11415, Oklahoma City, OK 73136-0415.

RULE IMPACT STATEMENT:

As required by 75 O.S. § 303(D), a rule impact statement will be available beginning December 31, 2024. The rule impact statement may be obtained for review by contacting April Kelso of Service Oklahoma.

CONTACT PERSON:

April Kelso, Service Oklahoma, (405) 522-0204

[OAR Docket #24-1356; filed 11-25-24]

TITLE 675. STATE BOARD OF LICENSED SOCIAL WORKERS CHAPTER 10. LICENSURE REQUIREMENTS

[OAR Docket #24-1349]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 675:10-1-1.2. Requirements for Licensed Clinical Social Worker [AMENDED]
- 675:10-1-1.3. Requirements for Licensed Master's Social Worker [AMENDED]
- 675:10-1-2. Requirements for Licensed Social Worker [AMENDED]
- 675:10-1-2.1. Requirements for Licensed Social Worker-Administration [AMENDED]
- 675:10-1-3. Requirements for Licensed Social Work Associate [AMENDED]
- 675:10-1-3.1. License required [AMENDED]
- 675:10-1-4. Requirements for Private or Independent Social Work Practice [AMENDED]
- 675:10-1-6. Continuing education [AMENDED]
- 675:10-1-9. Form of application [AMENDED]
- 675:10-1-10. Examinations [AMENDED]
- 675:10-1-11. Non-residence [AMENDED]
- 675:10-1-12.1. Renewal of licenses [AMENDED]
- 675:10-1-13. Lapsed licenses [AMENDED]
- 675:10-1-15. Reciprocity - Endorsement [AMENDED]
- 675:10-1-16. Provisional license [AMENDED]

SUMMARY:

The proposed amendments to the noted chapters cleans up outdated and ambiguous language, changes the requirements for required hours of supervision for those seeking advanced level licensure and eliminates the requirement of two years of supervised practice for the LCSW, LSW-ADM and LSW licensure types as per HB 3015 which was passed into law and effective 11/1/2024.

AUTHORITY:

Oklahoma State Board of Licensed Social Workers; 59 O.S. § 1256.1(A)(10), 1261.1 and §§ 4100.1 through 4100.8

COMMENT PERIOD:

Notices of Rulemaking Intent

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on January 15, 2024 at the following address: James Marks, Executive Director, State Board of Licensed Social Workers, 3700 N. Classen Blvd., Suite 162, Oklahoma City, Oklahoma 73105. Written comments may be sent via email to james.marks@oswb.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on January 24th, 2025 at the Oklahoma Medical Examiner's Office, 921 NE 23rd St., Oklahoma City, OK 73105

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to James Marks, Executive Director, State Board of Licensed Social Workers, 3700 N. Classen Blvd., Suite 162, Oklahoma City, Oklahoma 73118.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma State Board of Licensed Social Workers, 3700 N. Classen Blvd., Suite 162, Oklahoma City, Oklahoma 73118. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained on or before December 31, 2024, by mailing a request to the Oklahoma State Board of Licensed Social Workers at 3700 N. Classen Blvd., Suite 162, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

James Marks, Executive Director, (405) 521-3712. Email james.marks@oswb.ok.gov

[OAR Docket #24-1349; filed 11-25-24]

TITLE 675. STATE BOARD OF LICENSED SOCIAL WORKERS CHAPTER 12. GUIDELINES FOR SUPERVISION

[OAR Docket #24-1350]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

675:12-1-2. Supervision [AMENDED]

675:12-1-4. Supervision and private or independent practice [AMENDED]

675:12-1-6. Board Approved Supervisors [AMENDED]

675:12-1-8. Out of state supervision [AMENDED]

SUMMARY:

The proposed amendments to the noted chapters cleans up outdated and ambiguous language, clarifies requirements for board approved supervisors and changes the requirements for required hours of supervision for those seeking advanced level licensure and eliminates the requirement of two years of supervised practice for the LCSW, LSW-ADM and LSW licensure types as per HB 3015 which was passed into law effective 11/1/2024.

AUTHORITY:

Oklahoma State Board of Licensed Social Workers; 59 O.S. § 1256.1(A)(10), 1261.1 and §§ 4100.1 through 4100.8

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on January 15, 2024 at the following address: James Marks, Executive Director, State Board of Licensed Social Workers, 3700 N. Classen Blvd., Suite 162, Oklahoma City, Oklahoma 73105. Written comments may be sent via email to james.marks@oswb.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on January 24th, 2025 at the Oklahoma Medical Examiner's Office, 921 NE 23rd St., Oklahoma City, OK 73105

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to James Marks, Executive Director, State Board of Licensed Social Workers, 3700 N. Classen Blvd., Suite 162, Oklahoma City, Oklahoma 73118.

COPIES OF PROPOSED RULES:

Notices of Rulemaking Intent

Copies of the proposed rules may be obtained from the Oklahoma State Board of Licensed Social Workers, 3700 N. Classen Blvd., Suite 162, Oklahoma City, Oklahoma 73118. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained on or before December 31, 2024, by mailing a request to the Oklahoma State Board of Licensed Social Workers at 3700 N. Classen Blvd., Suite 162, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

James Marks, Executive Director, (405) 521-3712. Email james.marks@oswb.ok.gov

[OAR Docket #24-1350; filed 11-25-24]

**TITLE 675. STATE BOARD OF LICENSED SOCIAL WORKERS
CHAPTER 15. GUIDELINES FOR CONTINUING EDUCATION**

[OAR Docket #24-1351]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 675:15-1-2. Introduction [AMENDED]
- 675:15-1-3. Continuing education standards [AMENDED]
- 675:15-1-4. Content of continuing education learning activities [AMENDED]
- 675:15-1-5. Information to providers of continuing education [AMENDED]
- 675:15-1-7. Suggested criteria for accepting category III continuing education activities [AMENDED]

SUMMARY:

The proposed amendments to chapter 15 expands the CEU provider list, eliminates the requirement of in-person formal learning events and clarifies outdated and ambiguous language

AUTHORITY:

Oklahoma State Board of Licensed Social Workers; 59 O.S. § 1256.1(A)(10), 1261.1 and §§ 4100.1 through 4100.8

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on January 15, 2024 at the following address: James Marks, Executive Director, State Board of Licensed Social Workers, 3700 N. Classen Blvd., Suite 162, Oklahoma City, Oklahoma 73105. Written comments may be sent via email to james.marks@oswb.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on January 24th, 2025 at the Oklahoma Medical Examiner's Office, 921 NE 23rd St., Oklahoma City, OK 73105

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to James Marks, Executive Director, State Board of Licensed Social Workers, 3700 N. Classen Blvd., Suite 162, Oklahoma City, Oklahoma 73118.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma State Board of Licensed Social Workers, 3700 N. Classen Blvd., Suite 162, Oklahoma City, Oklahoma 73118. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained on or before December 31, 2024, by mailing a request to the Oklahoma State Board of Licensed Social Workers at 3700 N. Classen Blvd., Suite 162, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

James Marks, Executive Director, (405) 521-3712. Email james.marks@oswb.ok.gov

[OAR Docket #24-1351; filed 11-25-24]

TITLE 712. OKLAHOMA COMMISSION FOR TEACHER PREPARATION

Notices of Rulemaking Intent

CHAPTER 1. ADMINISTRATIVE OPERATIONS [REVOKED]

[OAR Docket #24-1316]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

712:1-1-1. Purpose [REVOKED]

712:1-1-2. Definitions [REVOKED]

712:1-1-3. Commission members, officers and personnel [REVOKED]

712:1-1-4. Official office [REVOKED]

712:1-1-5. Commission meeting; quorum [REVOKED]

712:1-1-6. Executive sessions [REVOKED]

712:1-1-6.1. Special meetings [REVOKED]

712:1-1-7. Notice of meetings [REVOKED]

712:1-1-8. Agenda items [REVOKED]

712:1-1-9. Powers and duties of the Commission [REVOKED]

712:1-1-10. Legal counsel [REVOKED]

712:1-1-11. Powers and duties of the Executive Director [REVOKED]

712:1-1-12. Functions of the Administrative Committee of the Oklahoma Commission for Teacher Preparation [REVOKED]

712:1-1-12.1. Employment of Commission personnel [REVOKED]

712:1-1-13. Availability of records and manner of obtaining information [REVOKED]

712:1-1-14. Rule making [REVOKED]

SUMMARY:

The proposed revisions to the rules: Revoke the entirety of OAC Title 712 as these rules were promulgated by the former Oklahoma Commission for Teacher Preparation which has since been replaced by the Commission of Educational Quality and Accountability (“CEQA”). The CEQA was created effective January 1, 2013, and beginning July 1, 2013, the CEQA assumed the powers and duties of the Oklahoma Commission for Teacher Preparation and the Education Oversight Board. Pursuant to 70 O.S. § 3-116.3, as of July 1, 2014, all references to the Oklahoma Commission for Teacher Preparation shall mean the CEQA. Pursuant to 70 O.S. § 3-116.4, the rules of the Oklahoma Commission for Teacher Preparation that were in effect on July 1, 2014, shall be enforceable by the CEQA until the CEQA establishes its own rules. Thereafter, the CEQA did establish its own rules, codified at Title 218 of the OAC, on September 11, 2015.

AUTHORITY:

Commission of Educational Quality and Accountability; 70 O.S. § 3-116 through § 3-117; Oklahoma Teacher Preparation Act; 70 O.S. § 6-180, et seq.; Education Leadership Oklahoma Act; 70 O.S. § 3-204 et, seq.

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 15, 2025, at the Office of Educational Quality and Accountability, 5400 N Grand Blvd, Ste. 200, Oklahoma City, Oklahoma 73112, Attn: Rusty Faircloth, or by email to Rusty.Faircloth@oeqa.ok.gov.

PUBLIC HEARING:

A public hearing will be held on January 16, 2025, at 9:30 a.m. at the Office of Educational Quality and Accountability, 5400 N Grand Blvd, First Floor, Oklahoma City, Oklahoma 73112. Each person wishing to speak must sign in at the door by 9:30 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Office of Educational Quality and Accountability 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 the Office of Educational Quality and Accountability, 5400 N Grand Blvd, Ste. 200, Oklahoma City, Oklahoma 73112, Attn: Rusty Faircloth, or by email to Rusty.Faircloth@oeqa.ok.gov before the close of the public comment period, at 4:30 p.m., on January 15, 2025.

COPIES OF PROPOSED RULES:

Copies of the proposed changes may be obtained from the Office of Educational Quality and Accountability, 5400 N Grand Blvd, Ste. 200, Oklahoma City, Oklahoma 73112, Attn: Rusty Faircloth, or by email to Rusty.Faircloth@oeqa.ok.gov. The proposed rules may also be viewed on the agency’s website at www.Oklahoma.gov/oeqa.

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RULE IMPACT STATEMENT:

A copy of the rule impact statement will be prepared and may be obtained from the Office of Educational Quality and Accountability, 5400 N Grand Blvd, Ste. 200, Oklahoma City, Oklahoma 73112, Attn: Rusty Faircloth, or by email to Rusty.Faircloth@oeqa.ok.gov. The rule impact statement may also be viewed on the agency's website at www.Oklahoma.gov/oeqa. The rule impact statement will be available as described above beginning December 16, 2024.

CONTACT PERSON:

Rusty Faircloth, Deputy Director of the Office of Educational Quality and Accountability, (405) 522-2187, Rusty.Faircloth@oeqa.ok.gov. For legal questions, contact Kristin Bugg, Assistant Attorney General, (405) 522-1961, Kristin.Bugg@oag.ok.gov.

[OAR Docket #24-1316; filed 11-22-24]

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

[OAR Docket #24-1317]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 5. Teacher Preparation Program Accreditation [REVOKED]
- 712:10-5-1. Teacher Preparation Program Accreditation And Review Process [REVOKED]
- 712:10-5-2. Structure of Accreditation Committees [REVOKED]
- 712:10-5-3. Specific State Standards For Program Accreditation [REVOKED]
- 712:10-5-4. Standards for Oklahoma Teacher Education Programs [REVOKED]
- Subchapter 7. Teacher Preparation Teacher Assessment [REVOKED]
- 712:10-7-1. Teacher assessment regulations [REVOKED]
- 712:10-7-2. [REVOKED]
- 712:10-7-3. Alternative testing arrangements [REVOKED]
- Subchapter 9. Professional Development Institutes [REVOKED]
- 712:10-9-1. Professional Development [REVOKED]
- Subchapter 11. Education Leadership Oklahoma [REVOKED]
- 712:10-11-1. Education Leadership Oklahoma regulations [REVOKED]
- Appendix A. Competency Exam Requirements by Certification Areas [REVOKED]

SUMMARY:

The proposed revisions to the rules: Revoke the entirety of OAC Title 712 as these rules were promulgated by the former Oklahoma Commission for Teacher Preparation which has since been replaced by the Commission of Educational Quality and Accountability ("CEQA"). The CEQA was created effective January 1, 2013, and beginning July 1, 2013, the CEQA assumed the powers and duties of the Oklahoma Commission for Teacher Preparation and the Education Oversight Board. Pursuant to 70 O.S. § 3-116.3, as of July 1, 2014, all references to the Oklahoma Commission for Teacher Preparation shall mean the CEQA. Pursuant to 70 O.S. § 3-116.4, the rules of the Oklahoma Commission for Teacher Preparation that were in effect on July 1, 2014, shall be enforceable by the CEQA until the CEQA establishes its own rules. Thereafter, the CEQA did establish its own rules, codified at Title 218 of the OAC, on September 11, 2015.

AUTHORITY:

Commission of Educational Quality and Accountability; 70 O.S. § 3-116 through § 3-117; Oklahoma Teacher Preparation Act; 70 O.S. § 6-180, et seq.; Education Leadership Oklahoma Act; 70 O.S. § 3-204 et, seq.

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 15, 2025, at the Office of Educational Quality and Accountability, 5400 N Grand Blvd, Ste. 200, Oklahoma City, Oklahoma 73112, Attn: Rusty Faircloth, or by email to Rusty.Faircloth@oeqa.ok.gov.

PUBLIC HEARING:

A public hearing will be held on January 16, 2025, at 9:30 a.m. at the Office of Educational Quality and Accountability, 5400 N Grand Blvd, First Floor, Oklahoma City, Oklahoma 73112. Each person wishing to speak must sign in at the door by 9:30 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Notices of Rulemaking Intent

Business entities affected by these proposed rules are requested to provide the Office of Educational Quality and Accountability 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 the Office of Educational Quality and Accountability, 5400 N Grand Blvd, Ste. 200, Oklahoma City, Oklahoma 73112, Attn: Rusty Faircloth, or by email to Rusty.Faircloth@oeqa.ok.gov before the close of the public comment period, at 4:30 p.m., on January 15, 2025.

COPIES OF PROPOSED RULES:

Copies of the proposed changes may be obtained from the Office of Educational Quality and Accountability, 5400 N Grand Blvd, Ste. 200, Oklahoma City, Oklahoma 73112, Attn: Rusty Faircloth, or by email to Rusty.Faircloth@oeqa.ok.gov. The proposed rules may also be viewed on the agency's website at www.Oklahoma.gov/oeqa.

RULE IMPACT STATEMENT:

A copy of the rule impact statement will be prepared and may be obtained from the Office of Educational Quality and Accountability, 5400 N Grand Blvd, Ste. 200, Oklahoma City, Oklahoma 73112, Attn: Rusty Faircloth, or by email to Rusty.Faircloth@oeqa.ok.gov. The rule impact statement may also be viewed on the agency's website at www.Oklahoma.gov/oeqa. The rule impact statement will be available as described above beginning December 16, 2024.

CONTACT PERSON:

Rusty Faircloth, Deputy Director of the Office of Educational Quality and Accountability, (405) 522-2187, Rusty.Faircloth@oeqa.ok.gov. For legal questions, contact Kristin Bugg, Assistant Attorney General, (405) 522-1961, Kristin.Bugg@oag.ok.gov.

[OAR Docket #24-1317; filed 11-22-24]

TITLE 715. TEACHERS' RETIREMENT SYSTEM CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #24-1283]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

715:1-1-20. Electronic Signatures [NEW]

SUMMARY:

715:1-1-20 is being added to set out procedures which will allow the System to accept electronic signatures when appropriate as it modernizes administration of the System. These procedures comply with applicable federal and state law.

AUTHORITY:

70 O.S. § 17-101 et seq., especially Section 17-106(10); Teachers' Retirement System Board of Trustees

COMMENT PERIOD:

Written comments may be made from December 16, 2024, through January 15, 2025, filed and available for inspection in the Office of the Executive Director, Teachers' Retirement System of Oklahoma, 301 NW 63rd Street, Suite 500, Oklahoma City, Oklahoma, 73116, from 8:30 a.m. until 5:00 p.m., Monday through Friday, excluding holidays, or by mailing same to the Executive Director, Teachers' Retirement System of Oklahoma, P.O. Box 53524, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held from 9:00 a.m. to 10:00 a.m. on January 16, 2025, at the offices of the Teachers' Retirement System, 301 NW 63rd Street, Room 513, Oklahoma City, Oklahoma. Written notice of intent to make oral comments is encouraged. Individuals who file a written notice to comment will be scheduled to speak before comments are accepted from the audience. Written notice may be filed with the Executive Director, Teachers' Retirement System of Oklahoma, 301 NW 63rd Street, Suite 500, Oklahoma City, Oklahoma, 73116, until 5:00 p.m. on January 9, 2024.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review from the Teachers' Retirement System of Oklahoma, 301 NW 63rd Street, Suite 500, Oklahoma City, Oklahoma 73116, and will be available on the TRS website (www.oklahoma.gov/TRS).

Notices of Rulemaking Intent

RULE IMPACT STATEMENT:

The Teachers' Retirement System will issue a rule impact statement. Copies of the statement will be available on the TRS website (www.oklahoma.gov/TRS) or may be obtained from the Teachers' Retirement System of Oklahoma, 301 NW 63rd Street, Suite 500, Oklahoma City, Oklahoma, 73116, beginning December 16, 2024, between 8:30 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

CONTACT PERSON:

Phyllis Bennett, 405-521-4745

[OAR Docket #24-1283; filed 11-21-24]

TITLE 715. TEACHERS' RETIREMENT SYSTEM CHAPTER 10. GENERAL OPERATIONS

[OAR Docket #24-1284]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Membership Provisions

715:10-1-5. Ineligible for TRS membership [AMENDED]

715:10-1-6. Date of Membership [AMENDED]

715:10-1-9. Definitions [NEW]

Subchapter 3. Service Eligibility

715:10-3-1. Requirements for ~~creditable~~ membership service [AMENDED]

715:10-3-2. Requirements for fulltime service [AMENDED]

715:10-3-3. Requirements for half-time service [AMENDED]

715:10-3-4. Combining fractional years of service [AMENDED]

Subchapter 5. Establishing Other Service Credits

715:10-5-7. Credit for service in other Oklahoma public retirement systems [AMENDED]

715:10-5-7.1. Transfer of service credit from the Oklahoma Public Employees Retirement System [AMENDED]

715:10-5-30. ~~Ten-year averaging~~ Averaging of sick leave [AMENDED]

715:10-5-36. Compliance with USERRA and Code Section 414(u), including applicable HEART Act provisions [AMENDED]

Subchapter 7. Membership Vesting and Termination

715:10-7-1. Vesting of membership in TRS [AMENDED]

715:10-7-2. Limitation of benefits to an inactive, vested member [AMENDED]

715:10-7-3. Termination of non-vested membership accounts because of absence [AMENDED]

715:10-7-4. Extension of TRS membership for non-vested members after absence [AMENDED]

Subchapter 9. Survivor Benefits

715:10-9-3. Monthly annuity in lieu of death benefit [AMENDED]

715:10-9-6. Probate waivers [AMENDED]

715:10-9-7. Beneficiary designation following a divorce [AMENDED]

Subchapter 13. Contributions for Membership Service

715:10-13-2. Contributions required on all regular annual compensation from all employers [AMENDED]

715:10-13-8. Procedure for making contribution deductions [AMENDED]

715:10-13-10. Annual report of employment [AMENDED]

715:10-13-11. Percentage limits on compensation increases [AMENDED]

715:10-13-13. Contributions while receiving workers' compensation payments [AMENDED]

715:10-13-15. Waiver of employer late fees [AMENDED]

Subchapter 15. Service Retirement

715:10-15-1. Eligibility for service retirement [REVOKED]

715:10-15-2. Age, service requirements for regular eligibility, and other requirements for service retirement [AMENDED]

715:10-15-3. Date of retirement; making application [AMENDED]

715:10-15-4. Effective date of retirement contract [AMENDED]

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715:10-15-5. Date of retirement contract is binding; revocation of contract [AMENDED]

715:10-15-10. Retirement plans [AMENDED]

715:10-15-10.2. Partial lump-sum payments [AMENDED]

715:10-15-11.1. Designation of Trustee of Oklahoma Discretionary and Special Needs Trust as joint annuitant or beneficiary [AMENDED]

715:10-15-15. Disability retirement; application; effective date [AMENDED]

715:10-15-16. Review by Medical Board and Recommendation of Permanent Disability Retirement or Temporary Disability Retirement [AMENDED]

715:10-15-17. Additional medical evidence can be required [AMENDED]

715:10-15-18. ~~Discontinuance of disability retirement~~ Suspension, termination, or reduction of disability retirement benefits [AMENDED]

715:10-15-20. Conversion of disability retirement to retirement option 2 [AMENDED]

715:10-15-21. Return to employment by a disabled retiree [REVOKED]

715:10-15-22. ~~Reduction of disability benefits for excess earnings~~ Reporting of gainful earnings for disability retirees [AMENDED]

715:10-15-29. Suspension of Retirement Benefit Pending Proof of Life [NEW]

Subchapter 17. Post-Retirement Employee

715:10-17-2. Break between employment and retirement [AMENDED]

715:10-17-5. Permissible employment [AMENDED]

715:10-17-6. Earnings limits [AMENDED]

715:10-17-7. Employment by a disabled retiree [AMENDED]

715:10-17-13. Election to return to qualifying employment [AMENDED]

715:10-17-15. Salary limitations for certain returning classroom teachers [REVOKED]

Subchapter 23. ~~State and Education Employees Group Health and Dental Insurance~~ Oklahoma Employees Insurance and Benefits Program [AMENDED]

715:10-23-1. ~~State and Education Employees Group Health and Dental Insurance~~ Oklahoma Employees Insurance and Benefits Program [AMENDED]

715:10-23-2. Monthly health insurance premium supplement paid by the Teachers' Retirement System [AMENDED]

715:10-23-3. Participating education employers not enrolled in the ~~State and Education Employees Group Insurance~~ Oklahoma Employees Insurance and Benefits Plan [AMENDED]

715:10-23-5. Retired members ineligible for health insurance supplement [AMENDED]

715:10-23-6. Health Insurance Contribution [AMENDED]

SUMMARY:

715:10-1-5 is being amended to align with language in 715:10-1-4 regarding when non-classified optional personnel are eligible for participation in the System. It is also being amended to correct a statutory reference typographical error. Lastly, it is being amended to strike a vague statement about ineligible employment which is being more clearly incorporated into 715:10-13-2. 715:10-1-6 is being amended to reflect amendments to Title 70 of the Oklahoma Statutes enacted by House Bill 2528 in the 2024 legislative session. House Bill 2528 was re-organized with current statutory referencing system which changed the citations of current provisions. The amendment to this rule is to correct the statutory citation to the proper reference. 715:10-1-9 is being added to provide a definition for terms found in Title 70 of Oklahoma Statutes and Title 715 of the Oklahoma Administrative Code which are not otherwise defined. 715:10-3-1 is being amended to conform to statutory definitions of membership and creditable service reflected in Title 70 of the Oklahoma Statutes, most recently confirmed by enactment in House Bill 2528 in the 2024 legislative session. TRS treats the service correctly but references to the service types in rules were incorrect. 715:10-3-2 is being amended to conform to statutory definitions of membership and creditable service reflected in Title 70 of the Oklahoma Statutes, most recently confirmed by enactment in House Bill 2528 in the 2024 legislative session. TRS treats the service correctly but references to the service types in rules were incorrect. 715:10-3-3 is being amended to conform to statutory definitions of membership and creditable service reflected in Title 70 of the Oklahoma Statutes, most recently confirmed by enactment in House Bill 2528 in the 2024 legislative session. TRS treats the service correctly but references to the service types in rules were incorrect. 715:10-3-4 is being amended to conform to statutory definitions of membership and creditable service reflected in Title 70 of the Oklahoma Statutes, most recently confirmed by enactment in House Bill 2528 in the 2024 legislative session. TRS treats the service correctly but references to the service types in rules were incorrect. 715:10-5-7 is being amended to correctly reference the impact of a purchase of service from other state retirement systems on vesting, final average salary, and eligibility for retirement consistent with 70 O.S. §17-116.2(J). Particularly, a purchase of this type of service will neither serve to vest a member nor impact final average salary. 715:10-5-7.1 is being amended to align the rule with 70 O.S. §17-116.2(K) for transfers from OPERS and to clarify that service in any fiscal year which includes a transfer from

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OPERS is limited to one (1) year of credit pursuant to Okla. Const. Art. V, §62. This amendment is also clarifying procedures for administering the transports to be both consistent with 70 O.S. §17-116.2(K) and consistent with processes as agreed between the System and OPERS. 715:10-5-30 is being amended to conform to statutory definitions of membership and creditable service reflected in Title 70 of the Oklahoma Statutes, most recently confirmed by enactment in House Bill 2528 in the 2024 legislative session. It is also being amended to provide a good cause exception to the requirement to use 10 years of employment sick leave records for averaging when such records do not exist. 715:10-5-36 is being amended to clarify that payment for make-up contributions related to qualified military service under USERRA that a member wants included the calculation of service credit for retirement must be received before a member terminates employment with his or her pre-service employer or the member's effective retirement date, whichever comes first. 715:10-7-1 is being amended to reflect amendments to Title 70 of the Oklahoma Statutes enacted by House Bill 2528 in the 2024 legislative session related to vesting and to compile into one rule reference to all service types that can vest a membership account. 715:10-7-2 is being amended to strike an outdated reference to the tax sheltered annuity program which is no longer in existence and to correct the reference to the Oklahoma Employees Insurance and Benefits Program. 715:10-7-3 is being amended for simplification and to be consistent with amendments to Title 70 of the Oklahoma Statutes enacted by House Bill 2528 in the 2024 legislative session related to vesting. 715:10-7-4 is being amended to be consistent with amendments to Title 70 of the Oklahoma Statutes enacted by House Bill 2528 in the 2024 legislative session related to vesting. 715:10-9-3 is being amended to reflect amendments to Title 70 of the Oklahoma Statutes enacted by House Bill 2528 in the 2024 legislative session. House Bill 2528 was re-organized with current statutory referencing system which changed the citations of current provisions. The amendment to this rule is to correct the statutory citation to the proper reference. This rule is also being amended to clarify the accrual of survivor benefits under this rule will begin the month after the member passes away, instead of being limited to the month after election of the benefit. In cases where a survivor takes more than six months to elect this survivor benefit, accrual will be limited to the six (6) month period from eligibility for the benefit. This rule also clarifies that payment of this benefit will commence the 1st day of the month following both receipt and approval by the System of the required documentation. It also clarifies how TRS will make lump sum payments of owed amounts. 715:10-9-6 is being amended to reflect amendments to Title 70 of the Oklahoma Statutes enacted by House Bill 2528 in the 2024 legislative session. Particularly, consistent with statutory amendments, this rule will now allow probate waivers for all persons, instead of just members, entitled to a benefit from the System, provided they meet certain other statutory qualifications. Additionally, because many beneficiaries use the funds from a probate waiver process to pay last expenses, TRS eliminated the proof of payment of last expenses and now accepts a notarized statement that last expenses are either paid or provided for. 715:10-9-7 is being amended to clarify members who divorce have a responsibility to provide the System a copy of their file-stamped divorce decree so that the System can properly administer and pay survivor benefits. 715:10-13-2 is being amended to incorporate a clearer statement of the stricken language from 715:10-1-5, which clarifies that when a member works secondary employment which would be ineligible if the member was not otherwise participating in TRS with eligible employment, the member will be credited for the associated salary received in that ineligible employment but will not receive additional service credit. 715:10-13-8 is being amended to bring the rule into alignment with prior edits to 715:10-13-2 which requires anyone who joins the System after their qualifying employment began to make contributions back to the date their qualifying employment began. 715:10-13-10 is being amended to clarify the System's authority for the annual year-end report and to bring the rule text into alignment with statute and current practice. 715:10-13-11 is being amended to clarify that the limit the System applies to compensation increases applies only when the last three years of service are used to calculate the member's final average salary for retirement. 715:10-13-13 is being amended to clarify that contributions due when a member is receiving workers' compensation temporary total disability benefits must be made 90 days prior to retirement, which brings this rule into alignment with 715:10-15-3. 715:10-13-15 is being amended to reflect the System's practice of applying late fees. 715:10-15-1 is being revoked as largely duplicative of 715:10-15-2. Elements of 715:10-15-1 which were not duplicated in 715:10-15-2 were incorporated into that rule. Both rules are very brief, and simply refer the reader back to 70 O.S. §17-105 for age, eligibility and other requirements for service retirements. This action complies with Executive Order 2020-03 which tasked agencies with addressing duplicative rules. 715:10-15-2 is being amended to incorporate the non-duplicative language from 715:10-15-1, and the rule now refers the reader to 70 O.S. §17-105 for age, eligibility and other requirements for service retirements. This action complies with Executive Order 2020-03 which tasked agencies with addressing duplicative rules. 715:10-15-3 is being amended to clarify exceptions to the requirement of all payments being made at least 90 days before retirement. These exceptions are ordinary remission of contributions by employers; members retiring by disability who make payments for contributions due before retirement; and members who are paying make-up contributions for qualifying military service under USERRA. This rule is also being amended to clarify the earliest effective retirement date is contingent upon a bona fide separation of service from all TRS participating employers. 715:10-15-4 is being amended to define bona fide separation of service from all TRS participating employers, to clarify that a bona fide separation from service must occur for a member to have an effective retirement date, and to outline what

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will happen to an attempted retirement if a bona fide separation of service does not actually occur. 715:10-15-5 is being amended to incorporate the bona fide separation from service concept from 715:10-15-4 and to otherwise incorporate new references to the Maximum Plan of Retirement deriving from HB2528 passed in the 2024 legislative session. Amendments were also made to consistently reference the effective retirement date throughout. 715:10-15-10 is being amended to reflect the Board's decision to revoke the Option 4 retirement plan as a retirement option effective December 31, 2025. The rule also reflects amendments deriving from amendments to Title 70 of the Oklahoma Statutes enacted by House Bill 2528 in the 2024 legislative session. Specifically, this rule will now correctly reference the Maximum Plan of Retirement consistent with statute. House Bill 2528 was re-organized with current statutory referencing system which changed the citations of current provisions. The amendment to this rule also corrects statutory citations to the proper reference. 715:10-15-10.2 is being amended to clarify current practice for payments of partial lump sums due certain retirees who are eligible and choose same. Specifically, these payments are issued by direct deposit as required by state statute and not with a paper check. 715:10-15-11.1 is being amended to reflect amendments to Title 70 of the Oklahoma Statutes enacted by House Bill 2528 in the 2024 legislative session. House Bill 2528 was re-organized with current statutory referencing system which changed the citations of current provisions. The amendment to this rule is to correct the statutory citation to the proper reference. 715:10-15-15 is being amended to reflect amendments to Title 70 of the Oklahoma Statutes enacted by House Bill 2528 in the 2024 legislative session. It is also being amended to strike duplicative terms. It is being amended to clarify processes and procedures that apply to TRS members, TRS employers, and the System in the disability retirement process, including bringing it into alignment with other rules the System is amending such as 715:10-15-4 (that bona fide separation of service is also required for disability retirements) and 715:10-15-18 (on how the System can revoke a disability retirement for a member who returns to active service in TRS). 715:10-15-16 is being amended to clearly set out the processes for review and granting of both permanent and temporary disability retirement by the Medical Board. Amendments are intended to explicitly describe how the Medical Board will communicate its decisions; when additional evidence can be provided to the Medical Board by members and when that additional evidence is due; the temporary disability retirement process including applicable timelines; that waiver of the pursuit of temporary or permanent disability retirement occurs if a timeline is breached; conditions under which a member can re-apply for disability if waiver occurred of the pursuit of either permanent or temporary disability for a disabling condition. 715:10-15-17 is being amended to clarify the Medical Board has authority to request any additional evidence, which can include an additional medical examination with a physician chosen by the Medical Board at the cost of the System. 715:10-15-18 is being amended to align the rule with 70 O.S. §17-105 regarding the reduction or termination of disability retirement benefits when members under normal retirement age return to work while receiving disability retirement benefits. The rule sets out the statutory formula for assessing whether the member's disability retirement benefit must be reduced based on earnings from a return to work. The rule also sets out the statutory requirement to terminate the disability retirement benefit if a member returns to active contributing employment in TRS. Amendments also delineate the process by which TRS determines if a member has, in fact, achieved a return to active contributing employment. This process is based on current practice of the System. The amendments also clarify a member's responsibilities when returning to work while receiving disability retirement benefits, including notification to the System and provision of certain information so the System can determine proper handling of the retirement benefit consistent with statute. The amendments clarify how the System will repay any owed benefits due to temporary suspension for members who return to work without providing notice and/or documentation to the System; the System may also offset amounts owed to it from owed benefits if the member's disability benefit should have been reduced or terminated when the member returned to work without notifying the System. Amendments to this rule also incorporate stricken text from 715:10-15-22 regarding the ability of the System to demand a medical re-examination of any disabled retiree who returns to work in a position similar to that working when granted disability benefits or if a member's return to work necessitates a reduction of disability retirement benefit under this rule. The medical re-examination is for the purpose of determining whether the member remains qualified for disability retirement benefits. 715:10-15-20 is being amended to correct typographical errors. 715:10-15-21 is being revoked. The concepts in this rule were relocated to 715:10-15-18 and amended to conform to 70 O.S. §17-105. 715:10-15-22 is being amended to relocate language into 715:10-15-18 regarding the System's ability to seek a medical re-examination due to excess earnings. This language makes sense in 715:10-15-18 where the concept of return to work by disabled retirees is thoroughly discussed by the System. Otherwise, edits also clarify the System retains discretion to mandate retirees receiving disability benefits who are under their normal retirement age to provide annual proof of gainful employment, and if the member refuses, the System may either mandate a medical examination or temporarily suspend disability retirement benefits until the report is provided. 715:10-15-29 is being added to allow TRS to ensure it is paying retirement benefits only when members and joint annuitants remain living. This new rule allows TRS to secure proof of life in certain circumstances, including when members or joint annuitants meet or exceed age 89, when they are living outside of the United States, or in the case of a Form 1099-R being returned undeliverable. Otherwise, in other ad hoc situations, TRS may request proof of life with a good faith basis, which includes suspected fraud or if one of TRS's death

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reporting services reports a member or joint annuitant as deceased. The rule explains how TRS will process Proof of Life Affidavits, including the suspension of retirement benefits when valid Proof of Life Affidavits are not timely returned and the reinstatement of benefits upon receipt of a valid Proof of Life. 715:10-17-2 is being amended to reflect amendments to Title 70 of the Oklahoma Statutes enacted by House Bill 2528 in the 2024 legislative session. Particularly, this rule reflects an amendment to 3 clarify the 60-day break between pre- and postretirement work begins on the last day physically on the job or effective retirement date, whichever is later. 715:10-17-5 is being amended to reflect amendments to Title 70 of the Oklahoma Statutes enacted by House Bill 2528 in the 2024 legislative session. House Bill 2528 was re-organized with current statutory referencing system which changed the citations of current provisions. The amendment to this rule is to correct the statutory citation to the proper reference. 715:10-17-6 is being amended to reflect amendments to Title 70 of the Oklahoma Statutes enacted by House Bill 2528 in the 2024 legislative session. House Bill 2528 was re-organized with current statutory referencing system which changed the citations of current provisions. The amendment to this rule is to correct the statutory citation to the proper reference. 715:10-17-7 is being amended to bring this rule into alignment with proposed amendments to 715:10-15-18, 715:10-15-21, and 715:10-15-22 herein. It will clarify that postretirement contributions pursuant to 70 O.S. §17-116.10 remain due from employers when members receiving disability retirement benefits under normal retirement age return to employment if that return to employment does not result in a return to active service. It also clarifies that once a member receiving disability retirement benefits reaches his or her normal retirement age, a return to work will be governed by postretirement rules applicable to all other retired members. 715:10-17-13 is being amended to reflect amendments to Title 70 of the Oklahoma Statutes enacted by House Bill 2528 in the 2024 legislative session. House Bill 2528 was re-organized with current statutory referencing system which changed the citations of current provisions. The amendment to this rule is to correct the statutory citation to the proper reference. 715:10-17-15 is being revoked as the statutory provision which authorized an exemption from earnings limits for active classroom teachers only authorized the exception through June 30, 2024. That period has now expired. 715:10-23-1 is being amended to correctly refer to the state employee insurance program. 715:10-23-2 is being amended to correctly refer to the state employee insurance program. 715:10-23-3 is being amended (title only) to correctly refer to the state employee insurance program. 715:10-23-5 is being amended to correctly refer to the state employee insurance program. 715:10-23-6 is being amended to reflect amendments to Title 70 of the Oklahoma Statutes enacted by House Bill 2528 in the 2024 legislative session. House Bill 2528 was re-organized with current statutory referencing system which changed the citations of current provisions. The amendment to this rule is to correct the statutory citation to the proper reference and to correctly reference the state employee insurance program. Amendments were also made to simply references to the System as TRS rather than Oklahoma Teachers' Retirement System and add a missing word.

AUTHORITY:

70 O.S. § 17-101 et seq., especially Section 17-106(10); Teachers' Retirement System Board of Trustees

COMMENT PERIOD:

Written comments may be made from December 16, 2024, through January 15, 2025, filed and available for inspection in the Office of the Executive Director, Teachers' Retirement System of Oklahoma, 301 NW 63rd Street, Suite 500, Oklahoma City, Oklahoma, 73116, from 8:30 a.m. until 5:00 p.m., Monday through Friday, excluding holidays, or by mailing same to the Executive Director, Teachers' Retirement System of Oklahoma, P.O. Box 53524, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held from 9:00 a.m. to 10:00 a.m. on January 16, 2025, at the offices of the Teachers' Retirement System, 301 NW 63rd Street, Room 513, Oklahoma City, Oklahoma. Written notice of intent to make oral comments is encouraged. Individuals who file a written notice to comment will be scheduled to speak before comments are accepted from the audience. Written notice may be filed with the Executive Director, Teachers' Retirement System of Oklahoma, 301 NW 63rd Street, Suite 500, Oklahoma City, Oklahoma, 73116, until 5:00 p.m. on January 9, 2024.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review from the Teachers' Retirement System of Oklahoma, 301 NW 63rd Street, Suite 500, Oklahoma City, Oklahoma 73116, and will be available on the TRS website (www.oklahoma.gov/TRS).

RULE IMPACT STATEMENT:

The Teachers' Retirement System will issue a rule impact statement. Copies of the statement will be available on the TRS website (www.oklahoma.gov/TRS) or may be obtained from the Teachers' Retirement System of Oklahoma, 301 NW 63rd Street, Suite 500, Oklahoma City, Oklahoma, 73116, beginning December 16, 2024, between 8:30 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

CONTACT PERSON:

Notices of Rulemaking Intent

Phyllis Bennett, 405-521-4745

[OAR Docket #24-1284; filed 11-21-24]

TITLE 725. OKLAHOMA TOURISM AND RECREATION DEPARTMENT CHAPTER 30. DIVISION OF STATE PARKS

[OAR Docket #24-1276]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 4. Public Use and Recreation

725:30-4-23. Public assemblies, meetings and distribution of printed material [AMENDED]

Subchapter 16. Permits

725:30-16-3. Types of Permits [AMENDED]

Appendix B. Fees for State Park Permits [NEW]

SUMMARY:

The proposed rules change the approving authority/personnel of assemblies, meetings, gatherings, and distribution of materials in park areas from the park manager to the Director of State Parks. The proposed rules update the types of activities and events that fall within pre-established permit types issued by the Division of State Parks and create a new permit fee schedule for permits issued by the Department.

AUTHORITY:

Oklahoma Tourism and Recreation Department; 74 O.S. §§ 2204 and 2220

COMMENT PERIOD:

December 16, 2024 through January 16, 2025. Persons wishing to present their views in writing may do so before 5:00 p.m. on January 16, 2025 at the following address: Oklahoma Tourism and Recreation Department, 123 Robert S Kerr Avenue, Suite 910, Oklahoma City, OK 73012, Attn: Garrett Sill or by email to Garrett.Sill@TravelOK.com.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on January 16, 2025 at the Oklahoma Tourism and Recreation Department, 123 Robert S Kerr Avenue, Auditorium, Oklahoma City, OK 73102. The alternate date and time in the event of an office closure due to inclement weather is 10:00 a.m. on January 24, 2025 at the Oklahoma Tourism and Recreation Department, 123 Robert S Kerr Avenue, Auditorium, Oklahoma City, OK 73102. Anyone who wishes to speak must sign in at the door by 10:10 a.m.

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 16, 2025 at the Oklahoma Tourism and Recreation Department, 123 Robert S Kerr Avenue, Suite 910, Oklahoma City, OK 73012, Attn: Garrett Sill, or by email to Garrett.Sill@TravelOK.com.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from online at otr.travelok.com, or hard copies may be requested by mail or in person at Oklahoma Tourism and Recreation Department, 123 Robert S Kerr Avenue, Suite 910, Oklahoma City, OK 73012, Attn: Garrett Sill, or by email to Garrett.Sill@TravelOK.com.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §3030(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Tourism and Recreation Department and on the Department's website at the above addresses on and after December 30, 2024.

CONTACT PERSON:

Garrett Sill, Deputy General Counsel, Oklahoma Tourism and Recreation Department, 123 Robert S Kerr Avenue, Suite 910, Oklahoma City, OK 73012, (405) 255-7454 or Garrett.Sill@TravelOK.com.

[OAR Docket #24-1276; filed 11-22-24]

TITLE 748. OKLAHOMA UNIFORM BUILDING CODE COMMISSION

Notices of Rulemaking Intent

CHAPTER 20. ADOPTED CODES

[OAR Docket #24-1272]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 2. IBC® ~~2018~~2024 [AMENDED]

748:20-2-1. Adoption of the International Building Code®, 2018 Edition (~~IBC® 2018~~2024 Edition (IBC® 2024)) [AMENDED]

748:20-2-2. Effect of Adoption [AMENDED]

748:20-2-3. IBC® ~~2018~~2024 and Other Appendices [AMENDED]

748:20-2-4. IBC® ~~2018~~2024 Provisions Adopted and Modified [AMENDED]

748:20-2-6. IBC® ~~2018~~2024 Chapter 1 Scope and Administration [AMENDED]

748:20-2-7. IBC® 2018 Chapter 2 Definitions [AMENDED]

748:20-2-8. IBC® ~~2018~~2024 Chapter 3 Use and Occupancy Classification [AMENDED]

748:20-2-9. IBC® ~~2018~~2024 Chapter 4 Special Detailed Requirements Based on Use and Occupancy [AMENDED]

748:20-2-10. IBC® ~~2018~~2024 Chapter 5 General Building Heights and Areas [AMENDED]

748:20-2-12. IBC® 2018 Chapter 7 Fire and Smoke Protection Features [REVOKED]

748:20-2-14. IBC® 2018 Chapter 9 Fire Protection Systems [AMENDED]

748:20-2-15. IBC® ~~2018~~2024 Chapter 10 Means of Egress [AMENDED]

748:20-2-16. IBC® 2024 Chapter 11 Accessibility [NEW]

748:20-2-20. IBC® ~~2018~~2024 Chapter 15 Roof Assemblies and Rooftop Structures [AMENDED]

748:20-2-21. IBC® ~~2018~~2024 Chapter 16 Structural Design [AMENDED]

748:20-2-22. IBC® 2018 Chapter 17 Special Inspections and Tests [REVOKED]

748:20-2-23. IBC® ~~2018~~2024 Chapter 18 Soils and Foundations [AMENDED]

748:20-2-28. IBC® 2018 Chapter 23 Wood [REVOKED]

748:20-2-32. IBC® 2018 Chapter 27 Electrical [REVOKED]

748:20-2-34. IBC® ~~2018~~2024 Chapter 29 Plumbing Systems [AMENDED]

748:20-2-36. IBC® 2018 Chapter 31 Special Construction [REVOKED]

748:20-2-37. IBC® ~~2018~~2024 Chapter 32 Encroachments into the Public Right-of-Way [AMENDED]

748:20-2-38. IBC® 2024 Chapter 33 Safeguards During Construction [NEW]

748:20-2-40. IBC® ~~2018~~2024 Chapter 35 Referenced Standards [AMENDED]

Subchapter 4. IFC® ~~2018~~2024 [AMENDED]

748:20-4-1. Adoption of the International Fire Code®, 2018 Edition (~~IFC® 2018~~2024 Edition (IFC® 2024)) [AMENDED]

748:20-4-2. Effect of Adoption [AMENDED]

748:20-4-3. IFC® ~~2018~~2024 and Other Appendices [AMENDED]

748:20-4-4. IFC® ~~2018~~2024 Provisions Adopted and Modified [AMENDED]

748:20-4-6. IFC® ~~2018~~2024 Chapter 1 Scope and Administration [AMENDED]

748:20-4-7. IFC® ~~2018~~2024 Chapter 2 Definitions [AMENDED]

748:20-4-8. IFC® ~~2018~~2024 Chapter 3 General Requirements [AMENDED]

748:20-4-9. IFC® 2018 Chapter 4 Emergency Planning and Preparedness [REVOKED]

748:20-4-10. IFC® ~~2018~~2024 Chapter 5 Fire Service Features [AMENDED]

748:20-4-11. IFC® ~~2018~~2024 Chapter 6 Building Services and Systems [AMENDED]

748:20-4-14. IFC® ~~2018~~2024 Chapter 9 Fire Protection Systems [AMENDED]

748:20-4-15. IFC® ~~2018~~2024 Chapter 10 Means of Egress [AMENDED]

748:20-4-16. IFC® ~~2018~~2024 Chapter 11 Construction Requirements for Existing Buildings [AMENDED]

748:20-4-17. IFC® 2018 Chapter 12 Energy Systems [REVOKED]

748:20-4-28. IFC® ~~2018~~2024 Chapter 23 Motor Fuel-Dispensing Facilities and Repair Garages [AMENDED]

748:20-4-38. IFC® 2024 Chapter 33 Fire Safety during Construction and Demolition [NEW]

748:20-4-44. IFC® ~~2018~~2024 Chapter 39 Processing and Extraction Facilities [AMENDED]

748:20-4-58. IFC® ~~2018~~2024 Chapter 53 Compressed Gases [AMENDED]

748:20-4-60. IFC® ~~2018~~2024 Chapter 55 Cryogenic Fluids [AMENDED]

748:20-4-62. IFC® ~~2018~~2024 Chapter 57 Flammable and Combustible Liquids [AMENDED]

748:20-4-66. IFC® ~~2018~~2024 Chapter 61 Liquefied Petroleum Gases [AMENDED]

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- 748:20-4-85. IFC® ~~2018~~2024 Chapter 80 Referenced Standards [AMENDED]
748:20-4-86. Appendix ~~OP~~, Egress Path Markings for Existing Buildings [AMENDED]
Subchapter 6. IRC® 2018
748:20-6-49. IRC® 2018 Chapter 44 Referenced Standards [AMENDED]
Subchapter 8. IEBC® ~~2018~~2024 [AMENDED]
748:20-8-1. Adoption of the International Existing Building Code®, ~~2018 Edition~~ (IEBC® ~~2018~~2024 Edition (IEBC® 2024) [AMENDED]
748:20-8-2. Effect of Adoption [AMENDED]
748:20-8-3. IEBC® ~~2018~~2024 Appendices [AMENDED]
748:20-8-4. IEBC® ~~2018~~2024 Provisions Adopted and Modified [AMENDED]
748:20-8-6. IEBC® ~~2018~~2024 Chapter 1 Scope and Administration [AMENDED]
748:20-8-8. IEBC® 2024 Chapter 3 Provisions for all Compliance Methods [NEW]
748:20-8-10. IEBC® 2018 Chapter 5 Prescriptive Compliance Methods [REVOKED]
748:20-8-14. IEBC® 2018 Chapter 9 Alterations, Level 3 [REVOKED]
748:20-8-15. IEBC® ~~2018~~2024 Chapter 10 Change of Occupancy [AMENDED]
748:20-8-16. IEBC® 2018 Chapter 11 Additions [REVOKED]
748:20-8-20. IEBC® 2024 Chapter 15 Construction Safeguards [NEW]
748:20-8-21. IEBC® ~~2018~~2024 Chapter 16 Referenced Standards [AMENDED]
Subchapter 12. IFGC® ~~2018~~2024 [AMENDED]
748:20-12-1. Adoption of the International Fuel Gas Code®, ~~2018 Edition~~ (IFGC® ~~2018~~2024 Edition (IFGC® 2024) [AMENDED]
748:20-12-2. Effect of Adoption [AMENDED]
748:20-12-3. IFGC® ~~2018~~2024 Appendices [AMENDED]
748:20-12-4. IFGC® ~~2018~~2024 Provisions Adopted and Modified [AMENDED]
748:20-12-6. IFGC® ~~2018~~2024 Chapter 1 Scope and Administration [AMENDED]
748:20-12-7. IFGC® ~~2018~~2024 Chapter 2 Definitions [AMENDED]
748:20-12-8. IFGC® ~~2018~~2024 Chapter 3 General Regulations [AMENDED]
748:20-12-9. IFGC® ~~2018~~2024 Chapter 4 Gas Piping Installations [AMENDED]
748:20-12-13. IFGC® ~~2018~~2024 Chapter 8 Referenced Standards [AMENDED]
Subchapter 14. IMC® ~~2018~~2024 [AMENDED]
748:20-14-1. Adoption of the International Mechanical Code®, ~~2018 Edition~~ (IMC® ~~2018~~2024 Edition (IMC® 2024) [AMENDED]
748:20-14-2. Effect of Adoption [AMENDED]
748:20-14-3. IMC® ~~2018~~2024 Appendices [AMENDED]
748:20-14-4. IMC® ~~2018~~2024 Provisions Adopted and Modified [AMENDED]
748:20-14-6. IMC® ~~2018~~2024 Chapter 1 Scope and Administration [AMENDED]
748:20-14-8. IMC® ~~2018~~2024 Chapter 3 General Regulations [AMENDED]
748:20-14-10. IMC® ~~2018~~2024 Chapter 5 Exhaust Systems [AMENDED]
748:20-14-11. IMC® ~~2018~~2024 Chapter 6 Duct Systems [AMENDED]
748:20-14-13. IMC® 2018 Chapter 8 Chimneys and Vents [REVOKED]
748:20-14-16. IMC® ~~2018~~2024 Chapter 11 Refrigeration [AMENDED]
748:20-14-19. IMC® 2018 Chapter 14 Solar Thermal Systems [REVOKED]
748:20-14-20. IMC® ~~2018~~2024 Chapter 15 Referenced Standards [AMENDED]
Subchapter 16. IPC® ~~2018~~2024 [AMENDED]
748:20-16-1. Adoption of the International Plumbing Code®, ~~2018 Edition~~ (IPC® ~~2018~~2024 Edition (IPC® 2024) [AMENDED]
748:20-16-2. Effect of Adoption [AMENDED]
748:20-16-3. IPC® ~~2018~~2024 Appendices [AMENDED]
748:20-16-4. IPC® ~~2018~~2024 Provisions Adopted and Modified [AMENDED]
748:20-16-6. IPC® ~~2018~~2024 Chapter 1 Scope and Administration [AMENDED]
748:20-16-7. IPC® ~~2018~~2024 Chapter 2 Definitions [AMENDED]
748:20-16-8. IPC® ~~2018~~2024 Chapter 3 General Regulations [AMENDED]
748:20-16-9. IPC® ~~2018~~2024 Chapter 4 Fixtures, Faucets and Fixture Fittings [AMENDED]
748:20-16-11. IPC® ~~2018~~2024 Chapter 6 Water Supply and Distribution [AMENDED]
748:20-16-12. IPC® ~~2018~~2024 Chapter 7 Sanitary Drainage [AMENDED]
748:20-16-13. IPC 2018 Chapter 8 Indirect/Special Waste [REVOKED]

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748:20-16-14. IPC® ~~2018~~2024 Chapter 9 Vents [AMENDED]
748:20-16-15. IPC® 2024 Chapter 10 Traps, Interceptors, and Separators [AMENDED]
748:20-16-16. IPC® ~~2018~~2024 Chapter 11 Storm Drainage [AMENDED]
748:20-16-18. IPC® ~~2018~~2024 Chapter 13 Nonpotable Water Systems [AMENDED]
748:20-16-20. IPC® ~~2018~~2024 Chapter 15 Referenced Standards [AMENDED]

SUMMARY:

748:20-2-1., 748:20-2-2., 748:20-2-3., and 748:20-2-4., adopt the IBC® 2024 edition, without appendices and establishes the IBC® 2024 edition as the statewide minimum code for commercial construction in the State of Oklahoma. 748:20-2-6., adopts Chapter 1 of the IBC® 2024 only to the extent its provisions are not inconsistent with other laws or lawfully established code administration and enforcement policies. 748:20-2-7., 748:20-2-8., 748:20-2-9., 748:20-2-10., 748:20-2-14., 748:20-2-15., 748:20-2-16., 748:20-2-20., 748:20-2-21., 748:20-2-23., 748:20-2-34., 748:20-2-37., 748:20-2-38., and 748:20-2-40., set forth the OUBCC's adoption of Oklahoma modifications to the provisions of the IBC®, 2024 in Chapters 1, 2, 3, 4, 5, 9, 10, 11, 15, 16, 18, 29, 32, 33, and 35 respectively. 748:20-2-12., 748:20-2-22., 748:20-2-28., 748:20-2-32., and 748:20-2-36., revoke previously adopted changes to the IBC® 2018 that are no longer needed in Chapters 7, 17, 23, 27 and 31 respectively. 748:20-4-1., 748:20-4-2., 748:20-4-3., and 748:20-4-4., adopt the IFC® 2024 edition, without appendices and establishes the IFC® 2024 edition as the statewide minimum code for residential and commercial fire prevention and fire protection systems in the State of Oklahoma. 748:20-4-6., adopts Chapter 1 of the IFC® 2024 only to the extent its provisions are not inconsistent with other laws or lawfully established code administration and enforcement policies. 748:20-4-7., 748:20-4-8., 748:20-4-10., 748:20-4-11., 748:20-4-14., 748:20-4-15., 748:20-4-16., 748:20-4-28., 748:20-4-38., 748:20-4-44., 748:20-4-58., 748:20-4-60., 748:20-4-62., 748:20-4-66., 748:20-4-85 and 748:20-4-86., set forth the OUBCC's adoption of Oklahoma modifications to the provisions of the IFC®, 2024 in Chapters 2, 3, 5, 6, 9, 10, 11, 23, 33, 39, 53, 55, 57, 61, 80 and the OUBCC created appendix entitled "Appendix P, Egress Path Markings for Existing Buildings," respectively. 748:20-4-9., and 748:20-4-17., revoke previously adopted changes to the IFC® 2018 that are no longer needed in Chapters 4 and 12 respectively. 748:20-6-49 modifies Chapter 44 of the 2018 International Residential Code® to update the edition year references from 2018 to 2024 for the International Building Code® (IBC®), International Fire Code® (IFC®), and International Existing Building Code® (IEBC®), International Fuel Gas Code®, International Mechanical Code®, and International Plumbing Code®. 748:20-8-1., 748:20-8-2., 748:20-8-3., and 748:20-8-4 adopt the IEBC® 2024 edition, without appendices and establishes the IEBC® 2024 edition as the statewide minimum code for commercial existing building construction in the State of Oklahoma. 748:20-8-6., adopts Chapter 1 of the IEBC® 2024 only to the extent its provisions are not inconsistent with other laws or lawfully established code administration and enforcement policies. 748:20-8-8., 748:20-8-15, 748:20-8-20, and 748:20-8-21., set forth the OUBCC's adoption of Oklahoma modifications to the provisions of the IEBC®, 2024 in Chapters 3, 10, 15, and 16, respectively. 748:20-8-10., 748:20-8-14., and 748:20-8-16., revoke previously adopted changes to the IEBC® 2018 that are no longer needed in Chapters 5, 9, and 11, respectively. 748:20-12-1., 748:20-12-2., 748:20-12-3., and 748:20-12-4., adopt the IFGC® 2024 edition without appendices and establishes the IFGC® 2024 edition as the statewide minimum code for commercial fuel gas construction within the State of Oklahoma. 748:20-12-6., adopts Chapter 1 of the IFGC® 2024 only to the extent its provisions are not inconsistent with other laws or lawfully established code administration and enforcement policies. 748:20-12-7., 748:20-12-8., 748:20-4-9., and 748:20-4-13 set forth the OUBCC's adoption of Oklahoma modifications to the provisions of the IFGC® 2024 in Chapters 2, 3, 4, and 8, respectively. 748:20-14-1., 748:20-14-2., 748:20-14-3., and 748:20-14-4., adopt the IMC® 2024 edition without appendices and establishes the IMC® 2024 edition as the statewide minimum code for commercial mechanical construction in the State of Oklahoma. 748:20-14-6 adopts Chapter 1 of the IMC® 2024 only to the extent its provisions are not inconsistent with other laws or lawfully established code administration and enforcement policies. 748:20-14-8., 748:20-14-10., 748:20-14-11., 748:20-14-16., and 748:20-14-20 set forth the OUBCC's adoption of Oklahoma modifications to the provisions of the IMC® 2024 in Chapters 3, 5, 6, 11, and 15, respectively. 748:20-14-13., and 748:20-14-19., revoke previously adopted changes to the IMC® 2018 that are no longer needed in Chapters 8 and 14, respectively. 748:20-16-1., 748:20-16-2., 748:20-16-3., and 748:20-16-4., adopt the IPC® 2024 edition without appendices and establishes the IPC® 2024 as the statewide minimum code for commercial plumbing construction in the State of Oklahoma. 748:20-16-6., modifies the adoption of Chapter 1 of the IPC® 2024 only to the extent its provisions are not inconsistent with other laws or lawfully established code administration and enforcement policies. 748:20-16-7., 748:20-16-8., 748:20-16-9., 748:20-16-11, 748:20-16-12., 748:20-16-14., 748:20-16-15., 748:20-16-16., 748:20-16-18., and 748:20-16-20., set forth the OUBCC's adoption of Oklahoma modifications to the provisions of the IPC® 2024 in Chapters 2, 3, 4, 6, 7, 9, 10, 11, 13, and 15, respectively. 748:20-16-13., revokes previously adopted changes to the IPC® 2018 that are no longer needed in Chapter 8.

AUTHORITY:

Oklahoma Uniform Building Code Commission; 59 O.S. § 1000.23 and 1000.24

COMMENT PERIOD:

Notices of Rulemaking Intent

Persons wishing to submit data, views or arguments, orally or in writing may do so before 4:30 p.m. on Thursday, January 16, 2025, at the Oklahoma Uniform Building Code Commission (the "OUBCC"), 2401 NW 23rd Street, Suite 82, Oklahoma City, OK 73107. Alternately, the data, views or arguments may be mailed to the address above, attention: Kathy Hehnly, or emailed to: Kathy.Hehnly@oubcc.ok.gov.

PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:30 p.m. on Tuesday, January 21, 2025, at the Oklahoma Uniform Building Code Commission at 2401 NW 23rd Street, Suite 82, Oklahoma City, OK 73107. In the event of state offices closing due to inclement weather, there will be an alternate hearing date on Monday, January 27, 2025, at the same location listed above beginning at 1:30 p.m. Anyone who wishes to speak must sign in at the door by 1:35 p.m. Each person will be given a maximum of 5 minutes to speak.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Uniform Building Code Commission requests that business entities affected by these proposed rules provide the OUBCC, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as report, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to incur due to compliance with the proposed rules. Business entities may submit this information in writing to Kathy Hehnly at the above address, before the close of the comment period on Thursday, January 16, 2025.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Uniform Building Code Commission at: 2401 NW 23rd Street, Suite 82, Oklahoma City, OK 73107, before the close of the comment period on Thursday, January 16, 2025. Proposed rules can be found on the Oklahoma Uniform Building Code Commission website at: <https://oklahoma.gov/oubcc/codes-and-rules/proposed-rules.html>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement has been prepared and may be obtained from the Oklahoma Uniform Building Code Commission at the above address.

CONTACT PERSON:

Kathy Hehnly, Executive Assistant, (405) 521-6506 or Kathy.Hehnly@oubcc.ok.gov.

[OAR Docket #24-1272; filed 11-20-24]

TITLE 770. OKLAHOMA DEPARTMENT OF VETERANS AFFAIRS CHAPTER 10. ~~CENTER HOME~~ DIVISION PROGRAM [AMENDED]

[OAR Docket #24-1274]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Maintenance Charges, Patient Funds and Assets

770:10-3-1. Care and maintenance charges [AMENDED]

SUMMARY:

The proposed amendments in 770:10-3-1 would amend the reference(s) to "Center" or "Centers" within the rule to the correct reference(s) of "Home" or "Homes", as well as to amend how care and maintenance charges begin and cease for residents at the Oklahoma Veterans Homes in paragraphs (d), (e), and (i). The amendments would add death as a provision to cease care and maintenance charges on the day the resident expires. The amendments will also update how residents at the Oklahoma Veterans Homes are billed for care and maintenance charges; that maintenance charge rates will be adjusted annually on December 1 of each year; and, add that all annual cost-of-living adjustments from federal benefit or grant programs will now become part of the calculations included in the rate calculation. The proposed amendments will align with practices that are the most mission effective and cost effective for the Oklahoma Department of Veterans Affairs (ODVA) and the State of Oklahoma.

AUTHORITY:

72 O.S. 63.3; Oklahoma Veterans Commission

COMMENT PERIOD:

Written comments will be accepted December 16, 2024, through January 15, 2025, Oklahoma Department of Veterans Affairs (ODVA), 2132 NE 36th St. Oklahoma City, OK 73111, Attn: Lisa Acevedo

Notices of Rulemaking Intent

PUBLIC HEARING:

A request for a public hearing can be requested by contacting the Oklahoma Department of Veterans Affairs (ODVA) Legislative Liaison Lisa Acevedo via phone or email. (405) 522-8075 or lisa.acevedo@odva.ok.gov

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained upon request from Oklahoma Department of Veterans Affairs (ODVA) Legislative Liaison, Lisa Acevedo. 2132 NE 36th St. Oklahoma City, OK 73111. (405) 522-8075 or lisa.acevedo@odva.ok.gov

RULE IMPACT STATEMENT:

The rule impact statement may be obtained upon request from Oklahoma Department of Veterans Affairs (ODVA) Legislative Liaison, Lisa Acevedo. 2132 NE 36th St. Oklahoma City, OK 73111. (405) 522-8075 or lisa.acevedo@odva.ok.gov or <https://oklahoma.gov/veterans.html>

CONTACT PERSON:

Lisa Acevedo. 2132 NE 36th St. Oklahoma City, OK 73111. (405) 522-8075 or lisa.acevedo@odva.ok.gov

[OAR Docket #24-1274; filed 11-20-24]

TITLE 777. STATEWIDE CHARTER SCHOOL BOARD CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #24-1333]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

777:1-1-1. Purpose [AMENDED]

777:1-1-4. Organization [AMENDED]

777:1-1-5. Time computation [AMENDED]

777:1-1-6. Records requests [AMENDED]

777:1-1-9. Individual proceedings [AMENDED]

SUMMARY:

Following the enactment and effectiveness of Senate Bill 516, 2023 Okla. Sess. Laws ch. 323, the proposed amendments to title 777, chapter 1 remove "Virtual" from the Statewide Virtual Charter School Board name to Statewide Charter School Board. The rules also ensure that the language reflects the power of the Board to authorize both brick-and-mortar charter schools and virtual charter schools. Other rules involve grammar corrections.

AUTHORITY:

Statewide Charter School Board; 70 O.S.Supp.2024, § 3-132.1(I)(4)

COMMENT PERIOD:

Written comments will be accepted from the date of publication in the Oklahoma Register through January 21, 2025, by mail to the Statewide Charter School Board, M.C. Connors Building, 2501 N. Lincoln Blvd., Ste. 301, Oklahoma City, OK 73105, ATTN: Amy Gibson, Rulemaking Liaison, Oklahoma City, OK 73105, or by email to info@scsb.ok.gov.

PUBLIC HEARING:

A public hearing will be held on Tuesday, January 21, 2025, at 1:00 p.m., at the Oklahoma History Center, Chesapeake Room, 800 Nazih Zuhdi Dr., Oklahoma City, OK 73105, to provide an opportunity for persons to orally present their views related to the proposed permanent rules. Each person will be allowed a maximum of five (5) minutes to speak and must sign in at the door by 1:15 p.m.

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 Amy Gibson, Rulemaking Liaison, at the contact information below during the period from December 16, 2024, to January 21, 2025.

COPIES OF PROPOSED RULES:

Notices of Rulemaking Intent

Copies of the proposed rules may be obtained by contacting the individuals below or by visiting the Statewide Charter School Board's website, <https://oklahoma.gov/scsb/resources.html>. You may also mail a written request to Statewide Charter School Board, M.C. Connors Building, 2501 N. Lincoln Blvd., Ste. 301, Oklahoma City, OK 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is being prepared and will be available for review on or after December 16 but no later than December 31, 2024. A copy of the rule impact statement will be available online at <https://oklahoma.gov/scsb/resources.html>, or requested through email at the contact information below.

CONTACT PERSON:

Dr. Rebecca Wilkinson, Executive Director, (405) 522-0717, rebecca.wilkinson@scsb.ok.gov; Amy Gibson, (405) 521-3456, amy.gibson@scsb.ok.gov.

[OAR Docket #24-1333; filed 11-25-24]

TITLE 777. STATEWIDE CHARTER SCHOOL BOARD

CHAPTER 10. STATEWIDE CHARTER SCHOOLS AND VIRTUAL CHARTER SCHOOLS [AMENDED]

[OAR Docket #24-1348]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

777:10-1-2. Definitions [AMENDED]

777:10-1-3. School establishment requirements [AMENDED]

777:10-1-4. Educational Management Organizations [AMENDED]

Subchapter 3. Statewide Charter School and Virtual Charter School Sponsorship [AMENDED]

777:10-3-1. Purpose [AMENDED]

777:10-3-3. Applications to sponsor ~~statewide virtual charter schools; renewal and termination of contracts for sponsorship of statewide charter schools and virtual charter schools; renewal and termination of contracts for sponsorship of charter schools and virtual charter schools~~ [AMENDED]

777:10-3-4. Oversight and evaluation of ~~virtual charter schools by the Statewide Virtual charter schools and virtual charter schools by the Statewide~~ Charter School Board [AMENDED]

777:10-3-5. Full-time ~~virtual charter schools - succession of contractual rights and reversion of property to Statewide Virtual charter schools - succession of contractual rights and reversion of property to Statewide~~ Charter School Board [AMENDED]

Subchapter 5. Statewide Virtual Charter School Facilities

777:10-5-3. Statewide virtual charter school sites [AMENDED]

SUMMARY:

Following the enactment and effectiveness of Senate Bill 516, 2023 Okla. Sess. Laws ch. 323, the proposed amendments to title 777, chapter 1 remove "Virtual" from the Statewide Virtual Charter School Board name to Statewide Charter School Board. The rules also add definitions for charter school and the Oklahoma Cost Accounting System. The rules add a requirement for charter school and virtual charter school governing boards authorized by the Board to provide online access and recording to their meetings. The rules also restrict charter and virtual charter school board members from serving on a supporting or affiliated foundation's board of directors except for in an ex-officio, non-voting capacity. The rules update and streamline required information for initial applications for sponsorship and renewal of existing charter and virtual charter schools. The rules also add, update, and remove certain required performance measures, including specific fiscal and organizational fitness, and scoring framework for both regular sites and designated alternative education sites. The rules also change the requirement for a change in audit firms every two years to five years.

AUTHORITY:

Statewide Charter School Board; 70 O.S.Supp.2024, § 3-132.1(I)(4)

COMMENT PERIOD:

Written comments will be accepted from the date of publication in the Oklahoma Register through January 21, 2025, by mail to the Statewide Charter School Board, M.C. Connors Building, 2501 N. Lincoln Blvd., Ste. 301, Oklahoma City, OK 73105, ATTN: Amy Gibson, Rulemaking Liaison, Oklahoma City, OK 73105, or by email to info@scsb.ok.gov.

PUBLIC HEARING:

Notices of Rulemaking Intent

A public hearing will be held on Tuesday, January 21, 2025, at 1:00 p.m., at the Oklahoma History Center, Chesapeake Room, 800 Nazih Zuhdi Dr., Oklahoma City, OK 73105, to provide an opportunity for persons to orally present their views related to the proposed permanent rules. Each person will be allowed a maximum of five (5) minutes to speak and must sign in at the door by 1:15 p.m.

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 Amy Gibson, Rulemaking Liaison, at the contact information below during the period from December 16, 2024, to January 21, 2025.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting the individuals below or by visiting the Statewide Charter School Board's website, <https://oklahoma.gov/scsb/resources.html>. You may also mail a written request to Statewide Charter School Board, M.C. Connors Building, 2501 N. Lincoln Blvd., Ste. 301, Oklahoma City, OK 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is being prepared and will be available for review on or after December 16 but no later than December 31, 2024. A copy of the rule impact statement will be available online at <https://oklahoma.gov/scsb/resources.html>, or requested through email at the contact information below.

CONTACT PERSON:

Dr. Rebecca Wilkinson, Executive Director, (405) 522-0717, rebecca.wilkinson@scsb.ok.gov; Amy Gibson, (405) 521-3456, amy.gibson@scsb.ok.gov.

[OAR Docket #24-1348; filed 11-25-24]

TITLE 777. STATEWIDE CHARTER SCHOOL BOARD CHAPTER 15. HORIZON: DIGITALLY ENHANCED CAMPUS [AMENDED]

[OAR Docket #24-1332]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Oklahoma Supplemental Online Course Certification [AMENDED]

777:15-1-1. Purpose [AMENDED]

777:15-1-2. Definitions [AMENDED]

777:15-1-3. Application for course certification [AMENDED]

777:15-1-5. Course review requirements [AMENDED]

777:15-1-6. Course review and certification process [AMENDED]

777:15-1-7. Certified courses remaining in good standing [AMENDED]

777:15-1-8. Process for course certification renewal [AMENDED]

777:15-1-9. ~~SVCSB~~SCSB responsibilities [AMENDED]

Subchapter 3. Horizon Online Learning Platform and Courses

777:15-3-1. Purpose [AMENDED]

777:15-3-2. Online courses [AMENDED]

SUMMARY:

The proposed amendments to title 777, chapter 15 remove the reference to "Virtual" following the enactment of Senate Bill 516, 2023 Okla. Sess. Laws ch. 323, changing the name of the Statewide Virtual Charter School Board to the Statewide Charter School Board.

AUTHORITY:

Statewide Charter School Board; 70 O.S.Supp.2024, § 3-132.1(I)(4)

COMMENT PERIOD:

Written comments will be accepted from the date of publication in the Oklahoma Register through January 21, 2025, by mail to the Statewide Charter School Board, M.C. Connors Building, 2501 N. Lincoln Blvd., Ste. 301, Oklahoma City, OK 73105, ATTN: Amy Gibson, Rulemaking Liaison, Oklahoma City, OK 73105, or by email to info@scsb.ok.gov.

PUBLIC HEARING:

Notices of Rulemaking Intent

A public hearing will be held on Tuesday, January 21, 2025, at 1:00 p.m., at the Oklahoma History Center, Chesapeake Room, 800 Nazih Zuhdi Dr., Oklahoma City, OK 73105, to provide an opportunity for persons to orally present their views related to the proposed permanent rules. Each person will be allowed a maximum of five (5) minutes to speak and must sign in at the door by 1:15 p.m.

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 Amy Gibson, Rulemaking Liaison, at the contact information below during the period from December 16, 2024, to January 21, 2025.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting the individuals below or by visiting the Statewide Charter School Board's website, <https://oklahoma.gov/scsb/resources.html>. You may also mail a written request to Statewide Charter School Board, M.C. Connors Building, 2501 N. Lincoln Blvd., Ste. 301, Oklahoma City, OK 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is being prepared and will be available for review on or after December 16 but no later than December 31, 2024. A copy of the rule impact statement will be available online at <https://oklahoma.gov/scsb/resources.html>, or requested through email at the contact information below.

CONTACT PERSON:

Dr. Rebecca Wilkinson, Executive Director, (405) 522-0717, rebecca.wilkinson@scsb.ok.gov; Amy Gibson, (405) 521-3456, amy.gibson@scsb.ok.gov.

[OAR Docket #24-1332; filed 11-25-24]

Submissions to Governor and Legislature

Within 10 calendar days after adoption by an agency of proposed PERMANENT rules, the agency must submit the rules to the Governor and the Legislature. A "statement" of such submission must subsequently be published by the agency in the *Register*

For additional information on submissions to the Governor/Legislature, see 75 O.S., Section 303.1 and 308.

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

[OAR Docket #24-1344]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 2. Incorporation by Reference

252:100-2-3. Incorporation by reference [AMENDED]

Appendix Q. Incorporation by Reference [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 25, 2024

[OAR Docket #24-1344; filed 11-25-24]

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

[OAR Docket #24-1345]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Registration, Emission Inventory and Annual Operating Fees

252:100-5-1.1. Definitions [AMENDED]

252:100-5-2.1. Emission inventory [AMENDED]

Subchapter 7. Permits for Minor Facilities

Part 1. GENERAL PROVISIONS

252:100-7-1.1. Definitions [AMENDED]

252:100-7-2.1. Minor permits for greenhouse gas (GHG) emitting facilities [AMENDED]

Part 3. CONSTRUCTION PERMITS

252:100-7-15. Construction permit [AMENDED]

Part 9. PERMITS BY RULE

252:100-7-60.5. Oil and natural gas sector [AMENDED]

252:100-7-60.6. Emergency engine facilities [AMENDED]

252:100-7-60.7. Gasoline dispensing facilities and gasoline dispensing facilities with emergency engines [AMENDED]

Subchapter 8. Permits for Part 70 Sources and Major New Source Review (NSR) Sources

Part 5. PERMITS FOR PART 70 SOURCES

252:100-8-2. Definitions [AMENDED]

252:100-8-4. Requirements for construction and operating permits [AMENDED]

252:100-8-5. Permit applications [AMENDED]

Part 7. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) REQUIREMENTS FOR ATTAINMENT AREAS

252:100-8-31. Definitions [AMENDED]

252:100-8-33. Exemptions [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 25, 2024

[OAR Docket #24-1345; filed 11-25-24]

Submissions to Governor and Legislature

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

[OAR Docket #24-1346]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 49. Oklahoma Emission Reduction Technology Rebate Program

252:100-49-1. Purpose and applicability [AMENDED]

252:100-49-3. Definitions [AMENDED]

252:100-49-5. Program criteria and qualification determination [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 25, 2024

[OAR Docket #24-1346; filed 11-25-24]

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

[OAR Docket #24-1347]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 8. Permits for Part 70 Sources and Major New Source Review (NSR) Sources

Part 5. PERMITS FOR PART 70 SOURCES

252:100-8-6. Permit content [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 25, 2024

[OAR Docket #24-1347; filed 11-25-24]

TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #24-1295]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions

590:1-1-9. Designee Board members [AMENDED]

Subchapter 3. Administrative Review and Hearings

590:1-3-2. Definitions [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 21, 2024

[OAR Docket #24-1295; filed 11-22-24]

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

[OAR Docket #24-1296]

Submissions to Governor and Legislature

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Credited Service

590:10-3-13. Credit for involuntary furlough [AMENDED]

Subchapter 7. Retirement Benefits

590:10-7-6. Failure to submit documents; ~~benefit estimates~~ [AMENDED]

590:10-7-10. Final benefit [AMENDED]

Subchapter 8. ~~Department of Corrections~~ Hazardous Duty Member Benefits [AMENDED]

590:10-8-1. ~~Department of Corrections~~ Hazardous Duty Members [AMENDED]

590:10-8-3. Continuation of Hazardous Duty benefits for Department of Corrections Employees [AMENDED]

590:10-8-4. Maximum Participation as a ~~Hazardous Duty Member~~ for Hazardous Duty and Post-Hazardous Duty Members [AMENDED]

590:10-8-6. Employer Responsibility for Continuation of Hazardous Duty Benefits [AMENDED]

Subchapter 9. Survivors and Beneficiaries

590:10-9-4. Probate waivers [AMENDED]

Subchapter 10. ~~Department of Corrections Death in Performance of Duty Benefits~~ Benefits for a Death in Performance of Duty [AMENDED]

590:10-10-1. Eligibility for Benefit [AMENDED]

590:10-10-2. Killed in Performance of Duty [AMENDED]

590:10-10-5. Surviving Spouse Benefit [AMENDED]

590:10-10-6. Surviving Spouse Benefit Election [AMENDED]

590:10-10-7. Surviving Child Benefit [AMENDED]

590:10-10-8. Filing for Surviving Spouse and Surviving Child Benefits [AMENDED]

Subchapter 11. Transported and State Portable Service Credit

590:10-11-7. Funds transfer [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 22, 2024

[OAR Docket #24-1296; filed 11-22-24]

TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM CHAPTER 25. DEFERRED COMPENSATION

[OAR Docket #24-1297]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Election to Defer Compensation

590:25-3-5. Over Age 50 Catch-up Limits [AMENDED]

Subchapter 9. Benefits

590:25-9-9. Designated beneficiary [AMENDED]

590:25-9-16. ~~Rollover contributions to the plan~~ Rollovers and In-Plan Roth Conversions [AMENDED]

590:25-9-23. Death after December 31, 2021 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 22, 2024

[OAR Docket #24-1297; filed 11-22-24]

TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM CHAPTER 35. DEFERRED SAVINGS INCENTIVE PLAN

[OAR Docket #24-1298]

Submissions to Governor and Legislature

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions
590:35-1-3. Definitions [AMENDED]
Subchapter 13. Benefits and Distributions
590:35-13-6. Designated beneficiary [AMENDED]
Subchapter 15. Limitations on Annual Additions
590:35-15-2. Definitions [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 22, 2024

[OAR Docket #24-1298; filed 11-22-24]

TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM CHAPTER 40. DEFINED CONTRIBUTION SYSTEM

[OAR Docket #24-1299]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Eligibility and Participation - Applicable to The 401(A) Plan and the 457(B) Plan
Part 7. BENEFICIARIES - APPLICABLE TO THE 401(a) PLAN AND THE 457(b) PLAN
590:40-5-21. Death without beneficiary [AMENDED]
Subchapter 7. Defined Contribution 401(A) Plan
Part 9. BENEFITS AND DISTRIBUTIONS
590:40-7-30. Commencement [AMENDED]
590:40-7-32. Late retirement [AMENDED]
590:40-7-34. Death prior to January 1, 2022 [AMENDED]
590:40-7-37. Minimum distribution requirements [AMENDED]
590:40-7-39. Death after December 31, 2021 [AMENDED]
Subchapter 9. Defined Contribution 457(B) Plan
Part 1. ELECTION TO DEFER
590:40-9-3. Over Age 50 Catch-up Limits [AMENDED]
Part 7. BENEFITS
590:40-9-38. ~~Rollover contributions to the plan~~ Rollovers and In-Plan Roth Conversions [AMENDED]
590:40-9-44. Death after December 31, 2021 [AMENDED]
Subchapter 11. Qualified Domestic Relations Orders - Applicable to The 401(A) Plan and the 457(B) Plan
590:40-11-7. Death of Participant or alternate payee [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 22, 2024

[OAR Docket #24-1299; filed 11-22-24]

Withdrawn Rules

An agency may withdraw proposed PERMANENT rules prior to "final adoption," as defined in 75 O.S., Section 250.3(5), by notifying the Governor and the Legislature, and by publishing a notice of such a withdrawal in the *Register*

An agency may withdraw proposed EMERGENCY rules prior to approval/disapproval by the Governor by notifying the Governor, the Legislature, and the Office of Administrative Rules. However, the withdrawal notice is not published in the unless the agency published a Notice of Rulemaking Intent in the *Register* before adopting the emergency rules.

An agency may withdraw proposed EXPEDITED rule repeals prior to "final legislative adoption" as defined in OAC 655:10-1-2, by notifying the Legislature and publishing a notice of such withdrawal in the *Register*

For additional information on withdrawal of proposed rules, see 75 O.S., Section 308(F) and 253(K) and OAC 655:10-7-33.

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

[OAR Docket #24-1278]

RULEMAKING ACTION:

Withdrawal of PERMANENT rulemaking

WITHDRAWN RULES:

Subchapter 3. License Classifications and Associated Fees for Consumer Health Services [AMENDED]

310:250-3-6. Public bathing places [REVOKED]

DATES:

Adoption:

August 15, 2024

Submission of adopted rules to Governor and Legislature:

August 15, 2024

Withdrawn:

November 21, 2024

ADDITIONAL INFORMATION:

This is a notice of withdrawal of proposed permanent rulemaking following the publication of a Notice of Rulemaking Intent; these rules have not been adopted by the Department of Health for consideration by the Legislature.

[OAR Docket #24-1278; filed 11-21-24]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 315. PUBLIC BATHING PLACE FACILITY STANDARDS

[OAR Docket #24-1279]

RULEMAKING ACTION:

Withdrawal of PERMANENT rulemaking

WITHDRAWN RULES:

Subchapter 1. General Provisions [REVOKED]

310:315-1-1. Purpose [REVOKED]

310:315-1-2. Definitions [REVOKED]

Subchapter 3. Plan Documents [REVOKED]

310:315-3-1. Plans and specifications [REVOKED]

Subchapter 5. Water and Sewer Facilities [REVOKED]

310:315-5-1. Water supply [REVOKED]

310:315-5-2. Sewer [REVOKED]

Subchapter 7. Construction and Operation [REVOKED]

310:315-7-1. Pool construction, materials, and finish [REVOKED]

310:315-7-2. Pool layout [REVOKED]

310:315-7-3. Pool size and bathing load [REVOKED]

310:315-7-4. Pool features [REVOKED]

310:315-7-5. Ladders, recessed treads, stairs, and decorative fountains [REVOKED]

310:315-7-6. Walkways or decks [REVOKED]

Withdrawn Rules

310:315-7-7. Bathhouse [REVOKED]
310:315-7-8. Ventilation [REVOKED]
310:315-7-9. Wading pools [REVOKED]
310:315-7-11. Public spas [REVOKED]
310:315-7-12. Water recreation attractions [REVOKED]
310:315-7-13. Chemicals and chemical storage [REVOKED]
310:315-7-14. Recirculation system [REVOKED]
310:315-7-15. Filters [REVOKED]
310:315-7-16. Disinfection and pH control [REVOKED]
310:315-7-17. Testing equipment [REVOKED]
310:315-7-18. Lighting [REVOKED]
310:315-7-19. Electrical requirements [REVOKED]
APPENDIX A. DIVING AREA [REVOKED]
APPENDIX B. MINIMUM DIMENSIONS [REVOKED]
APPENDIX C. POOL DESIGN [REVOKED]
APPENDIX D. COMPUTING CAPACITY REQUIREMENTS FOR INDOOR OR PUBLIC SWIMMING POOLS AND OUTDOOR SWIMMING POOLS [REVOKED]

DATES:

Adoption:

August 15, 2024

Submission of adopted rules to Governor and Legislature:

August 15, 2024

Withdrawn:

November 21, 2024

ADDITIONAL INFORMATION:

This is a notice of withdrawal of proposed permanent rulemaking following the publication of a Notice of Rulemaking Intent; these rules have not been adopted by the Department of Health for consideration by the Legislature.

[OAR Docket #24-1279; filed 11-21-24]

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 320. PUBLIC BATHING PLACE OPERATIONS**

[OAR Docket #24-1281]

RULEMAKING ACTION:

Withdrawal of PERMANENT rulemaking

WITHDRAWN RULES:

Subchapter 1. General Provisions [REVOKED]
310:320-1-1. Purpose [REVOKED]
310:320-1-2. Definitions [REVOKED]
310:320-1-3. Operational license [REVOKED]
Subchapter 3. Operational Provisions [REVOKED]
310:320-3-1. Life saving equipment [REVOKED]
310:320-3-2. Personnel [REVOKED]
310:320-3-3. Rules and precautions for patrons [REVOKED]
310:320-3-4. Safety provisions [REVOKED]
310:320-3-5. Swimming suits and towels furnished by management [REVOKED]
310:320-3-6. Wading pool operation [REVOKED]
310:320-3-7. Quality of Bathing Water [REVOKED]
310:320-3-8. Table [REVOKED]
310:320-3-9. Sampling and testing procedures [REVOKED]
310:320-3-10. Satisfactory compliance of records [REVOKED]
310:320-3-11. Winterizing and securing outdoor pools [REVOKED]

310:320-3-12. Special conditions [REVOKED]
310:320-3-13. Subsequent examination, investigation, and inspection [REVOKED]
Subchapter 5. Forms and Tables [REVOKED]
310:320-5-1. Portable pools [REVOKED]
310:320-5-2. Water balance and water balance tables [REVOKED]
310:320-5-5.1. Application for license [REVOKED]
310:320-5-6.1. Application guidelines for licenses to operate public bathing places [REVOKED]
APPENDIX A. Pool Water Sampling and Testing [REVOKED]
APPENDIX B. Variable Temperature Water Balance Chart [REVOKED]

DATES:

Adoption:

August 15, 2024

Submission of adopted rules to Governor and Legislature:

August 15, 2024

Withdrawn:

November 21, 2024

ADDITIONAL INFORMATION:

This is a notice of withdrawal of proposed permanent rulemaking following the publication of a Notice of Rulemaking Intent; these rules have not been adopted by the Department of Health for consideration by the Legislature.

[OAR Docket #24-1281; filed 11-21-24]

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 321. PUBLIC BATHING PLACE FACILITY STANDARDS AND OPERATIONS**

[OAR Docket #24-1282]

RULEMAKING ACTION:

Withdrawal of PERMANENT rulemaking

WITHDRAWN RULES:

Subchapter 1. General Provisions [NEW]
310:321-1-1. Purpose [NEW]
310:321-1-2. General [NEW]
310:321-1-3. Definitions [NEW]
Subchapter 2. Permits and Designs [NEW]
310:321-2-1. Permit requirement [NEW]
310:321-2-2. Application for permit [NEW]
310:321-2-3. Time limitation of application [NEW]
310:321-2-4. Permit issuance [NEW]
310:321-2-5. Approved construction documents [NEW]
310:321-2-6. Validity [NEW]
310:321-2-7. Expiration [NEW]
310:321-2-8. Extensions [NEW]
310:321-2-9. Suspension or revocation of permit [NEW]
310:321-2-10. Approval [NEW]
310:321-2-11. Revocation [NEW]
310:321-2-12. Fees [NEW]
310:321-2-13. Service Utilities [NEW]
310:321-2-14. Temporary structures, equipment and systems [NEW]
310:321-2-15. Inspections [NEW]
310:321-2-16. Violations [NEW]
310:321-2-17. Stop work order [NEW]
310:321-2-18. General structural design requirements [NEW]
310:321-2-19. Materials [NEW]

Withdrawn Rules

- 310:321-2-20. Beach pools [NEW]
- 310:321-2-21. Compatibility [NEW]
- 310:321-2-22. Materials and structural design [NEW]
- 310:321-2-23. Installation [NEW]
- 310:321-2-24. Freeze protection [NEW]
- 310:321-2-25. Surface condition [NEW]
- 310:321-2-26. Plaster [NEW]
- 310:321-2-27. Design of elevated pools [NEW]
- 310:321-2-28. Dimensional design [NEW]
- 310:321-2-29. Variances [NEW]
- Subchapter 3. Decks, Deck Equipment and Diving [NEW]
- 310:321-3-1. Decks in general [NEW]
- 310:321-3-2. Pool perimeter access [NEW]
- 310:321-3-3. Deck clearance [NEW]
- 310:321-3-4. Decks between pools and spas [NEW]
- 310:321-3-5. Deck covering [NEW]
- 310:321-3-6. Distances above diving boards [NEW]
- 310:321-3-7. Dimensional requirements [NEW]
- 310:321-3-8. Diving equipment [NEW]
- 310:321-3-9. Label [NEW]
- 310:321-3-10. Use instructions [NEW]
- 310:321-3-11. Tread surface [NEW]
- 310:321-3-12. Supports for diving equipment [NEW]
- 310:321-3-13. Guardrails [NEW]
- 310:321-3-14. Starting blocks [NEW]
- 310:321-3-15. Swimming pool slides [NEW]
- 310:321-3-16. Play and water activity equipment [NEW]
- 310:321-3-17. Diving in general and manufactured and fabricated diving equipment [NEW]
- 310:321-3-18. Installation [NEW]
- 310:321-3-19. Slip resistance [NEW]
- 310:321-3-20 Point A [NEW]
- 310:321-3-21. Location of pool features in a diving pool [NEW]
- 310:321-3-22. Stationary diving platforms and diving rocks [NEW]
- 310:321-3-23. Location of diving equipment [NEW]
- 310:321-3-24. Elevation [NEW]
- 310:321-3-25. Platform height above waterline [NEW]
- 310:321-3-26. Clearance [NEW]
- 310:321-3-27. Water envelopes [NEW]
- 310:321-3-28. Ladders for diving equipment [NEW]
- 310:321-3-29. Springboard fall protection guards [NEW]
- 310:321-3-30. Maximum bather load [NEW]
- 310:321-3-31. Rest ledges [NEW]
- 310:321-3-32. Wading pools [NEW]
- 310:321-3-33. Decks and Deck Equipment General [NEW]
- 310:321-3-34. Pool perimeter access [NEW]
- 310:321-3-35. Deck clearance [NEW]
- 310:321-3-36. Decks between pools and spas [NEW]
- 310:321-3-37. Deck covering [NEW]
- 310:321-3-38. Distances above diving boards [NEW]
- 310:321-3-39. Dimensional requirements [NEW]
- 310:321-3-40. Diving equipment [NEW]
- 310:321-3-41. Label [NEW]
- 310:321-3-42. Use instructions [NEW]
- 310:321-3-43. Tread surface [NEW]
- 310:321-3-44. Supports for diving equipment [NEW]

- 310:321-3-45. Guardrails [NEW]
- 310:321-3-46. Starting blocks [NEW]
- 310:321-3-47. Swimming pool slides [NEW]
- 310:321-3-48. Play and water activity equipment [NEW]
- Subchapter 4. General Operations Requirements and Compliance [NEW]
- 310:321-4-1. General [NEW]
- 310:321-4-2. Electrical, plumbing, mechanical and fuel gas requirements [NEW]
- 310:321-4-3. Energy requirements [NEW]
- 310:321-4-4. Flood hazard areas [NEW]
- 310:321-4-5. Barrier requirements [NEW]
- Subchapter 5. Circulation Systems and Circulation System Pipe Material Standard [NEW]
- 310:321-5-1. Circulation systems general [NEW]
- 310:321-5-2. Fittings [NEW]
- 310:321-5-3. Joints [NEW]
- 310:321-5-4. Piping subject to freezing [NEW]
- 310:321-5-5. Suction outlet fitting assemblies [NEW]
- 310:321-5-6. System draining [NEW]
- 310:321-5-7. Pressure or vacuum gauge [NEW]
- 310:321-5-8. Flow measurement [NEW]
- 310:321-5-9. Instructions [NEW]
- 310:321-5-10. Hydrostatic pressure test [NEW]
- 310:321-5-11. Filters [NEW]
- 310:321-5-12. Return and suction fittings general [NEW]
- 310:321-5-13. Skimmers general [NEW]
- 310:321-5-14. Pumps and Motors [NEW]
- Subchapter 6. Heaters [NEW]
- 310:321-6-1. General [NEW]
- 310:321-6-2. Certification [NEW]
- Subchapter 7. Water Supply [NEW]
- 310:321-7-1. Makeup water [NEW]
- 310:321-7-3. Over-the-rim spouts [NEW]
- 310:321-7-4. Sanitizing equipment standards [NEW]
- 310:321-7-5. Chemical feeders [NEW]
- 310:321-7-6. Secondary disinfection systems [NEW]
- 310:321-7-7. Supplemental treatment systems [NEW]
- 310:321-7-8. Wastewater disposals [NEW]
- Subchapter 8. Lighting and Safety [NEW]
- 310:321-8-1. General [NEW]
- 310:321-8-2. Artificial lighting required [NEW]
- 310:321-8-3. Pool and deck illumination [NEW]
- 310:321-8-4. Illumination intensity [NEW]
- 310:321-8-5. Underwater lighting [NEW]
- 310:321-8-6. Emergency illumination [NEW]
- 310:321-8-7. Safety [NEW]
- 310:321-8-8. Specific safety features [NEW]
- 310:321-8-9. Dressing facilities and sanitary facilities [NEW]
- 310:321-8-10. Entry and exit [NEW]
- Subchapter 9. Ladders and Recessed Treads [NEW]
- 310:321-9-1. General [NEW]
- 310:321-9-2. Outside diving envelope [NEW]
- 310:321-9-3. Ladders [NEW]
- 310:321-9-4. Wall clearance [NEW]
- 310:321-9-5. Handrails and handholds [NEW]
- 310:321-9-6. Recessed treads [NEW]
- 310:321-9-7. Vertical spacing [NEW]

Withdrawn Rules

310:321-9-8. Drainage [NEW]
310:321-9-9. Handrails and grab rails [NEW]
Subchapter 10. Equipment Rooms [NEW]
310:321-10-1. General [NEW]
310:321-10-2. Requirements [NEW]
310:321-10-3. Construction [NEW]
310:321-10-4. Electrical [NEW]
310:321-10-5. Ventilation [NEW]
310:321-10-6. Markings [NEW]
310:321-10-7. Separation from chemical storage spaces [NEW]
310:321-10-8. Doors and openings [NEW]
310:321-10-9. Indoor aquatic facility access [NEW]
Subchapter 11. Return, Suction Fittings and Air Systems [NEW]
310:321-11-1. General [NEW]
310:321-11-2. Entrapment avoidance [NEW]
310:321-11-3. Flow distribution [NEW]
310:321-11-4. Air blower and air induction system [NEW]
Subchapter 12. Water Supply and Sanitation [NEW]
310:321-12-1. Makeup water [NEW]
310:321-12-2. Protection of potable water supply [NEW]
310:321-12-3. Over-the-rim spouts [NEW]
310:321-12-4. Sanitizing Equipment and Chemical Feeders [NEW]
310:321-12-5. Wastewater disposal [NEW]
Subchapter 13. Public Spas and Exercise Spas [NEW]
310:321-13-1. Scope [NEW]
310:321-13-2. Heater and temperature requirements [NEW]
310:321-13-3. Water supply [NEW]
Subchapter 14. Aquatic Recreation Facilities [NEW]
310:321-14-1. General [NEW]
310:321-14-2. Markings and indicators [NEW]
310:321-14-3. Circulation systems general [NEW]
310:321-14-4. Handholds and ropes [NEW]
310:321-14-5. Depths [NEW]
310:321-14-6. Barriers [NEW]
Subchapter 15. Number of Occupants [NEW]
310:321-15-1. Occupant load [NEW]
310:321-15-2. General dressing and sanitary facilities [NEW]
310:321-15-3. Special features [NEW]
310:321-15-4. Signage [NEW]
310:321-15-5. Interactive water play features [NEW]
APPENDIX A. CLASS B AND C DIVING ENVELOPES [NEW]
APPENDIX B. MINIMUM WATER DIVING ENVELOPE [NEW]
APPENDIX C. SIGNAGE [NEW]
APPENDIX D. REFERENCED STANDARDS [NEW]
APPENDIX E. PUBLIC BATHING PLACES FEES [NEW]
APPENDIX F. TABLES [NEW]

DATES:

Adoption:

August 15, 2024

Submission of adopted rules to Governor and Legislature:

August 15, 2024

Withdrawn:

November 21, 2024

ADDITIONAL INFORMATION:

This is a notice of withdrawal of proposed permanent rulemaking following the publication of a Notice of Rulemaking Intent; these rules have not been adopted by the Department of Health for consideration by the Legislature.

Withdrawn Rules

[OAR Docket #24-1282; filed 11-21-24]

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 the 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 150. OKLAHOMA DEPARTMENT OF COMMERCE CHAPTER 1. GENERAL RULES OF PRACTICE AND PROCEDURE

[OAR Docket #24-1310]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 1. Organization

150:1-1-3. Deputy; Chief of Staff; Director of CORE; Director of EDGE [AMENDED]

AUTHORITY:

The Oklahoma Department of Commerce; 74 O.S. §§ 5003.1 et seq.; 68 O.S. § 2357.105, 69 O.S., § 4041(C).

COMMENT PERIOD:

N/A

PUBLIC HEARING:

N/A

ADOPTION:

September 19, 2024

EFFECTIVE:

Immediately upon Governor's approval

APPROVED BY GOVERNOR:

October 14, 2024

EXPIRATION:

Effective through September 14, 2025, unless superseded by another rule or disapproval by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

SUPERSEDED RULES:

N/A

GUBERNATORIAL APPROVAL:

N/A

REGISTER PUBLICATION:

N/A

DOCKET NUMBER:

N/A

INCORPORATIONS BY REFERENCE:

INCORPORATED STANDARDS:

N/A

INCORPORATING RULES:

N/A

AVAILABILITY:

N/A

FINDING OF EMERGENCY:

Emergency Adoptions

This rule is necessary for the amendment of the organizational structure at the Oklahoma Department of Commerce. The consequences of not adopting the proposed amendment would be structural misperception to the Agency in nature.

GIST/ANALYSIS:

This action amends the organizational structure of the Oklahoma Department of Commerce.

CONTACT PERSON:

Tim Bunson, General Counsel and Chief of Staff, Oklahoma Department of Commerce, 900 N. Stiles Avenue, Oklahoma City, OK 73104, 572-572-6777, Tim.Bunson@okcommerce.gov

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 1. ORGANIZATION

150:1-1-3. Deputy; Chief of Staff; Director of CORE; Director of EDGE [AMENDED]

The Director shall appoint a ~~deputy or Deputy~~, Chief of Staff, the Director of CORE, or the Director of EDGE who shall perform duties of the Director as requested by the Director. If the office of the Director is vacant or if the Director is absent or unable to act, ~~the deputy or the Deputy~~, Chief of Staff, the Director of CORE, or the Director of EDGE shall be the acting Director for all purposes until the Director resumes duties or the successive Director is fully qualified. The ~~deputy or Deputy~~, Chief of Staff, the Director of CORE, or the Director of EDGE may sign all documents on behalf of the Director, except those specifically required to be signed by the Director by law.

[OAR Docket #24-1310; filed 11-22-24]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 678. OFFICE OF CLIENT ADVOCACY [AMENDED]

[OAR Docket #24-1258]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 1. Administration

310:678-1-1. Purpose [AMENDED]

310:678-1-2. Definitions [AMENDED]

310:678-1-3. Customer complaint process [AMENDED]

Subchapter 3. Investigations

310:678-3-1. ~~Office of Client Advocacy (OCA)~~OCA investigations [AMENDED]

310:678-3-2. Procedure for reporting suspected abuse, neglect, verbal abuse, caretaker misconduct, and exploitation [AMENDED]

310:678-3-3. Facility administrator's responsibilities regarding allegations reportable to ~~Office of Client Advocacy (OCA)~~OCA [AMENDED]

310:678-3-4. Processing referrals received by the ~~Office of Client Advocacy (OCA)~~OCA [AMENDED]

310:678-3-5. ~~Office of Client Advocacy (OCA)~~OCA investigation procedures for cases involving child victims [AMENDED]

310:678-3-6. ~~Office of Client Advocacy (OCA)~~OCA investigation procedures for cases involving vulnerable adults [AMENDED]

310:678-3-7. Caretaker conduct review (CCR) [AMENDED]

310:678-3-8. Investigation of complaints made by foster parents or made by or on behalf of children being served by Child Welfare Services (CWS) [AMENDED]

310:678-3-9. Program Review process for substantiated child abuse or neglect findings in ~~Office of Client Advocacy~~OCA investigations [AMENDED]

Emergency Adoptions

310:678-3-10. Reconsideration process for substantiated findings of vulnerable adult maltreatment in ~~Office of Client Advocacy (OCA) investigations and~~ OCA investigations and OKDHS Community Services Worker Registry (CSWR) procedures [AMENDED]

Subchapter 5. Grievances

310:678-5-1. Grievance system protocols [AMENDED]

310:678-5-2. Contested grievances appealed to the State Office [AMENDED]

310:678-5-3. Grievances of minors being served by Child Welfare Services [AMENDED]

310:678-5-4. Foster parent grievances [AMENDED]

310:678-5-5. Developmental Disabilities Services (DDS) Greer Center Facility (Greer) resident [AMENDED]

310:678-5-6. Grievances of Hissom class members [AMENDED]

310:678-5-7. Grievances of clients receiving services from the Developmental Disabilities Services (DDS) [AMENDED]

310:678-5-8. Grievances of residents of private group homes for individuals with developmental disabilities [AMENDED]

310:678-5-9. DHS client grievances not covered by another grievance system [AMENDED]

310:678-5-10. Foster Care Ombudsman (FCO) services [AMENDED]

Subchapter 7. Grievance and Abuse Review Committee

310:678-7-1. Grievance and Abuse Review Committee (GARC) [AMENDED]

310:678-7-2. Grievance and Abuse Review Committee (GARC) review of Office of Client Advocacy (OCA) investigation reports regarding foster parent complaints [AMENDED]

310:678-7-3. Grievance and Abuse Review Committee (GARC) review of unresolved contested grievances [AMENDED]

Subchapter 9. Advocacy Programs

310:678-9-1. ~~Office of Client Advocacy (OCA)~~ OCA general advocacy services [AMENDED]

310:678-9-2. ~~Office of Client Advocacy (OCA)~~ OCA services specific to residents of Robert M. Greer Center (Greer) and Laura Dester Children's Center (SHIELD) [AMENDED]

310:678-9-3. ~~Office of Client Advocacy (OCA)~~ OCA advocacy services specific to Hissom Class Members (HCM)s and former Northern Oklahoma Resource Center of Enid (NORCE) and Southern Oklahoma Resource Center (SORC) residents [AMENDED]

AUTHORITY:

Commissioner of the Oklahoma State Department of Health; 63 O.S. §1-104; 10A O.S. §1-9-112; 10A O.S. §1-9-112a; 10A O.S. §1-9-117; 43A O.S. §10-115; 10 O.S. §1430.27.

COMMENT PERIOD:

N/A

PUBLIC HEARING:

N/A

ADOPTION:

October 30, 2024

EFFECTIVE:

November 1, 2024

APPROVED BY GOVERNOR:

November 1, 2024

EXPIRATION:

Effective through September 14, 2025, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

SUPERSEDED RULES:

N/A

GUBERNATORIAL APPROVAL:

N/A

REGISTER PUBLICATION:

N/A

DOCKET NUMBER:

N/A

INCORPORATIONS BY REFERENCE:

INCORPORATED STANDARDS:

N/A

INCORPORATING RULES:

N/A

AVAILABILITY:

N/A

FINDING OF EMERGENCY:

SB 1709 directed the transfer of employees, powers, duties, monies, contractual rights, and certain administrative rules from the Office of Client Advocacy within the Department of Human Services (OCA) to the Oklahoma State Department of Health (Department) effective November 1, 2024. The legislation transfers all duties and authority of OCA to the Commissioner of Health and the Department. The proposed emergency rules are necessary as an emergency measure to ensure uninterrupted investigatory and advocacy services by the Department as of November 1, 2024.

GIST/ANALYSIS:

The proposed rule amendments remove the reference of the Department of Human Services and its authority and replaces it throughout with the designation of the Commissioner of Health and the Department as the authority for OCA.

CONTACT PERSON:

Audrey C. Talley, Agency Rule Liaison, Oklahoma State Department of Health, 123 Robert S. Kerr Avenue, Oklahoma City, OK 73102, 405-426-8563, AudreyT@health.ok.gov.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F), WITH A LATER EFFECTIVE DATE OF NOVEMBER 1, 2024:

SUBCHAPTER 1. ADMINISTRATION

310:678-1-1. Purpose [AMENDED]

The purpose of this Subchapter is to outline the rules governing the operation of the Office of Client Advocacy (OCA). Rules relating to:

- (1) investigations conducted by OCA are found in ~~Oklahoma Administrative Code (OAC) 340:2-3-32 through 340:2-3-38~~ Subchapter 3;
- (2) grievance systems maintained by OCA are found in ~~OAC 340:2-3-45 through 340:2-3-55~~ Subchapter 5;
- (3) the Grievance and Abuse Review Committee (GARC) are found in ~~OAC 340:2-3-61 through 340:2-3-65~~ Subchapter 7; and
- (4) OCA Advocacy Programs are found in ~~OAC 340:2-3-71 through 340:2-3-75~~ Subchapter 9.

310:678-1-2. Definitions [AMENDED]

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

"Abuse" means, with regard to:

- (A) children, per Section 1-1-105 of the Oklahoma Statutes (10A O.S. § 1-1-105) harm or threatened harm to the health, safety, or welfare of a child by a person responsible for the child's (PRFC) health, safety, or welfare (~~PRFC~~) including, but not limited to: non-accidental physical or mental injury, sexual abuse, or sexual exploitation.
- (B) vulnerable adults, per 43A O.S. § 10-103, causing or permitting:
 - (i) the infliction of physical pain, injury, sexual abuse, sexual exploitation, unreasonable restraint or confinement, mental anguish, or personal degradation; or
 - (ii) deprivation of nutrition, clothing, shelter, health care, or other care or services without which serious physical or mental injury is likely to occur to a vulnerable adult by a caretaker or other person providing services to a vulnerable adult.

"Administrative information" means information reported to or obtained by Oklahoma Human Services (OKDHS) regarding the community services provider during the investigative process that may be appropriate for internal administrative action but does not have the potential to impact the immediate health, safety, or welfare of recipients of community services, has not been verified as true and is for informational purposes only, per 56 O.S. § 1025.1.

"Administrator" or **"administrator's designee"** means, with regard to:

- (A) children in Oklahoma Department of Human Services (OKDHS) custody living in a private, residential facility: the facility's chief administrative officer;

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- (B) children in OKDHS custody living in an OKDHS-operated shelter or group home, the shelter or group home director;
- (C) children in OKDHS custody living in any other setting, including any type of out-of-home placement: the applicable OKDHS district director;
- (D) foster care parents: the applicable OKDHS district director or deputy director;
- (E) children in residential care facilities operated by the Oklahoma Department of Rehabilitation Services (ODRS); facilities that contract with, or are licensed by, the Oklahoma Office of Juvenile Affairs (OJA), with the exception of OJA-operated secure facilities, the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS); and the J.D. McCarty Center or OKDHS and other residential care facilities: the superintendent, director, chief administrative officer, or head of the facility regardless of the person's working title;
- (F) day treatment programs: the person charged with responsibility for program administration;
- (G) adults and children who are in OKDHS Developmental Disabilities Services (DDS) specialized foster care and DDS specialized foster care parents: the applicable DDS area manager;
- (H) Robert M. Greer Center (Greer) residents: the facility director;
- (I) providers of residential services, vocational services, or in-home paraprofessional supports to individuals with developmental disabilities living in the community: the provider's chief executive officer; and
- (J) residents of group homes for persons with developmental disabilities: the group home director.

"Advocate" means an ~~Office of Client Advocacy (OCA)~~ employee who provides assistance to OCA clients in exercising their rights, listening to their concerns, encouraging them to speak for themselves, seeking to resolve their problems, helping protect their rights, and seeking to improve the quality of their lives and care.

"Age-appropriate" or **"developmentally-appropriate"** means:

- (A) activities or items that are generally accepted as suitable for children of the same age or level of maturity or that are determined to be developmentally-appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age group; and
- (B) in the case of a specific child, activities or items that are suitable for that child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the specific child per 10A O.S. § 1-1-105.

"Agency companion" means a person who provides agency companion services, per OAC 317:40-5-3, to:

- (A) members 18 years of age or older who are eligible for services through Community or Homeward Bound waivers, or
- (B) persons under 18 years of age, with approval from the OKDHS ~~Developmental Disability Services (DDS)~~ director or designee.

"Area manager" means an administrator of one of the three service delivery areas designated by OKDHS DDS.

"Areas of Concern" or **"(AOC)"** means:

- (A) with regard to children: issues that do not rise to the level of abuse or neglect, but may constitute possible deficiencies, irregularities, or deviations from policies and best practices. AOCs are brought to the provider's attention or informational purposes or for appropriate corrective action, when applicable; and
- (B) with regard to individuals served by a community services worker, issues that do not rise to the level of a substantiated finding, but may constitute possible deficiencies, irregularities, or deviations from policies and best practices by the community services provider, which has the potential to impact the health, safety, or welfare of recipients of community-based services, and ~~OKDHS~~OCA has conducted sufficient inquiry into the issue to meet the probable cause investigative standard, per 56 O.S. § 1025.1.

"Behavioral health" means mental health, substance abuse, or co-occurring mental health and substance abuse diagnoses, and the continuum of mental health, substance use or abuse, or co-occurring mental health and substance abuse treatment, per 10A O.S. § 1-1-105.

"Caretaker" means, per 43A O.S. §10-103, a person who has:

- (A) the responsibility for the care of a vulnerable adult or the financial management of the resources of a vulnerable adult as a result of a family relationship;
- (B) assumed the responsibility for the care of a vulnerable adult voluntarily, by contract, or as a result of the ties of friendship; or

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(C) was appointed a guardian, limited guardian, or conservator pursuant to the Oklahoma Guardianship and Conservatorship Act.

"Caretaker misconduct" means, per 10A O.S. § 1-9-112, an act or omission by a PRFC that does not rise to the level of abuse, neglect, sexual abuse, or sexual exploitation with regard to any child or resident:

- (A) residing outside their own homes other than children in foster care or children in the custody of OJA and placed in an OJA secure facility;
- (B) in a day treatment program as defined in 10 O.S. § 175.20;
- (C) receiving services from a community services worker as that term is defined in 56 O.S. § 1025.1; and
- (D) residing in a state institution listed in 10 O.S. § 1406.

"Child" means any unmarried person younger than 18 years of age.

"Child-placing agency" means an agency that arranges for, or places a child in, a foster family home, family-style living program, group home, adoptive home, or a successful adulthood program per 10A O.S. § 1-1-105.

"Child with a disability" means any child who has a physical or mental impairment that substantially limits one or more of the major life activities of the child or who is regarded as having such impairment by a competent medical professional, per 10A O.S. § 1-1-105.

"Client" means, with regard to OCA:

- (A) investigative services: individuals listed in Oklahoma Administrative Code (OAC) 340:2-3-32(a) ~~(2)~~ 310:678-3-1(a)(2);
- (B) grievance services: individuals listed in OAC ~~340:2-3-45(a)(2)~~ 310:678-5-1(a)(2); and
- (C) advocacy program: individuals listed in OAC ~~340:2-3-71(b)~~ 310:678-9-1(b).

"Community services provider" means a community-based program, corporation, or individual who contracts with, or is licensed or funded by, OKDHS to provide residential or vocational services to persons who are elderly or persons with intellectual or developmental disabilities, or contracts with the Oklahoma Health Care Authority (OHCA) to provide services to individuals with intellectual disabilities through a Home and Community-Based Waiver, except a private Intermediate Care Facility for Individuals with Intellectual Disabilities, per 56 O.S. § 1025.1.

"Community services worker" or "(CSW)" means any person employed by or under contract with a community services provider who provides, for compensation or as a volunteer, health-related services, training, or supportive assistance to persons who are elderly or persons with developmental disabilities and who is not a licensed health professional or any person who contracts with the OHCA to provide specialized foster care, habilitation training specialist services, or homemaker services to persons with developmental disabilities, per 56 O.S. § 1025.1.

"Community Services Worker Registry" or "(CSW Registry)" means the Registry established by OKDHS per 56 O.S. § 1025.3.

"Complaint" means a report communicating a grievance, concern, or perceived harm, submitted by phone, email, or in writing by a foster parent or a child being served by Child Welfare Services (CWS) to the Oklahoma Commission of Children and Youth (OCCY) Office of Juvenile System Oversight (OJSO). If not submitted in writing, the complaint is entered into the written format established by OCA and OJSO.

"Custodian" means, per 10A O.S. § 1-1-105, an individual other than a parent, legal guardian, or Indian custodian, to whom legal custody of the child has been awarded by the court. The term "custodian" shall not mean OKDHS.

"Day treatment program" means non-residential, partial hospitalization programs, day treatment programs, and day hospital programs in which children and adolescents are placed for psychiatric or psychological treatment, per 10 O.S. § 175.20.

"Disposition" means, with regard to OCA intake processes, the OCA intake unit action taken in response to a referral received, per OAC ~~340:2-3-35~~ 310:678-3-4.

"Educational employee" means a school district employee, who provides contractual educational services on-site at a facility, who is either a witness or the alleged perpetrator in an OCA investigation.

"Exploitation" or "exploit" means with regard to vulnerable adults, means an unjust or improper use of the resources of a vulnerable adult for the profit or advantage, pecuniary or otherwise, of a person other than the vulnerable adult through the use of undue influence, coercion, harassment, duress, deception, false representation, or false pretense, per 43A O.S. § 10-103.

"Failure to protect" means, per 10A O.S. § 1-1-105, failure to take reasonable action to remedy or prevent child abuse or neglect, and includes the conduct of a non-abusing parent or guardian who knows the identity of the abuser or the person neglecting the child, but lies, conceals, or fails to report the child abuse or neglect or otherwise take reasonable action to end the abuse or neglect.

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"Financial neglect" means, with regard to vulnerable adults, per 43A O.S. § 10-103, repeated instances by a caretaker or other person, who has assumed the role of financial management, of failure to use the resources available to restore or maintain the health and physical well-being of a vulnerable adult, including, but not limited to:

- (A) squandering or negligently mismanaging the money, property, or accounts of a vulnerable adult;
- (B) refusing to pay for necessities or utilities in a timely manner; or
- (C) providing substandard care to a vulnerable adult despite the availability of adequate financial resources.

"Force" means, as used by an alleged perpetrator with regard to a child residing outside of his or her home, other than in foster care:

(A) "authorized use of physical force" means using physical contact to control or contain a child when the alleged perpetrator reasonably considers the child to:

- (i) pose a risk of inflicting harm to himself or herself or others; or
- (ii) be in the process of leaving a facility without authorization; and
- (iii) when physical force is authorized, the least force necessary under the circumstances is employed;

(B) "excessive use of force" means the failure to employ the least amount of physical force necessary under the circumstances, taking into consideration all of the circumstances surrounding the incident, including the:

- (i) grounds for belief that force was necessary;
- (ii) ages, genders, and strengths of the parties involved;
- (iii) nature of the force employed;
- (iv) alternative means of force or control available;
- (v) extent of the inflicted harm; and
- (vi) provider's established method(s) of restraint and intervention for the child against whom the force was used, consistent with the child's individualized plan, protective intervention plan, or treatment plan; and

(C) "unauthorized use of force" means force that is not authorized per this paragraph. Unauthorized use of force includes unacceptable physical contact with a child including, but not limited to:

- (i) slapping;
- (ii) kicking;
- (iii) punching;
- (iv) poking;
- (v) pulling hair or an ear;
- (vi) pinching;
- (vii) using a chokehold;
- (viii) smothering;
- (ix) spitting;
- (x) head butting; and
- (xi) tugging.

"Foster care" or **"foster care services"** means continuous 24-hour care and supportive services provided for a child in a foster placement including, but not limited to, the care, supervision, guidance, and rearing of a foster child by the foster parent, per 10A O.S. § 1-1-105.

"Foster parent" means any person maintaining a therapeutic, emergency, specialized community, tribal, kinship, or foster family home, responsible for providing care, supervision, guidance, rearing, and other foster care services to a child.

"GARC" means the Grievance and Abuse Review Committee, per OAC ~~340-2-3-6~~310:678-7-1.

"Group home for persons with developmental or physical disabilities" means any establishment for not more than 12 residents who are 18 years of age or older and who have developmental or physical disabilities, and which offers or provides supervision, residential accommodations, food service, and training and skill development opportunities designed to lead to increased independence of the residents and which offers or provides supportive assistance to residents requiring supportive assistance, per 10 O.S. § 1430.2.

"Guardian" or **"guardian of an incapacitated person"** means, per 30 O.S. § 1-111 a person who has been appointed by a court to serve as the guardian of an incapacitated person to assure that the essential requirements for the health and safety of the person are met, to manage the estate or financial resources of the person, or both. The term includes persons appointed as general or limited guardians of the person, general or limited guardians of property, and special guardian, but does not include a person appointed as guardian ad litem, per 30 O.S. § 1-106.

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"Harm or threatened harm to the health or safety, of a child" means any real or threatened physical, mental, or emotional injury or damage to the body or mind that is not accidental including, but not limited to, sexual abuse, sexual exploitation, neglect, or dependency, per 10A O.S. § 1-1-105.

"Heinous and shocking abuse" means abuse that includes, but is not limited to, aggravated physical abuse that results in serious bodily, mental, or emotional injury. Serious bodily injury means injury that involves:

- (A) substantial risk of death;
- (B) extreme physical pain;
- (C) protracted disfigurement;
- (D) loss or impairment of a function of a body member, organ, or mental faculty;
- (E) an injury to an internal or external organ or the body;
- (F) bone fracture;
- (G) sexual abuse or sexual exploitation;
- (H) chronic abuse including, but not limited to, physical, emotional, or sexual abuse, or sexual exploitation that is repeated or continuing;
- (I) torture including, but not limited to, inflicting, participating in or assisting in inflicting intense physical or emotional pain upon a child repeatedly over a period of time for the purpose of coercing or terrorizing a child or for the purpose of satisfying the craven, cruel, or prurient desires of the perpetrator or another person; or
- (J) any other similar aggravated circumstance.

"Hisson class member" or "HCM" means an individual certified by the United States District Court for the Northern District of Oklahoma as a member of the plaintiff class in *Homeward Bound, Inc., et al. vs. Hissom Memorial Center, et al.*, Case No. 85-CV-437-GKF.

"Hotline" means the statewide Centralized Abuse and Neglect Hotline, toll-free phone number, maintained by OKDHS for the purpose of receiving reports of abuse, neglect, or exploitation of children and vulnerable adults. The Hotline operates 24 hours a day, seven days a week, 365 days a year.

"Incapacitated person" means, per 43 O.S. § 10-103:

- (A) any person 18 years of age or older
 - (i) who is impaired by reason of mental or physical illness or disability, dementia, or related disease, intellectual disability, developmental disability, or other cause, and
 - (ii) whose ability to receive and evaluate information effectively or to make and communicate responsible decisions is impaired to such an extent that such person lacks the capacity to manage his or her financial resources or meet essential requirements for his or her mental or physical health or safety without assistance from others; or
- (B) a person for whom a guardian, limited guardian, or conservator has been appointed pursuant to the Oklahoma Guardianship and Conservatorship Act.

"Indecent exposure" means, per 43A O.S. § 10-103, forcing or requiring a vulnerable adult to:

- (A) look upon the body or private parts of another person or upon sexual acts performed in the presence of the vulnerable adult; or
- (B) touch or feel the body or private parts of another.

"In-home supports" or "(IHS)" means services funded through Medicaid Home and Community-Based Waivers, per Section 1915(c) of the Social Security Act and administered by OKDHS DDS. Services are provided in the service recipient's home, that are not residential services, per OAC 340:100-5-22.1, or group home services per 10 O.S. § 1430.2.

"Injury" means any hurt, harm, appreciable physical pain, or mental anguish.

"Intermediate Care Facility for Individuals with Intellectual Disabilities" or "(IFC/IID)" or a "specialized facility for individuals with intellectual disabilities" means a private or public residential facility, licensed per state law and certified by the federal government as a Medicaid services provider, for individuals with intellectual disabilities as defined in Title XIX rules and regulations of the Social Security Act.

"Investigation" means, regarding a:

- (A) child, per 10A O.S. § 1-1-105, a response to an allegation of abuse or neglect that involves a serious and immediate threat to the safety of a child, making it necessary to determine:
 - (i) the current safety of the child and the risk of subsequent abuse or neglect; and
 - (ii) whether child abuse or neglect occurred and whether the family needs prevention- and intervention-related services;
- (B) vulnerable adult, a response to a maltreatment allegation, making it necessary to determine if maltreatment of the vulnerable adult occurred.

"Investigation results" means, per 10A O.S. § 1-1-105, a written response stating one of the following findings:

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(A) regarding a child:

- (i) "substantiated" means OCA determined, after an investigation of a report of child abuse or neglect and based upon some credible evidence, that child abuse or neglect occurred;
- (ii) "unsubstantiated" means OCA determined, after an investigation of a report of child abuse or neglect, that insufficient evidence exists to fully determine whether child abuse or neglect occurred; or
- (iii) "ruled out" means OCA determined, after an investigation of a report of child abuse or neglect that no child abuse or neglect occurred; or

(B) regarding a vulnerable adult:

- (i) "substantiated" means that in OKDHS judgment, there appears to be probable cause to suspect the existence of abuse, neglect, or exploitation;
- (ii) "not substantiated" means that OKDHS has found insufficient evidence of abuse, neglect, or exploitation

"Maltreatment" means, per 56 O.S. § 1025.1, abuse, verbal abuse, sexual abuse, neglect, financial neglect, exploitation, or sexual exploitation of vulnerable adults, as those terms are defined in 43A O.S. § 10-103; or abuse, neglect, sexual abuse or sexual exploitation of children, per 10A O.S. § 1-1-105.

"Medicaid personal care assistant" means, per 56 O.S. § 1025.1, a person who provides Medicaid services funded under Oklahoma's personal care program and is not a certified nurse aide or a licensed professional.

"Medicaid personal care services provider" means, per 56 O.S. § 1025.1, a program, corporation, or individual who provides services under the state Medicaid program personal care program or ADvantage Waiver to individuals who are elderly, or who have a physical disability.

"Mental anguish" means, in regard to a vulnerable adult, mental damage evidenced by distress, depression, withdrawal, severe anxiety, or unusually aggressive behavior toward one's self or others.

"Mental health facility" means a public or private hospital or related institution, as defined by 63 O.S. § 1-701, offering or providing inpatient mental health services, a public or private facility accredited as an inpatient or residential psychiatric facility by the Joint Commission on Accreditation of Healthcare Organizations, or a facility operated by the ~~Department of Mental Health and Substance Abuse Services (QDMHSAS)~~ and designated by the Commissioner of QDMHSAS as appropriate for the inpatient evaluation or treatment of minors, per 43A O.S. § 5-502.

"Near death" means a child is in serious or critical condition as certified by a physician, as a result of abuse or neglect, per 10A O.S. § 1-1-105.

"Neglect" means in regard to:

(A) children, per 10A O.S. § 1-1-105:

- (i) the failure or omission to provide any of the following:
 - (I) adequate nurturance and affection, food, clothing, shelter, sanitation, hygiene, or appropriate education;
 - (II) medical, dental, or behavioral health care;
 - (III) supervision or appropriate caretakers to protect the child from harm or threatened harm of which any reasonable and prudent person responsible for the child's health, safety or welfare would be aware; or
 - (IV) special care made necessary by the physical or mental condition of the child;
- (ii) the failure or omission to protect a child from exposure to any of the following:
 - (I) the use, possession, sale, or manufacture of illegal drugs;
 - (II) illegal activities;
 - (III) sexual acts or materials that are not age-appropriate; or
- (iii) abandonment; or

(B) vulnerable adults, per 43A O.S. § 10-103:

- (i) the failure to provide protection for a vulnerable adult who is unable to protect his or her own interest;
- (ii) the failure to provide a vulnerable adult with adequate shelter, nutrition, health care, or clothing; or
- (iii) negligent acts or omissions that result in harm or the unreasonable risk of harm to a vulnerable adult through the action, inaction, or lack of supervision by a caretaker providing direct services.

"OCA intake" means the OCA maintained centralized intake system that receives authorized referrals.

"Ombudsman" or **"ombuds"** means an advocate.

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"Person responsible for the child's (PRFC) health, safety, or welfare" means, per 10A O.S. § 1-1-105, a parent; legal guardian; custodian; foster parent; person 18 years of age or older with whom the child's parent cohabitates or any other adult residing in the home of the child; an agent or employee of: a public or private residential home, institution, facility or day treatment program, as defined in 10 O.S. § 175.20; or an owner, operator, or employee of a child care facility, as defined by 10 O.S. § 402.

"Personal degradation" means, per 43A O.S. § 10-103, a willful act by a caretaker intended to shame, degrade, humiliate, or otherwise harm the personal dignity of a vulnerable adult, or where the caretaker knew or reasonably should have known the act would cause shame, degradation, humiliation, or harm to the personal dignity of a reasonable person. Personal degradation includes the taking, transmitting, or display of an electronic image of a vulnerable adult by a caretaker, where the caretaker's actions constitute a willful act intended to shame, degrade, humiliate, or otherwise harm the personal dignity of the dependent adult, or where the caretaker knew or reasonably should have known the act would cause shame, degradation, humiliation, or harm to the personal dignity of a reasonable person. Personal degradation does not include:

- (A) the taking, transmission, or display of an electronic image of a vulnerable adult for the purpose of reporting vulnerable adult abuse to law enforcement, OKDHS, or other regulatory agency that oversees caretakers or enforces abuse or neglect laws or rules,
- (B) the taking, transmission, or display of an electronic image of a vulnerable adult for the purpose of treatment or diagnosis, or
- (C) the taking, transmission, or display of an electronic image of a vulnerable adult as part of an ongoing investigation.

"Personal support team" or "(team)," formerly known as the "interdisciplinary team," means the decision-making body for service planning, implementation, and monitoring of the individual plan, per OAC 340:100-5-52.

"Physical abuse" means, in regard to children, an injury resulting from punching, beating, kicking, biting, burning, or otherwise harming a child. Even when the injury is not an accident, the alleged perpetrator may not have intended to hurt the child.

- (A) The injury may result from:
 - (i) extreme physical punishment inappropriate to the child's age or condition;
 - (ii) a single episode or repeated episodes that range in severity from significant bruising to death; or
 - (iii) any action that involves hitting with a closed fist, kicking, inflicting burns, shaking, or throwing the child, even when no injury is sustained, but the action places the child at risk of grave physical danger.

- (B) A minor injury on a child older than 10 years of age is not considered physical abuse unless the actions that caused the injury placed the child in grave physical danger.

"Plan for Immediate Safety" means the plan for actions taken to immediately control any significant and clearly observable condition that is present and is endangering or threatening to endanger a child or vulnerable adult.

"Probable cause" means, in regards to vulnerable adults, information or evidence that would lead a reasonable person to believe that abuse, neglect, or exploitation has been committed.

"Problem resolution" means verbal or written communications that seek to resolve concerns, complaints, service inadequacies, or issues the client or the client's team members identify, including the client's guardian, OCA advocate, volunteer advocate, or other persons interested in the client's welfare.

"Protective custody" means custody of a child taken by law enforcement or designated court employee, without a court order.

"Reasonable and prudent parent standard" means, per 10A O.S. § 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 caregiver when determining whether to allow a child to participate in extracurricular, enrichment, cultural, and social activities. For purposes of this definition, the term "caregiver" means a foster parent with whom a child in foster care has been placed, a representative of a group home where a child in foster care has been placed, or a designated official for a residential-child care facility where a child in foster care has been placed.

"Referring party" means the individual who informs OCA, calls the Hotline, or reports in writing that an incident occurred.

"Reportable incident" means an incident that must be reported because the person reporting knows, or has reasonable cause to believe or suspect, that a child or vulnerable adult may have been subjected to abuse or neglect.

"Reporting party" means the individual who initially tells someone verbally or in writing that an incident occurred.

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"Residential child care childcare facility" means, per 10A O.S. § 1-1-105, a 24-hour residential facility where children live together with or are supervised by adults who are not their parents or relatives.

"Restricted registry" or **"Joshua's List"** means the registry created per 10 O.S. § 405.3, for the purpose of recording individuals who have:

(A) a substantiated finding of abuse or neglect, as defined in ~~Section 10A O.S. § 1-1-105 of Title 10A of the Oklahoma Statutes~~, by an individual when the abuse or neglect occurred to a child while in the care of a facility licensed, certified, operated, or contracted by or with OKDHS or OJA. The provisions of this subparagraph shall apply to:

- (i) the Central Oklahoma Juvenile Center, the Oklahoma Juvenile Center for Girls, and the Southwest Oklahoma Juvenile Center upon the effective date of this act; and
- (ii) facilities licensed by, certified by, or contracting with OJA ~~the Office of Juvenile Affairs~~ after November 1, 2018.

(B) revocation or denial of a ~~child care~~ childcare facility license; and

(C) a specified criminal history of an individual, as defined by OAC 340:110-1-10.1.

"Safety threat" means the threat of serious harm due to child abuse or neglect occurring in the present or in the very near future that without another person's intervention, a child would likely or in all probability sustain severe or permanent disability or injury, illness, or death.

"Secure facility" means, per 10A O.S. § 1-1-105, a facility which is designed and operated to ensure all entrances and exits from the facility are subject to the exclusive control of the staff of the facility, whether or not the juvenile being detained has freedom of movement within the perimeter of the facility, or a facility that relies on locked rooms and buildings, fences, or physical restraint in order to control behavior of its residents. This definition excludes OJA-operated secure facilities.

"Self-neglect" means, per 43A O.S. § 10-103, the action or inaction of a vulnerable adult which causes that person to fail to meet the essential requirements for physical or mental health and safety due to the vulnerable adult's lack of awareness, incompetence, or incapacity.

"Sexual abuse" means, with regard to:

(A) children, per 10A O.S. § 1-1-105, conduct, that includes, but is not limited to, rape, incest, and lewd or indecent acts or proposals made to a child as defined by law, by a PRFC; or

(B) vulnerable adults, per 43A O.S. § 10-103:

- (i) oral, anal, or vaginal penetration of a vulnerable adult by or through the union with the sexual organ of a caretaker or other person providing services to the vulnerable adult, or the anal or vaginal penetration of a vulnerable adult by a caretaker or other person providing services to the vulnerable adult with any other object;
- (ii) for the purpose of sexual gratification, the touching, feeling or observation of the body or private parts of a vulnerable adult by a caretaker or other person providing services to the vulnerable adult; or
- (iii) indecent exposure by a caretaker or other person providing services to the vulnerable adult.

"Sexual exploitation" means, with regard to:

(A) children, per 10A O.S. § 1-1-105, conduct that includes, but is not limited to, allowing, permitting, encouraging, or forcing a child to engage in prostitution, as defined by law, by any person 18 years of age or older or by a PRFC, or allowing, permitting, encouraging, or engaging in the lewd, obscene, or pornographic, as defined by law, photographing, filming, or depicting of a child in those acts by a PRFC; or

(B) vulnerable adults, per 43A O.S. § 10-103, conduct that includes, but is not limited to, a caretaker's causing, allowing, permitting, or encouraging a vulnerable adult to engage in prostitution or in the lewd, obscene, or pornographic photographing, filming, or depiction of the vulnerable adult, as those acts are defined by state law.

"Specialized foster care" means, per OAC 317:40-5-50, foster care that:

(A) provides up to 24 hours per day of in-home residential habilitation services funded through the Community Waiver or the Homeward Bound Waiver. Specialized foster care serves individual ages 3 and older, up to 24 hours per day of supervision, supportive assistance, and training in daily living skills.

(B) is provided in a setting that best meets the specialized needs of the service recipient.

"State Office administrator" means, with regard to grievances filed by a:

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- (A) foster parent, a child being served by CWS, or an individual filing on behalf of a child being served by CWS: the OKDHS CWS director, or his or her designee;
- (B) DDS client or an individual filing on behalf of a DDS client: the DDS director, or his or her designee.

"Suspicious injury" means, regarding a vulnerable adult, an injury that includes, but is not limited to, an injury that:

- (A) appears inconsistent with the offered explanation(s) for the injury;
- (B) is unusual;
- (C) cannot be explained as the result of an accident, self-injurious behavior, or normal activities of daily living;
- (D) is a minor injury located on or near a private body part or on a part of the body that makes it unlikely to have been the result of self-injury or an accident during daily living activities; or
- (E) involves multiple abrasions, bruises, and minor injuries on the body of a person, identified around the same time or over a period of several weeks, but have no clear, known explanation.

"Verbal abuse" means the use of words, sounds, or other communication including, but not limited to, gestures, actions, or behaviors by a caretaker or other person providing services to a vulnerable adult that are likely to cause a reasonable person to experience humiliation, intimidation, fear, shame, or degradation, per 43A O.S. § 10-103.

"Vulnerable adult" means, per 43A O.S. § 10-103, an individual who is an incapacitated person or who because of physical or mental disability, including persons with Alzheimer's disease or other dementias, incapacity, or other disability, is substantially impaired in the ability to provide adequately for the care or custody of himself or herself, or is unable to manage his or her property and financial affairs effectively or to meet essential requirements for mental or physical health or safety or to protect himself or herself from abuse, verbal abuse, neglect, or exploitation without assistance from others.

"Ward" means a person over whom a guardianship has been given by the court.

310:678-1-3. Customer complaint process [AMENDED]

(a) **Purpose and scope of the customer complaint process.** The customer complaint process provides ~~Office of Client Advocacy (OCA)~~ customers an opportunity to raise concerns about the OCA services they receive and to request a review ~~by OSDH from the advocate general or designee.~~ The process is available to OCA customers and clients, client relatives and associates, employees of other ~~Oklahoma Department of Human Services (OKDHS)~~ programs, providers, and any other OCA customers.

(b) Procedure.

- (1) Any customer who is dissatisfied with or has a concern about OCA services, practices, or procedures, or who considers the action or inaction of an OCA employee to be improper or discourteous, submits a written complaint detailing their concerns to ~~OSDH the advocate general.~~ The complaint is sent either electronically to ~~OCA.advocategeneral@okdhs.org~~ or by regular mail to Oklahoma State Department of Health, Office of Client Advocacy, PO Box 25352, Oklahoma City, OK 73125 123 Robert S. Kerr Ave., Oklahoma City, OK 73102.
- (2) ~~The advocate general or designee~~ OSDH will reviews the complaint and informs the complainant of the results of the review within 20 business days after receipt of the complaint.

SUBCHAPTER 3. INVESTIGATIONS

310:678-3-1. ~~Office of Client Advocacy (OCA)~~ OCA investigations [AMENDED]

(a) Legal authority, scope, and purpose.

(1) Legal authority.

- (A) ~~Section 10A O.S. § 1-9-112(A)(3)(2)(d) and (e) of Title 10A of the Oklahoma Statutes (10A O.S. § 1-9-112(A)(3)(2)(d) and (e))~~ gives the Office of Client Advocacy (OCA) the responsibility to investigate allegations of abuse, neglect, sexual abuse, sexual exploitation, and misconduct by a person responsible for the child:
 - (i) residing outside their own homes regardless of custody, other than children in foster care;
 - (ii) receiving services from a community services provider or a community services worker, per 56 O.S. § 1025.1;
 - (iii) in a day treatment program per 10 O.S. § 175.20; and
 - (iv) residing in a state institution per 10 O.S. § 1406.

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(B) 43A O.S. § 10-105 gives ~~the Oklahoma Department of Human Services (OKDHS)~~ responsibility to investigate allegations of caretaker abuse, neglect, verbal abuse, and exploitation of vulnerable adults. OKDHS confers on OCA the responsibility to conduct investigations that involve:

- (i) Hissom class members;
- (ii) residents of the ~~Robert M. Greer Center (Greer)~~; and
- (iii) vulnerable adults receiving services from a community services provider, community services worker, Medicaid personal care services provider, or Medicaid personal care assistant, as those terms are defined in 56 O.S. § 1025.1.

(C) OCA investigates, pursuant to ~~Oklahoma Administrative Code (OAC) 340:75-3-430~~, reports alleging denial of medically beneficial treatment by a medical provider to a handicapped infant.

(2) **Scope.** OCA conducts investigations of maltreatment allegations listed in this subsection. Per 10A O.S. § 1-9-112, OCA investigates allegations of:

(A) abuse, neglect, sexual abuse, sexual exploitation, and caretaker misconduct of children by persons responsible for a child regardless of custody residing outside their own homes, other than children in foster care or children in the custody of the ~~Oklahoma Office of Juvenile Affairs (OJA)~~ and placed in an OJA Secure facility as defined by ~~Section 10A O.S. § 2-1-103 of Title 10A of the Oklahoma Statutes~~.

These investigations include, but are not limited to:

- (i) in OKDHS operated or licensed shelters and group homes;
- (ii) and children in facilities operated by, licensed by, or contracting with OJA;
- (iii) in community-based youth services shelters and community intervention centers that contract with OJA per 10A O.S. § 2-7-305;
- (iv) in facilities operated by or contracting with ~~Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS)~~;
- (v) in facilities operated by the J.D. McCarty Center of Oklahoma;
- (vi) residing in or attending educational classes at facilities operated by ~~the Oklahoma Department of Rehabilitation Services (ODRS)~~, the Oklahoma School for the Blind and the Oklahoma School for the Deaf; and
- (vii) receiving services from a community services worker or community services provider per 56 O.S. § 1025.1;

(B) abuse and neglect of, and caretaker misconduct with regard to, children in day treatment programs per 10 O.S. § 175.20, including sanctions programs certified by OJA to provide programming for children who are court ordered to participate in that program;

(C) abuse, neglect, verbal abuse, and caretaker misconduct with regard to, residents of Greer;

(D) abuse, neglect, verbal abuse, and exploitation of Hissom class members living in Oklahoma and who do not reside in a private intermediate care facility for the intellectually disabled (ICF/ID); and

(E) abuse, neglect, verbal abuse, and exploitation of vulnerable adults receiving services from a community services worker, community services provider, Medicaid personal care services provider, or Medicaid personal care assistant, per 56 O.S. § 1025.1.

(3) **Purpose.** OCA conducts independent and objective investigations of suspected maltreatment of clients by PRFCIs and vulnerable adult caretakers (VACs) in order to:

- (A) protect clients from further maltreatment;
- (B) deter and prevent maltreatment;
- (C) provide relevant evidence in administrative and judicial proceedings;
- (D) rule out unfounded allegations; and
- (E) hold violators accountable.

(b) **Confidentiality of Office of Client Advocacy records.** State and federal statutes and regulations including, but not limited to, 10A O.S. § 1-9-112(C); 10A O.S. § 1-6-102; 56 O.S. § 183; 43A O.S. § 10-110; and OAC 340:65-1-2 require confidentiality for certain OKDHS records. Information regarding clients is confidential and protected from unauthorized use. Only authorized individuals are permitted access to case records or provided information from OCA case records.

(1) **OCA investigations involving children.** Statutes and policies regarding the confidentiality of OCA files, records, and reports relating to investigations involving children include, but are not limited to, the confidentiality provisions of the statutes and policies listed in (A) through (C) of this paragraph.

(A) 10A O.S. §§ 2-6-102 through 106 applies to OCA investigations involving children in OJA custody and in facilities that contract with OJA.

(B) 10A O.S. §§ ~~1-2-106, 1-2-107, 1-6-102 et seq.~~, through 106 and 1-6-107 applies to investigations involving children, regardless of custody, residing outside their own homes.

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(C) OAC 340:75-1-42 through 340:75-1-46 applies to OCA investigations involving children in DHS custody, including information regarding placement.

(2) **OCA investigations involving vulnerable adults.** Statutes and policies regarding the confidentiality of OCA files, records, and reports relating to investigations involving vulnerable adults include, but are not limited to, (A) through (C) of this paragraph.

(A) **Disclosure to meet client's protection and other needs.** When consulting persons knowledgeable of the circumstances of an alleged victim of abuse, neglect, or exploitation, or when making other contacts as part of the investigation or service planning process, OCA staff may disclose information necessary to ensure the client is protected and the client's needs are met. Information may be disclosed for this purpose without a court order to specific persons acting in an official capacity with regard to the investigation, including:

- (i) a district attorney or employees of the district attorney's office;
- (ii) the attorney representing an alleged victim in the matter under investigation;
- (iii) staff of an Oklahoma law enforcement agency or a law enforcement agency of another state;
- (iv) physical or mental health care professionals involved in the evaluation or treatment of the vulnerable adult;
- (v) the guardian of the vulnerable adult, in the form of a summary of the allegations in the referral;
- (vi) the provider for a vulnerable adult; and
- (vii) other public or private agencies or persons authorized by OKDHS to diagnose, or provide care, treatment, supervision, or other services to a person who is the subject of an OCA investigation.

(B) **Disclosure to district attorney and law enforcement.** District attorneys and staff, the attorney representing the alleged victim, and law enforcement agencies may receive information from ~~the Advocate General~~ OSDH or review the entire case record. All other disclosures are limited to summaries of information provided for a specific purpose. Case information from OCA records is not released for research purposes without the prior approval of ~~the advocate general~~ OSDH.

(C) **Disclosure to others and the news media.** ~~In other situations, OCA investigative information is considered confidential per 43A O.S. § 10-110(A) and may be disclosed only by court order. Confidentiality applies to members of the news media as well as the general public. News media representatives and the general public requesting information on a specific case are referred to the advocate general~~ OSDH, the OCA programs administrator for investigations, or the ~~DHS~~ OSDH Office of Communications for a detailed explanation of ~~DHS~~ OSDH confidentiality rules.

310:678-3-2. Procedure for reporting suspected abuse, neglect, verbal abuse, caretaker misconduct, and exploitation [AMENDED]

(a) **Reporting abuse or neglect of a child under 18 years of age.** Persons having reason to believe that a child under 18 years of age is a victim of abuse or neglect are required per ~~Section 10A O.S. § 1-2-101 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-2-101)~~ to promptly report it to the ~~Oklahoma Department of Human Services (OKDHS) Abuse and Neglect Hotline (Hotline) at 1-800-522-3511.~~ Any allegation of abuse or neglect reported in any manner to an OKDHS county office is immediately referred to the Hotline, per ~~Section 10A O.S. § 1-2-101.~~

(b) **Reporting abuse, neglect, verbal abuse, or exploitation of a vulnerable adult.** Any person having reasonable cause to believe that a vulnerable adult is a victim of abuse, neglect, verbal abuse, or exploitation reports to OKDHS or the municipal police department or sheriff's office in the county where the suspected abuse, neglect, verbal abuse, or exploitation occurred as soon as the person is aware of the situation. The reporting requirement applies to providers, per ~~Oklahoma Administrative Code (OAC) 340:2-3-2~~ and the provider's employees and agents.

(c) **Reporting caretaker misconduct regarding a child.** When the OKDHS Specialized Placement Unit Child Care Licensing office, ~~OJA the Office of Juvenile Affairs,~~ or another source determines a:

- (1) pattern of misconduct exists by a facility or person responsible for the child of interest (PRFCI); or
- (2) facility administration fails to take appropriate corrective action in response to an investigation or written plan of compliance, a report should be made to the Hotline.

(d) **Reporting caretaker misconduct regarding a vulnerable adult.** Persons who have reason to believe caretaker misconduct, per OAC ~~340:2-3-2~~ 310:678-1-2, has occurred with regard to a vulnerable adult residing at the ~~Robert M. Greer Center (Greer),~~ promptly reports the allegation to the ~~Office of Client Advocacy (OCA).~~

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(e) **Reporting a vulnerable adult's death, serious physical injury, or sexual assault.** In addition to the mandatory reporting requirements per OAC ~~340:2-3-33(b)~~310:678-3-2(b), the events listed in (1) through (7) of this subsection are reported to OCA intake when a vulnerable adult's caretaker is alleged to be involved in the vulnerable adult's:

- (1) violent death, whether apparently homicidal, suicidal, or accidental;
- (2) death under suspicious, unusual, or unnatural circumstances;
- (3) death when the vulnerable adult is a resident Greer;
- (4) death when the vulnerable adult is a Hissom class member;
- (5) serious physical injury, per OAC ~~340:2-3-23~~10:678-1-2;
- (6) physical injury when the injury is:
 - (A) unexplained; and
 - (B) suspicious; or
- (7) rape, sodomy, or other sexual activity prohibited by state law.

(f) **Interference, retaliation, or discrimination related to the reporting obligations required by the Oklahoma Children's Code and the Protective Services for Vulnerable Adults Act prohibited.**

(1) Per 10A O.S. § 1-2-101, the reporting obligations under the Oklahoma Children's Code are individual and no employer, supervisor, or administrator interferes with the reporting obligations of any employee or other person or in any manner discriminates or retaliates against the employee or other person who in good faith reports suspected child abuse or neglect, or who provides testimony in any proceeding involving child abuse or neglect. Any employer, supervisor, or administrator who discharges, discriminates, or retaliates against the employee or other person is liable for damages, costs, and attorney fees.

(2) Per 43A O.S. § 10-104, no employer terminates the employment, prevents or impairs the practice, or occupation of, or imposes any other sanction on any employee solely for the reason the employee made or caused to be made a report or cooperated with an investigation pursuant to the Protective Services for Vulnerable Adults Act.

(g) **Immunity from liability for good faith report of abuse, neglect, or exploitation of a child or vulnerable adult.** Per 10A O.S. § 1-2-104, the Oklahoma Children's Code and 43A O.S. § 10-104, the Oklahoma Protective Services for Vulnerable Adults Act, any person exercising good faith and due care in making a report of alleged abuse, neglect, or exploitation has immunity from any civil or criminal liability the person might otherwise incur. The person has the same immunity with respect to participation in any judicial proceeding resulting from the report.

(h) **Failure to report abuse, neglect, or exploitation of a child or vulnerable adult.** Any person who knowingly and willfully fails to promptly report abuse, neglect, or exploitation as required per 10A O.S. § 1-2-101 and 43A O.S. § 10-104 may be subject to administrative action or criminal sanctions upon conviction. In addition, failure to report by a OKDHS employee may result in disciplinary action.

(i) **False report of abuse, neglect, or exploitation of a child or vulnerable adult.**

(1) Per 10A O.S. § 1-2-101, any person who knowingly and willfully makes a false report regarding alleged maltreatment of a child, or a report the person knows lacks factual foundation, may be reported by DHS to local law enforcement for criminal investigation, and upon conviction, is guilty of a misdemeanor.

(2) Per 43A O.S. § 10-104, any person who willfully or recklessly makes a false report of abuse, neglect, or exploitation of a vulnerable adult may be liable in a civil action for actual damages and for punitive damages set by the court or jury regarding the reported party.

(j) **Method of reporting.**

(1) Each report alleging abuse or neglect of a child is screened by the OKDHS Hotline in compliance with ~~Child Welfare Services~~CWS policies and procedures. Each accepted report of a child within ~~Office of Client Advocacy~~ (OCA) investigative authority and scope is assigned to OCA for possible investigation. Reports may be phoned to the Hotline at 1-800-522-3511, faxed to 405-936-0922, emailed to STO.Hotline.Referral@OKDHS.org, or mailed to Child Abuse and Neglect Hotline, OKDHS, PO Box 25352, Oklahoma City, Oklahoma 73125-0352.

(2) Reports of abuse, neglect, or exploitation of a Hissom class member, resident of Greer, or other vulnerable adults receiving ~~Developmental Disabilities Services~~ (DDS) services are reported to OCA except for weekends and after business hours when the reports are made to the Hotline at 1-800-522-3511. Reports to OCA may be phoned to 1-800-522-8014 or 405-522-2720, faxed to 405-522-2680, or emailed to oca.intake@okdhs.org or oca.intake@health.ok.gov.

(3) Reports of abuse, neglect, verbal abuse, financial neglect, or exploitation of a vulnerable adult receiving services from a Medicaid personal care services provider are reported to the Adult Protective Services office, except for weekends and after business hours when the reports are made to the Hotline at 1-800-522-3511.

(4) Reports of allegations may be submitted by completing ~~Form 15GN001E, Office of Client Advocacy-Intake Referral~~, a referral on the prescribed form approved by OSDH and sent to the applicable OCA intake unit.

(k) **Confidentiality of reporting party's identity.** The identity of the person who reports abuse or neglect of a child per 10A O.S. § 1-6-102(H)(7), or abuse, neglect, or exploitation of a vulnerable adult per 43A O.S. § 10-105.1(C)(2), is kept confidential and is not disclosed. OKDHS accepts anonymous reports of abuse, neglect, or exploitation of a child or vulnerable adult.

(l) **Staff training regarding reporting obligations.** Each administrator ensures the employee receives relevant training regarding the employee's responsibility to report a child or vulnerable adult's alleged abuse, neglect, or exploitation. Except for employees of a DDS provider, the employee receives the training within 30 calendar days of the employee's initial employment and receives subsequent annual training. DDS provider employee training is as specified per OAC 340:100-3-38 et seq.

310:678-3-3. Facility administrator's responsibilities regarding allegations reportable to ~~Office of Client Advocacy (OCA)~~ OCA [AMENDED]

(a) **Facility administrator's responsibility for protection, safety, health, and welfare of children and vulnerable adults.** When OCA intake receives an allegation of maltreatment by a vulnerable adult caretaker (VAC) or a person responsible for the child of interest (PRFCI), from anyone other than the administrator or the administrator's designee of the facility or provider responsible for the client, OCA intake promptly notifies the applicable administrator of the allegation.

(1) Upon becoming aware of an allegation of caretaker maltreatment involving an OCA client, an administrator or the administrator's designee ensures the safety, protection, and needed medical attention of any client named in the allegation and other clients receiving services from the facility or provider.

(2) When criminal activity is alleged regarding a child or vulnerable adult, the administrator or the administrator's designee immediately notifies the appropriate local law enforcement authority. The types of criminal activity reported to law enforcement include, but are not limited to, the use or possession of illegal drugs; domestic abuse; illegal sexual activity; illegal use of alcohol; theft of money, property, or medication that is a controlled substance; and when someone other than a caretaker is believed to have committed the allegation.

(3) The administrator or the administrator's designee takes necessary personnel actions to ensure the protection and safety of the alleged victim(s) and other clients. When necessary to ensure safety, a Plan for Immediate Safety (PFIS) is completed with an OCA investigator. The creation of the PFIS may include consultation with: ~~Oklahoma Department of Human Services (OKDHS) Developmental Disabilities Services (DDS), Child Welfare Services (CWS) Specialized Placements and Partnerships Unit (SPPU), Child Care Services (CCS), or the Oklahoma Office of Juvenile Affairs (OJA).~~ OCA does not determine or approve personnel actions taken by an administrator or the administrator's designee in response to allegations reported to OCA.

(4) In the event of alleged abuse or neglect of a Hissom class member (~~HCM~~) by a provider's employee or subcontractor, the administrator or the administrator's designee ensures the protection and medical attention for any HCM named in an allegation or other individual served. In the event of alleged abuse or neglect by an individual serving as a provider, it is the responsibility of the HCM's case manager to ensure protection, medical attention, or both for the HCM. OCA intake notifies the applicable DDS area manager by email within one business day of receipt of a referral of abuse or neglect by an individual serving as provider for the HCM.

(b) **Preliminary assessment.** Upon learning of an ~~incident reportable to DHS~~ reportable incident, the administrator or the administrator's designee:

(1) immediately ensures the safety of any client(s) named in the referral;

(2) secures any physical evidence, including any video, photographic, or other recorded evidence, and gathers documents within the possession, custody, or control of the facility or provider relevant to the allegation;

(3) immediately photographs injuries. Photographs are taken by a person uninvolved in the incident that is the subject of the allegation relating to the injuries; and

(4) coordinates activities with OCA and other agency or law enforcement authorities involved in investigating the referral.

(c) **Collecting pertinent reports and documents.** The administrator or the administrator's designee determines which employees were present when the alleged incident occurred and requires each employee to submit a written account of the alleged incident. The administrator or the administrator's designee collects medical records, documents, reports, and other documentary evidence that pertains to the alleged incident, within the facility or in the provider's possession, custody, or control, and places them in a file for OCA investigative and other investigative authorities' use. The administrator or designee securely maintains documents collected during the preliminary assessment.

(d) **OCA access to documents and evidence.** Upon request, an OCA investigator is provided a copy of and access to the original written statements, incident reports, relevant documents, records, reports, photos, audio or video recordings, and other evidence collected during the preliminary assessment.

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(e) **Prohibition from interviewing during preliminary assessment.** Facility or provider employees do not conduct an investigation of an alleged incident while the OCA decision to accept the referral for investigation is pending, or during an open OCA investigation. To avoid the consequences of over-interviewing parties involved in an alleged incident, the preliminary assessment is limited to inquiries regarding those involved, obtaining written statements, and clarifying information needed to take appropriate action to ensure client safety. Determining if a staff member engaged in maltreatment is not the goal of a preliminary assessment. Once there is reason to believe maltreatment may have occurred, the preliminary assessment ceases, and the incident is reported to the OKDHS Abuse and Neglect Hotline (Hotline) when it involves a juvenile or to the OCA Intake Unit when the alleged victim is a vulnerable adult. Outside of regular ~~DHS~~-business hours reports of abuse or neglect of a vulnerable adult are reported to the Hotline. This prohibition does not extend to interviews and investigations conducted by law enforcement when responding to a report of criminal activity. The assigned OCA investigator coordinates activities with local, state, and federal law enforcement entities to seek the most appropriate investigative response to the referral.

(f) **Facility and provider contact person.** The facility or provider administrator is responsible for the care of each individual, per ~~Oklahoma Administrative Code (OAC) 340:2-3-32(a)(2)~~ 310:678-3-1 and designates a contact person for OCA. The administrator or the administrator's designee informs ~~the advocate general~~ OSDH of the name, phone number, and email address of the designated contact person and immediately notifies ~~the advocate general~~ OSDH of changes to the information by email or mail. The designated contact person is available by phone or email at all times.

(g) **Documentation provided by the ~~Robert M. Greer Center (Greer)~~.** Within one ~~DHS~~-business day of Greer submitting an incident report to the ~~Oklahoma State Department of Health~~ OSDH, a five-business day report, or a final report regarding an allegation reported to OCA intake, the facility sends OCA intake a copy by email or fax.

(h) **Ensuring confidentiality.** Administrators maintain information, files, and documents regarding referrals made to OCA intake or to the Hotline, including OCA investigation reports distributed, per ~~OAC 340:2-3-36~~ 310:678-3-5, in a manner that protects information confidentiality.

310:678-3-4. Processing referrals received by the ~~Office of Client Advocacy (OCA)~~ OCA [AMENDED]

(a) **OCA referral screening options.** Except for referrals received from the ~~Oklahoma Department of Human Services (OKDHS) Abuse and Neglect Hotline (Hotline)~~ involving a child, OCA intake records ~~on Form 15GN001E, Office of Client Advocacy Intake Referral,~~ the specifics of each referral and makes an appropriate disposition. All known information is considered when determining the appropriate disposition and course of action. If the information is unclear and it appears the allegation may rise to the level of abuse, neglect, or exploitation, a preliminary inquiry is conducted by intake staff. The screening disposition options and criteria include, but are not limited to, the options described in (1) through (12) of this subsection.

(1) **Assign for OCA investigation.** This screening disposition means OCA opens an investigation of an allegation of the person responsible for the child of interest (PRFCI) or vulnerable adult caretaker (VAC) maltreatment.

(2) **Assign for internal caretaker conduct review.** This screening disposition means the facility or provider named in the referral is given responsibility to conduct an internal caretaker conduct review per ~~Oklahoma Administrative Code (OAC) 340:2-3-37~~ 310:678-3-7. Within one business day of receiving a referral given this disposition, OCA intake notifies the administrator or designated contact person. This screening disposition applies to allegations involving vulnerable adults residing at the ~~Robert M. Greer Center (Greer)~~ and facilities for children not licensed by or contracted with OKDHS.

(3) **Refer to OCA advocate.** This screening disposition is made when the referral involves a Hissom class member or a resident of Greer and involves a concern based on the information provided and does not rise to the level of maltreatment.

(4) **Refer to another administrative entity.** This screening disposition means OCA intake forwards the information to another state agency or OKDHS program or office. This screening disposition is appropriate when information provided by the reporting party does not include an allegation of caretaker maltreatment within OCA purview, but involves complaints about employee performance or allegations within the scope of another administrative entity.

(5) **Refer to OKDHS Office of Inspector General (OIG).** An allegation regarding the alleged misuse of a Supplement Nutrition Assistance Program (SNAP) Electronic Benefits Transfer (EBT) card, or Social Security Administration fraud or overpayment, is sent to OKDHS OIG for investigation. This disposition is also utilized when there are allegations of fraud, misconduct, or criminal behavior against current OKDHS employees.

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(6) **Refer to law enforcement.** This screening disposition is used when the referral involves possible criminal activity and the reported allegations are not within OCA investigative authority per OAC ~~340:2-3-32(a)~~310:678-3-1. This disposition is not used when OCA opens an investigation on a referral even though a law enforcement agency is investigating the matter. A case may warrant simultaneous OCA involvement and referral to law enforcement. In those instances, notification to law enforcement is appropriately documented.

(7) **Refer for grievance.** This screening disposition means the referral is directed to the appropriate entity for processing as a grievance, when the content of the referral is not caretaker maltreatment, but a complaint or concern that can be addressed by a grievance. When the complaint can be addressed as a grievance and is referred for grievance by OCA, the entity promptly notifies its local grievance coordinator. A referral may be appropriate for processing as a grievance when the complaint concerns:

- (A) conditions that do not endanger clients or residents;
- (B) staff improprieties that do not constitute maltreatment; and
- (C) privileges and restrictions not involving the use of isolation, force, or restraints.

(8) **No action required.** This screening disposition is made when OCA takes no action in response to the referral because the information provided is for notification purposes only and does not include an allegation, complaint, or concern appropriate for another screening disposition.

(9) **Refer to administration.** This screening disposition means the matter is not within the purview of OCA, another OKDHS unit, or another state agency, but is relevant to the facility or provider operations.

(10) **Refer to ~~OKDHS Developmental Disabilities Services (DDS)~~ Quality Assurance (QA).** This screening disposition is made when an allegation involves an alleged contract violation that does not involve caretaker maltreatment.

(11) **Refer for special advocacy.** This screening disposition is made when the referral constitutes a request for advocacy services per OAC ~~340:2-3-75~~310:678-9-4.

(12) **Refer to ~~State Office~~ OKDHS DDS case management.** This screening disposition is made when an allegation does not rise to the level of abuse, neglect, or exploitation but involves an issue of person-centered planning or case management follow-up on behalf of a vulnerable adult.

(b) **Law enforcement notification.** Law enforcement is notified when a referral opened as an OCA investigation involves possible criminal activity on the part of a PRFCI or a VAC.

(c) **Assignment process for referrals opened for investigation.** Investigations involving vulnerable adults are assigned within one business day of a disposition to investigate the allegation. When urgent circumstances exist in a case opened for investigation, an assignment is made, and the investigation commences immediately.

(d) **Information provided to reporting party.** The reporting party upon proper identification may be provided with information regarding the disposition of the referral.

310:678-3-5. ~~Office of Client Advocacy (OCA)~~ OCA investigation procedures for cases involving child victims [AMENDED]

(a) **OCA investigation initiation.** Per Section 10A O.S. § 1-9-112 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-9-112), Oklahoma Human Services (OKDHS) OCA within its investigative scope and authority, conducts a prompt and thorough investigation upon receiving a report of abuse, neglect, sexual abuse, or sexual exploitation of a child within priority guidelines, per 10A O.S. § 1-2-105 and Oklahoma Administrative Code (OAC) 340:75-3-130.

(b) **Joint investigations with law enforcement.** In accordance with 10A O.S. § 1-9-102, the multidisciplinary team (MDT) approach is used:

- (1) whenever feasible for investigations involving cases of child sexual abuse, sexual exploitation, physical abuse, and neglect cases;
- (2) to enhance the investigative process and maximize services provided to affected children and families; and
- (3) to consult with other MDT team members, as appropriate.

(c) **Investigation notice and written description of investigation process provided to alleged perpetrator.** Per 10A O.S. § 1-2-106, at initial contact with an alleged perpetrator who is the subject of an investigation, OCA advises the alleged perpetrator of the specific complaint or allegation made against him or her. If OCA is unable to locate the alleged perpetrator, as soon as possible after initiating the investigation, OCA provides him or her a brief and easily understood written description of the investigation process, per 10A O.S. § 1-2-106.

(d) **Facility or provider administrator responsibility to arrange document production, visits, and interviews.** The applicable facility or provider agency administrator or the administrator's designee arranges document production, site visits, and interviews per OCA request.

- (1) The facility or provider administrator or the administrator's designee who employed the alleged perpetrator at the time of the alleged incident informs the employee of:

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- (A) the OCA investigator's name and phone number;
- (B) the investigative process described in this Section;
- (C) the employee's rights and responsibilities relating to the investigation described in (l) of this Section, except as stated in (2) of this subsection using ~~Form 15IV005E, the prescribed Rights and Responsibilities of Alleged Perpetrators form or forms approved by OSDH, or a substantially similar provider or agency form, and Form 15IV004E, Address Information Notice~~, a copy of which is provided to the OCA investigator; and
- (D) the allegation made against the alleged perpetrator without divulging the reporting party's identity or the substance of the evidence.

(2) When the alleged perpetrator is subject to the Community Services Worker (CSW) Registry, the rights and responsibilities of the accused community services worker and Medicaid personal care assistant are found in ~~OAC 340-2-3-39-1310:678-3-10~~.

(A) The facility or provider administrator or the administrator's designee promptly completes ~~Form 15IV005E and Form 15IV004E~~ the prescribed form or forms approved by OSDH.

(B) The facility or provider administrator or the administrator's designee mails ~~Form 15IV005E and Form 15IV004E~~ the prescribed form or forms approved by OSDH to the worker when it is not possible to hand-deliver it to the worker who is no longer employed by the provider.

(e) OCA access to victims, employees, clients, facilities, files, and other records.

(1) The applicable facility or provider administrator or the administrator's designee arranges for the OCA investigator to have immediate and direct access to any alleged victim in the referral who is still the facility's or provider's client.

(2) During an OCA investigation, ~~OKDHS, Office of Juvenile Affairs (OJA), Oklahoma Department of Rehabilitation Services (ODRS), Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS), the J.D. McCarty Center, providers, and facilities and persons who contract with them~~, provide OCA access to all employees, clients, facilities, locations, files, and records of any nature that may pertain to the investigation.

(3) Denial of access may be grounds for a contract termination between OKDHS and the contractor or for other courses of action.

(f) Discrimination, retaliation, or interference in an OCA investigation prohibited and subject to criminal penalties.

(1) An employer, supervisor, administrator, or governing body or entity must not interfere with the any employee's or other person's reporting obligations or in any manner discriminate or retaliate against a person who in good faith reports suspected child abuse or neglect or provides testimony in any proceeding involving child abuse or neglect, per 10A O.S. § 1-2-101.

(2) 21 O.S. § 455 states it is a felony to:

(A) willfully prevent or attempt to prevent, any person who makes an abuse or neglect report, pursuant to 10A O.S. § 1-2-101 from giving testimony or producing any record document or other object; or

(B) threaten physical harm through force or fear, cause or procure physical harm, harass or cause a person to be harassed because of testimony in a civil or criminal trial proceeding or because of making a report of child abuse or neglect.

(g) and responsibilities. The alleged perpetrator's rights and responsibilities during an OCA investigation are outlined in this subsection.

(1) **Rights.** During the investigation process, an alleged perpetrator has the right to:

(A) be advised by OCA of the nature of each allegation made against him or her;

(B) be advised by OCA of the investigative process;

(C) be interviewed by the OCA investigator and allowed to give his or her position regarding the allegation;

(D) be advised by the OCA investigator of the substance of the evidence against him or her, but not the identity of the person reporting the allegation;

(E) submit or supplement a written statement relating to the allegations;

(F) seek advice from other parties concerning his or her rights and responsibilities in OCA investigations, including the right to seek counsel;

(G) decline to answer any question when he or she reasonably believes the answer to the question may incriminate him or her in a criminal prosecution; and

(H) be notified in writing by OCA of the outcome of the investigation.

(2) **Responsibilities.** During the investigative process, the alleged perpetrator has the responsibility to:

(A) prepare written statements and reports relevant to the investigation, upon request;

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- (B) be available for interviews and accommodate the OCA investigator with scheduling interviews;
- (C) refrain from action that interferes with the investigation including any action that intimidates, threatens, or harasses any person who has or may provide information relating to the allegation; and
- (D) provide pertinent information and respond fully and truthfully to questions.

(h) **Educational employees.** This subsection applies to an educational employee, who is either a witness or the alleged perpetrator in an OCA investigation.

(1) The facility or provider administrator where the incident took place notifies the school principal of the nature of the allegation and the assigned OCA investigator's name.

(2) OCA investigates educational employees who meet the definition of a caretaker, per OAC 340:2-3-2310:678-1-2.

(i) **Contractor's employees.** This subsection applies to an employee of a contractor of a provider or facility when the employee is an alleged perpetrator in an OCA investigation.

(1) The facility or provider administrator where the incident took place notifies the contractor chief administrative officer of the nature of the allegation against the contractor's employee and the assigned OCA investigator's name.

(2) The contractor chief administrative officer is responsible for notifying the contract employee of the reason for the investigative interview, advising the employee of his or her rights and responsibilities relating to the OCA investigation, and arranging for the employee's appearance at an investigative interview. This requirement is for notification purposes and to coordinate with the investigative process. The facility or provider administrator where the alleged incident took place is responsible for client protection.

(j) **Document collection and review.** The OCA investigator gathers and reviews relevant documents including, but not limited to:

(1) incident reports and other written reports, accounts, and statements prepared during the preliminary assessment;

(2) medical records;

(3) photographs or video;

(4) facility or provider logs; and

(5) activity and tracking documents.

(k) **Investigative interviews.** When an injury is alleged, the OCA investigator or other appropriate person observes, notes, and documents apparent injuries and obtains pertinent medical documentation, including photographic evidence.

Interviews are conducted in private. No person, other than the OCA investigator and the person interviewed, is allowed to attend an interview except for a person necessary to facilitate communication. An attorney or other representative of the person interviewed may attend an interview only as a silent observer with OSDH's the advocate general's or the advocate general's designee's prior permission.

(l) **Interview protocols.** The OCA investigator conducts a separate private interview with each alleged victim, available witnesses to the alleged maltreatment, persons allegedly directly or indirectly involved in the allegation, persons with relevant knowledge, and each alleged perpetrator.

(m) **Recording investigation interviews.** OCA interviews are audio-recorded. To maintain information confidentiality provided in an interview, the person interviewed or anyone in attendance is not permitted to record. Interview recordings remain with the OCA investigative file.

(n) **"Plan for Immediate Safety"** means the plan for actions taken to immediately control any significant and clearly observable condition that is present and is endangering or threatening to endanger a child.

(o) **Allegation presentation for witnesses later identified as alleged perpetrators.** During an investigation, when a witness is identified as an alleged perpetrator, the OCA investigator interviews the witness again to inform the witness that he or she is an alleged perpetrator. At that time, the witness is informed of the substance of the evidence and relevant information learned during the investigation and provided an opportunity to respond. The OCA investigator informs the facility or provider agency administrator of the new allegation and of the potential, additional alleged perpetrators.

(p) **Opportunity for alleged perpetrators to respond.** Following the alleged perpetrator's initial interview, if the OCA investigator obtains information the alleged perpetrator did not have an opportunity to respond to, the OCA investigator conducts another interview with the alleged perpetrator. The OCA investigator advises the alleged perpetrator of the substance of the new information and provides an opportunity to present a response.

(q) **Interpreter services for persons who are deaf or hard of hearing or have limited English proficiency.** When OCA interviews a person who is deaf or hard of hearing or with limited English proficiency, OCA provides oral or sign language interpreter services by an independent and qualified interpreter. ~~Interpreter services for OKDHS employees and clients are provided per OAC 340:1-11-10.~~

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(r) **Scheduling interviews.** To schedule an interview with an alleged perpetrator, the OCA investigator phones, emails, or mails the facility or provider agency administrator or the administrator's designee that employs the alleged perpetrator. After two documented attempts to schedule an interview, the OCA investigator, contacts the facility or provider agency administrator or the administrator's designee in writing advising the administrator of his or her responsibility to compel the employee to participate. The OCA investigator notifies ~~OKDHS Developmental Disabilities Services (DDS)~~ Quality Assurance or Child Welfare Services Specialized Placements and Partnerships Unit staff to ensure compliance with contract provisions. If unsuccessful, the OCA investigator sends a letter by mail to the alleged perpetrator's last known address notifying the alleged perpetrator of the investigation, offering an opportunity to be interviewed, and setting a date and time for a response. The letter informs the alleged perpetrator of the consequence of failing to participate. The OCA investigative report is completed without the alleged perpetrator's statement, and a finding is made based on the available information. For other persons needing to be interviewed, the OCA investigator follows the same protocol for an alleged perpetrator, but the letter only requests his or her participation in an interview.

(s) **Areas(s) of concern (AOC) notification.** During the investigation, the assigned OCA investigator emails or phones the applicable facility or provider administrator or the administrator's designee and informs him or her of AOCs. Upon the investigation's completion, all identified AOCs are provided in writing to the facility or agency provider administrator.

(t) **The written investigative report.** After completing the information-gathering portion of the investigative process, the OCA investigator prepares a written investigative report containing:

- (1) the referral allegation(s) investigated, including the date, time, and location of the alleged incident(s), the date the allegation was reported to OCA, and the assigned OCA case number;
- (2) a statement of any physical injuries the alleged victims sustained;
- (3) information regarding involved law enforcement entities;
- (4) a recommendation for the district attorney to consider further investigation;
- (5) the applicable definition(s) of caretaker misconduct or the maltreatment type at issue, such as abuse, neglect, verbal abuse, exploitation, or caretaker misconduct;
- (6) the finding(s), per (x) of this Section;
- (7) a list of the involved parties, titles and roles in the matter, if they were interviewed and, when interviewed, whether the interviews face-to-face or by phone;
- (8) the name, address, and phone numbers of any interpreter employed during the investigation;
- (9) an explanation of the basis for the finding(s);
- (10) a summary of relevant information obtained during each interview conducted during the investigation;
- (11) a list of relevant documents and records reviewed during the investigation;
- (12) a list of attachments to the report provided upon request; and
- (13) an explanation for any delays in meeting the time requirements for completing the investigation report contained in this Section.

(u) **OCA findings and completion time requirements regarding investigations involving a child.** Per 10A O.S. § 1-9-112.1, the OCA investigation of a child abuse or neglect report results in a written report, with findings, within thirty (30) calendar days from the referral date.

(v) **Notice of child abuse or neglect findings.**

- (1) After completing the OCA investigation, a findings letter is sent to the:
 - (A) alleged perpetrator; and
 - (B) facility or provider administrator.
- (2) When a facility or provider administrator is named as an alleged perpetrator, a findings letter is mailed to the facility's or provider's chair of the board of directors or governing entity, or to the director of the state agency operating the facility, as applicable.
- (3) The OCA investigator verbally provides the findings to the child victim's parents or legal guardian.

(w) **Appeal process for substantiated child abuse or neglect findings.** The 2010 Child Abuse Prevention and Treatment Act, Section 5101 et seq. of Title 42 of the United States Code, requires that ~~OKDHS~~ the State of Oklahoma provide persons who disagree with a substantiated finding of child abuse or neglect with a procedure for appealing and responding to appeals of those findings, ~~per OAC 340:2-3-39.~~

(x) **OCA investigation report submitted to ~~OKDHS Child Welfare Services (CWS)~~.** Per 10A O.S. § 1-9-112.1, the OCA abuse or neglect investigation report concerning a child in OKDHS custody is submitted to the CWS director or the director's designee within thirty (30) calendar days from the referral date.

(y) **Dissemination of investigation reports involving persons subject to the ~~OKDHS~~ Community Services Worker (CSW) Registry.**

- (1) All OCA investigations involving a substantiated finding against a CSW or Medicaid personal care assistant are processed for the CSW Registry, ~~per OAC 340:2-3-29.~~

(2) A copy of the investigative report is sent to the district attorney in the county where the suspected maltreatment occurred.

(3) OCA sends an investigation summary to the designated leadership within the facility or provider administrator within five ~~OKDHS~~-business days of the investigation closing. Nothing in this subsection is construed as an OCA determination that the subject of the investigation report may be placed on the CSW Registry.

(4) The investigation report is sent to the OKDHS DDS director or designee.

(z) Dissemination of reports involving alleged perpetrators subject to the Restricted Registry, Joshua's List.

(1) All OCA investigations involving a substantiated abuse or neglect finding against an alleged perpetrator when the abuse or neglect occurred to a child while in the care of a facility licensed, certified, operated, or contracted with OKDHS or OJA are processed for the Restricted Registry, per OAC 340:110-1-10.1; and OCA submits a copy of the report to the Office of Background Investigations.

(2) A copy of the investigation report is sent to the district attorney in the county where the suspected abuse or neglect occurred, per 10A O.S. § 1-2-105.

(3) When the victim is a child receiving OKDHS DDS services, OCA sends a copy of the report to the DDS director or the director's designee.

(aa) OCA investigative reports confidentiality. Persons receiving copies of OCA investigative reports regarding a child are bound by confidentiality provisions of 10A O.S. §§ 1-6-102 through 1-6-107.

310:678-3-6. Office of Client Advocacy (OCA) OCA investigation procedures for cases involving vulnerable adults [AMENDED]

(a) Initiation of OCA investigation initiation. ~~Oklahoma Human Services (OKDHS)~~ OCA within its investigative scope and authority, per Section 10-105 of Title 43A of the Oklahoma Statutes (43A O.S. § 10-105), conducts a prompt and thorough investigation upon receiving a report of maltreatment of a vulnerable adult who is a recipient of home and community based waiver services, State Plan Personal Care (SPPC) services, living choice waiver services, medically fragile waiver services, or a Hissom Class Member, or a resident of the ~~Robert M. Greer Center (Greer)~~.

(1) An OCA investigator initiates an investigation when they make face-to-face contact with the vulnerable adult, who is the alleged victim.

(2) The OCA investigator initiates the investigation as soon as possible within five-calendar days, not to exceed 120 hours from the time of the referral receipt.

(3) In the case of an emergency when a priority response is required, an OCA investigator initiates the investigation as soon as possible, but not to exceed 24 hours from the date of case assignment.

(4) During an investigation, when the OCA investigator has concerns that the vulnerable adult victim may be engaging in acts of self-neglect or needs involuntary protective services or court intervention, the OCA investigator promptly makes a referral to the OKDHS Adult Protective Services (APS) and coordinates with APS to ensure the vulnerable adult's safety, per 43A O.S. § 10-106.

(b) Joint investigations with law enforcement. Investigations regarding vulnerable adults are conducted jointly with law enforcement when possible.

(c) Reportable incident regarding vulnerable adults. The OKDHS vulnerable adult investigations include allegation notification to the local law enforcement agency, per 43A O.S. § 10-105.

(d) Investigation notice provided to vulnerable adult's caretaker (VAC), legal guardian, and next of kin.

(1) As soon as possible after initiating an investigation of a referral regarding a vulnerable adult, OKDHS provides the alleged victim's caretaker, legal guardian, and next of kin, notice that includes a brief oral summary and a written description of the investigation process, regardless of whether the caretaker, guardian, or next of kin is alleged to be the perpetrator of the abuse, neglect, or exploitation of the vulnerable adult, per 43A O.S. § 10-105.1.

(2) When the vulnerable adult retains the capacity to consent to voluntary services and does not want a caretaker or next of kin to receive an investigation notification, OKDHS abides by the vulnerable adult's wishes.

(e) Facility or provider administrator responsibility to arrange document production, visits, and interviews. The applicable facility or provider agency administrator or the administrator's designee arranges document production, site visits, and interviews per OCA request. The facility or provider administrator or the administrator's designee who employed the accused VAC at the time of the alleged incident informs the employee of:

(1) the OCA investigator's name and phone number;

(2) the investigative process described in this Section;

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(3) the employee's rights and responsibilities relating to the investigation described in (h) of this Section, using Form 15IV005E, the prescribed Rights and Responsibilities of Accused Caretakers form or forms approved by OSDH, or a substantially similar provider or agency form, and Form 15IV004E, Address Information Notice, a copy of which is provided to the OCA investigator;

(4) the allegation made against the VAC without divulging the reporting party's identity or the substance of the evidence; and

(5) obtains the signature of the CSW on the forms listed in (3) of this subsection and provides a copy to the OCA investigator.

(f) OCA access to victims, employees, clients, facilities, files, and other records.

(1) Per 43A O.S. § 10-105, the OKDHS investigation includes:

(A) a visit to the home or other place of residence of the person who is the subject of the report;

(B) a private interview with the person who is the subject of the report; and

(C) consultation with persons who have knowledge of the circumstances.

(2) The applicable facility or provider administrator or the administrator's designee arranges for the OCA investigator to have immediate and direct access to any alleged victim in the referral who is still a client of the facility or provider.

(3) During an OCA investigation, OKDHS, ~~Oklahoma Department of Rehabilitation Services (ODRS)~~, ~~Oklahoma Department of Mental Health and Substance Abuse Services (OMDHSAS)~~, providers, and facilities and persons who contract with them, provide OCA access to all employees, clients, facilities, locations, files, and records of any nature that may pertain to the investigation.

(4) Denying access may be grounds for a contract termination between OKDHS and the contractor.

(g) Discrimination, retaliation, or interference in an OCA investigation prohibited.

(1) 21 O.S. § 455 states it is a felony to:

(A) willfully prevent or attempt to prevent any person who make an abuse or neglect report, pursuant to 43A O.S. § 10-104 from giving testimony or producing any record document or other object; or

(B) threaten physical harm through force or fear, cause or procure physical harm, harass or cause a person to be harassed because of testimony in a civil or criminal trial proceeding or because of making a report of child abuse or neglect.

(2) An OKDHS employee who interferes with an OCA investigation may be subject to administrative action.

Interference includes, but is not limited to:

(A) intimidating, harassing, or threatening a party to the investigation;

(B) retaliation against an employee for reporting an allegation; or

(C) denying access to clients, employees, facilities, witnesses, records, or evidence.

(3) 43A O.S. § 10-104 states no employer shall terminate the employment, prevent or impair the practice or occupation of or impose any other sanction on any employee solely for the reason the employee made or caused to be made a report, or cooperated with an investigation pursuant to the Protective Services for Vulnerable Adults Act, 43A O.S. § 10-101 et seq.

(h) Rights and responsibilities of accused VAC. The rights and responsibilities of the accused VAC during an OCA investigation are outlined in this subsection.

(1) **Rights.** During the investigation process, an accused VAC has the right to:

(A) be advised of the nature of each allegation made against him or her;

(B) be advised by OCA of the investigative process involving caretaker maltreatment.

(C) be interviewed by the OCA investigator and allowed to give his or her position regarding the allegation;

(D) be advised by the OCA investigator of the substance of the evidence against him or her, but not the reporting party's identity;

(E) submit or supplement a written statement relating to the allegations;

(F) seek advice from other parties concerning a his or her rights and responsibilities in OCA investigations, including the right to seek counsel;

(G) decline to answer any question when he or she reasonably believes the answer to the question may incriminate him or her in a criminal prosecution; and

(H) be notified in writing by his or her employer of the investigation's outcome when the investigation involves a VAC.

(2) **Responsibilities.** During the investigative process, the accused VAC has the responsibility to:

(A) prepare written statements and reports relevant to the investigation, upon request;

(B) be available for interviews and accommodate the OCA investigator with scheduling interviews;

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- (C) refrain from action that interferes with the investigation including any action that intimidates, threatens, or harasses any person who has or may provide information relating to the allegation; and
- (D) provide pertinent information and respond fully and truthfully to questions.

(i) **VAC address and email.** During the investigative process the accused VAC provides OCA with a current mailing address and email address, if applicable.

- (1) It is the responsibility of the accused VAC to promptly notify OCA of any changes in mailing address or email address.
- (2) OKDHS sends all subsequent communications concerning the investigation and administrative actions to the last known mailing address or email address as applicable, as provided by the accused VAC.
- (3) OKDHS may serve notice of investigative findings as provided in this Section and administrative actions per ~~Oklahoma Administrative Code (OAC) 340-2-3-39-1310:678-3-10~~ to the last known mailing address or email address as applicable as provided by the accused VAC.
- (4) Failure to notify OCA of any changes in mailing address or email address may result in placement of the accused VAC in the Community Services Worker Registry.

(j) **Educational employees.** This subsection applies to an educational employee who is either a witness or the accused VAC in an OCA investigation.

- (1) The facility or provider agency administrator where the incident took place notifies the school principal of the nature of the allegation and the assigned OCA investigator's name.
- (2) OCA investigates educational employees who meet the caretaker definition, per this subsection.

(k) **Contractor's employees.** This subsection applies to an employee of a provider or facility contractor when the employee is an accused VAC in an OCA investigation.

- (1) The facility or provider administrator where the incident took place notifies the contractor chief administrative officer of the nature of the allegation against the contractor's employee and the assigned OCA investigator's name.
- (2) The contractor chief administrative officer is responsible for notifying the contract employee of the reason for the investigative review, advising the employee of his or her rights and responsibilities related to the OCA investigation, and arranging for the employee's appearance at an investigative interview. This requirement is for notification purposes and to coordinate with the investigative process. The facility or provider administrator where the alleged incident took place is responsible for client protection.

(l) **Document collection and review.** The OCA investigator gathers and reviews relevant documents including, but not limited to:

- (1) incident reports and other written reports, accounts, and statements prepared during the preliminary assessment;
- (2) medical records;
- (3) photographs, videos, or both;
- (4) facility or provider logs;
- (5) activity and tracking documents;
- (6) the vulnerable adult's Individual Plan (IP); and
- (7) all relevant ~~OKDHS Developmental Disability Services (DDS)~~ documents and forms.

(m) **Investigative interviews.** When there is an alleged injury, the OCA investigator or other appropriate person observes, notes, and documents apparent injuries and obtains pertinent medical documentation, including photographic evidence. Interviews are conducted in private. No person other than the OCA investigator and the person interviewed is allowed to attend an interview except for a person necessary to facilitate communication. An attorney or other representative of the interviewee attends an interview only as a silent observer with OSDH's ~~the advocate general's or the advocate general's designee's~~ prior permission.

(n) **Interview protocols.** The OCA investigator conducts a separate private interview with each alleged victim, available witnesses to the alleged maltreatment, and persons who are allegedly directly or indirectly involved in the allegation, persons with knowledge of relevant information, and each accused VAC. At the time of the interview of the accused VAC, if the OCA investigator determines that a signed ~~Form 15IV004E~~, Address Information Notice Form, has not previously been provided to OCA, the investigator obtains it from the accused VAC. If the interview is being conducted in a manner other than in-person, the investigator reads ~~Form 15IV004E~~ the Address Information Notice Form to the accused VAC and:

- (1) obtains verbal acknowledgement of understanding from the accused VAC;
- (2) records the information on ~~Form 15IV004E~~ the Address Information Notice Form as provided by the accused VAC; and
- (3) obtains consent to sign ~~Form 15IV004E~~ the Address Information Notice Form on behalf of the accused VAC.

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(o) **Recording investigation interviews.** OCA interviews are audio-recorded. To maintain information confidentiality provided in an interview, the interviewee and anyone in attendance is not permitted to record the interview. Interview recordings remain with the OCA investigative file.

(p) **"Plan for Immediate Safety"** means the plan for actions taken to immediately control any significant and clearly observable condition that is present and is endangering or threatening to endanger a vulnerable adult.

(q) **Allegation presentation for witnesses later identified as accused VACs.** During an investigation, when a witness is identified as a potential accused VAC, the OCA investigator interviews the witness again to inform the witness that he or she is a potential accused VAC. At the time, the witness is informed of the substance of the evidence and provided an opportunity to respond. The OCA investigator informs the facility or provider agency administrator of the new allegation and of the potential additional accused VAC. The OCA investigator advises the accused VAC of the substance of the new information and provides an opportunity to present a response.

(r) **Interpreter services for persons who are deaf or hard of hearing or have limited English proficiency.** When OCA interviews a person who is deaf or hard of hearing or who has limited English proficiency, OCA provides interpreter services by an independent and qualified interpreter. ~~Interpreter services for OKDHS employees and clients are provided, per OAC 340:1-11-10.~~

(s) **Areas of concern (AOC) notification.** During the investigation, the assigned OCA investigator emails or phones the applicable facility or provider administrator or the administrator's designee and informs him or her of AOCs. When the investigation is completed, all identified AOCs are provided in writing to the facility or agency provider administrator.

(t) **The written investigative report.** After completing the information-gathering portion of the investigative process, the OCA investigator prepares a written investigative report containing:

- (1) the referral allegation investigated, including date, time, and location of the alleged incident, the date the allegation was reported to OCA, and the assigned OCA case number;
- (2) a statement of any physical injuries the alleged victim sustained;
- (3) information regarding involved law enforcement entities;
- (4) a recommendation for the district attorney to consider further investigation;
- (5) the applicable definition of caretaker misconduct or the type of maltreatment at issue, such as abuse, neglect, verbal abuse, exploitation, or caretaker misconduct;
- (6) the findings, per (x) of this Section;
- (7) a list of the involved parties, titles, and roles in the matter, if they were interviewed and, when they were interviewed, whether the interviews were face-to-face by phone, or virtual;
- (8) the name, address, and phone numbers of any interpreter employed during the investigation;
- (9) an explanation of the basis for the findings;
- (10) a summary of relevant information obtained during each interview conducted during the investigation;
- (11) a list of relevant documents and records reviewed during the investigation;
- (12) a list of attachments to the report provided upon request; and
- (13) an explanation for any delays in meeting the time requirements for completing the investigation report contained in this Section.

(u) **OCA investigation findings regarding a vulnerable adult.** The OCA investigation of a report of vulnerable adult maltreatment of a vulnerable adult results in a written report with findings within 60-calendar days from the referral date.

(v) **Identification of the responsible VAC.** When the evidence gathered during the investigation is sufficient to substantiate vulnerable adult maltreatment but the person responsible for the maltreatment cannot be identified, the substantiated finding is made on an unknown VAC. The facility or provider administration may be named as responsible VAC when the policies, procedures, or practices the administration adopted are the primary factor resulting in individual client maltreatment of individual clients.

(w) **Notice of maltreatment findings to a vulnerable adult.**

- (1) After the OCA investigation is complete a findings letter is provided to the:
 - (A) accused VAC;
 - (B) legal guardian and next of kin; and
 - (C) facility or provider administrator.
- (2) When a facility or provider administrator is named as an accused VAC, a findings letter is provided to the facility's or provider's chair of the board of directors, or to the director of the state agency operating the facility, as applicable.

(x) **Appeal process for substantiated maltreatment findings.** The appeal process is provided for accused VACs who disagree with a substantiated maltreatment finding, per OAC ~~340:2-3-39~~310:678-3-10.

(y) **Dissemination of OCA investigation reports involving VACs not subject to the CSW Registry.**

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(1) Except as provided in (4) of this subsection and consistent with 43A O.S. § 10-110, a summary of the final OCA investigation report involving a vulnerable adult is sent to the administrator of an affected facility or provider agency. The summary is provided within five-~~(5)~~ business days of the investigation's closure. The administrator is responsible for notifying the accused VAC and the vulnerable adult's legal guardian or next of kin of the OCA finding.

(2) When the referral alleges maltreatment, a copy of the report is sent to the applicable district attorney.

(3) A copy of the report is also sent to the DDS State Office administrator, ODRS director, or ODMHSAS director, as applicable.

(4) When a facility or provider administrator is named as an accused VAC in the allegation, the OCA forwards a summary of the investigative report to the facility or provider agency chair of the board of directors or to the director of the state agency operating the facility.

(5) A copy of the OCA report is sent to ~~the Oklahoma State Department of Health (OSDH)~~ when the investigation involves a day treatment program.

(6) When the accused VAC is an OKDHS employee, the relevant state office administrator provides the accused VAC with a letter summarizing the allegation and stating the OCA finding.

(7) When there is a substantiated finding of client maltreatment by a licensed nurse, a copy of the OCA report is submitted to the Oklahoma State Board of Nursing.

(8) When appropriate in cases involving a vulnerable adult, a copy of the OCA report is sent to any state agency with concurrent jurisdiction over persons or issues identified in the investigation. This includes but is not limited to, OSDH and any appropriate state licensure or certification board, agency, or registry and includes sending OSDH a copy of any report when at least one of the accused VACs is a certified nurse aide.

(9) When there is substantiated maltreatment by a guardian, a copy of the OCA investigation report is submitted to the applicable guardianship court.

(10) OCA distributes the investigation report by mail, fax, or email while maintaining confidentiality of materials.

(z) Dissemination of investigation reports involving Hisson Class Members (HCMs) and VACs subject to the CSW Registry.

(1) All OCA investigations involving a substantiated finding against a CSW or Medicaid personal care assistant employed by a Medicaid personal care services provider, are processed for the CSW Registry, ~~per OAC 340:2-3-29.1.~~

(2) A copy of the investigative report is sent to the district attorney in the county where the suspected maltreatment occurred, per 43A O.S. § 10-104.

(3) OCA sends an investigation summary to the facility or provider administrator within five-~~(5)~~ business days of the investigation's closure. Nothing in this subsection will be construed as an OCA determination that the subject of the investigation report may be placed on the CSW Registry.

(4) The investigation report is sent to the OKDHS DDS director or designee, the Community Living, Aging, and Protective Services director or designee, or the OHCA ~~Oklahoma Health Care Authority~~ director or designee, as applicable.

(5) OCA notifies the vulnerable adult's accused caretaker and legal guardian or next of kin of the investigation finding. When the vulnerable adult is an HCM, the HCM's assigned OCA advocate notifies the HCM and the HCM's guardian or close family member of the investigation finding.

(6) When an investigation involves a vulnerable adult with a legal guardian, a copy of the completed investigation report must be filed with the court the guardian is accountable to, per 43A O.S. § 10-105.

(aa) Confidentiality of OCA investigative reports. Persons receiving copies of OCA investigative reports or summaries regarding a vulnerable adult are bound by the confidentiality provisions of 43A O.S. § 10-110.

(1) All investigative records OKDHS receives that are created by other local or state agencies, including law enforcement agencies, are obtained directly from those local or state entities.

(2) Person seeking redacted identifying information, per 43A O.S. § 10-110, contained in the OCA investigative report, in any summary or other information contained in any other reports, records, or working papers used or developed in the investigation, must obtain a court order authorizing the information's release of such information.

(A) All reports, records, working papers, and all information contained therein remain confidential after the OKDHS release; and

(B) it is unlawful and a misdemeanor for any person to furnish any record or disclose any information contained therein for any unauthorized purpose.

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(bb) **Substantiated findings involving Greer.** OCA investigation report findings involving vulnerable adult maltreatment at Greer are considered final when the report does not contain a substantiated finding. In cases with a substantiated finding, the report is final upon completion of the review process, per ~~340:2-3-39~~310:678-3-9. When OKDHS DDS staff receives a copy of a final OCA investigative report or notice that a review, per OAC ~~340:2-3-39~~310:678-3-10, is concluded, within 30 calendar days, the applicable director notifies OSDH ~~the advocate general~~ in writing of:

- (1) the personnel action taken or to be taken with regard to each accused VAC name in the report;
- (2) the corrective action taken or to be taken regarding AOCs notice in the report; and
- (3) whether, for each worker found to have engaged in maltreatment, there were prior OCA or facility confirmations of the worker's maltreatment of a vulnerable adult. If such confirmations exist, the basis for each such finding, and the personnel action taken in response.

(cc) **Findings involving an HCM.** This subsection applies to the administrator of a provider that employed, or contracted with a contractor that employed, an accused VAC named in an OCA investigation report. The DDS director or the director's designee notifies OSDH ~~the advocate general~~ in writing:

- (1) when personnel action was or will be taken with regard to each accused VAC named in the report; and
- (2) of corrective action taken or to be taken regarding AOCs noted in the report.

(dd) **Ten-day staffing.** Ten days after the investigation is initiated, the provider has the right to request an investigative status update. The provider makes the request to the ~~the~~ assigned OCA Investigator's programs manager or programs supervisor. The ten-day staffing includes the provider administrator, the programs manager or programs supervisor and the OCA investigator. OCA provides an update as to the progress and there is an information exchange between the provider and OCA to identify any ongoing safety issue to barriers to concluding the investigation.

310:678-3-7. Caretaker conduct review (CCR) [AMENDED]

(a) **Application.** This Section applies to referrals received by the ~~Office of Client Advocacy (OCA)~~ that OCA refers to a facility for an internal caretaker conduct review (CCR) per Oklahoma Administrative Code (OAC) ~~340:2-3-35(a)~~ ~~(2)~~310:678-3-4(a)(2). Allegations of caretaker misconduct regarding children are screened by the ~~Oklahoma Department of Human Services (OKDHS) Abuse & Neglect Hotline (Hotline)~~ and referred to the appropriate facility contracting and licensing entities where the incident occurred. OCA may conduct an investigation when the OKDHS Specialized Placement Unit, OKDHS Child Care Licensing Unit, or other source, determines a pattern of misconduct exists by a person responsible for the child of interest (PRFCI) or facility administration, or facility administration fails to take appropriate corrective action. This Section does not apply to allegations involving caretaker misconduct of a Hissom class member or a vulnerable adult, other than a resident of the ~~Robert M. Greer Center (Greer)~~. OCA continues to accept and process CCRs regarding children who are in facilities not licensed by or contracted with OKDHS.

(b) Assignment to a facility to conduct a CCR.

- (1) When OCA receives a referral that indicates possible caretaker misconduct, in lieu of an investigation, OCA intake may refer it to the facility where it allegedly occurred for handling as a CCR when:
 - (A) there is no injury or evidence the client might have been exposed to a significant risk of harm;
 - (B) there is a minor physical injury and it is not a suspicious injury;
 - (C) there is a serious physical injury and the known credible information makes it unlikely the serious injury was the result of abuse or neglect; or
 - (D) excessive or unauthorized use of force is alleged and there is no injury or only a minor injury that is not suspicious.

(2) In addition to the referrals in subsection (b)(1) of this Section, regarding vulnerable adults at OKDHS operated facilities, and at Greer, a referral indicating possible maltreatment may be referred to the facility for handling as a CCR when the allegation involves a serious physical injury that occurred under unexplained or unusual circumstances.

(c) **Protocol for conducting a CCR.** When OCA intake assigns a facility the responsibility to conduct a CCR, the administrator or designee takes necessary steps to ensure the safety of all clients and to protect the integrity of all evidence. A facility employee designated to conduct a CCR follows the investigative procedures per OAC ~~340:2-3-36~~310:678-3-5, with the exception of recording the interviews per OAC ~~340:2-3-36(j)(1)~~310:678-3-5(j)(1), including:

- (1) reviewing pertinent documentation, records, and evidence collected;
- (2) viewing any injuries and photos of injuries, and obtaining photos of injuries;
- (3) obtaining written statements and conducting interviews with:
 - (A) each alleged victim;
 - (B) each eyewitness;
 - (C) other persons with knowledge relevant to the allegation; and
 - (D) each accused caretaker;

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- (4) reviewing statutes, policies, directives, standards, rules, or practices relevant to the allegation;
- (5) analyzing the accused caretaker's actions in relation to relevant statutes, policies, directives, standards, rules and practices; and
- (6) determining the appropriate finding(s) per OAC ~~340:2-3-36(v)~~310:678-3-5(t).

(d) **Returning the investigation responsibility to OCA.** If at any time during the CCR information is learned that gives cause to believe a client was the victim of caretaker misconduct resulting in a serious injury, abuse, or neglect, the administrator immediately discontinues the CCR and contacts OCA intake to report the new information warranting an OCA investigation. OCA intake notes the new information and changes the disposition on ~~Form 15GN001E, Office of Client Advocacy - Intake Referral~~ the prescribed intake referral form approved by OSDH, and the case is assigned to an OCA investigator for investigation per OAC ~~340:2-3-35(e)~~310:678-3-4(c).

(e) **Written report of CCR.** After completion of the CCR process and determination of the appropriate finding, the person conducting the CCR prepares a written report. Facilities are encouraged, but not required, to use the OCA format for CCR reports. The written report contains:

- (1) the allegation(s), including the dates, times, and location of the alleged incident(s), the date the allegation was reported to OCA, and the OCA case number;
- (2) a statement of any injury sustained by the alleged victim(s) and, in cases involving an injury, a statement whether photographs were taken of the injury and if so, the date they were taken;
- (3) the finding(s), whether caretaker misconduct did or did not occur, based on a greater weight of the evidence standard;
- (4) a list of the involved parties, their titles and roles in the matter, whether they were interviewed and, if so, when;
- (5) citation to pertinent statutes, policies, directives, standards, rules, and practices, when applicable;
- (6) an explanation of the basis for the finding(s);
- (7) a summary of pertinent information obtained in interviews conducted during the review;
- (8) a list of relevant documents and records reviewed;
- (9) a list of attachments to the report;
- (10) a list of areas of concern identified during the course of the investigation regarding facility or DHS practices or procedures that have implications for the safety, health, or welfare of clients, but do not rise to the level of abuse or neglect; and
- (11) either on a cover memo or at the end of the report, the date and signature of the person who conducted the CCR, and the signature of the person who reviewed and approved the report.

(f) **Time for completion of report.** The final written report is submitted to OSDH the advocate general within 30 calendar days from the date OCA intake notified the administrator an allegation is referred for CCR.

(g) **OCA processing of CCR reports.** The administrator transmits the completed CCR to OSDH the advocate general. ~~The advocate general or designee~~OSDH will reviews the CCR report for completeness and appropriateness of the finding. When a report is incomplete or the finding is questionable, OCA contacts the administrator to request further inquiry into the allegation. OCA opens an investigation when a report indicates the need.

(h) **Final CCR report.** When a final CCR report is not submitted to OSDH the advocate general within 45 calendar days from the date OCA notifies the facility or provider administrator the allegation is referred for CCR, OCA notifies the appropriate state agency, office, or regulatory entity that contracts with the facility or agency for the delivery of services.

(i) **Review by ~~OKDHS Developmental Disabilities Services (DDS) director~~.** Within five business days of completion of a CCR report at the ~~Robert M. Greer Center (Greer)~~, the facility administrator or designee informs the client and the client's guardian or parent of the CCR result. If the client or the guardian or parent does not concur with the finding(s), the facility administrator or designee notifies OSDH the advocate general in writing by email or letter. ~~The advocate general~~OSDH will refers the matter to the OCA grievance coordinator to process for review by the OKDHS DDS director as a contested grievance per OAC ~~340:2-3-46~~310:678-5-2 and ~~340:2-3-51(g)~~310:678-5-5 and the client or guardian or parent who did not concur with the finding(s) is considered the grievant for purposes of the review. When the grievant does not concur with the proposed resolution of the applicable director or designee, the matter is reviewed by the Grievance and Abuse Review Committee (GARC) per OAC ~~340:2-3-62 and 340:2-3-64~~310:678-7-3.

(j) **OKDHS state office administrator's report.** The findings in a CCR are considered final when the time for requesting review pursuant to subsection (i) of this Section has expired and review has not been requested, or the review was timely requested and concluded.

(1) Within 60 calendar days of the finding becoming final, the state office administrator or designee informs OSDH the advocate general in writing of:

- (A) any personnel action taken or to be taken;
- (B) any corrective action taken or to be taken; and

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(C) for each worker found to have engaged in caretaker misconduct, whether there was prior confirmation by OCA or the facility for client maltreatment by the worker and, if so, the basis for each finding and the personnel action taken in response.

(2) When personnel action is involved, the State Office administrator notifies the OKDHS Human Resources Management director.

(3) When a CCR has not resulted in a confirmed finding, no information or material pertaining to the allegation or the investigation is placed in the personnel files of any employee named in the report.

310:678-3-8. Investigation of complaints made by foster parents or made by or on behalf of children being served by Child Welfare Services (CWS) [AMENDED]

(a) **Application.** The ~~Office of Client Advocacy (OCA)~~ investigates allegations:

(1) that an employee of ~~Oklahoma Human Services (OKDHS)~~ or of a child-placing agency threatened a foster parent with removal of a child from the foster parent, harassed or refused to place a child in a licensed or certified foster home, or disrupted a child placement as retaliation or discrimination towards a foster parent who engaged in a protected act, per ~~Sections 10A O.S. §§ 1-9-112 and 1-9-117 of Title 10A of the Oklahoma Statutes (10A O.S. §§ 1-9-112 and 1-9-117)~~; and

(2) that any OKDHS or child-placing agency employee retaliated or discriminated against a child being served by CWS for engaging in a protected act, per ~~10A O.S. § 1-9-119.1 and~~ 10A O.S. § 1-9-120.

(b) **Definitions.** The following words and terms when used in this Section shall have the following meanings unless the context clearly indicates otherwise:

(1) **"Administrator"** with regard to a child-placing agency, means the chief administrative officer of the agency.

(2) **"Child-placing agency"** means an agency that arranges for or places a child in a foster family home, group home, adoptive home, or successful adulthood program, per 10 O.S. §§ 401 through 418.

(3) **"Discrimination"** means differential treatment by an OKDHS or child-placing agency employee of similarly situated foster parents or similarly situated children being served by CWS that in reprisal for engaging in a protected activity.

(4) **"Harassment"** means a knowing and willful pattern of conduct, statements, or behaviors that serve no legitimate purpose, directed at a foster parent or child being served by CWS that a reasonable person in the same or similar circumstances would find intimidating or substantially distressing.

(5) **"Protected activity"** means a foster parent or child being served by CWS engaged in:

(A) filing a grievance with OKDHS or the Oklahoma Commission on Children and Youth (OCCY) Office of Juvenile System Oversight (OJSO), or with a child-placing agency, per 10A O.S. § 1-9-120;

(B) providing information regarding foster care services to any state official or OKDHS employee; or

(C) testifying, assisting, or otherwise participating in an investigation, proceeding, or hearing against OKDHS or a child-placing agency.

(6) **"Retaliation"** means:

(A) with regard to a child being served by CWS, in reprisal for the child engaging in a protected activity, an OKDHS or child-placing agency employee took an adverse action against the child including, but not limited to, punishment, interference, or coercion; or

(B) with regard to a foster parent, in reprisal for the foster parent engaging in a protected activity, an OKDHS or a child-placing agency employee:

(i) threatened a foster parent with a child's removal from the foster parent's care;

(ii) refused or failed to place a child in a licensed or certified foster home; or

(iii) disrupted a child placement.

(c) **Scope.** A foster parent or a child being served by CWS has the right, without fear of reprisal or discrimination, to lodge concerns and complaints with respect to the provision of foster care services to OJSO. OJSO forwards complaints to OCA. OCA determines if foster parent or child being served by CWS complaints meet criteria for a formal investigation. OCA:

(1) initiates investigations that meet the criteria, per ~~Oklahoma Administrative Code (OAC) 340:2-3-38(a)~~ (a) of this Section; and

(2) forwards discrimination allegations to the OKDHS Office for Civil Rights when the alleged discrimination includes actions or decisions based on race, color, national origin, sex, religion, age, or disability, unless authorized by law.

(d) **Exclusions.** The provisions of this Section do not apply to:

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(1) a complaint by a foster parent or by a child being served by CWS regarding the result of a criminal, administrative, or civil proceeding for a violation by that foster parent or child being served by CWS of a law, rule, or contract provision, or an action taken by OKDHS or a child-placing agency in conformity with the result of such proceedings;

(2) allegations of acts of retaliation, discrimination, or harassment that occurred more than one year prior to the date of the foster parent or child being served by CWS complaint; or

(3) allegations of a pattern of retaliation, discrimination, or harassment, the last incident that occurred more than one year after the foster parent or child being served by CWS participated in a protected activity.

(e) **Protections for foster parents filing complaints in good faith.** 10A O.S. § 1-9-117 provides that any foster parent who has reasonable cause to believe he or she was threatened with removal of a foster child, refused placement of a child, or had a placement disrupted in retaliation, discrimination, or harassment by an OKDHS or a child-placing agency employee, as outlined in (c) of this Section, may file a complaint with OJSO. The law provides that persons making a report in good faith under this Section may not be adversely affected solely on the basis of having made such report. The law also provides that any person who knowingly and willfully makes a false or frivolous report or complaint may be subject to loss of foster parent approval or licensure status.

(f) **Reporting procedure.** Foster parents or children being served by CWS may file complaints by calling OCA or using the OCCY website at okfosterparentvoices.org or okfosteryouthmatters.org.

(g) **Confidentiality.** OCA maintains confidentiality regarding the reporter's identity. OCA must prepare and maintain written records from the reporting source including the:

(1) names and addresses of the child being served by CWS and the person(s) responsible for the child's welfare;

(2) nature of the complaint; and

(3) names of the persons or agencies responsible for the allegations contained in the complaint.

(h) **Prohibition against interference.** An OKDHS employee who interferes with a foster parent's or child being served by CWS's grievance rights or an OCA investigation may be subject to administrative action for misconduct per OKDHS personnel rules relating to cause for disciplinary action.

(i) **Initiation of OCA investigation.** Upon disposition of a report of retaliation, discrimination, or harassment against a foster parent or child being served by CWS, OCA assigns an OCA investigator to investigate the allegations per this Section. The OCA investigation does not duplicate and is separate from any investigation mandated by the Oklahoma Child Abuse Reporting and Prevention Act or other investigations having formal notice or hearing requirements.

(j) **Rights and responsibilities of employees.** The rights and responsibilities of OKDHS employees or agents in an OCA foster parent or child being served by CWS investigation are listed in (1) through (7) of this subsection. OKDHS employees or agents:

(1) make themselves available for interviews and accommodate the OCA investigator in scheduling interviews;

(2) provide pertinent information and respond fully and truthfully to questions asked;

(3) may submit written statements relating to the events in question in addition to being interviewed;

(4) may seek advice concerning their rights and responsibilities from other parties within, or outside of OKDHS;

(5) prepare written statements or reports relevant to the investigation upon request;

(6) who reasonably believe answers to official inquiries regarding the events in question may incriminate them in a criminal prosecution, may decline to answer those questions; and

(7) when interviewed do not discuss their interviews with anyone outside of OCA.

(k) **Access.** At all times, OCA is granted access to any foster home or facility approved, authorized, or funded by OKDHS, or a child-placing agency.

(l) **Investigation procedures.** Investigations are conducted, ~~per~~ in accordance with [OAC 340:2-3-36, 310:678-3-5](#) unless otherwise provided in this Subchapter.

(1) **Notifying administrators and accused caretakers.** The assigned OCA investigator notifies the applicable administrator or State Office administrator of the investigation and arranges for document production, site visits, and interviews. The administrator or State Office administrator who employed an accused employee at the time of an alleged incident promptly informs the accused employee of:

(A) the OCA investigator's name and phone numbers;

(B) the investigative process;

(C) his or her rights and responsibilities relating to the investigation described in (j) of this Section;

using Form 151V006E, *Investigations of Foster Parent Retaliation Complaints – Rights and Responsibilities of Accused OKDHS Employees*, a copy of which is provided by the OCA investigator; and

(D) the nature of the allegation(s) made against the employee; however, at this time the employee is not provided the details of the allegations or the substance of the evidence.

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(2) **OCA access to evidence.** Applicable administrators and State Office administrators cooperate and facilitate with the OCA investigation by:

- (A) providing access to requested information;
- (B) producing relevant documents, files, and records;
- (C) accompanying the OCA investigator on foster home visits, when requested by OCA; and
- (D) providing access to accused employees and others who have knowledge of relevant information.

(3) **OCA findings regarding foster parent or child being served by CWS retaliation, discrimination, or harassment and completion timeframes.** The OCA investigator conducts a prompt and thorough investigation within 60 calendar days from the date of the referral, stating one of the following findings.

(A) **"Substantiated"** means OCA determined, based on the preponderance of the evidence that foster parent retaliation, discrimination, or harassment occurred or that a child being served by CWS was subject to retaliation or discrimination.

(B) **"Unsubstantiated"** means OCA determined, based on the preponderance of the evidence, that insufficient evidence exists to determine foster parent retaliation, discrimination, or harassment occurred or that a child being served by CWS was subject to retaliation or discrimination.

(4) **The written investigation report.** After completing the information-gathering portion of the investigative process, the OCA investigator prepares a written report containing:

- (A) the allegations investigated, including the date, time, and location of the alleged incident, the date the allegation was reported to OCA, the OCA case number, and the assigned OCA investigator;
- (B) a list of the involved parties, and their titles and roles in the alleged incident;
- (C) the applicable definition of the type of conduct at issue, such as retaliation, discrimination, or harassment, or any combinations thereof;
- (D) if the foster parent or child being served by CWS engaged in a protected activity listed in (c)(2) of this Section and, if so, a description of the activity;
- (E) the findings, per (1)(3) of this Section;
- (F) an explanation of the basis for the finding;
- (G) a summary, in cases involving a substantiated finding, of each interview conducted during the investigation, including the date and location of the interview;
- (H) areas of concern identified during the investigation regarding OKDHS or child-placing agency practices or procedures;
- (I) a list of documents and records reviewed during the investigation; and
- (J) a list of attachments submitted with the final report.

(5) **OCA investigative report dissemination.**

(A) In cases involving allegations against an OKDHS employee, OSDH ~~will~~ ~~the advocate general~~ submits a copy of the final OCA investigation report to the OKDHS Director ~~and applicable State Office administrators.~~

(B) In cases involving a child-placing agency employee, ~~the advocate general~~ OSDH ~~will~~ sends a letter summarizing the allegation and the OCA finding to the agency administrator and sends a copy of the report to the appropriate State Office administrator. When the child-placing agency administrator is the subject of the investigation, the letter summarizing the allegation and the OCA finding is sent to the agency's board of directors.

(C) OCA sends the foster parent or child being served by CWS and each accused OKDHS employee a letter summarizing the allegation and the OCA finding.

(D) All parties receiving copies of the investigative reports are bound by the confidentiality provisions, per 10A O.S. § 1-9-112 and 43A O.S. § 10-110.

(m) **Request for reconsideration by OSDH ~~the advocate general~~.** Within 15 calendar days of receipt of the final OCA investigative report or summary, the CWS State Office administrator or the administrator's designee, the child-placing agency administrator, or the employee may request reconsideration by OSDH ~~the advocate general~~.

(n) **OKDHS Director's request for reconsideration by OSDH ~~the advocate general~~.** Within 30 calendar days of receipt of the final OCA investigative report, the OKDHS Director may request reconsideration by OSDH ~~the advocate general~~.

(o) **Response to a substantiated finding by a State Office administrator or child-placing agency administrator.**

(1) When a State Office administrator receives a copy of an OCA investigative report containing a substantiated finding and reconsideration was not timely requested within 30 calendar days of receipt of the OCA report, the State Office administrator notifies OSDH ~~the advocate general~~ in writing of any personnel action taken, or to be taken, with regard to the employee, or any corrective action taken, or to be taken, regarding the areas of concern

noted in the OCA report.

(2) When the OKDHS Director refers the matter to OSDH the advocate general for reconsideration, the State Office administrator's response to OSDH ~~the advocate general~~ regarding corrective action is due within 30-calendar days of OSDH's the advocate general's final finding on reconsideration.

(3) When a child-placing agency administrator receives a letter summarizing the allegations and the OCA finding against a child-placing agency employee, the child-placing agency administrator notifies OSDH ~~the advocate general~~ in writing within 30-calendar days of the final report of any personnel action taken, or to be taken, with regard to each employee named in the report, and of the status of areas of concern noted in the OCA report.

310:678-3-9. Program Review process for substantiated child abuse or neglect findings in Office of Client Advocacy OCA investigations [AMENDED]

(a) **Purpose.** The Office of Client Advocacy (OCA) program review process serves the following purposes:

(1) per the 2010 Child Abuse Prevention and Treatment Act (CAPTA), Section 5101 et seq. of Title 42 of the United States Code, ~~Oklahoma Human Services (OKDHS)~~ the State of Oklahoma is required to provide persons who disagree with a substantiated finding of child abuse or neglect with a procedure for appealing and responding to appeals of those findings;

(2) serves as a quality assurance mechanism to assess findings compliance with Office of Client Advocacy (OCA) standards, per ~~Oklahoma Administrative Code (OAC) 340:2-3-36~~ 310:678-3-5; and

(3) provides a procedure for notice and an opportunity for review to an individual and, if the individual is an employee of a facility licensed, certified, operated, or contracted by or with the Office of Juvenile Affairs (OJA), to the facility prior to recording an individual in the Restricted Registry, per ~~Section 10 O.S. § 405.3 of Title 10 of the Oklahoma Statutes (10 O.S. § 405.3)~~.

(b) **Eligibility criteria.** An individual may request consideration through the program review process when:

(1) the person is an alleged perpetrator in an investigation involving abuse or neglect allegations; and

(2) the investigation results in a substantiated finding regarding the alleged perpetrator; and

(3) there is no other court action or court order in regard to the alleged child abuse or neglect including pending or completed:

(A) protective order hearings;

(B) civil actions for monetary compensation; or

(C) criminal court proceedings.

(c) **Procedures for the alleged perpetrator program review process.** The procedures for the alleged perpetrator program review process are outlined in (1) through (4) of this subsection.

(1) **Notification to alleged perpetrator.** Within ten (10) calendar days of Upon substantiating abuse, neglect, or both, the OCA social services inspector ~~notifies~~ shall provide the alleged perpetrator ~~of~~ with the finding by mailing ~~Forms 04KI077E, the Notification Concerning Finding(s) of Child Abuse/Neglect, and 04KI079E, and Request for Program Review, provided the criteria in OAC 340:2-3-39 is met via certified mail and regular mail to the last known address. Forms 04KI077E and 04KI079E are:~~

(A) ~~mailed by certified mail and regular mail within 10-calendar days of abuse or neglect substantiation; and The Notification Concerning Finding(s) of Child Abuse/Neglect shall inform the alleged perpetrator of the following information:~~

(i) ~~any substantiated child abuse or neglect finding in the investigation;~~

(ii) ~~the date of the abuse or neglect referral, allegation, and finding without identifying the reporting party; and~~

(iii) ~~demographic information.~~

(B) ~~mailed to the alleged perpetrator's last known address. The Request for Program Review shall specify the following information:~~

(i) ~~Form 04KI077E informs the alleged perpetrator of:~~

(F) ~~any substantiated child abuse or neglect finding in the investigation;~~

(H) ~~the date of the abuse or neglect referral, allegation, and finding without identifying the reporting party; and~~

(HH) ~~demographic information.~~

(ii) ~~Form 04KI079E specifies:~~

(f) ~~the alleged perpetrator may request a program review by mailing a request to the OCA program review committee within 15-calendar days from the postmark on the envelope containing Form 04KI079E;~~

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~~(H) the alleged perpetrator has the right to provide additional information through written statements that must be submitted at the same time the request for program review is made;~~

~~(HH) failure to submit the program review request within 15-calendar days from the postmark on the envelope containing Form 04KI079E results in the finding becoming final, and also specifies that the alleged perpetrator waives any right to refute this finding in the future, unless good cause is established; and~~

~~(IV) that verification of legal representation must be established when the alleged perpetrator requests an attorney be notified of the determination results. Verification is established by a statement of representation on official letterhead from the attorney.~~

(i) the alleged perpetrator may request a program review by mailing a request to the OCA program review committee within fifteen (15) calendar days from the postmark on the envelope containing the Notification Concerning Finding(s) of Child Abuse/Neglect;

(ii) the alleged perpetrator has the right to provide additional information through written statements that must be submitted at the same time the request for program review is made;

(iii) failure to submit the program review request within fifteen (15) calendar days from the postmark on the envelope containing the Notification Concerning Finding(s) of Abuse/Neglect results in the finding becoming final, and also specifies that the alleged perpetrator waives any right to refute this finding in the future, unless good cause is established; and

(iv) that verification of legal representation must be established when the alleged perpetrator requests an attorney be notified of the determination results. Verification is established by a statement of representation on official letterhead from the attorney.

(2) **Good cause conditions.** an alleged perpetrator is granted a review despite failure to make a timely response, provided good cause is established, including, but not limited to, severe illness or other disabling condition.

(3) **Review Procedure.** Within 60-calendar days following a review request acceptance, or a late review request when good cause was established, the OCA program review committee determines whether the substantiated child abuse or neglect finding meets substantiation protocol, per OAC ~~340:2-3-23~~10:678-1-2. No individual with direct decision making authority regarding a case being reviewed is authorized to vote to ensure that there is no conflict of interest.

(A) The decision to uphold, modify, or reverse the original abuse or neglect finding is determined by reviewing:

(i) ~~Form 04KI003E, Report to District Attorney, including attachments, and relevant OCA information the entire case record;~~ and

(ii) all written documents submitted to the OCA program review committee.

(B) When the program review committee determines the finding failed to meet substantiation criteria per OAC ~~340:2-3-36~~, the committee:

(i) determines whether the preliminary decision was based on a lack of credible evidence to support the child abuse or neglect allegations; or

(ii) determines whether the preliminary decision is based on the OCA social services inspector's lack of documentation; and

(I) when a lack of documentation exists, the program review committee sends notification to the programs administrator, programs manager and OCA social services inspector that information is missing. The program review committee requests the information be added to the report or scanned into On Base;

(II) after the program review committee's notification is received, the programs manager reopens and reassigns the investigation;

(III) the assigned OCA social services inspector adds the additional information to the report within 15-calendar days of the reassignment and sends notification to the program review committee upon completion; and

(IV) the program review committee reconsiders the review request with the additional information and modifies or upholds the finding as appropriate; and

(iii) modifies the finding, when appropriate, in KIDS.

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(I) When the substantiation finding is appropriate, but the allegation in KIDS is incorrect, the program review committee's chairperson ensures the inappropriate allegation is marked as an improper entry and the correct allegation is added along with the substantiated finding; and

(II) ~~Forms 04KI077E and Form 04KI079E~~ The Notification Concerning Finding(s) of Abuse/Neglect and Request for Program Review are mailed with the corrected allegations and findings.

(C) Within 60=calendar days following the acceptance of the review request, the program review committee, provides written notification to the:

- (i) alleged perpetrator;
- (ii) advocate general;
- (iii) programs administrator;
- (iv) programs manager;
- (v) OCA social services inspector;
- (vi) district attorney's office in the county where the finding originated;
- (vii) Specialized Placement and Partnership Unit, when applicable;
- (viii) Child Care Services (CCS), when applicable;
- (ix) ~~Office of Juvenile Affairs (OJA)~~; when applicable; and
- (x) facility or agency provider administrator.

(4) Notification of Child Care Services (CCS) of a PRFC's substantiated finding of heinous and shocking abuse.

(A) OCA is responsible for notifying CCS upon completion of a program review when a finding of heinous and shocking abuse is substantiated.

(B) CCS notifies a childcare ~~child care~~ facility owner or operator and the childcare ~~child care~~ resource and referral organization in writing immediately or not later than one-business day after a finding of heinous and shocking abuse is substantiated on a PRFC by DHS, per 10 O.S. § 406.

(d) Procedures for the OJA facility program review. The procedures for the facility program review process are outlined in (1) and (2) of this subsection.

(1) **Notification to facility.** Within 10=calendar days of a facility employee's substantiation of abuse, neglect, or both, the facility is notified of the finding. The notification informs the facility:

- (A) of the substantiated finding;
- (B) of the date of the abuse or neglect referral, allegation, and finding without identifying the reporting party;
- (C) of the demographic information;
- (D) that a program review may be requested by notifying the OCA Program Review Committee within 15=calendar days of the date the facility was notified of the substantiated findings;
- (E) that additional information for consideration by the OCA Program Review Committee may be provided with the request for a program review; and
- (F) that failure to request a program review in a timely manner may result in the finding becoming final and waives any right for the facility to request consideration of the finding in the future.

(2) **Review procedure.** The review procedures for a request for program review by an OJA facility follow the procedures found in (c) of this Section.

310:678-3-10. Reconsideration process for substantiated findings of vulnerable adult maltreatment in ~~Office of Client Advocacy (OCA) investigations and~~ OCA investigations and OKDHS Community Services Worker Registry (CSWR) procedures [AMENDED]

(a) Notice of Reconsideration process for substantiated findings of vulnerable adult maltreatment by vulnerable adult caretakers (VAC) not eligible for CSWR placement.

(1) The OCA administrative programs officer (APO) or designee sends the VAC a notification of findings of vulnerable adult abuse/neglect and request for reconsideration within 10=calendar days of approval of a substantiated investigation finding by the OCA programs manager or supervisor.

(2) The notification of findings informs the VAC of:

- (A) any substantiated vulnerable adult abuse or neglect findings in the investigation;
- (B) the abuse or neglect referral, allegations, and findings dates;
- (C) demographic Information; and

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(D) instructions regarding the request for reconsideration, specifying that:

- (i) the VAC may request reconsideration by mailing a request to the OCA Reconsideration Committee within 20=calendar days of the date the notification of findings was sent;
- (ii) the VAC has the right to provide additional written documentation to support a change of finding within 20=calendar days of the mailing date of the notification of findings.
- (iii) if the VAC requests an attorney be notified of the determination results, verification of representation must first be established via submission of a statement of representation from the attorney on his or her official letterhead; and
- (iv) failure to submit a request for reconsideration within 20=calendar days of the date the notification of findings was sent may result in the finding becoming final. In this case, the VAC may only contest the finding upon a showing of good cause.

(3) The notification of findings does not include the reporting party's identity.

(b) Review procedure for substantiated findings of vulnerable adult maltreatment by VAC not eligible for CSWR placement.

(1) When the VAC requests reconsideration, within 45=calendar days of accepting the request, the OCA Reconsideration Committee determines whether the substantiated maltreatment finding is supported by a preponderance of the evidence and meets the relevant definition, per ~~Section 43A O.S. § 10-103 of Title 43A of the Oklahoma Statutes (43A O.S. § 10-103).~~

(2) If the VAC does not request reconsideration, within 45=calendar days of the date the notification of findings was sent, the OCA Reconsideration Committee determines whether the substantiated finding is supported by a preponderance of the evidence and meets the relevant definition, per 43A O.S. § 10-103.

(3) Regardless of whether reconsideration is requested:

(A) the decision to uphold, modify, or reverse the investigative finding or to remand for further investigation is made by reviewing:

- (i) the Report to District Attorney, including attachments and relevant OCA documentation, OCA history, Adult Protective Services (APS) history, criminal history, and referral history; and
- (ii) any written documents submitted by the VAC;

(B) to ensure that no conflict of interest exists, individuals with direct decision-making power regarding a case are not authorized to vote in connection with its reconsideration, and recuse themselves;

(C) the OCA Reconsideration Committee emails the APO its decision to uphold, modify, or reverse the finding; and

(D) within 15=calendar days of the OCA Reconsideration Committee's decision, the APO or designee provides notification to the:

- (i) VAC;
- (ii) advocate general;
- (iii) programs administrator;
- (iv) programs manager;
- (v) OCA social services inspector;
- (vi) district attorney's office in the county where the finding originated;
- (vii) OKDHS Developmental Disabilities Services (DDS), when applicable;
- (viii) OKDHS Aging Services (AS), when applicable;
- (ix) facility administrator; and
- (x) guardian for the vulnerable adult, when applicable.

(c) Notice of reconsideration process for substantiated findings of vulnerable adult maltreatment by community services worker (CSW)s eligible for CSWR placement.

(1) The OCA APO or designee sends the CSW a notification of findings of vulnerable adult abuse/neglect and request for reconsideration within 10=calendar days of a substantiated investigation finding approval by the OCA programs manager or supervisor.

(2) The CSW may be added to the CSWR when ~~Oklahoma Human Services (OKDHS)~~ sent proper notice:

- (A) to his or her last known address by certified mail, return receipt requested, and regular mail;
- (B) to his or her email as provided to OKDHS; or
- (C) as provided in (l) of this Section.

(3) The notice informs the CSW of:

- (A) the dates of the abuse or neglect referral, allegation, and finding; and
- (B) instructions regarding the request for reconsideration, specifying that:

- (i) he or she may request reconsideration of the investigative findings by submitting a detailed written statement with the request within 20=calendar days of the mailing date of the notice;
- (ii) he or she has the right to provide additional written documentation to support a change of finding within 20=calendar days of the mailing date of the findings letter;
- (iii) that when a VAC requests an attorney be notified of the determination results, verification of representation must first be established via submission of a statement of representation from the attorney on his or her official letterhead; and
- (iv) absent good cause shown, failure by the CSW to submit a request for reconsideration within 20=calendar days of the mailing date of the notice:

- (I) may result in the finding becoming final;
- (II) waives the right to further administrative or judicial review; and
- (III) authorizes entry of his or her name in the CSWR and disclosure, per ~~Oklahoma Administrative Code (OAC) 340:100-3-39~~, to any person requesting such information.

(4) The notice does not contain the reporting party's identity.

(d) Review procedure for substantiated findings of vulnerable adult maltreatment by CSWs eligible for CSWR placement.

- (1) If the CSW requests reconsideration, within 20=calendar days of the date the notification of findings was sent, the OCA Reconsideration Committee determines whether the substantiated maltreatment finding is supported by a preponderance of the evidence and meets the relevant definition, per 43A O.S. §10-103.
- (2) If the CSW does not request reconsideration, within 20=calendar days of the date the notification of findings was sent, the OCA Reconsideration Committee determines whether the substantiated finding is supported by a preponderance of the evidence and meets the relevant definition, per 43A O.S. § 10-103.
- (3) Regardless of whether reconsideration is requested:
 - (A) the decision to uphold, modify, or reverse the investigative finding or to remand for further investigation is made by reviewing:
 - (i) the Report to District Attorney, including attachments and relevant OCA documentation, OCA history, APS history, criminal history, and referral history; and
 - (ii) any written documents submitted by the CSW;
 - (B) to ensure that no conflict of interest exists, individuals with direct decision-making power regarding a case are not authorized to vote in connection with its reconsideration, and recuse themselves;
 - (C) the OCA Reconsideration Committee informs the APO by email of its decision to uphold, modify, or reverse the finding; and
 - (D) within 15=calendar days of the OCA Reconsideration Committee's decision the APO or designee provides notification to the:
 - (i) CSW;
 - (ii) advocate general;
 - (iii) programs administrator;
 - (iv) programs manager;
 - (v) OCA social services inspector;
 - (vi) district attorney's office in the county where the finding originated;
 - (vii) DDS, when applicable;
 - (viii) child care services (CCS), when applicable;
 - (ix) AS, when applicable;
 - (x) facility administrator; and
 - (xi) guardian for the vulnerable adult, when applicable.

(e) Upheld substantiated findings for CSWs eligible for CSWR placement.

- (1) When the OCA Reconsideration Committee makes a determination to uphold a substantiated finding of maltreatment of a vulnerable adult by a CSW eligible for CSWR placement, the OCA Reconsideration Committee immediately conducts a CSWR review to determine potential registry placement based on criteria in (A) and (B) of this paragraph. Whether the CSW's wrongful conduct:
 - (A) results in, or creates a substantial risk of serious physical or emotional injury to a service recipient; or
 - (B) was the result of intentional, willful, or reckless disregard for the service recipient's health or safety.

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(2) When the OCA Reconsideration Committee upholds a substantiated finding under a preponderance of the evidence standard, but the CSW's conduct does not meet the criteria required for potential registry placement, the committee chair notifies the APO.

(3) The APO or designee provides written notification of the reconsideration determination within 15=calendar days of the decision. This time period runs concurrent with the 15=calendar day deadline for sending notice of the reconsideration results. The notice is provided to the:

- (A) CSW;
- (B) advocate general;
- (C) programs administrator;
- (D) programs manager;
- (E) OCA social services inspector;
- (F) district attorney's office in the county where the finding originated;
- (G) DDS, when applicable;
- (H) CCS, when applicable;
- (I) AS, when applicable;
- (J) facility administrator; and
- (K) guardian for the vulnerable adult, if applicable.

(4) When the registry review affirms or modifies the findings and determines the CSW warrants potential placement on the CSWR, the OCA APO notifies OKDHS Legal Services (LS).

(5) OKDHS LS has prosecutorial discretion and determines whether to pursue CSWR placement.

(A) When OKDHS LS decides not to pursue CSWR placement, LS staff sends a Determination Letter to the CSW, copied to the OCA APO, and OCA takes no further action.

(B) When OKDHS LS staff decides to pursue CSWR placement, LS staff notifies the OCA APO or designee. The APO then notifies the CSW, as provided in (c)(2) of this Section that:

- (i) if the CSW is aggrieved by the decision, an administrative hearing may be requested in writing via mail sent to OKDHS within 20=calendar days of the date the reconsideration decision was sent; and
- (ii) absent a finding of good cause by an administrative law judge (ALJ), the failure to timely request a hearing:
 - (I) results in the reconsideration decision becoming final;
 - (II) waives any right to an administrative hearing or judicial review; and
 - (III) authorizes entry of the CSW's name in the CSWR, and disclosure to any person requesting the information per this subsection.

(f) **Hearing Notice.** When the CSW submits a timely written request for hearing, or upon the ALJ finding of good cause for a request that was not timely, OKDHS LS sends a hearing notice as provided in (c)(2) of this Section within 10=business days of receipt of the request. The hearing notice is dated and states:

- (1) the administrative law judge's (ALJ) name;
- (2) the hearing date and time;
- (3) the street and city address and room number where the hearing is scheduled;
- (4) that his or her failure to attend the hearing, absent a finding of good cause by an ALJ:
 - (A) waives any right to either an administrative hearing or judicial review; and
 - (B) authorizes entry of his or her name in the CSWR, and disclosure to any person requesting the information, per OAC 340:100-3-39;
- (5) the CSW may be represented by an attorney;
- (6) requests by the CSW or his or her attorney for witnesses or records, relevant to the proceeding must be directed to OKDHS LS staff, who forward requests to the relevant persons, OKDHS programs, and provider, per OAC 340:100-3-39; and
- (7) a final proposed list of evidence, witnesses, and summary of anticipated testimony must be submitted to the administrative law judge designated on the notice of hearing at least 10=calendar days prior to the hearing.

(g) **Hearing.**

- (1) The hearing is:
 - (A) held no earlier than 15=calendar days and no later than 90=calendar days after the date the request for hearing was received by OKDHS. Upon request by the CSW or OKDHS, and for good cause shown, a hearing may be held more than 90=calendar days after the date the request for hearing was received by OKDHS, when approved by the ALJ;
 - (B) closed and all information presented therein is confidential; and

(C) audio recorded.

(2) The CSW or his or her attorney is allowed to cross-examine witnesses called by the OKDHS attorney, who is allowed to cross-examine any witnesses called by the CSW or his or her attorney.

(3) The ALJ has final decision on the specific persons allowed to testify, the scope of direct testimony and cross-examination, and admissibility of exhibits, except all OKDHS and provider records pertaining to a finding of confirmed maltreatment are admissible.

(4) The formal rules of evidence and procedure under Oklahoma law are not controlling, the burden of persuasion and initially coming forward with evidence is on OKDHS through its attorney, and the standard of proof is clear and convincing evidence.

(h) **Hearing decision.** A written decision by the ALJ:

(1) is issued placing the CSW on the CSWR when the ALJ finds by clear and convincing evidence that maltreatment occurred. Despite a finding by the ALJ that maltreatment occurred, the CSW is not added to the CSWR when the ALJ makes a finding that the ~~the~~ act or omission that is the basis for the confirmed finding either:

(A) did not result in, or create a substantial risk of, serious physical or emotional injury to a vulnerable adult; or

(B) was not the result of intentional, willful, or reckless disregard for the service recipient's health or safety;

(2) is issued denying placement of the CSW on the CSWR if the ALJ finds that there is not clear and convincing evidence that maltreatment occurred;

(3) contains findings of fact and conclusions of law;

(4) contains appeal rights, the action required to appeal, and the time within which such actions must be taken;

(5) is issued within 30-calendar days of the hearing; and

(6) is sent to the CSW by certified mail, return receipt requested or email as applicable no later than the third business day following the date the decision is signed by the ALJ.

(i) **Appeal rights.** A CSW aggrieved by a decision of the ALJ may seek judicial review of the decision. A judicial review, based solely on the administrative record, may be initiated by filing a petition in the Oklahoma district court with jurisdiction within 30-calendar days from the date the decision is signed by the administrative law judge, per 56 O.S. § 1025.3 and 75 O.S. § 318. A copy of the petition and summons filed in district court must be served on OKDHS LS.

(j) **Request for CSWR removal.** A registrant may request removal after 60 months from the date of placement on the CSWR. A request for removal from the CSWR is forwarded to the OCA Reconsideration Committee. The OCA Reconsideration Committee makes a determination within 30-calendar days of receipt of the CSW's request.

(1) Criteria considered for removal includes, but are not limited to:

(A) the individual's age at the time of the offense(s);

(B) the number and types of maltreatment incidents for which the individual has findings made against them;

(C) the circumstances surrounding the maltreatment incident demonstrating willful intent;

(D) the likelihood the individual will maltreat again;

(E) other documentation submitted indicating the vulnerable adult's health, safety, and well-being are, or are not endangered;

(F) a current criminal background review, conducted within 30-calendar days of the date of the removal request;

(G) work and training histories, since registration;

(H) a personal statement of rehabilitative efforts; and

(I) the length of time on the CSWR.

(2) A decision to remove a registrant from the CSWR is based on an OCA Reconsideration Committee majority decision.

(3) OCA Reconsideration Committee staff notifies the registrant of the OCA Reconsideration Committee decision.

(k) **Service.** If ~~Form 15IV004E~~, the prescribed Address Information Notice Form is not obtained during the investigative process found in ~~OAC 340-2-3-36.1~~ 310:678-3-5. OKDHS may obtain service on a CSW by any means authorized by the Rules for the District Courts of Oklahoma as found in ~~Title 12 of the Oklahoma Statutes~~ (12 O.S. § Rule 1, et. seq.).

SUBCHAPTER 5. GRIEVANCES

310:678-5-1. Grievance system protocols [AMENDED]

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(a) **Legal authority, scope, and purpose.**

(1) **Legal authority.**

(A) Per Sections 1-9-112 and 1-9-120 of Title 10A of the Oklahoma Statutes (10A O.S. §§ 1-9-112 and 1-9-120), the Office of Client Advocacy (OCA) established and maintains a fair, simple, and expeditious grievance system for resolution of grievances of:

(i) all children in the custody of ~~Oklahoma Human Services~~ (OKDHS) custody regarding:

(I) the substance or application of any written or unwritten OKDHS policy or rule by OKDHS or an OKDHS agent; or

(II) any decision or action by an employee or agent of OKDHS, or of any child in the custody of OKDHS;

(ii) foster parents relating to the provision of foster care services, per 10A O.S. §§ 1-9-112 and 1-9-117;

(iii) all persons receiving services from OKDHS Developmental Disabilities Services (DDS); or

(iv) any child being served by OKDHS Child Welfare Services (CWS), per 10A O.S. § 1-9-119.1.

(B) 10 O.S. § 1415.1(A)(2) requires that OKDHS establish an ombudsman program for each OKDHS-operated institution and residential facility for individuals with intellectual disabilities that include an appeals procedure for the resolution of grievances and complaints of residents, their parents, and court-appointed guardians. OKDHS conferred this responsibility on OCA.

(C) OKDHS conferred OCA with the responsibility for grievance systems for other clients listed in (2) of this subsection.

(2) **Scope.** OCA administers and monitors grievance programs for the individuals listed in (A) through (G) of this paragraph, collectively referred to as the "client" throughout this Section and ~~Oklahoma Administrative Code (OAC) 340:2-3-46~~310:678-5-2. Further grievance details for:

(A) any child served by OKDHS CWS is found at: OAC ~~340:2-3-47~~310:678-5-3;

(B) OKDHS-approved foster parents are found at: OAC ~~340:2-3-50~~310:678-5-4;

(C) Robert M. Greer Center (Greer) residents are found at: OAC ~~340:2-3-51~~310:678-5-5;

(D) Hissom Class Members and persons who are transitioned to the community from state-run facilities are found at OAC: ~~340:2-3-52~~310:678-5-6;

(E) DDS clients receiving community-based services from DDS are found at: OAC ~~340:2-3-53~~310:678-5-7;

(F) residents of group homes for persons with developmental or physical disabilities subject to 10 O.S. §§ 1430.1 et seq. are found at: OAC ~~340:2-3-54~~310:678-5-8; and

(G) clients receiving OKDHS services who want to file a grievance about a problem, concern, or complaint for which another grievance system within OKDHS does not exist are found at: OAC ~~340:2-3-55~~310:678-5-9.

(3) **Purpose.** The purpose of OCA grievance policies is to provide clients a fair, simple, effective, and timely system of problem resolution with access to procedures where clients may obtain a thorough review, fair consideration, and correction, when appropriate. These policies also ensure that persons filing grievances are free from reprisal or discrimination. To further this purpose, OCA independently reviews and monitors the implementation of grievance systems subject to this Section.

(4) **Informal problem resolution.** Clients have the right to file grievances; however, resolving problems and concerns informally before filing a grievance is encouraged. Not all client inquiries and requests for explanation are considered grievances. Most are resolved within the relationship between clients and OKDHS, providers, and facility staff. Efforts are made to resolve issues and reach a consensus with the client on a plan of action to resolve the problem informally unless the client chooses to proceed directly to the grievance process.

(b) **Definitions.** In addition to the definitions in OAC ~~340:2-3-23~~310:678-1-2, the following words and terms when used in OAC ~~340:2-3-45~~ through ~~340:2-3-55~~, Subchapter 5 shall have the following meanings, unless the context clearly indicates otherwise:

(1) **"Area manager"** means a manager of one of the three service delivery areas, designated by OKDHS DDS.

(2) **"Business day"** means Monday through Friday, not including federal or state holidays.

(3) **"Child-placing agency"** means an agency that arranges for, or places a child in a foster family home, group home, adoptive home, or successful adulthood program, per 10A O.S. § 1-1-105.

(4) **"Client"** means any of the individuals listed in (a) of this Section, on whose behalf OCA maintains a grievance system.

(5) "**Complaint**" means a report communicating a grievance, concern, or perceived harm, submitted by phone, email, or in writing by the foster parent or child being served by CWS to the Oklahoma Commission on Children and Youth Office of Juvenile System Oversight (OJSO). If not submitted in writing, the complaint is entered into the written format established by OCA and OJSO.

(6) "**Contested grievance**" means a grievance that was not resolved at the local level (first and second levels), and at the request of the grievant or decision-maker, is submitted to a higher authority for response.

(7) "**Decision-maker**" means the person with authority to decide to accept a proposed resolution at each level of the grievance process set forth in ~~OAC 340:2-3-45 through 340:2-3-55~~ Subchapter 5; typically, the client who filed the grievance or on whose behalf a grievance was filed. For clients unable to advocate for themselves, such as young children and persons with severe cognitive limitations, the decision-maker is a person who speaks on the client's behalf, depending on the circumstances and the nature of the decision.

(A) With regard to minors, the decision-maker includes, but is not be limited to, a parent, guardian, guardian ad litem, foster parent, or court-appointed legal custodian.

(B) With regard to adult DDS clients, the decision-maker may be a guardian or the client's personal support team.

(C) When the grievant is not the decision-maker, the local grievance coordinator (LGC) does not inform the grievant when the proposed resolution is issued or if it was accepted or rejected. The decision-maker may share this information with the person grieving on behalf of the client.

(8) "**Deputy director**" means a director of one of the five regional delivery areas designated by OKDHS CWS.

(9) "**District director**" means a director of a district within one of the regional delivery areas, designated by OKDHS CWS.

(10) "**Due date**" means the date a response or action is required, such as the date a respondent must respond to a grievance. When calculating the due date, the first day of the period computed is not included and only business days are included. When the last day of the period computed is a Saturday, Sunday, or legal holiday, the period runs until the end of the next business day.

(11) "**Email**" communication with OCA or with the advocate general means an email sent to the email address: oca.grievances@okdhs.org or oca.grievances@health.ok.gov.

(12) "**Grievance**" means a problem or concern, including a complaint of unfair treatment, that an individual needs assistance in resolving.

(13) "**Grievant**" means a client or the person who files a grievance on behalf of a client.

(14) "**Local grievance coordinator**" or "**LGC**" means regarding:

(A) children who live in a residential facility, the individual designated by the facility as its grievance coordinator;

(B) DDS Greer clients or the OCA advocate assigned to the facility;

(C) DDS clients who are pursuing a grievance with a provider of residential, vocational, or in-home supports, the individual designated by the provider as its grievance coordinator; and

(D) other DDS clients, the applicable DDS area manager, or the area manager's designee.

(15) "**OCA grievance liaison**" means the individual(s) designated by the advocate general to coordinate and monitor contested grievances and local grievance programs.

(16) "**Respondent**" means the person at each level in the grievance process, who has the responsibility for reviewing the grievance and proposing a resolution to resolve the grievance.

(c) Grievances: general principles.

(1) An unresolved problem, concern, complaint, or dispute is processed as a grievance. When a client verbally communicates a complaint to an OKDHS employee or a facility or provider employee that is not resolved, the client is informed of the right to have the problem or concern processed as a grievance. At the client's request, the OKDHS employee or a facility or provider employee prepares a written statement of the client's complaint or refers him or her to the local grievance coordinator for assistance.

(A) **Facility or provider grievances.** The subject of a facility grievance or a provider grievance includes:

(i) the substance or application of policy, rule, or regulation, written or unwritten, of a facility, agency, or provider that contracts with OKDHS or a child-placing agency; or

(ii) a decision, act, or omission of an employee, agent, or contractor of such a facility, agency, or provider, or any client residing in the same placement setting.

(B) **OKDHS grievances.** The subject of an OKDHS grievance includes:

(i) the substance or application of policy, rule, or regulation, of OKDHS or a child-placing agency;

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- (ii) a decision, act, or omission of an employee; and includes case managers, child welfare specialists, and county office employees; or
- (iii) a facility grievance filed by a Greer resident.

(2) **Summary dispositions.** When a grievance is submitted and it falls into subparagraphs (A) through (K) of this paragraph, when appropriate, the LGC contacts the client to provide assistance to the client, as needed, in rewriting the grievance to state the problem(s) or concern(s) the client wants to grieve. When it is determined the client is asking to grieve a problem or concern covered by any of the categories in (A) through (K) of this paragraph, the LGC informs the client why the grievance is not being processed, using the applicable prescribed form(s) approved by OSDH-Forms 15GR012E, Notice of Summary Disposition of Grievance - DHS County Offices; 15GR013E, Notice of Summary Disposition of Facility Grievance; 15GR014E, Notice of Summary Disposition of Grievance - Developmental Disabilities Services (DDS) Clients; 15GR015E, Notice of Summary Disposition of Developmental Disabilities Services (DDS) Provider Grievance; as applicable. Notices of Summary Disposition for an approved Foster Parent are located at OAC 340:2-3-50. The LGC writes the reason on the bottom of Form 15GR001P (paper version) or 15GR001E (electronic version); applicable prescribed Grievance Form approved by OSDH, and dates and signs the form. The grievance is logged ~~on Form 15GR009E; Grievance Tracking Log by the LGC.~~ The form used to notify the grievant, with a copy of the grievance form, is sent within three business days to the advocate general for review, and the original is filed in the grievance file. Within three business days of receipt, the OCA grievance coordinator reviews the grievance. When the OCA grievance liaison determines the grievance was improperly given a summary disposition, the OCA grievance liaison informs the LGC who immediately processes the grievance. When the OCA grievance liaison concurs with the summary disposition, the OCA grievance liaison informs the LGC in writing. When the complaint was filed by, or on behalf of a child being served by CWS, or by a foster parent, the client is informed the grievance is not being processed and the reason why, ~~per OAC 340:2-3-47 and 340:2-3-50.~~

(A) **Untimely grievances.** A grievance not timely filed, ~~per OAC 340:2-3-45(g),~~ may be accepted and processed when good cause exists for the delay in filing the grievance. There are no time limits for filing grievances on behalf of individuals served by OKDHS DDS.

(B) **Discrimination based on race, color, national origin, sex, age, religion, or disability, unless authorized by law.** When a grievance alleges discrimination or other civil rights matters, the client is referred to the OKDHS Office for Civil Rights (OCR) and the LGC immediately forwards the grievance to the OKDHS OCR administrator and informs the grievant.

(C) **A moot problem.** A moot problem is one that was decided or settled, or one that has no practical resolution, such as a placement grievance with regard to a child who is no longer in OKDHS custody or a grievance with regard to an event that is now in the past, or when the dispute is unlikely to occur again with regard to this client.

(D) **Duplicate grievances.** A grievance that duplicates another pending grievance in the same grievance system by, or on behalf of the client involving the same incident or problem, is a duplicative grievance.

(E) **Requests that violate laws.** A grievance that requests an action that violates federal or state law.

(F) **Collateral complaint.** A collateral complaint does not involve a problem concerning the client who filed or on whose behalf the grievance was filed.

(G) **Remote grievances.** When the grievance requires action by an individual or an entity outside of OKDHS authority or control, such as a grievance about the action of a public school teacher, a guardian, or a physician in private practice. In these situations, the LGC assists the grievant with external grievance or complaint systems that may be available.

(H) **Pending proceedings.** When the grievance involves a matter that is the subject of a court or administrative hearing decision, pending civil, criminal, or administrative proceeding, or is the subject of a pending OCA, Office of Inspector General, or CWS investigation.

(I) **Investigation findings.** Investigation results regarding abuse, neglect, verbal abuse, caretaker misconduct, or exploitation cannot be grieved.

(J) **Fair hearing decisions.** The fair hearing results cannot be grieved.

(K) **Frivolous grievances.** A frivolous grievance does not state a substantive complaint or problem. Before declining a grievance of this nature, the LGC contacts the grievant to inquire if he or she needs assistance in submitting a substantive grievance.

(3) **Documenting exclusions.** When a grievance is submitted and it falls into an excluded category listed in (2) of this subsection, the LGC dates and signs ~~Form 15GR001P as received;~~ the prescribed form(s) approved by OSDH and notes on the form the reason he or she does not process it. The grievant is informed of the reason and decision. The grievance is ~~logged on Form 15GR009E and is~~ filed in the client's grievance file. The LGC sends

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copies of Form 15GR001P (paper version) or 15GR0014E (electronic version) the applicable prescribed Grievance Form(s) approved by OSDH and the applicable Notice of Summary Disposition to the advocate general or the advocate general's designee for review.

(4) **Who may file a grievance.** A grievance may be filed by any client listed in (a) of this Section. A grievance may also be filed on a client's behalf, by any person who knows the client and is interested in his or her welfare including, but not limited to, a parent, guardian, relative, foster parent, court appointed special advocate, guardian ad litem, case manager, personal support team member, job coach, or others, including OKDHS and residential, in-home supports, and vocational provider employees.

(5) **Group grievances.** Grievants whose complaints address the same issue(s) may file a group grievance. At any time during the group grievance process, an individual grievant may withdraw. When separate grievances are filed by two or more grievants, regarding an identical complaint, the grievants' interests are identical, and the grievants do not object, a LGC can combine the grievances for processing as a group, provided this does not unduly delay the processing of a particular grievance. When multiple grievances are grouped for processing, the LGC informs each grievant. When a group grievance is filed, the LGC may ask the grievants to designate a spokesperson for the group in writing.

(6) **Grievances involving reportable incidents.** When a grievance alleges a reportable incident including, but not limited to, facts that may constitute abuse, neglect, exploitation, or caretaker misconduct, ~~per OAC 340:2-3-2;~~ the LGC immediately reports the allegation to the Centralized Abuse and Neglect Hotline for children or to the OCA intake for vulnerable adults. A grievance involving a reportable incident may be processed during a pending investigation provided the grievance does not interfere with the investigation and as needed, is held in abeyance pending the investigation's conclusion. When the grievance alleges additional facts that do not constitute abuse, neglect, exploitation, or caretaker misconduct, the grievance is processed as to those facts. The LGC contacts OCA and other law enforcement agencies investigating the matter to coordinate grievance processing.

(d) **Required provider and facility grievance policies.** Every provider and facility providing services to a client living in Oklahoma, is required to operate a system for grievance resolution by clients, using policies and procedures meeting the requirements of this Part. This Section does not apply to foster parents.

(1) **LGC designation.**

(A) Every public and private facility and provider subject to, ~~OAC 340:2-3-45 through 340:2-3-55~~ Subchapter 5, every OKDHS county office, and every DDS area office designates an employee to serve as LGC to carry out the responsibilities described in this Section. Facilities and providers inform the advocate general of the name, phone number, mailing and email addresses of its LGC, and of changes to the information within 30_ calendar days of the effective date of a change on ~~Form 15GR021E;~~ the prescribed form regarding Designation of Local Grievance Coordinator-Facilities and Provider Agencies approved by OSDH, and submit it to OCA. The OCA advocate assigned to Greer serves as the LGC for Greer. The LGC duties include:

- (i) implementing grievance policies and procedures;
- (ii) maintaining knowledge of and experience with the programs and functions of the facility, provider, county office, or DDS area office;
- (iii) impartial and independent administration of the grievance system;
- (iv) reporting directly to the facility administrator with regard to the LGC grievance duties and functions;
- (v) completing the online OCA Grievance Course within 60_ calendar days of LGC designation, and annually thereafter;
- (vi) meeting the two-business day deadline on client requests regarding how to file a grievance; and
- (vii) being accessible and available to meet with grievants in person.

(B) Each facility, provider, OKDHS county office, and DDS area office subject to this Part displays, in a conspicuous place readily accessible to clients, a poster notifying clients of the grievance system and the name of its LGC, using the appropriate form.

(2) **Advocate general or designee review of grievance programs.** The grievance system operated by each facility and provider, per ~~OAC 340:2-3-45 through 340:2-3-55~~ Subchapter 5, is subject to advocate general approval. Each provider and facility is required to submit its grievance policies, procedures, forms, and adopted revisions, with proof that the policies or revisions were approved by the applicable approving authority, typically the facility's board of directors, to the advocate general. Revised policies are submitted to the advocate general for approval within 30_ calendar days of the provider or facility adopting the revised policy.

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(3) **Notifying clients of their grievance rights.** Each client covered by these grievance policies is notified of his or her grievance rights, using the applicable form. Notice is also provided to the guardian, when applicable. Hissom Class Members are provided notice, per OAC ~~340:2-3-523~~10:678-5-6. Each provider or facility provides the required notice annually. Providers are also encouraged to provide a simplified version of their grievance policies using language appropriate to the clients' age level and cognitive functioning.

(4) **Monitoring and evaluation.** OCA ensures the quality of grievance systems by establishing minimum standards and a monitoring program. The advocate general and OCA staff have immediate and unlimited access to clients, staff, facility files, records, and documents relating to grievance procedures and practices.

(5) **Reporting deficiencies.** An LGC, who becomes aware of a deficiency in a grievance system including a failure to follow or implement the grievance policy, must report it to the advocate general.

(6) **Advocate general deficiency report.** When the advocate general determines a deficiency exists in a facility's or agency provider's grievance system, the advocate general sends a deficiency report to the administrator and, when applicable, the State Office administrator.

(7) **Advocate general grievance.** The advocate general may, on behalf of any or all clients served by the grievance policy in this Section originate a grievance. An advocate general grievance is filed with the provider or facility administrator or with the State Office administrator and is processed as a contested grievance.

(8) **Advocate general report.**

(A) The advocate general may initiate an inquiry on behalf of any client served by the grievance policy in this Section regarding:

- (i) any aspect of client care that affects the quality of the client's life;
- (ii) the substance, application, or interpretation of a policy or rule, of a facility or agency that contracts with OKDHS or of a placement provider; or
- (iii) any decision, behavior, or action of an employee, agent, or OKDHS contractor, or of any client residing in the same placement setting.

(B) The person to whom the advocate general inquiry is addressed has seven business days to respond in writing to the advocate general.

(C) The advocate general issues a report that sets forth the inquiry subject matter, pertinent facts, and recommendations. An advocate general report is submitted to the provider or facility administrator, when applicable, and the State Office administrator. A copy is submitted to the OKDHS Director.

(e) **The grievance form.** A grievant files a grievance by obtaining ~~Form 15GR001P~~, the applicable prescribed form(s) approved by OSDH from the LGC, filling it out, and returning it to the LGC, or to the facility or to OKDHS staff, who immediately transmits it to the LGC. ~~A grievance may also be filed using electronic Form 15GR001E at <http://www.okdhs.org>.~~ The grievant submits the completed form to the OCA grievance unit at ~~oca.grievances@okdhs.org~~ oca.grievances@health.ok.gov. Within one business day of receipt of the grievance, OCA staff assigns a grievance number, sends it to the assigned LGC, and contacts the grievant. Approved kinship or foster parents and children being served by CWS contact OJSO to initiate a grievance.

(f) **Retaliation prohibited.** A person filing a grievance may not be retaliated or discriminated against or harassed in reprisal for filing a grievance, seeking advice, or inquiring about filing a grievance. Clients are encouraged to use available grievance systems and are not discouraged from filing a grievance. Allegations of retaliation, discrimination, or harassment made by foster parents are forwarded to the foster care ombudsman or designee. All allegations, made by other clients, of retaliation, discrimination, and harassment for filing a grievance, seeking advice, or inquiry about filing a grievance are reported to the OCA grievance unit and may result in an OCA investigation or an advocate general inquiry or grievance.

(g) **Grievance time limits.** Except for DDS clients, foster parents, and children being served by CWS, in order to be processed for action and resolution, a grievance must be filed within 15 ~~business~~ business days of the date of the incident, decision, act, or omission complained about in the grievance, or within 15 ~~business~~ business days of the date the grievant becomes aware of, or with reasonable effort, should have become aware of a grievable issue. The LGC may extend the time limit for filing a grievance. Time limits for filing grievances for children being served by CWS and foster parent are found in OAC ~~340:2-3-473~~10:678-5-3 and ~~340:2-3-503~~10:678-5-4 respectively.

(1) Filing and other time requirements contained in this Section are counted in ~~OKDHS~~ business days unless otherwise specified. In computing any time requirement, the day of the incident, decision, act, or omission at issue is not included. The next calendar day is the first day of the time requirement.

(2) When the LGC or a respondent fails to meet grievance processing time requirements without obtaining an extension, the LGC processes the grievance to the next step within three business days of the grievant's request.

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(3) Responses, notices, and other documents issued during the grievance process are delivered to the grievant in person or by mail at the grievant's last known address. A grievance is considered administratively resolved when a correctly addressed letter with proper postage is sent to the last known address of the grievant, and is returned undeliverable with no forwarding address.

(4) There is no time limit on allegations of abuse, neglect, verbal abuse, exploitation, or caretaker misconduct. When a grievance, timely or untimely, consists of such an allegation, the OCA Intake Unit or the Abuse and Neglect Hotline is immediately notified ~~per OAC 340:2-3-33~~.

(5) There are no time limits for grievances filed on behalf of individuals served by OKDHS DDS.

(h) Grievance records, logs, and quarterly reports. The LGC maintains an accurate and complete record of each grievance filed, as well as summary information about the number, nature, and outcome of all grievances. Grievance records are kept separate and apart from other client records and files. OKDHS grievance records and files are retained per federal and state laws governing record retention and destruction.

(1) Each LGC tracks grievances as they progress through the system and logs every OCA-numbered grievance form issued on ~~Form 15GR009E~~ the prescribed grievance logging form approved by OSDH. For grievances submitted by a client, ~~Form 15GR009E~~ the prescribed grievance logging form includes the:

- (A) grievance number;
- (B) name of the grievant given the form;
- (C) date the form was submitted by the grievant;
- (D) nature and outcome of the grievance;
- (E) date of final resolution; and
- (F) level where it was resolved.

(2) When ~~Form 15GR001P~~ the prescribed Grievance Form(s) approved by OSDH is provided to a client and not turned in, the facility tracks only the identification number copy of ~~Form 15GR001P~~ the form given to the client, the name of the client to whom the form was given, and the date it was given to the client. This information is tracked on ~~Form 15GR009E~~ the prescribed grievance logging form.

(3) Each LGC submits a quarterly grievance report, ~~Form 15GR010E, Quarterly Grievance Report~~, to the advocate general no later than the 21st day following the end of each calendar quarter using the prescribed form(s) approved by OSDH. ~~Quarterly reports are submitted by mail, fax, or emailed to: oca.grievances@okdhs.org~~. When grievance activity did not occur or was pending during a particular fiscal year quarter, the LGC indicates it on ~~Form 15GR010E~~ the applicable prescribed form(s) approved by OSDH.

(4) When a grievance becomes moot at any point during the grievance, the LGC may stop the grievance process and declare the grievance, administratively resolved. The LGC informs the grievant, notes it on ~~Forms 15GR001P or 15GR001E and 15GR009E~~ the prescribed Grievance Form(s) and prescribed logging form, and sends a copy of ~~Form 15GR001P or 15GR001E~~ the prescribed Grievance Form(s) and prescribed logging form to OCA with the next quarterly grievance report.

(i) Processing grievances. After completing ~~Form 15GR001P~~ the prescribed Grievance Form(s) approved by OSDH, the grievant submits the form directly to the LGC, other facility employee, lockbox, or OCA. When the grievant completes and submits ~~Form 15GR001E~~ the prescribed Grievance Form(s) electronically, the OCA grievance unit submits the grievance directly to the assigned LGC within one business day. Grievances of a child being served by CWS are processed, per OAC 340:2-3-47310:678-5-3. Foster parent grievances are processed per OAC 340:2-3-50310:678-5-4.

(j) Informal resolution of grievance. When the LGC can promptly resolve the grievance to the grievant's satisfaction without further processing, the LGC fills out the ~~bottom of Form 15GR001P or 15GR001E~~ the applicable prescribed form approved by OSDH, signs it, and files it in the appropriate grievance file.

(k) First level problem resolution. Within three business days of receipt of ~~Form 15GR001P or 15GR001E~~ the prescribed Grievance Form, when the grievance is not resolved to the decision-maker's satisfaction, the LGC fills out ~~Form 15GR002E~~ the prescribed Local Grievance Coordinator (LGC) Worksheet.

(1) The LGC identifies who has the authority to provide the quickest and surest resolution to the problem at the lowest level in the organizational structure. For adults receiving services from DDS, the first level respondent may be the DDS case manager supervisor.

(2) The LGC completes the ~~first box in the first level section on Form 15GR002E~~ prescribed LGC Worksheet, attaches corresponding ~~Form 15GR001P or 15GR001E~~ Grievance Form, and other relevant documentation and information, and submits it to the first level respondent, by the most efficient means practicable, within three= business days of receipt of the grievance from the grievant.

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(3) The first level respondent responds to the grievance within five-business days of receipt of ~~Form 15GR002E~~ the LGC Worksheet by completing the second box in the first level section on ~~Form 15GR002E~~. When the proposed resolution contains a promise of some future action, a target date is specified for full implementation of that future action. The grievant may contest the target date by proceeding to the second problem resolution level.

(4) The LGC monitors the timely response by the first level respondent. When a complete response is not timely received by the LGC, the LGC notes this on ~~Form 15GR002E~~ the LGC Worksheet, and the grievance immediately proceeds to the second problem resolution level.

(5) Within three-business days of receipt of the first level response, the LGC or the LGC's designee contacts the decision-maker to inform the decision-maker of the proposed resolution, the right to take the grievance to the second problem resolution level, and determines if the decision-maker is satisfied with the proposed resolution. The first level respondent may meet with the decision-maker with or without the LGC present. The LGC is responsible for informing the decision-maker that he or she has three-business days to accept or appeal the respondent's proposed resolution. When a decision is not communicated to the LGC within three-business days, the decision-maker is deemed to have accepted the proposed resolution.

(6) When the decision-maker is satisfied with the proposed resolution, the LGC indicates his or her acceptance on ~~Form 15GR002E~~ the LGC Worksheet, notifies those responsible for grievance resolution, and places the form in the grievance file.

(7) When the proposed resolution has been accepted by the decision-maker, but involves a future target date, the LGC monitors compliance with the target date. If the LGC determines that the resolution was not achieved by the target date, the LGC immediately reopens the grievance and processes it for the second problem resolution level.

(8) When the decision-maker does not accept the proposed resolution and elects to take the grievance to the second problem resolution level, the LGC processes the grievance for the second problem resolution level per (l) of this Section.

(l) Second level problem resolution.

(1) When the grievance is not resolved at the first problem resolution level, the LGC processes it per this subsection within three-business days of the grievant requesting the second problem resolution level, per (k) of this Section.

(2) The LGC ~~fills out the first box in the second level section on Form 15GR002E~~ documents the necessary information in the LGC Worksheet, ensures the corresponding ~~Form 15GR001P (paper version) or 15GR001E (electronic version)~~ Grievance Form(s) and other relevant documents are attached, and immediately submits it to the second level respondent. For facilities and providers subject to these rules, the administrator or the administrator's designee is the second level respondent. For OKDHS grievances, the OKDHS district director or the DDS area manager, as applicable, is the second level respondent. However, when the district director was the first level respondent, then the second level respondent is the applicable deputy director or the deputy director's designee. When the provider administrator or DDS area manager is the first level respondent, the second level review is bypassed and processed as a contested grievance; per OAC ~~340:2-3-46310:678-5-2~~.

(3) The administrator or the administrator's designee responds to the grievance within seven-business days of receipt of ~~Form 15GR002E~~ the LGC Worksheet by completing the ~~applicable box in the second level section(s)~~. When the proposed resolution contains a promise of some future action, a target date is specified for full implementation of that future action.

(4) The second level respondent for a placement grievance regarding a specific foster child is the applicable deputy director or the deputy director's designee.

(5) The LGC monitors the timely response by the respondent. When a complete response is not timely received by the LGC, the LGC notes this on ~~Form 15GR002E~~ the LGC Worksheet and the grievance immediately is processed as a contested grievance. A contested OKDHS grievance is processed, per OAC ~~340:2-3-46310:678-5-2~~. Contested facility grievances are processed per (m) of this Section.

(6) Within three-business days of receipt of the second level response, the LGC or the LGC's designee contacts the decision-maker to inform him or her of the proposed resolution, the right to contest the response to the grievance, and determines if the decision-maker is satisfied with the proposed resolution. The LGC is responsible for informing the decision-maker that he or she has three-business days to accept or appeal the respondent's proposed resolution. When no decision is communicated to the LGC within three-business days, the grievant is deemed to have accepted the proposed resolution.

(7) When the decision-maker is satisfied with the proposed resolution, the LGC documents the decision-maker's acceptance on ~~Form 15GR002E~~ the LGC Worksheet, notifies those responsible for resolution of the grievance, and places ~~Form 15GR002E~~ the LGC Worksheet in the grievance file.

(8) When the proposed resolution is accepted by the decision-maker, but involves a future target date, the LGC monitors compliance with the target date. When the LGC determines the resolution was not completed by the target date, the LGC immediately reopens the grievance and processes it as a contested grievance.

(9) When the decision-maker does not accept the proposed resolution and elects to contest the response, a contested OKDHS grievance is processed, per OAC ~~340:2-3-46~~310:678-5-2. Contested facility or provider grievances are processed per (m) of this Section.

(m) **Contested facility or provider grievances.** When the decision-maker does not accept the proposed resolution or the target date of the second level proposed resolution, a facility or provider grievance is appealed to the chair of the board of directors of the facility or provider or an appeals committee designated by the board. This Section does not apply to grievances of Hissom Class Members or individuals who previously resided at NORCE or SORC after November 1, 2012.

(1) The LGC transmits a contested facility or provider grievance to the chair of the board of directors of the facility or provider, or an appeals committee designated by the board, within three-business days of notice that the decision-maker does not accept the proposed resolution and is contesting it.

(2) In reviewing the contested grievance, the board of directors, or appeals committee if applicable, is not required to conduct an evidentiary hearing or hear argument. In the event the board determines evidentiary hearing evidence would assist in resolving the grievance, the board has the option of conducting an informal hearing.

(3) Within 10-business days of receipt of a contested grievance, the chair of the board of directors or the appeals committee responds by submitting a written decision to the LGC.

(4) Within three-business days of receipt of the written decision of the chair of the board of directors or the appeals committee, the LGC informs the decision-maker of the decision and provides the decision-maker with a copy of the board's decision. This concludes the grievance process and the grievant's administrative remedies have been exhausted.

(n) **Fast track grievances.** When an OKDHS grievance is such that time is of the essence, with the advocate general's or his or her designee's approval, a grievance can be submitted directly to the OCA grievance liaison for processing as a contested grievance, per OAC ~~340:2-3-46~~310:678-5-2. When a grievance involves a time-sensitive problem, the OCA grievance liaison may shorten the response time as circumstances warrant.

(o) **Communication with OCA.** Any notices, forms, or other information that facilities, providers, or OKDHS county offices are required to submit to OCA or to the advocate general are submitted by email at oca.grievances@okdhs.org or oca.grievances@health.ok.gov.

(p) **Grievance training required.** LGCs are required to take the OCA-approved grievance training within 60-calendar days of their appointments, and annually thereafter.

310:678-5-2. Contested grievances appealed to the State Office [AMENDED]

(a) **Application.** This Section describes the processes for contesting the second level response to Oklahoma Human Services (OKDHS) grievances,, and provider grievances of Hissom Class Members. For grievances of children being served by Child Welfare Services, refer to OAC ~~340:2-3-47~~310:678-5-3. For grievances of approved foster parents refer to Oklahoma Administrative Code (OAC) ~~340:2-3-50~~310:678-5-4.

(b) **Definitions.** The definitions in OAC ~~340:2-3-23~~310:678-1-2 and ~~340:2-3-45(b)~~310:678-5-1 apply to this Section unless the context clearly indicates otherwise.

(c) **Initiating the contested grievance.** When a decision-maker asks to appeal a grievance to the State Office administrator, within three-business days of notice of the request, the local grievance coordinator (LGC) transmits the grievance to the Office of Client Advocacy (OCA), Attention OCA grievance liaison, with ~~Form 15GR002E~~, the prescribed Local Grievance Coordinator (LGC) Worksheet, attaching the corresponding ~~Form 15GR001P (paper version) or 15GR001E (electronic version)~~; Grievance Form, and other documents and information relevant to the subject matter of the grievance.

(d) **Documentation requirements.** When ~~Form 15GR002E~~ the LGC Worksheet is submitted to OCA, attachments are:

(1) corresponding ~~Form 15GR001P or 15GR001E~~ Grievance Form(s);

(2) supporting facts relating to the proposed resolution by the second level respondent, including documentation relating to the first level and second level of problem resolution processes; and

(3) any written rule, policy, procedure, regulation, or other information relevant to the grievance subject matter.

(e) **OCA grievance processing.** Within three-business days following receipt of an OCA contested grievance, the OCA grievance liaison reviews the contested grievance and accompanying documentation and determines if additional information is necessary for disposition of the appeal. When information is missing, the OCA grievance liaison contacts the person(s) in possession of the needed information and sets deadlines for submission of the information by the most

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efficient means to avoid delays in processing the contested grievance.

(f) **Rejected grievances.** When OCA determines the subject matter of a grievance falls in one of the categories listed in OAC ~~340:2-3-45(c)(2)~~310:678-5-1(c)(2), the OCA grievance liaison returns the grievance to the LGC with a cover letter indicating the reason the grievance was not accepted for processing as a contested grievance. Within three-business days following receipt of the letter, the LGC contacts the grievant to inform the grievant of the status of the grievance.

(g) **OCA transmittal to State Office administrator.** Within three-business days following receipt of an OCA contested grievance and all documents required by (d) of this Section, the advocate general or the advocate general's designee prepares and sends ~~Form 15GR01E~~the prescribed Contested Grievance Transmittal Form approved by OSDH, to the State Office administrator with decision-making authority to respond to the subject of the grievance.

(h) **State Office administrator's response.** The State Office administrator who receives a contested grievance responds to the grievant within 10-business days or by the due date on ~~Form 15GR01E~~the Contested Grievance Transmittal Form. The advocate general or the advocate general's designee may grant an extension when good cause is shown. The State Office administrator sends his or her response directly to the LGC after completing the designated portion of ~~Form 15GR01E~~the Contested Grievance Transmittal Form. A copy is sent to the advocate general or the advocate general's designee. The State Office administrator attaches his or her response to ~~Form 15GR01E~~the Contested Grievance Transmittal Form and includes:

- (1) the proposed resolution and how it will be implemented;
- (2) the names of those responsible for implementing the proposed resolution;
- (3) the proposed resolution target date;
- (4) the facts and analysis supporting the proposed resolution including relevant documentation; and
- (5) any relevant written rules, policies, procedures, regulations, or other information.

(i) **Timely response required.** The OCA grievance liaison monitors the timely response by the State Office administrator. When a complete response is not timely received by the OCA grievance liaison and an extension was not granted, the OCA grievance liaison immediately processes the grievance for review by the Grievance and Review Committee (GARC), per OAC ~~340:2-3-64(b)~~310:678-7-3. OCA notifies the grievant and affected State Office administrator that the grievance is being processed for GARC.

(j) **Presentation of proposed resolution.** The LGC or the LGC's designee contacts the decision-maker within three-business days following receipt of the State Office administrator's response. When the decision-maker accepts the proposed resolution, the LGC notes this on the OCA transmittal memo and files it in the client's grievance file.

(k) **Request for GARC review.** When the grievant does not accept the State Office administrator's response, the LGC completes the designated portion of ~~Form 15GR01E~~the Contested Grievance Transmittal Form and returns it to the OCA grievance liaison within three-business days. Upon OCA receipt of ~~Form 15GR01E~~the Contested Grievance Transmittal Form, the grievance is processed for review by GARC, per OAC ~~340:2-3-64~~310:678-7-3.

310:678-5-3. Grievances of minors being served by Child Welfare Services [AMENDED]

(a) **Application.** This Section describes grievance processes relating to children being served by Child Welfare Services (CWS).

(b) **Definitions.** The definitions in Oklahoma Administrative Code (OAC) ~~340:2-3-23~~310:678-1-2 apply to this Section unless the context clearly indicates otherwise.

(c) **Notice of grievance rights.** Written notice of the child being served by CWS's grievance rights is provided to each child being served by CWS when services commence and at least annually thereafter, and to any foster placement when the child enters placement and at least annually thereafter. The notice explains the child being served by CWS's right to grieve and, when applicable, identifies the relevant local grievance coordinator (LGC).

(d) **Grievance defined.** Per Section §1-9-120 of Title 10 A of the Oklahoma Statutes (10A O.S. § 1-9-120), each child being served by CWS has the right, without fear of reprisal or discrimination, to present grievances with respect to the providing or receiving of services.

(1) **Grievable issues.** Except for the limitations listed in (d)(2) of this Section, matters that are grievance subjects include:

- (A) the substance or application of any written or unwritten policy or rule of Oklahoma of Human Services (OKDHS) or an OKDHS agent, per 10A O.S. § 1-9-112;
- (B) any decision or action by an OKDHS or child-placing agency employee or agent; or
- (C) denial of any right included in the statement of rights, per 10A O.S. § 1-9-119.1.

(2) **Non-grievable issues.** When it is determined by the Office of Client Advocacy (OCA) the child being served by CWS is asking to grieve a problem or concern covered in OAC ~~340:2-3-45(c)(2)~~310:678-5-1(c)(2) or by any of the categories listed in (A) through (C) of this paragraph, the OCA Grievance Unit must notify the child being served by CWS, in writing, why the grievance is not being processed. In addition to OAC ~~340:2-3-45(c)~~

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~~(2)~~310:678-5-1(c)(2), situations that are not grievable by children being served by CWS under the grievance system are:

- (A) a court decision;
- (B) findings of a child abuse and neglect assessment or investigation; and
- (C) a complaint alleging retaliation by an OKDHS employee. When retaliation is alleged, the complaint is forwarded to the OCA Investigations Unit for review and disposition.

(3) **Retaliation or discrimination allegations.** Retaliation, harassment, or discrimination allegations, ~~per OAC 340:2-3-38(b)~~, are processed, ~~per that Section~~ OAC 310:678-3-8. All other discrimination allegations are referred the OKDHS Office for Civil Rights (OCR) and, the Grievance Unit forwards the complaint to the OKDHS OCR administrator, and informs the child being served by CWS in writing.

(e) **Grievance filing and processing.** A grievance filed by a child being served by CWS is processed as provided for in this Section.

(1) Grievances of children being served by CWS are filed with the Office of Juvenile System Oversight of the Oklahoma Commission on Children and Youth. Dispute resolutions for children being served by CWS must be accomplished quickly, informally, and at the lowest possible level.

(2) A grievance may be filed by:

- (A) any minor being served by CWS; or
- (B) anyone interested in the minor's welfare, such as a parent, staff, foster parent, child's attorney, or court-appointed special advocate.

(3) When a grievance is filed by someone other than the child being served by CWS and the child being served by CWS is of sufficient age to express his or her own preferences, OCA staff contacts him or her to determine whether he or she wants the grievance to continue. When the child being served by CWS does not want the grievance to continue, the grievance is withdrawn and the file is closed.

(4) Grievances for children being served by CWS must be filed within 45=calendar days of the event. For a grievance to be considered valid, a complaint must be timely filed online, by phone, or by paper form. When a course of misconduct is alleged, by a child being served by CWS, the grievance must be filed within 45=calendar days of the most recent occurrence in the course.

(5) After the grievance procedure is completed, a child being served by CWS or former child being served by CWS has a right of access to the record of grievances he or she filed.

(6) Grievances of children being served by CWS are deemed timely-resolved within no more than 60=calendar days of the complaint filing date.

(f) **Informal resolution of grievance.** The informal resolution of grievances is encouraged. To that end, when a grievance is filed by, or on behalf of a child placed in a:

(1) foster home, the grievance is initially forwarded to the involved child's worker. When the worker can promptly resolve the grievance, he or she notifies the OCA Grievance Unit of the resolution details and the file is closed. When the worker cannot promptly resolve the grievance, he or she informs the OCA Grievance Unit of the same and the grievance proceeds to the initial resolution level; or

(2) facility, group home, or shelter, the grievance is initially processed by the LGC. When the LGC is able, without further processing, to promptly resolve the complaint to the grievant's satisfaction, the LGC documents this fact at the bottom of the grievance form, signs the form, and files it in the appropriate grievance file. When the LGC cannot promptly resolve the grievance, he or she informs the OCA Grievance Unit of the same and the grievance proceeds to the initial resolution level.

(g) **Initial resolution level.**

(1) Within three=business days of the grievance's processing from the informal resolution stage, the OCA Grievance Unit identifies the initial resolution respondent and submits the grievance and supporting documentation to him or her.

(2) The OCA Grievance Unit monitors the respondent for a timely response. Within three=business days following receipt of the grievance from the OCA Grievance Unit, the initial resolution respondent reviews the grievance, interviews the child being served by CWS and any other necessary persons, prepares a proposed resolution, and submits the proposed resolution on OKDHS-letterhead to the OCA Grievance Unit. When requested, and upon a showing of good cause, the OCA Grievance Unit may grant an extension of relevant due dates to the initial resolution respondent. When a timely response is not received, the OCA Grievance Unit may proceed to first elevation.

(3) Within three=business days following receipt of the initial respondent's proposed resolution, the OCA Grievance Unit or designee sends written notice to the decision-maker containing the proposed resolution and information on the right to elevate the grievance when dissatisfied with the proposed resolution.

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(4) The decision-maker has three-business days to accept or reject the proposed resolution. Failure to respond to the proposed resolution is deemed acceptance of the resolution. When the decision-maker rejects the respondent's resolution at the initial resolution level, the grievance proceeds to first elevation unless the decision-maker requests mediation.

(h) **Mediation for children being served by CWS.** When the decision-maker rejects the respondent's proposed resolution, the decision-maker may request grievance mediation.

(1) When the decision-maker chooses not to request mediation after rejecting the respondent's proposed resolution, the grievance proceeds to first level elevation process.

(2) When the decision-maker requests mediation, all deadlines are suspended while mediation is ongoing. When the decision-maker requests an extension in order to pursue mediation, the OCA Grievance Unit must grant the requested extension. The grievance is not processed until the mediation is completed, and grievance timeframes are suspended for the duration of the mediation. When mediation resolves the original grievance, the decision-maker may withdraw the grievance or the OCA Grievance Unit may declare the grievance administratively resolved. When a decision-maker grieves and requests mediation of the dispute before filing a grievance alleging retaliation, the OCA Grievance Unit computes deadlines from the date mediation concluded.

(3) When the grievance is not resolved through mediation, it proceeds to first elevation.

(i) **First elevation.**

(1) Within three-business days after the grievant requests a first elevation, the OCA Grievance Unit identifies the first elevation respondent and submits the complaint and supporting documentation to him or her.

(2) The OCA Grievance Unit monitors timely response by the first elevation respondent. Within five-business days following receipt of the grievance from the OCA Grievance Unit, the first elevation respondent reviews the grievance, interviews the child being served by CWS and any other necessary persons, prepares a proposed resolution, and submits the proposed resolution on OKDHS letterhead to the OCA Grievance Unit. When requested, and upon a showing of good cause, the OCA Grievance Unit may grant an extension to the respondent. When a timely response is not received, the OCA Grievance Unit may proceed to the second elevation.

(3) Within three-business days following receipt of the first elevation respondent's proposed resolution, the OCA Grievance Unit sends written notice including the proposed resolution and information on the grievant's right to elevate the grievance, when the decision-maker is dissatisfied with the proposed resolution.

(4) The decision-maker has three-business days to accept or reject the proposed resolution. Failure to respond to the proposed resolution is deemed acceptance of the resolution. When the decision-maker opts to reject the first elevation respondent's proposed resolution, the grievance proceeds to the second elevation.

(j) **Second elevation.**

(1) Within three-business days after the decision-maker requests a second elevation, the OCA Grievance Unit prepares and sends (A) through (D) of this paragraph to the State Office administrator with decision-making authority to respond to the subject of the grievance. The OCA Grievance Unit sends:

(A) a copy of the complaint;

(B) all prior proposed resolutions;

(C) all of the decision-maker's responses to all prior proposed resolutions; and

(D) instructions for response, including any relevant deadlines.

(2) Within seven-business days following receipt of the grievance from the OCA Grievance Unit, the State Office administrator reviews the grievance, interviews the child being served by CWS and any other necessary persons, prepares a proposed resolution, and submits the resolution to the OCA Grievance Unit. The proposed resolution must be on OKDHS letterhead and include:

(A) the proposed resolution and implementation;

(B) the person or persons responsible for implementing the proposed resolution;

(C) the target date for the proposed resolution;

(D) the facts and analysis supporting the proposed resolution, including relevant documentation; and

(E) any relevant rules, policies, procedures, regulations, or other information.

(3) The OCA Grievance Unit monitors the timely response by the State Office administrator. The OCA Grievance Unit may grant an extension, when requested. When a timely response is not received, the OCA Grievance Unit may proceed to the Grievance and Review Committee (GARC), per OAC ~~340:2-3-64(b)~~ 310:678-7-3(b). The OCA Grievance Unit notifies the grievant and the affected State Office administrator that the grievance is being processed for GARC.

(4) Within three-business days following receipt of the proposed resolution, the OCA Grievance Unit sends written notice to the decision-maker containing the proposed resolution and information on the right to elevate the grievance when he or she is dissatisfied with the proposed resolution.

(5) The decision-maker has three-business days to accept or reject the proposed resolution. Failure to respond to the proposed resolution is deemed acceptance of the resolution. When the decision-maker rejects the State Office administrator's proposed resolution, the grievance proceeds to GARC.

(k) **GARC review.** A GARC review is conducted, per OAC ~~340:2-3-64~~310:678-7-3.

310:678-5-4. Foster parent grievances [AMENDED]

(a) **Application.** This Section describes processes relating to foster parent grievances. Section 1-9-120 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-9-120) confers on ~~Oklahoma Human Services (OKDHS)~~OCA the responsibility to establish grievance procedures for foster parents contracting with state agencies or child-placing agencies.

(b) **Definitions.** The definitions in Oklahoma Administrative Code (OAC) OAC ~~340:2-3-23~~310:678-1-2 and ~~340:2-3-45(b)~~310:678-5-1(b) apply to this Section unless the context clearly indicates otherwise.

(c) **Notice of grievance rights.** ~~Form 15GR008E~~The prescribed form approved by OSDH regarding Notice of Grievance Rights ~~of Foster Parents~~, is given to each foster parent when approved as an OKDHS foster parent, at reassessment, and with each new placement. It is given to the foster parent by the Child Welfare Services (CWS) specialist assigned to the foster home within two-business days of the approval, reassessment, or placement. ~~Form 15GR008E~~The Notice of Grievance Rights of Foster Parents Form is used to explain the foster parent's right to grieve and to inform the foster parent of the means through which a grievance may be filed. After the foster parent signs ~~Form 15GR008E~~the Notice of Grievance Rights of Foster Parents Form, a copy is given to the foster parent and the original is maintained in the permanent record for the foster parent.

(d) **Grievance defined.** Foster parents may file grievances with respect to the provision or receipt of services.

(1) **Grievable issues.** Except for the limitations listed in (d)(2) of this Section, matters that are the subjects of a grievance include:

(A) the substance or application of any OKDHS policy, rule, or regulation; or

(B) a decision, act, or omission of an OKDHS employee.

(2) **Non-grievable issues.** When it is determined the foster parent is asking to grieve a problem or concern covered in OAC ~~340:2-3-45(c)(2)~~310:678-5-1(c)(2), or by any of the categories listed in (A) through (G) of this paragraph, the Office of Client Advocacy (OCA) Intake Unit must notify the Foster Care Ombudsman (FCO). It is the FCO's or designee's responsibility to notify the foster parent in writing, why the grievance is not being processed. In addition to OAC ~~340:2-3-45(c)(2)~~310:678-5-1(c)(2), situations that are not grievable by foster parents under this grievance system are:

(A) a court decision;

(B) findings of a child abuse and neglect assessment or investigation in a foster home. The process for appealing these findings is located at OAC 340:75-3-530;

(C) disposition of a fair hearing regarding closure of a foster home. The fair hearing process regarding closure of a foster home is located at OAC 340:75-7-94;

(D) disputes with other foster parents;

(E) written plans of compliance. The foster parents provide written input on the compliance documentation;

(F) a decision not to return a child in OKDHS custody to a foster home after removal due to a child abuse or neglect investigation. The fair hearing process is located at OAC 340:75-1-12.6; and

(G) a complaint alleging retaliation by an OKDHS employee. When retaliation is alleged, the complaint is forwarded to the OCA Investigations Unit for review and disposition.

(3) **Retaliation or harassment allegations.** Retaliation or harassment allegations, per OAC ~~340:2-3-38(b)~~310:678-3-8, are processed, per that Section.

(4) **Discrimination allegations.** Discrimination or non-compliance allegations based on race, color, national origin, sex, age, religion, disability, political affiliation or opinion, or genetic information unless authorized by law are referred to the OKDHS Office for Civil Rights and the FCO immediately forwards the complaint to the OKDHS OCR administrator, and informs the foster parent in writing.

(e) **Filing and processing a grievance.**

(1) Foster parent grievances are filed with the Oklahoma Commission on Children and Youth (OCCY) Office of Juvenile System Oversight. Foster parent dispute resolutions must be accomplished quickly, informally, and at the lowest possible level.

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(2) Foster parent grievances must be filed within 45=calendar days of the event. For a grievance to be considered valid, a complaint must be timely filed at OKfosterparentvoices.org. When a course of misconduct is alleged, the foster parent grievance must be filed within 45=calendar days of the most recent occurrence.

(3) After the grievance procedure is completed, a foster parent or former foster parent has a right of access to the record of grievances he or she filed.

(4) Foster parent grievances are deemed timely-resolved within no more than 60=calendar days of the complaint filing date.

(f) Initial Resolution Level.

(1) Within three=business days following receipt of the grievance, the FCO identifies the respondent and submits the grievance and supporting documentation to the respondent.

(2) The FCO monitors the respondent for a timely response. Within three=business days following receipt of the grievance from the FCO, the respondent reviews the grievance, prepares a proposed resolution, and submits the resolution to the FCO. The FCO may grant an extension to the respondent, when requested. When a timely response is not received the FCO may proceed to first elevation.

(3) Within three=business days following receipt of the respondent's proposed resolution, the FCO or designee sends written notice to the decision-maker containing the proposed resolution and information on the right to elevate the grievance when dissatisfied with the proposed resolution.

(4) The decision-maker has three=business days to accept or reject the proposed resolution. Failure to respond to the proposed resolution is deemed acceptance of the resolution. When the decision-maker rejects the respondent's resolution at the initial resolution level, the grievance proceeds to the first elevation unless the decision-maker requests mediation.

(g) Foster parent mediation. When the decision-maker rejects the respondent's proposed resolution, the decision-maker may request grievance mediation.

(1) When the decision-maker chooses not to request mediation after rejecting the respondent's proposed resolution, the grievance proceeds to the first elevation.

(2) When the decision-maker requests mediation, all deadlines are suspended while mediation is ongoing. When a foster parent requests an extension in order to pursue mediation through OCCY Foster Parent Mediation Program, per 10 O.S. § 601.6, the FCO must grant the requested extension. The grievance is not processed until mediation is completed, and grievance timeframes are suspended for the duration of the mediation. When mediation resolves the original grievance, the foster parent(s) may withdraw the grievance or the FCO may declare the grievance administratively resolved. When a foster parent grieves and requests mediation of the dispute through the OCCY mediation program before filing a grievance alleging retaliation, the FCO computes deadlines from the date mediation concluded.

(3) When the grievance is not resolved through mediation, the grievance proceeds to the first elevation.

(h) First elevation.

(1) Within three=business days after the grievant requests first elevation, the FCO identifies the first elevation respondent and submits the complaint and supporting documentation to the first elevation respondent.

(2) The FCO monitors timely response by the first elevation respondent. Within five=business days following receipt of the grievance from the FCO, the first elevation respondent reviews the grievance, prepares a proposed resolution, and submits the resolution to the FCO. The FCO may grant an extension to the respondent, when requested. When a timely response is not received the FCO may proceed to the second elevation.

(3) Within three=business days following receipt of the first elevation respondent's proposed resolution, the FCO sends written notice including the proposed resolution and information on the grievant's right to elevate the grievance when the decision-maker is dissatisfied with the proposed resolution.

(4) The decision-maker has three=business days to accept or reject the proposed resolution. Failure to respond to the proposed resolution is deemed acceptance of the resolution. When the decision-maker opts to reject the first elevation respondent's proposed resolution, the grievance proceeds to the second elevation.

(i) Second elevation.

(1) Within three=business days after the decision-maker requests a second elevation, the FCO prepares and sends (A) through (D) of this paragraph to the State Office administrator with decision-making authority to respond to the subject of the grievance. The FCO sends:

(A) a copy of the complaint;

(B) all prior proposed resolutions;

(C) all of the decision-maker's responses to all prior proposed resolutions; and

(D) instructions for response, including any relevant deadlines.

(2) Within seven-business days following receipt of the grievance from the FCO, the State Office administrator reviews the grievance, interviews the foster parent and any other necessary persons, prepares a proposed resolution, and submits the resolution to the FCO. The proposed resolution must be on OKDHS letterhead and include:

- (A) the proposed resolution and implementation;
- (B) the person or persons responsible for implementing the proposed resolution;
- (C) the target date for the proposed resolution;
- (D) the facts and analysis supporting the proposed resolution including relevant documentation; and
- (E) any relevant rules, policies, procedures, regulations, or other information.

(3) The FCO monitors the timely response by the State Office administrator. The FCO may grant an extension, when requested. When a timely response is not received, the FCO may proceed to the Grievance and Review Committee (GARC), per OAC ~~340:2-3-64~~310:678-7-3. The FCO notifies the grievant and the affected State Office administrator that the grievance is being processed for GARC.

(4) Within three-business days following receipt of the proposed resolution, the FCO sends written notice to the decision-maker containing the proposed resolution and information on the right to elevate the grievance when dissatisfied with the proposed resolution.

(5) The decision-maker has three-business days to accept or reject the proposed resolution. Failure to respond to the proposed resolution is deemed acceptance of said resolution. When the decision-maker rejects the State Office administrator's proposed resolution, the grievance proceeds to GARC.

(j) **GARC review.** A GARC review is conducted, per OAC ~~340:2-3-64~~310:678-7-3.

310:678-5-5. Developmental Disabilities Services (DDS) Greer Center Facility (Greer) resident [AMENDED]

(a) **Application.** This Section describes processes relating to grievances of residents of Oklahoma Department of Human Services (DHS)-operated facilities listed in Sections 1406 and 1414.1 of Title 10 of the Oklahoma Statutes (10 O.S. §§ 1406 and 1414.1). 10 O.S. § 1415.1 confers on DHS the responsibility for establishing an ombudsman program that includes a grievance system at DHS-operated facility for persons with developmental disabilities.

(b) **Definitions.** The definitions in Oklahoma Administrative Code (OAC) ~~340:2-3-23~~310:678-1-2 and ~~340:2-3-45~~310:678-5-1(b) apply to this Section unless the context clearly indicates otherwise.

(c) **Notice of grievance rights.** The DDS facility gives ~~Form 15GR006E~~, the prescribed form approved by OSDH regarding Notice of Grievance Rights of DDS Clients (General), to the resident and his or her guardian within 24 hours of the resident's admission to a facility and yearly thereafter at the annual individual planning meeting. ~~Form 15GR006E~~ the Notice of Grievance Rights of DDS Clients (General) Form is used to identify the local grievance coordinator (LGC) and to explain the resident's right to grieve. After the resident or guardian signs ~~Form 15GR006E~~ the Notice of Grievance Rights of DDS Clients (General) Form, a copy is given to the resident, the resident's guardian, or to the responsible family member when the resident does not have a guardian or both, and the original is maintained in the permanent record for the resident. When the LGC changes, the facility notifies the residents, guardians, or responsible relatives of the new LGC's name and contact information within ~~20~~ business days.

(d) **Filing and processing of grievance at the facility.** Grievances of residents are processed, per OAC ~~340:2-3-45~~310:678-5-1(g) unless otherwise provided in this Section.

(1) The Office of Client Advocacy (OCA) maintains an office on campus at Greer. OCA assigns an advocate who serves as the LGC at Greer and provides assistance to residents, their guardians, and persons interested in residents' welfare who want to file a grievance ~~per OAC 340:2-3-71~~(h)(4).

(2) The OCA advocate at Greer sends a copy of a grievance to the resident's guardian or guardian ad litem and to a responsible relative, unless otherwise specified.

(3) When a grievance involves a decision of a resident's team, the first level respondent is the applicable unit coordinator, unless the unit coordinator is involved in the decision being grieved.

(e) **Time limits on filing grievances.** The time limit set forth in OAC ~~340:2-3-45~~310:678-5-1(g) does not apply to grievances filed by or on behalf of residents.

(f) **Second level problem resolution.** The facility director is the second level respondent.

(g) **Contested grievances.** When a resident elects to contest the facility director's response to a grievance, the contested grievance is processed, per OAC ~~340:2-3-46~~310:678-5-2. The DDS director or the director's designee is the State Office administrator responsible for responding to residents' contested grievances.

(h) **Request for review by Grievance and Review Committee (GARC).** When a resident requests a GARC review of the DDS director's response to a grievance, the OCA grievance liaison prepares a request for GARC review using an OCA-prescribed format.

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(i) **Advocate inquiry.** An OCA advocate may file a formal inquiry to request information relating to the treatment of one or more residents; the substance, application, or interpretation of any policy, rule, or regulation, of DHS or a DHS agent or contractor; or any decision, behavior, or action of a DHS employee, agent, or contractor, or of another resident.

(1) An advocate formal inquiry is submitted directly to the facility director or any other DHS employee believed to have the knowledge to respond to the inquiry. The person, to whom the inquiry is submitted, has seven business days from receipt of the inquiry to respond in writing. The advocate general may grant an extension for good cause shown.

(2) When the response does not resolve the concern that prompted the formal inquiry or when a response is not timely received, the matter may be treated as a formal grievance and processed as a contested grievance, per OAC ~~340:2-3-46~~310:678-5-2.

(3) The advocate general issues a report that sets forth the subject matter of the inquiry, the pertinent facts, and the recommendations. An advocate general report is submitted to the facility director, when applicable, and the State Office administrator. A copy is submitted to the DHS Director.

(j) **Advocate grievance.** An OCA advocate may file a grievance on behalf of a resident when a grievance was not filed by, or on behalf of a resident.

(1) At the discretion of the advocate general or the advocate general's designee, an advocate grievance is filed directly with the facility director. The facility director has seven business days to respond in writing. The advocate general or the advocate general's designee may grant an extension for good cause shown.

(2) When the facility director's response is not acceptable or is not timely submitted, it is processed as a contested grievance, per OAC ~~340:2-3-46~~310:678-5-2.

(k) **Fast track grievances.** When the subject of a DHS grievance is such that time is of the essence, with the approval of the advocate general or the advocate general's designee, a grievance may be submitted directly to the facility director or to the OCA grievance liaison for processing as a contested grievance, per OAC ~~340:2-3-46~~310:678-5-2. When a grievance involves a time sensitive problem, the OCA grievance liaison may shorten the time for responding as warranted by the circumstances

310:678-5-6. Grievances of Hissom class members [AMENDED]

(a) **Application.** This Section describes processes relating to grievances of Hissom class members. The Oklahoma Department of Human Services (DHS) legal basis and authority for grievance policies and procedures for Hissom class members includes orders of the United States District Court for the Northern District of Oklahoma in Homeward Bound, et al., vs. The Hissom Memorial Center, Case No. 85-C-437-E.

(b) **Definitions.** The definitions in Oklahoma Administrative Code (OAC) ~~340:2-3-23~~310:678-1-2 and ~~340:2-3-46~~(b)310:678-5-1(b) apply to this Section unless the context clearly indicates otherwise.

(c) **Notice of grievance rights.** The Office of Client Advocacy (OCA) advocate assigned to a Hissom class member gives ~~Form 15GR007E~~, the prescribed form approved by OSDH regarding the Notice of Grievance Rights ~~of Hissom Class Members~~, at least yearly to each class member or his or her guardian(s), close family members, and volunteer advocates. This form is used to identify the OCA advocate assigned to the class member and to explain the class member's right to grieve. After the class member, guardian(s), or both, sign the form, the advocate documents this in a contact sheet and provides copies to the client or the client's guardian, the assigned Developmental Disabilities Services (DDS) case manager, and the program coordinator of the applicable provider for placement in the client's home record. The original is maintained in the class member's OCA's record.

(d) **Filing and processing of grievances.** Grievances of class members are processed per OAC ~~340:2-3-45~~310:678-5-1 unless otherwise provided in this Section.

(1) OCA assigns an advocate to represent each class member. The assigned advocate serves as the grievance advisor for class members and provides assistance to class members and persons interested in class members' welfare who want to file a provider or DHS grievance per OAC ~~340:2-3-71(h)(4)~~310:678-9-1. When an advocate files a provider or DHS grievance on behalf of a class member, the advocate contemporaneously provides a copy of the grievance to the DDS case manager assigned to the class member and to the DDS programs administrator for community services.

(2) Class members, guardians, volunteer and other advocates, case managers, personal support team members, and persons interested in class members' welfare can file a DHS grievance by completing ~~Form 15GR001P (paper version) or 15GR001E (electronic version)~~ the prescribed Grievance Form(s). The advocate submits a completed ~~15GR001P Grievance Form~~ the Grievance Form electronically to the LGC. When the advocate completes ~~Form 15GR001E and submits the Grievance Form electronically~~, the OCA grievance unit submits it directly to the LGC within one business day of receipt. When the LGC receives a grievance that was not submitted by the OCA advocate representing the class member, the LGC promptly informs the advocate by email, fax, or phone.

(3) When a grievance involves a decision of a class member's team, the first level respondent is the supervisor of the client's DDS case manager, unless the case manager is involved in the decision being grieved.

(e) Provider grievances.

(1) Each residential and vocational provider that contracts with DDS to provide services to Hissom class members has a grievance resolution system. The provider's written grievance policies, forms, and procedures are in compliance with OAC ~~340:2-3-45~~310:678-5-1.

(2) Provider grievances by the class member, the assigned OCA advocate, or a person interested in the welfare of the class member are initiated using ~~Form 15GR001P or 15GR001E~~ the prescribed Grievance Form(s) or the provider's grievance form. The completed grievance form is submitted to the provider's grievance coordinator LGC. Upon receipt of a provider grievance by or on behalf of a Hissom class member by anyone other than the OCA advocate or the DDS case manager, the LGC promptly informs the DDS case manager and the advocate by email, fax, or phone. When a DHS employee initiates a grievance on behalf of a class member, at the time the grievance is filed the employee sends a copy to the DDS case manager and the OCA advocate assigned to the class member.

(3) When the subject matter of a grievance can be submitted for resolution as a provider grievance or a DHS grievance, the class member has the option to as a provider grievance, a DHS grievance, or both.

(f) Time limits on filing grievances. The time limit set forth in OAC ~~340:2-3-45~~(g)310:678-5-1(g) does not apply to grievances filed by or on behalf of Hissom class members.

(g) Fast track grievances. When the subject of a DHS grievance is such that time is of the essence with the approval of the advocate general or the advocate general's designee, a grievance can be submitted directly to the OCA grievance liaison for processing as a contested grievance per OAC ~~340:2-3-46~~310:678-5-2. When a grievance involves a time sensitive problem, the OCA grievance liaison can shorten the response time as warranted by the circumstances.

(h) Second level problem resolution. The area manager of the appropriate DDS area office is the individual responsible for responding to a DHS grievance at the second level of problem resolution.

(i) Contested grievances. When the response to a DHS or provider grievance is contested by a class member or a grievant on behalf of a class member, the contested grievance is processed per OAC ~~340:2-3-46~~310:678-5-2 unless otherwise provided in this Section. The DDS director is the state office administrator responsible for responding to contested grievances of class members.

(j) Request for review by the Grievance and Abuse Review Committee (GARC). When a Hissom class member requests review by GARC of the DDS director's response to a grievance, the OCA grievance liaison prepares a request for GARC review using the OCA-prescribed format that includes the information listed in subsection (i) of this Section.

(k) Formal inquiry. The advocate general or any OCA advocate staff may file a formal inquiry to request information relating to: the treatment of a client; the substance or application of any policy, rule, or regulation, of DHS or an agent or contractor of DHS; or any decision, behavior or action of a DHS employee, agent or contractor, or of another client.

(1) A formal inquiry is submitted directly to the administrator of a community services provider or the appropriate DDS area manager. An advocate general formal inquiry is submitted to the DDS director. The person to whom it is submitted has seven business days to respond in writing. The advocate general can grant an extension.

(2) When the response to the formal inquiry does not resolve the concern that prompted the formal inquiry, the matter may be treated as a formal grievance and processed as a contested grievance.

(3) The advocate general issues a report that sets forth the subject matter of the inquiry, the pertinent facts, and recommendations. An advocate general report is submitted to the administrator, when applicable, and the State Office administrator. A copy is submitted to the DHS Director.

(l) Advocate grievances. An OCA advocate may file a grievance on behalf of a class member even though a grievance was not filed by or on behalf of the class member.

(1) At the discretion of the advocate general or the advocate general's designee, an advocate grievance is submitted directly to the administrator of a provider agency or the appropriate DDS area manager using ~~Form 15GR003E~~ the prescribed Grievance - Hissom Class Member Form approved by OSDH.

(2) An advocate general grievance is submitted directly to the DDS director or the administrator of the provider agency, as applicable.

(3) The person to whom it is submitted has seven business days to respond in writing. The advocate general can grant an extension.

(4) If the response to a grievance is not acceptable, or is not timely submitted, it is processed as a contested grievance per OAC ~~340:2-3-46~~310:678-5-2.

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(m) **Monitoring of grievance programs.** Providers submit their policies for review and approval by the advocate general. OCA provides training and technical assistance to providers, at their request, in the development of grievance forms and procedures. OCA, in cooperation with other monitoring entities to avoid unnecessary duplication, monitors provider grievance programs per OAC ~~340:2-3-45(d) through (h)~~ 310:678-5-1(d) through (h).

310:678-5-7. Grievances of clients receiving services from the Developmental Disabilities Services (DDS) **[AMENDED]**

(a) **Application.** This Section describes processes relating to grievances of clients receiving services from DDS who are not residing in an Oklahoma Department of Human Services- (DHS) operated facility and are not Hisson class members. This Section includes minors and adults in specialized foster care. Subsections (h) through (k) apply to clients who were former residents of NORCE or SORC, upon the Oklahoma Commission for Human Services resolution to close the state operated resource centers November 1, 2012.

(b) **Definitions.** The definitions in Oklahoma Administrative Code (OAC) ~~340:2-3-2310:678-1-2 and 340:2-3-45(b)~~ 310:678-5-1(b) apply to this Section unless the context clearly indicates otherwise.

(c) **Notice of grievance rights.** The DDS case manager gives ~~Form 15GR006E, the prescribed form approved by OSDH regarding~~ Notice of Grievance Rights ~~of~~ of DDS Clients (General), to the service recipient or guardian when applicable, at the initial plan of care meeting and at each annual plan of care meeting thereafter. When the service recipient does not have a DDS case manager, the provider gives ~~Form 15GR006E, the Notice of Grievance Rights of DDS Clients (General) Form~~ to the service recipient within 30-calendar days of service initiation and annually thereafter. ~~Form 15GR006E, The Notice of Grievance Rights of DDS Clients (General) Form~~ is used to identify the local grievance coordinator and to explain the client's right to grieve. After the client or guardian signs the form, the original is maintained in the client's permanent record.

(d) **Filing and grievance processing.** Provider and DHS grievances are filed and processed per OAC ~~340:2-3-45310:678-5-1~~. When a grievance involves a decision of an individual's team, the first level respondent is the supervisor of the client's case manager unless the case manager participated in making or approved the decision being grieved.

(e) **Time limits on filing grievances.** The time limit set forth in OAC ~~340:2-3-45(g)~~ 310:678-5-1(g) does not apply to grievances filed by or on behalf of the clients listed in this Section.

(f) **Contested grievances.** When a grievant asks to appeal a DHS grievance, the appeal is processed per OAC ~~340:2-3-46310:678-5-2~~.

(g) **Monitoring grievance programs.** In order to avoid unnecessary duplication, the Office of Client Advocacy (OCA), in cooperation with other monitoring entities, monitors provider grievance programs per OAC ~~340:2-3-45 (d) through (m)~~ 310:678-5-1(d) through (m).

(h) **Provider grievances of DDS clients who were former residents at NORCE or SORC as of November 1, 2012.**

(1) Each residential and vocational provider that contracts with DDS to provide services to DDS clients has a grievance system for resolution of grievances. The provider's written grievance policies, forms, and procedures are in compliance with OAC ~~340:2-3-45310:678-5-1~~.

(2) Provider grievances are initiated by the DDS client, the assigned OCA advocate, or a person interested in the welfare of the client by using ~~Form 15GR001P (paper version) or 15GR001E (electronic version)~~ the applicable prescribed Grievance Form(s) or the provider's grievance form. The completed grievance form is submitted to the provider's grievance coordinator. Upon receipt of a provider grievance by or on behalf of a DDS client by anyone other than the OCA advocate or the client's DDS case manager, the local grievance manager promptly informs the DDS case manager and the advocate assigned to the client by email, fax, or phone. When a DHS employee initiates a grievance on behalf of a client, at the time the grievance is filed the employee sends a copy to the DDS case manager and the OCA advocate assigned to the client.

(3) When the subject matter of a grievance can be submitted for resolution as a provider grievance or a DHS grievance, the DDS client has the option to file it as a provider grievance, a DHS grievance, or both.

(i) **Contested grievances.** When the response to a DHS or provider grievance is contested by a DDS client or a grievant on behalf of a client, the contested grievance is processed per OAC ~~340:2-3-46310:678-5-2~~ unless otherwise provided in this Section. The DDS director is the state office administrator responsible for responding to DDS client contested grievances.

(j) **Request for review by the Grievance and Abuse Review Committee (GARC).** When a DDS client requests a GARC review of the DDS director's response to a grievance, the OCA grievance liaison prepares a request for GARC review using the OCA-prescribed format that includes the information listed in subsection (i) of this Section.

(k) **Formal inquiry.** The advocate general or OCA advocate staff may file a formal inquiry to request information relating to:

(1) the treatment of a client;

- (2) the substance or application of any DHS policy, rule, or regulation of DHS or an agent or contractor of DHS; or
- (3) any decision, behavior or action of a DHS employee, agent or contractor, or of another client.
- (A) A formal inquiry is submitted directly to the community services provider administrator or the appropriate DDS area manager. An advocate general formal inquiry is submitted to the DDS director. The person to whom it is submitted has seven business days to respond in writing. The advocate general can grant an extension.
- (B) When the response to the formal inquiry does not resolve the concern that prompted the formal inquiry, the matter may be treated as a formal grievance and processed as a contested grievance.
- (C) The advocate general issues a report that sets forth the subject matter of the inquiry, the pertinent facts, and recommendations. An advocate general report is submitted to the administrator when applicable, and the State Office administrator. A copy is submitted to the DHS Director.

310:678-5-8. Grievances of residents of private group homes for individuals with developmental disabilities [AMENDED]

- (a) **Application.** This Section describes processes relating to grievances of residents of private group homes subject to Section 1430.01, et seq., of Title 10 of the Oklahoma Statutes. The Oklahoma Department of Human Services (OKDHS) legal authority includes Sections 1430.11 and 1430.20 of Title 10 of the Oklahoma Statutes.
- (b) **Definitions.** The definitions in OAC ~~340:2-3-23~~310:678-1-2 and ~~340:2-3-45(b)~~310:678-5-1(b) apply to this Section unless the context clearly indicates otherwise.
- (c) **Notice of grievance rights.** Upon admission, each individual and, if appropriate, the resident's family or designated representative is given a copy of the group home's grievance procedure and a written notice which identifies the group home's grievance coordinator and explains the resident's right to file grievances. After the resident or the resident's guardian signs the notice form, a copy is made for the resident or the resident's guardian. A copy also is sent to the resident's DDS case manager if one is assigned. The original is maintained in the resident's permanent record. The grievance procedure is reviewed with the resident or the resident's guardian at least one time a year. If the designated LGC changes, the group home notifies the residents and the residents' guardian or a responsible relative of the name and contact information of the new LGC within ten business days.
- (d) **Grievance policies required.** Every private group home to which this Section applies is required to operate a system for resolution of grievances by residents using policies and procedures in compliance with OAC ~~340:2-3-45~~310:678-5-1. If a grievance involves a decision of a resident's team and the resident has a DDS case manager, the first level respondent is the supervisor of the client's case manager.
- (e) **Contested grievances appealed to the state office.** When a grievant asks to appeal an OKDHS grievance, the appeal is processed in accordance with OAC ~~340:2-3-46~~310:678-5-2.
- (f) **Monitoring grievance programs.** The Office for Client Advocacy, in cooperation with other monitoring entities to avoid unnecessary duplication, monitors group home grievance programs in accordance with OAC ~~340:2-3-45(d) through (h)~~310:678-5-1(d) through (h).

310:678-5-9. DHS client grievances not covered by another grievance system [AMENDED]

- (a) **Application.** This Section describes the grievance policy for persons receiving Oklahoma Department of Human Services (DHS) services not covered by another grievance system or issues not specifically addressed by the DHS fair hearing process. A grievance or complaint is not processed under this Section if DHS has a formal administrative appeal or review process in place that addresses the grievance or complaint.
- (b) **Definitions.** The definitions in Oklahoma Administrative Code (OAC) ~~340:2-3-23~~310:678-1-2 and ~~340:2-3-45(b)~~310:678-5-1(b) apply to this Section unless the context clearly indicates otherwise.
- (c) **Notice of client bill of rights.** The DHS Client Bill of Rights poster, DHS Pub. No. 92-06, is posted in conspicuous view of the public in all offices and facilities. Applicants and recipients of benefits and services administered by DHS have the right to:
- (1) be treated with courtesy and dignity;
 - (2) receive prompt service;
 - (3) receive clear explanations of the laws and rules that determine eligibility for benefits and services;
 - (4) have benefits and services explained in native language, when unable to understand English;
 - (5) have benefits and services explained by an interpreter for the deaf, when unable to hear well;
 - (6) have forms read and explained, when unable to read forms because of limited eyesight, or other inability to read;
 - (7) receive fair and consistent consideration of any application for benefits or services;

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- (8) have the opportunity for an appeal and a fair hearing in case of denial or reduction of benefits or services;
- (9) discuss with a local DHS supervisor any complaint regarding DHS benefits or services or treatment by DHS staff;
- (10) contact the DHS Office of Client Advocacy (OCA) at ~~1-800-522-8014~~, regarding any complaint that has been discussed with, but not resolved by, the local office supervisory staff; and
- (11) receive, upon request, a further explanation of applicant or client rights.

(d) **Filing a grievance.** Recipients of benefits and services administered by DHS, and persons acting on behalf of recipients, have the right to talk with a local DHS supervisor if they have a complaint about the way they were treated by DHS staff. Supervisory staff promptly seeks to resolve the matter with the client. Clients have the right to contact OCA; ~~Attn: Grievance Liaison, PO Box 25352, Oklahoma City, OK 73125 (1-405-522-2720 or 1-800-522-8014, fax 1-405-522-2680)~~ regarding any complaint that has been discussed with, but not resolved by, the local office supervisory staff.

(e) **Allegations of discrimination.** When a grievance or complaint alleges discrimination based on sex, age, national origin, religion, color, or disability, the client is referred to the DHS Office for Civil Rights for appropriate handling and resolution of the complaint. The local grievance coordinator immediately forwards the grievance to the DHS civil rights administrator and so informs the grievant.

(f) **Processing a grievance.** When a client contacts OCA for assistance in resolving a complaint, OCA contacts DHS supervisory staff who have the authority to resolve the grievance to request a response to the grievance within seven business days.

- (1) The advocate general may grant an extension for good cause, such as an unusually complex matter.
- (2) When a complete response is not timely received by OCA, the grievance may be considered unresolved and processed as a contested grievance.
- (3) After receiving a response to the grievance, OCA contacts the grievant to inform the grievant of the proposed resolution and the right to contest the response to the grievance. When the grievant is not satisfied with the outcome and requests to appeal the decision, the grievance is processed as a contested grievance. When OCA does not obtain a reply from the grievant within 10 business days of actual notice to the grievant of the proposed response, the grievance may be deemed resolved.

(g) **Contested grievances.** Contested grievances of clients are processed per OAC ~~340:2-3-46~~310:678-5-2.

310:678-5-10. Foster Care Ombudsman (FCO) services [AMENDED]

(a) Legal authority.

- (1) Section 1-9-112(D)(1) of Title 10A of the Oklahoma Statutes (10A O.S. § 1-9-112(D)(1)) requires the Office of Client Advocacy (OCA) investigate any complaint received by the Oklahoma Commission on Children and Youth (OCCY) Office of Juvenile System Oversight (OJSO) alleging that an Oklahoma Human Services (OKDHS) or child-placing agency employee threatened a foster parent with removal of a child from the foster parent, harassed a foster parent, refused to place a child in a licensed or certified foster home, or disrupted a child placement as retaliation or discrimination toward a foster parent who engaged in a protected activity.
- (2) 10A O.S. § 1-9-120 requires OCA establish grievance procedures for foster parents with whom OKDHS or child-placing agencies contract.
- (3) 10A O.S. § 1-9-120 (C) requires OCA to designate one employee to receive and process foster parent grievances. OCA designated the FCO. OCA conferred the FCO with responsibility for fulfilling the duties set forth in (e) of this Section.

(b) Scope.

- (1) The FCO provides services relating to complaints brought by foster parents` against OKDHS or child-placing.
- (2) This Section shall not be construed to include any complaint by the foster parent resulting from an administrative, civil, or criminal action taken by the employee or child-placing agency for violations of law or rules, or contract provisions by the foster parent, per 10A O.S. 1-9-120(E)(3).

(c) **Definitions.** The definitions used in this Section are located in Oklahoma Administrative Code (OAC) ~~340:2-3-23~~10:678-1-2, ~~340:2-3-45~~310:678-5-1, and ~~340:2-3-50~~310:678-5-4.

(d) **Confidentiality.** Information in OCA records relating to complaints filed with the FCO by foster parents is confidential and protected from unauthorized use. Only authorized individuals are given access to case records or provided information from these records. ~~A breach of confidentiality may result in criminal prosecution. Violations by OKDHS employees can also result in personnel action. The relevant confidentiality provisions are located at 10A O.S. § 1-6-107 and OAC 340:75-1-42.~~

(e) **Duties.** The FCO is responsible for:

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- (1) overseeing and resolving grievances between foster parents and state agencies or child-placing agencies, per OAC ~~340:2-3-50~~310:678-5-4;
- (2) referring complaints meeting the criteria for retaliation, per 10A O.S. § 1-9-112(D)(1) to the OCA Investigative Unit, per OAC ~~340:2-3-38~~310:678-3-8;
- (3) referring cases for mediation, when appropriate, per OAC ~~340:2-3-50~~(g)310:678-5-4(g);
- (4) collecting and maintaining data necessary to identify systemic issues that may be addressed and resolved to improve the foster care system. In partnership with OCCY, prepares an annual report for the legislature based on collected data and makes recommendations as appropriate for improvements of procedures and policies to benefit children and families;
- (5) conducting training, education, and outreach activities for the benefit of those involved in, or potentially involved in foster care, and maintaining personal accessibility in order to address questions and concerns;
- (6) providing resources and referrals to interested parties; and
- (7) collaborating with foster parents, CWS, Developmental Disabilities Services, and OCCY OJSO in efforts to improve the foster care system.

(f) **Initial disposition of the complaint.** Upon receipt, the FCO or designee must examine the complaint to determine if it meets the criteria for a grievance, retaliation, harassment, discrimination investigation or if another disposition is appropriate. Foster parents may file grievances with respect to the provision or receipt of services.

(1) **Grievable issues.** Except for the limitations listed in OAC ~~340:2-3-50~~(h)310:678-5-4, matters that can be the subject of a grievance include:

- (A) the substance or application of any policy or rule of OKDHS or its agents; or
- (B) any decision or action by an OKDHS employee or its agents; or
- (C) a violation by an OKDHS or a child-placing agency employee of the Foster Parent Bill of Rights, per 10A O.S. § 1-9-119.

(2) **Non-grievable issues and intra-agency referrals.** When the FCO or designee determines the complaint is not grievable, and does not present an issue of retaliation, harassment, or discrimination suitable for investigation, the FCO or designee determines if an intra-agency referral is appropriate, makes any necessary referrals, and closes the file. Foster parent complaints subject to an intra-agency referral are deemed closed at the time any necessary follow-up is completed.

(3) **Information provision.** When the complaint meets none of the criteria above, but is resolvable through the provision of information readily obtainable by the FCO or designee, the FCO may, at his or her discretion, resolve the complaint by obtaining the necessary information.

(4) **Preliminary inquiry.** When the information contained in the complaint is insufficient to enable the FCO, to determine appropriate disposition, a preliminary examination may be completed.

SUBCHAPTER 7. GRIEVANCE AND ABUSE REVIEW COMMITTEE

310:678-7-1. Grievance and Abuse Review Committee (GARC) [AMENDED]

(a) **Legal basis and authority.** The legal basis and authority for the rules in this Part are found in Section 1-9-112 of Title 10A of the Oklahoma Statutes (O.S. 10A § 1-9-112).

(b) **Definitions.** The definitions in Oklahoma Administrative Code (OAC) ~~340:2-3-23~~310:678-1-2, ~~340:2-3-32~~310:678-3-1, and ~~340:2-3-38~~310:678-3-8 apply to this Part unless the context clearly states otherwise.

(c) **Purpose.** This Section establishes an administrative review committee to review:

- (1) unresolved contested grievances of Oklahoma Human Services (OKDHS) clients listed in OAC ~~340:2-3-45~~(a)2310:678-5-1(a)(2) and processed per OAC ~~340:2-3-46~~310:678-5-2 through ~~340:2-3-49~~ and ~~340:2-3-51~~ through ~~340:2-3-55~~310:678-5-9;
- (2) unresolved grievances of foster parents filed per O.S. 10A § 1-9-120 and processed per OAC ~~340:2-3-50~~310:678-5-4; and
- (3) an issue affecting the care and treatment of a minor in OKDHS custody placed in a private or public facility not operated by OKDHS, or in a foster home.

(d) **GARC composition.**

(1) GARC is composed of at least three voting members the ~~OKDHS Director~~Commissioner of Health appoints. The ~~OKDHS Director~~Commissioner of Health designates one member to serve as chair and appoints substitute members as needed.

(2) The advocate general is an ex officio member of GARC. The advocate general designates a member of his or her staff to attend GARC meetings in the advocate general's absence.

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(e) **GARC responsibilities.** GARC meets as needed. The advocate general or designee establishes the date and time of each meeting. GARC members review the agenda material prior to the GARC meeting.

(f) **GARC meetings.**

(1) The advocate general or designee coordinates GARC meetings. This includes:

- (A) arranging the dates for GARC meetings;
- (B) establishing the agenda for GARC meetings;
- (C) eight-calendar days prior to a GARC meeting, notifying all involved administrators and state office administrators of the GARC meeting date;
- (D) transmitting agenda material to GARC members three-business days prior to a meeting;
- (E) recording the GARC findings and recommendations;
- (F) preparing GARC reports in consultation with GARC members;
- (G) granting time extensions for good cause shown; and
- (H) distributing GARC reports.

(2) The GARC chair conducts a GARC meeting in the manner that in his or her discretion furthers the meeting's purposes.

(3) At the GARC meeting's conclusion, the matter is taken under advisement and the GARC chair informs interested parties of the results in a written report.

310:678-7-2. Grievance and Abuse Review Committee (GARC) review of Office of Client Advocacy (OCA) investigation reports regarding foster parent complaints [AMENDED]

(a) **Application.** At the request of the Oklahoma Department of Human Services (OKDHS) Director, GARC reviews an OCA investigation report involving allegations of discrimination and retaliation investigated by OCA in accordance with OAC ~~340:2-3-38~~310:678-3-8.

(b) **Scope of GARC review.** GARC conducts a *de novo* paper review of the alleged incident(s) investigated by OCA.

(1) Within three business days of receiving a request for GARC review from the OKDHS Director, the advocate general or designee informs the foster parent(s), the applicable state office administrators and the administrator of any affected child placing agency.

(2) GARC does not consider prior unsubstantiated allegations.

(3) The foster parent, the applicable administrator, affected state office administrators, or their designees, may attend the GARC meeting. The level of participation of attendees is within the discretion of the chair of GARC.

(4) If a foster parent or an administrator wants to submit additional evidence not considered during the OCA investigation, it is submitted to the advocate general contemporaneously with the request for GARC review. For good cause shown, additional evidence can be submitted to the advocate general no later than eight business days before the GARC meeting.

(5) When additional information is needed in order for GARC to complete its review, GARC may continue its review of a case until its next meeting. GARC may request additional information from OCA, an administrator, or a state office administrator.

(c) **GARC report contents.** Within 15 business days of a GARC meeting to review a case, GARC prepares a report that includes:

(1) GARC's opinion whether the evidence is sufficient, based on a preponderance of the evidence standard, to confirm retaliation or discrimination occurred and the basis for GARC's opinion;

(2) if in GARC's opinion the evidence is sufficient to confirm retaliation or discrimination, the report specifies whether retaliation, discrimination, or both occurred and the specific acts constituting the retaliation or discrimination; and

(3) areas of concern identified by GARC during its review of the case regarding practices or procedures of the child placing agency or OKDHS.

(d) **OKDHS Director's response.** The advocate general submits to the OKDHS Director the GARC report, the corresponding OCA investigation report, and other pertinent documents.

(1) Within 15 business days of receipt of GARC's report, the OKDHS Director decides whether to:

- (A) adopt GARC's findings;
- (B) adopt GARC's findings with modifications;
- (C) return the matter to GARC for further consideration; or
- (D) reverse GARC's finding.

(2) If the OKDHS Director does not respond within 15 business days of receipt of a GARC report, GARC's opinion with regard to the finding(s) becomes final.

(e) **Notification of final result.**

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- (1) The advocate general provides notice of the final result of the OKDHS Director's request for GARC review to affected state office administrators and the applicable foster parent(s).
- (2) Within two business days of receipt of this notification, a state office administrator responsible for an employee named in the allegation informs each such employee of the final result of GARC's review.
- (3) Within 20 business days of receipt of this notification in a report which confirms retaliation or discrimination, the state office administrator informs the advocate general in writing if any personnel action has or will be taken with regard to an employee, and of any corrective action taken or to be taken with regard to areas of concern noted in the GARC report.

310:678-7-3. Grievance and Abuse Review Committee (GARC) review of unresolved contested grievances [AMENDED]

- (a) **GARC application.** GARC reviews unresolved contested grievances of children in Oklahoma Human Services (OKDHS) custody, Developmental Disabilities Services (DDS) service recipients, and approved or kinship foster parents when the advocate general receives a proper request for a GARC review, per Oklahoma Administrative Code (OAC) ~~340:2-3-46(k)~~310:6-5-2(k).
- (b) **GARC worksheet.** When the grievance was filed by, or on behalf of, a DDS service recipient who receives Office of Client Advocacy (OCA) advocacy services, including residents of the Greer Center Facility (Greer), the OCA advocate prepares a GARC worksheet using a format prescribed by OCA that includes:
 - (1) the grievance number and resident, grievant, guardian, parent(s), case manager, and OCA advocate names;
 - (2) a grievance process summary, resolutions offered at each level, and the decision-makers' responses;
 - (3) the applicable statutes, policies, and authorities;
 - (4) the resolution sought by the grievant;
 - (5) relevant documentation;
 - (6) the OCA advocacy position with regard to the subject of the grievance; and
 - (7) copies of ~~Forms 15GR001E~~, the applicable prescribed Grievance Form(s); and ~~15GR002E~~, the prescribed Local Grievance Coordinator (LGC) Worksheet.
- (c) **GARC review summary.** For GARC reviewed DDS service recipient grievances reviewed by GARC, the OCA grievance liaison prepares a GARC review summary and includes it in the GARC file. For approved foster parents and children served by Child Welfare Services (CWS) the grievance is submitted on the GARC report summarizing all responses from initiation.
- (d) **Scope of GARC review.** GARC conducts a *de novo* paper review of the grievance.
 - (1) Within three-business days following receipt of a proper request for GARC review, per OAC ~~340:2-3-46(k)~~310:678-5-4(k), the advocate general or designee informs the affected State Office administrator of the GARC meeting date.
 - (2) The grievant, State Office administrators, and designees may attend the GARC meeting to answer questions. When a grievance involves a Hissom Class Member, the OCA programs administrator for the community advocacy program may also attend.
 - (3) When the grievant wants to submit additional evidence not considered during the processing of the grievance, it is submitted to the advocate general within five-business days of the request for GARC review, but not less than seven-business days prior to the GARC meeting. When the affected State Office administrator wants to submit additional evidence not considered during the processing of the grievance, or when the GARC review is the result of an untimely response, per OAC ~~340:2-3-46(f)~~310:678-5-2(i), or for good cause shown, evidence can be submitted to the advocate general seven-business days before the GARC meeting.
 - (4) When additional information is needed in order for GARC to complete its review, GARC may continue the grievance review until the next meeting. GARC may request additional information from OCA or a State Office administrator.
- (e) **GARC report contents.** Within 15-business days of a GARC meeting to review an unresolved grievance of a child being served by Child Welfare Services or a DDS service recipient, GARC prepares a report that includes the:
 - (1) subject of the grievance and identifying information about the grievant and the State Office administrator;
 - (2) grievance procedural history, and identifying proposed resolutions and responses at each level in the grievance process, prior to the GARC review;
 - (3) resolution sought by the grievant and the resolution proposed by the State Office administrator;
 - (4) GARC recommended grievance resolution;
 - (5) facts on which GARC bases its recommendation;
 - (6) information GARC considered in making its recommendation; and
 - (7) areas of concern identified by GARC during its review of the grievance.

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(f) **GARC findings regarding approved foster parents and children being served by CWS.** Within three= business days following the GARC meeting, GARC records the decision on the GARC report. The completed GARC report for foster parent and children being served by CWS grievances includes the:

- (1) subject of the grievance and identifying information about the grievant and the State Office administrator;
- (2) procedural history of the grievance including, but not limited to, proposed resolutions and responses at each level in the grievance process prior to the GARC review;
- (3) resolution sought by the grievant and the resolution proposed by the State Office administrator;
- (4) GARC recommended grievance resolution;
- (5) facts on which GARC bases its recommendation;
- (6) information GARC considered in making its recommendation; and
- (7) areas of concern identified by GARC during its review of the grievance.

(g) **GARC report distribution.** The advocate general forwards the GARC report to the applicable local grievance coordinator (LGC). Within three= business days following receipt of the GARC report, the LGC contacts the decision-maker to inform him or her of the GARC recommended resolution, and determines if the decision-maker is satisfied.

- (1) When the decision-maker needs time to decide whether to accept the proposed resolution, the decision-maker has three= business days to make a decision. When a decision is not communicated to the LGC within three= business days, the decision-maker is deemed to have accepted the proposed resolution.
- (2) When the decision-maker is satisfied, the LGC notifies the advocate general, and the advocate general notifies interested parties. An affected State Office administrator has three= business days following receipt of this notification to submit a written request for review by the OKDHS Director to the advocate general.
- (3) When the decision-maker is not satisfied with the GARC recommended resolution and elects to contest it, the LGC notifies the advocate general within four= business days following receipt of the GARC report. The advocate general or designee transmits the request and the GARC report for review by the OKDHS Director.

(h) **Distribution of GARC report for approved foster parents and children being served by CWS.** The advocate general forwards the final GARC resolution on the GARC report to the FCO. Within one= business day following receipt of the GARC report, the FCO notifies the decision-maker and affected State Office administrator of the GARC recommended resolution.

- (1) The FCO upon notifying the decision-maker and affected State Office administrator of GARC's recommended resolution, advises the parties of their right to appeal the decision to the OKDHS Director. An affected State Office administrator or decision-maker has three= business days following receipt of this notification to submit a written request to the advocate general for review by the OKDHS Director.
- (2) When the resolution of the grievance involves an action to be taken by an OKDHS employee by a future target date, the FCO monitors compliance with that target date. In the event the resolution is not implemented or not implemented within the time specified, the FCO informs the advocate general and he or she notifies the OKDHS Director in writing.
- (3) When an appeal is not requested by the decision-maker or affected State Office administrator within three= business days following receipt of the recommended resolution, the FCO sends the closure notice to the grievant and State Office administrator.

(i) **OKDHS Director's GARC recommendation review.** Upon receipt by the advocate general of a proper and timely written request for review by the OKDHS Director, per (e) of this Section, the advocate general or designee transmits the request and the GARC report to the OKDHS Director.

- (1) Within 15= business days following receipt of the GARC report, the OKDHS Director decides to:
 - (A) adopt the GARC recommended resolution;
 - (B) adopt the GARC recommendation with modifications;
 - (C) return the matter to GARC for further consideration; or
 - (D) direct another resolution.
- (2) When the OKDHS Director does not respond within 15= business days, the grievance or appeal is deemed resolved, per the GARC recommended resolution.
- (3) The advocate general notifies the grievant and other interested parties of the result of the OKDHS Director's review. The decision-maker is informed this concludes the grievant's administrative remedies. When the grievant is a foster parent or child being served by CWS, a copy of the grievance and related materials are forwarded to the Oklahoma Commission for Children and Youth Office of Juvenile Systems Oversight.

(j) **Resolution monitoring for children in OKDHS custody and DDS recipients.** When the resolution of the grievance involves an action to be taken by a OKDHS employee by a future target date, the OCA grievance liaison monitors compliance with that target date. In the event the resolution is not implemented or not implemented within the time specified, the OCA grievance liaison informs the advocate general, and the advocate general notifies the OKDHS Director

in writing.

SUBCHAPTER 9. ADVOCACY PROGRAMS

~~310:678-9-1. Office of Client Advocacy (OCA)~~**OCA general advocacy services [AMENDED]**

(a) **Legal authority and scope.** OCA provides advocacy services to recipients of Developmental Disabilities Services (DDS) listed in this subsection, who are collectively referred to as "clients," per Oklahoma Administrative Code (OAC) ~~340:2-3-71~~310:678-9-1 through ~~340:2-3-75~~310:678-9-4.

(1) Section 1415.1(A)(2) of Title 10 of the Oklahoma Statutes (10 O.S. § 1415.1(A)(2)) requires the Oklahoma Department of Human Services (OKDHS) to establish an ombudsman program for each institution and residential facility for persons with intellectual disabilities operated by OKDHS. OKDHS conferred this responsibility on OCA. The advocacy services provided to Robert M. Greer Center (Greer) and Laura Dester Children's Center (SHIELD) residents are outlined in OAC ~~340:2-3-71~~310:678-9-1 and ~~340:2-3-72~~310:678-9-2.

(2) Orders of the United States District Court for the Northern District of Oklahoma in *Homeward Bound, Inc., et al. v. Hissom Memorial Center, et al.*, Case No. 85-C-437-TCK-SAJ, require OKDHS and OCA to provide advocacy services to individuals certified by the court as members of the plaintiff class, known as Hissom Class Members (HCM)s. These services are outlined in OAC ~~340:2-3-71~~310:678-9-1 and ~~340:2-3-73~~310:678-9-3.

(3) Former Northern Oklahoma Resource Center of Enid (NORCE) and the Southern Oklahoma Resource Center (SORC) residents, who transitioned after the Oklahoma Commission for Human Services resolution of November 1, 2012, which closed the facilities, are provided with advocacy services pursuant to that resolution and consistent with the obligation to serve persons with disabilities in the most integrated setting appropriate to their needs. 28 CFR §35.130(d). *Olmstead v. L.C., 527 U.S. 581 (1999)*. These services are outlined in OAC ~~340:2-3-71~~310:678-9-1 and ~~340:2-3-73~~310:678-9-3.

(4) Consistent with the requirements of *Olmstead*, OCA provides special advocacy services on an as-needed basis to other DDS clients. These services are outlined in OAC ~~340:2-3-71~~310:678-9-1 and OAC ~~340:2-3-75~~310:678-9-4.

(b) **Definitions.** The following words and terms, when used in OAC ~~340:2-3-71~~310:678-9-1 through ~~340:2-3-75~~310:678-9-4 shall have the following meaning unless the context clearly indicates otherwise:

(1) **"Capacity assessment"** means the process of determining an individual's ability to make informed decisions and the need for assistance with decision-making regarding personal and financial matters, per OAC 340:100-3-5.

(2) **"Human Rights Committee"** or **"HRC"** means the committee charged with the responsibility for external monitoring and advocacy to address protection of individual rights.

(3) **"Individual plan"** or **"IP"** means a written document developed by the Personal Support Team based upon assessment of need. The IP specifies outcomes pursued on behalf of the individual, steps taken to achieve outcomes, and all services and supports necessary to achieve outcomes.

(4) **"Informed consent"** means the ability to make and express voluntary decisions, given correct and sufficient information about the nature, purpose, risks, benefits, and alternatives of a proposed service or action. Individuals, 18 years of age and older, are presumed to have capacity to give informed consent except to the extent adjudicated incapacitated by the court. An individual is not considered incapacitated solely by reason of his or her diagnosis. Individuals may be adjudicated incapacitated in one area, while being fully capable of understanding and exercising rights in other areas. Individuals have the right to exercise judgment in all areas of capacity.

(5) **"Personal Support Team (PST)"** means the participants in the individual's assessment and planning process. The PST includes the service recipient, case manager, legal guardian, OCA advocate, service providers, and others whose participation is necessary to achieve the outcomes desired by the service recipient.

(6) **"Program coordinator"** or **"PC"** means a person employed by a DDS residential or group home contract provider agency responsible for the supervision, coordination, and monitoring of services provided by the contract provider agency to a service recipient.

(7) **"Service review"** means an assessment by an OCA advocate of a client's health, living circumstances, and the delivery of supportive services. The service review documents the extent of services provided to an individual client and identifies problem areas in service delivery. Each service review is a snapshot of an individual's life at the time the review is completed.

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(8) "Statewide Behavior Review Committee" or "SBRC" means the committee established, per OAC 340:100-3-14 that reviews each protective intervention plan with restrictive or intrusive procedures. The review ensures the plan complies with DDS policy on the use of restrictive or intrusive procedures, per OAC 340:100-5-57.

(c) **Client records.** Information in OCA records relating to advocacy services provided to the clients listed in (b) of this Section is confidential and protected from unauthorized use. Only authorized individuals are given access to client records or provided information from those records.

~~(1) The confidentiality provisions of OAC 340:100-3-2 apply to OCA client files.~~

~~(2) The confidentiality provisions of OAC 340:5-1-5 apply to information in OCA records regarding allegations of abuse, neglect, and exploitation of a vulnerable adult, as those terms are defined in 43A O.S. §§ 10-103, 10-110, and 10-110.1.~~

~~(3) A breach of confidentiality may result in criminal prosecution. Violations by OKDHS employees may also result in personnel action.~~

(d) **OCA advocate training requirements.** New and tenured OCA advocates receive appropriate training consistent with background and experience. Training includes the rights of DDS clients under federal and state law.

(e) **Client representation.**

(1) OCA assigns OCA advocates to represent:

(A) Greer residents, ~~per Title 10, Section 1415.1(A)(2);~~ and

(B) specific DDS clients living in Oklahoma and former NORCE and SORC residents, ~~per OAC 340:2-3-71 through 340:2-3-75 Subchapter 9.~~

(2) An OCA advocate is knowledgeable about the clients he or she represents and seeks to understand each client's specific challenges and communication styles, needs, interests, and goals. An OCA advocate ascertains the client's preferences and choices and becomes familiar with a client by:

(A) reviewing relevant client records and files;

(B) conducting in-person visits and other contacts with the client at home, at work, and in other contexts; and

(C) communicating with the client's program coordinator and provider staff, case manager, and others in the client's circle of support, such as relatives, loved ones, and guardians.

(f) **OCA advocacy services.**

(1) **Advocacy.** Advocacy is assisting an individual in voicing his or her interests. Clients are encouraged to engage in self-determination and are assisted to the extent they need and desire. When a client has a limitation in voicing his or her own interests, needs, and preferences, an OCA advocate seeks to speak on behalf of the client. Advocacy services provided by OCA advocates include, but are not limited to:

(A) supporting the implementation of the least restrictive alternative in residential, vocational, therapeutic, and medical settings;

(B) supporting the most appropriate living environment for each client consistent with the client's needs and objectives;

(C) encouraging the development of natural supports including friends, coworkers, and neighbors in the community where the individual lives; and

(D) bringing performance issues or service deficiencies to the attention of those who are responsible for correcting the situation.

(2) **Monitoring.** OCA monitors the well-being and provision of services to a client.

(A) Monitoring is done by means of:

(i) visits and other forms of contact with the client, staff, family members, and those who know the client;

(ii) reviewing records, documentation, contracts, and financial agreements between clients and providers of services, incident reports, and professional assessments; and

(iii) attendance at IP and other PST meetings.

(B) OCA advocates cooperate with and, render assistance to outside monitoring and advocacy entities as provided for by federal and state laws, relating to client confidentiality and release of information protocols.

(C) The monitoring role of an OCA advocate ensures the client's:

(i) individual needs, preferences, and choices are identified and met appropriately and consistently;

(ii) health, safety, and welfare standards and safeguards are maintained; and

(iii) problems and issues are addressed at the earliest juncture by appropriate persons and entities in a prompt manner.

(3) **Informal problem resolution.** An OCA advocate seeks to resolve issues and client concerns at the lowest level of administrative responsibility or decision-making. Informal problem resolution seeks to resolve issues and reach a consensus with the client on a plan of action. An OCA advocate seeks to apply an appropriate problem resolution activity that most effectively addresses the nature and imminence of the problem. An OCA advocate assists a client in the development of problem resolution skills and self-advocacy.

(4) **Grievances.** An OCA advocate advises clients and assists them in filing grievances on their own behalf. An OCA advocate may also file grievances on behalf of clients as circumstances require. Grievance policies are found in ~~OAC 340:2-3-45 through 340:2-3-55~~ Subchapter 5.

(5) **Protection and safety.** OCA staff takes appropriate action to protect the client's health, safety, and welfare, including reporting allegations of abuse, neglect, maltreatment, and exploitation, per ~~OAC 340:2-3-32310:678-3-1 through 340:2-3-39310:678-3-9~~.

(A) OCA advocates assist OCA staff, Adult Protective Services investigators, and law enforcement officers in obtaining information necessary to complete investigations when a client is an alleged victim.

(B) OCA advocates engage in appropriate follow-up activity in response to a referral from the OCA Intake Unit, per ~~OAC 340:2-3-35678-3-4~~.

(C) When an OCA advocate has a concern related to a client's health, safety, welfare, or program implementation, he or she advises the client's case manager or designated qualified intellectual disabilities professional (QIDP), as applicable, and others, such as DDS staff, provider or facility staff, treatment staff, or health care professionals as circumstances warrant.

(D) Immediately upon becoming aware of concerns regarding imminent risk of harm, an OCA advocate advises the applicable residential or vocational provider and the client's case manager.

(E) An OCA advocate ensures that abuse, neglect, maltreatment, and/or exploitation allegations are reported to the OCA Intake Unit, per ~~OAC 340:2-3-3331:678-3-2~~.

(6) **Promoting informed choice.** An OCA advocate promotes informed decision-making, consistent with a client's unique strengths, resources, priorities, concerns, abilities, capabilities, and interests through provision of necessary information and assistance to a client to understand his or her options and potential consequences of a decision. When a client is unable to make an informed choice, the OCA advocate seeks to provide the client's legal guardian, guardian ad litem, volunteer advocate, and other representative(s) with access to information to assist him or her to make an informed decision on the client's behalf. The advocate general does not provide legal advice to clients but may provide information about the law.

(7) **Protection of rights.** An OCA advocate promotes the full exercise of legal rights guaranteed clients under federal and state laws. An OCA advocate takes appropriate steps to protect a client's rights including ensuring those rights are considered in PST decisions and in the manner PST decisions are carried out. An OCA advocate seeks to ensure the application of due process in administrative, quasi-judicial, and judicial proceedings involving a client that might result in a rights restriction or a reduction in services. When a rights restriction is absolutely necessary, OCA supports the least restriction necessary for the shortest period of time possible, with a plan to remove the restriction as soon as possible.

(8) **Access to services.** An OCA advocate promotes client access to the full range of supports per federal and state requirements. Although an OCA advocate takes a position with regard to services needed by a client, an OCA advocate does not have authority to approve services.

(9) **Guardianship issues.** The Oklahoma Guardianship and Conservatorship Act promotes the participation of persons as fully as possible in the decisions that affect them, in the development of maximum self-reliance and independence, and the appointments of guardians and others, only to the extent necessitated by the mental and adaptive limitations or other conditions of individuals, per 30 O.S. § 1-103. Because a full guardianship of the person and his or her estate is the most restrictive intrusion on an individual's decision-making, OCA advocates for the least restrictive alternative to a full guardianship feasible under the circumstances including, but not limited to:

- (A) a limited guardianship;
- (B) a representative payee for financial benefits;
- (C) a volunteer advocate;
- (D) a supportive friends and family;
- (E) a health care proxy;
- (F) a durable power of attorney; and

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(G) advance directives.

(10) **Promoting inclusion.** An OCA advocate:

(A) promotes the realization of active citizenship and inclusion in the community. This includes, but is not limited to, encouraging clients to:

- (i) learn the rights and responsibilities of good citizenship;
- (ii) vote;
- (iii) take classes;
- (iv) participate in volunteer services organizations;
- (v) attend religious services of his or her choice;
- (vi) attend recreational, cultural, and social events; and
- (vii) join citizen advocacy organizations that promote inclusion in the community;

(B) encourages the development of friends who can serve as natural supports for a client; and

(C) assists a client in locating relatives who are not currently active in the client's life and encourages relationship building between him or her and family members.

(11) **End-of-life issues.** End-of-life issues for an individual with a developmental or intellectual disability do not differ from those of other individuals. Regardless of the medical circumstance that brought end-of-life issues to the forefront, an OCA advocate seeks to have a client's physicians, guardians, and loved ones adhere to Oklahoma laws relating to do-not-resuscitate orders, withdrawal or denial of nutrition or hydration, and withdrawal or termination of medical treatment. In the absence of clear and convincing evidence of a client's choices, an OCA advocate presumes the client would choose life-sustaining measures.

(g) **Contacting an OCA advocate.** When an OCA advocate is not available during office hours, his or her supervisor serves as back-up. Information about the name of the OCA advocate assigned to a client, the OCA advocate's contact information, and the name of the advocate's supervisor is obtained by phoning OCA at 1-800-522-8014.

(h) **OCA access to client records and information.** OCA staff is provided access to all records, files, documents, and information needed to fulfill OCA responsibilities regarding a client. DDS case managers, employees, and provider agency staff send the assigned OCA advocate copies of documents and notices sent to the client.

310:678-9-2. Office of Client Advocacy (OCA) OCA services specific to residents of Robert M. Greer Center (Greer) and Laura Dester Children's Center (SHIELD) [AMENDED]

(a) **Representation.** OCA advocacy services are provided to Greer and SHIELD residents consistent with Oklahoma Administrative Code (OAC) ~~340:2-3-7~~310:678-9-1 and ~~340:2-3-7~~310:678-9-2.

(b) **Grievance coordination.** OCA advocates serve as grievance coordinators for resident grievances, per OAC ~~340:2-3-5~~310:678-5-5.

(c) **Abuse and neglect reporting.**

(1) OCA advocates provide training to Greer and SHIELD employees regarding their obligation to report suspected incidents of abuse, neglect, verbal abuse, exploitation, and caretaker misconduct, per OAC ~~340:2-3-3~~310:678-3-2.

(2) Suspected incidents of abuse, neglect, verbal abuse, exploitation, and caretaker misconduct are immediately transmitted to OCA intake, per OAC ~~340:2-3-3~~310:678-3-2.

(d) **OCA advocacy and monitoring.** OCA advocates provide advocacy and monitoring to ensure compliance with rules, regulations, and policies applicable to residents' health, safety, and welfare. In addition to activities, per OAC ~~340:2-3-7~~310:678-9-1, advocacy and monitoring activities for Greer residents include:

(1) a face-to-face visit with each resident at least once every six months, and more frequently as needed, to assess and address the resident's advocacy needs;

(2) periodic site visits to facility buildings frequented by residents, including residential units, vocational programs locations, canteens, and therapy departments, at least quarterly, and more frequently as warranted to monitor compliance with health and safety requirements and protection of client rights including, but not limited to, privacy rights;

(3) a visit with a resident, at the resident's request, the resident's guardian, or another person concerned about the resident's welfare, unless contraindicated;

(4) a review of relevant documentation within seven-calendar days of receipt including, but not limited to: individual plan (IP) and interim IPs; accident and incident reports; OCA investigation findings; behavior-data collection forms, guardianship assessments, and other professional reports and assessments;

(5) serving as a member of a resident's Personal Support Team (PST);

(6) participating in capacity assessment meetings and annual reviews;

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- (7) attending facility Behavior Review Committee (BRC) and Human Rights Committee (HRC) meetings as required or indicated;
- (8) attending mortality review meetings, per OAC 340:100-3-35;
- (9) reporting policy violations, for administrative action and correction, to the facility director or quality assurance designee;
- (10) promoting (PST) discussion of alternatives to living in the facility, and consulting with PST members regarding community supports and community residential placement alternatives; and
- (11) providing transition advocacy assistance for 90-calendar days from the date the resident moves out of Greer or SHIELD. The 90-calendar days may be extended by the advocate general or designee as warranted. Transition advocacy assistance includes:
 - (A) participating in discharge planning meetings;
 - (B) visiting the identified home prior to the move and ensuring ~~Form 06CB034E~~, the prescribed Residential Pre-service Checklist form approved by OSDH, is completed, any identified issues are resolved, and everything is in place before the resident moves out of Greer or SHIELD;
 - (C) visiting the home within seven-calendar days when a resident moves out of Greer to determine if there are OCA advocacy needs. Making phone contact with the community case manager, program coordinator, resident and/or guardian, and at least one staff person in the home to determine if there are OCA advocacy needs; and
 - (D) visiting the home monthly to assist with resolution of advocacy needs until the case is closed.

310:678-9-3. ~~Office of Client Advocacy (OCA)~~ OCA advocacy services specific to Hisom Class Members (HCM)s and former Northern Oklahoma Resource Center of Enid (NORCE) and Southern Oklahoma Resource Center (SORC) residents [AMENDED]

(a) **Representation.** OCA provides ombudsman and advocacy services to former HCMs and NORCE and SORC residents of the facilities, per Oklahoma Administrative Code (OAC) ~~340:2-3-71~~ 310:678-9-1. An OCA advocate is assigned to act as an independent resource to ensure the client's needs are met and ensure that he or she is provided with the information, skills, opportunities, and support to:

- (1) make informed choices and decisions about their lives;
- (2) live in homes and communities where individuals can exercise full rights and responsibilities as citizens;
- (3) pursue meaningful and productive lives;
- (4) contribute to their family, community, state, and nation;
- (5) have interdependent friendships and relationships with others;
- (6) live free from abuse, neglect, financial and sexual exploitation, and other legal rights violations; and
- (7) achieve maximum health and full integration and inclusion in society; in an individualized manner consistent with unique strengths, resources, and priorities.

(b) **OCA advocate assignment.** OCA assigns an advocate to each HCM living in Oklahoma and to each former resident of NORCE and SORC. These OCA advocates are assigned for the client's lifetime, so long as they are residing in Oklahoma. Clients are provided choices regarding the OCA advocate assigned to represent them to the extent feasible considering the geographic location of the client's residence and OCA advocate caseloads. Requests for a change in the OCA advocate representing an individual are made to the advocate general or designee.

(c) **Personal Support Team (PST) membership.** As a representative of a HCM or of a Developmental Disabilities Services (DDS) client living in a community residential placement, an OCA advocate is a member of the client's PST.

- (1) As a PST member, the OCA advocate receives from the client's DDS case manager, timely notice of all PST meetings, including emergency PST meetings.
- (2) The OCA advocate attends the client's:
 - (A) annual individual plan (IP) meetings;
 - (B) person-centered planning meetings;
 - (C) interim meetings;
 - (D) follow-up planning meetings;
 - (E) emergency PST meetings;
 - (F) PST guardianship assessment meetings;
 - (G) other PST meetings when significant issues are addressed, including when a rights restriction or an intrusive behavior intervention strategy is contemplated or recommended;
 - (H) PST capacity assessments; and
 - (I) other PST meetings, at the client's, guardian's, or involved family's or friend's request.

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(3) Within the PST context, the OCA advocate assists the client and represents the client's interests without relinquishing priority to client safety and rights.

(d) **Guardianship issues.** The OCA advocate ensures a client has a current capacity assessment and attends capacity assessment meetings. When a client with a full guardianship has sufficient capacity to require no guardian or only a limited guardian, the OCA advocate promotes the filing of a petition with the guardianship court to terminate or limit the guardianship appointment. When the current capacity assessment for the client who does not have a guardian recommends a guardian or volunteer advocate, the OCA advocate participates with the PST to identify persons who might serve as the client's guardian or volunteer advocate. An OCA advocate encourages the development of friends in the community who might become the client's guardian or volunteer advocate. The OCA advocate monitors the implementation of the recommendations in the capacity assessment and advocates for timely achievement. When a guardian is needed and a suitable guardian is identified, the OCA advocate promotes the filing of a petition with the guardianship court to appoint a guardian.

(e) **OCA advocacy and monitoring.** OCA provides advocacy and monitoring to ensure compliance with rules, regulations, and policies, applicable to their client's health, safety, and well-being. In addition to the services described in OAC 340:2-3-71(h)310:678-9-1, OCA advocacy and monitoring activities on behalf of each client, include:

- (1) verifying that ~~Form 06CB034E~~, the prescribed Residential Pre-Service Checklist form, was completed and everything on the checklist is in place prior to any change in residence;
- (2) visiting the client's home within 30-calendar days after the client moves into a new residence;
- (3) conducting a face-to-face visit with the client at least once every three months and, more frequently as indicated;
- (4) completing a meaningful contact regarding each client served, at least monthly;
- (5) completing a service review at least once every six months;
- (6) verifying that direct contact staff completed required training in connection with each service review;
- (7) requesting that DDS Quality Assurance staff conduct an administrative inquiry of suspected provider contract violations, per OAC 340:100-3-27;
- (8) assisting the client and his or her guardian or representative with proposed financial agreements and contracts reviews between the client and the provider;
- (9) reviewing documents and electronic files including, but not limited to:
 - (A) assessments, IP, and interim IP documents;
 - (B) incident reports;
 - (C) Adult Protective Services and OCA investigation findings; and
 - (D) behavior data collection forms;
- (10) attending mortality review meetings, per OAC 340:100-3-35;
- (11) attending legal proceedings involving the client, including guardianship proceedings, as circumstances warrant;
- (12) providing an annual copy of ~~Form 15GR007E, Notice of Grievance Rights, Hisson Class Members, or of Form 15GR006E, Notice of Grievance Rights: DDS Service Recipients, as appropriate,~~ the applicable prescribed Notice of Grievance Rights form to each client and/or guardian;
- (13) monitoring the water temperature in homes every six months, using a thermometer to ensure the water does not exceed 120 degrees Fahrenheit;
- (14) verifying that appropriate records are kept with regard to an individual's personal finances, at least once every six months; and
- (15) advocating for the provision of adequate staff to be present in the hospital with HCMs only, prior to and during a hospitalization, as circumstances warrant.

(f) **Advocacy and monitoring services specific to HCMs and former residents of NORCE and SORC, who reside in private intermediate care facilities for individuals with intellectual disabilities (ICF/IID).**

- (1) The assigned OCA advocate conducts a face-to-face visit with a client living in a private ICF/IID at least once every 90-calendar days and more frequently, as warranted.
- (2) Service reviews are not completed.
- (3) The OCA advocate maintains a helping relationship with the client, assessing the realization of desired and targeted outcomes, and initiating change through referral or grievance as needed. During client contacts, the OCA advocate inquires about the client's satisfaction with current supports and provides information regarding available options for community supports.

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(4) The OCA advocate, at least once every six months, contacts the client's guardian when one is appointed. The OCA advocate, in response to a client's expression of dissatisfaction with the current residential arrangements, contacts the guardian. These contacts reaffirm the availability of service options to clients for support in community settings. Contacts with the guardian occur in person, by phone or mail as circumstances warrant.

(5) The OCA advocate contacts the private ICF/IID case manager, informs the case manager of the OCA advocate's intent to attend yearly planning meetings, and requests notification in advance of yearly planning, interim, and emergency meetings.

(6) The OCA advocate participates in annual planning meetings at the private ICF/IID. The OCA advocate provides advocacy assistance regarding the client's expressed preferences. The OCA advocate brings the individual's expressed desires and any concerns expressed by him or her, the guardian, or other family members to the attention of the PST. The OCA advocate participates in interim meetings and addresses significant changes in the client's residence, work, health, or important relationships.

(7) The OCA advocate assesses the client's welfare and determines if OCA advocacy is needed. The OCA advocate develops a working knowledge of the facility's grievance procedure as well as other problem resolution processes and resources for change. The OCA advocate provides assistance, either directly or through referral, resolving concerns identified by the client or by others on the client's behalf, which may include contacting the Office of the State Long-Term Care Ombudsman.

(8) The OCA advocate provides information and encouragement to the client to consider community residential settings.

(g) OCA advocacy and monitoring services specific to HCMs and former residents of NORCE and SORC who are in Oklahoma Department of Corrections (DOC) or county sheriff custody. OCA advocacy and monitoring services for clients, who are in DOC or county sheriff custody, except those who are detained pre-trial, are contained in this subsection. The assigned OCA advocate:

(1) contacts the client at least once every six months. These contacts are in person unless contraindicated by the individual;

(2) obtains copies of court documents that reflect the sentence the client is serving;

(3) assesses the client's welfare and determines if OCA advocacy assistance is needed. The OCA advocate provides assistance, either directly or through referral, resolving concerns identified by the client or by others on the client's behalf. OCA advocacy assistance is provided to enforce the rights of clients under the Americans with Disabilities Act and other federal and state laws, to the extent they are applicable to persons who are in custody; and

(4) provides OCA advocacy assistance with the DDS case manager to commence transition planning when the client has less than a year remaining to serve in custody. The OCA advocate participates in and monitors transition planning, representing the client's interests.

(h) Services specific to HCMs and former residents of NORCE and SORC who decline DDS services. Clients and their legal representatives have the right to refuse DDS services, per OAC 340:100-3-11. The OCA advocate for a client, who has declined DDS services contacts the individual at least once every six months and remains available to assist him or her, when requested with OCA advocacy regarding non-specialized assistance. If the OCA advocate determines the client's need or desire for specialized supports has changed, he or she takes appropriate follow-up action with DDS case management.

(i) OCA advocate services specific to HCMs on the Focused Advocacy List (FAL). Pursuant to court order, OCA formally assumed the responsibility of acting as advocate for plaintiff class-members identified in *Homeward Bound, et al. v. The Hissom Memorial Center, et al.* [85-C-437]. In response, OCA created the Focused Advocacy program to provide increased OCA advocacy supports to HCMs with limited or no family involvement. In addition to the activities described in (e) & (f) of this Section and OAC ~~340:2-3-71(h)~~310:678-9-1, OCA advocacy and monitoring activities on behalf of each client include:

(1) ensuring the assigned DDS representative is invited to the PST meetings when warranted to review and update progress in securing a volunteer advocate or guardian for all clients on the FAL;

(2) visiting each member on the FAL at least once every two months, and more frequently when warranted. Visits include home visits, worksite visits, and other face-to-face contacts;

(3) placing a priority on expanding HCM's circles of support to include persons, who are not paid to be involved in the HCM's life, which includes identifying relatives, not involved in the HCM's life who might be encouraged to become more involved;

(4) identifying HCMs who have the greatest immediate need of a volunteer advocate or guardian. OCA advocates must promptly inform the OCA Focused Advocacy manager when a HCM is identified as having a priority need; and

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(5) ensuring a Team Review of Advocate/Guardian Participation (TRAGP) document is prepared for each HCM assigned to them at least annually and one is completed much more frequently whenever there is a significant change in circumstances warranting review of the involvement of persons who are not paid to be involved in the HCM's life. The TRAGP form includes information documenting the need for the individual to remain on, be added to, or be removed from the FAL. The Focused Advocacy Committee meets regularly to review TRAGP forms and determine if HCMs remain on the FAL or require prioritized identification of a volunteer advocate or guardian.

[OAR Docket #24-1258; filed 11-15-24]

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

[OAR Docket #24-1263]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 15. Conditions of Eligibility - Citizenship and Alienage
340:10-15-1. Citizenship and alien status [AMENDED]

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes; Section 301 of the Ukraine Security Supplemental Appropriations Act, 2024, P.L. 188-50; Section 401 of Additional Ukraine Supplemental Appropriations Act, 2022, P.L. 177-128; Section 209 of the Compact of Free Association Amendments Act, in the Consolidated Appropriations Act, 2024, P.L. 118-42; and Sections 1612, 1613, and 1641 of Title 8 of the United States Code.

COMMENT PERIOD:

N/A

PUBLIC HEARING:

N/A

ADOPTION:

September 9, 2024

EFFECTIVE:

Immediately upon Governor's approval

APPROVED BY GOVERNOR:

October 10, 2024

EXPIRATION:

Effective through September 14, 2025, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

SUPERSEDED RULES:

N/A

GUBERNATORIAL APPROVAL:

N/A

REGISTER PUBLICATION:

N/A

DOCKET NUMBER:

N/A

INCORPORATIONS BY REFERENCE:

INCORPORATED STANDARDS:

N/A

INCORPORATING RULES:

N/A

AVAILABILITY:

N/A

FINDING OF EMERGENCY:

OKDHS TANF seeks emergency rulemaking authority to comply with changes in federal law. The first change relates to Ukrainian humanitarian parolees. Section 301 of the Ukraine Security Supplemental Appropriations Act amends Section 401 of Additional Ukraine Supplemental Appropriations Act, 2022, P.L. 177-128. The Ukraine Security Supplemental Appropriations Act updated the deadline for a Ukrainian humanitarian parolee to receive parole and become an eligible refugee from September 30, 2023, to September 30, 2024. President Biden signed this bill on April 24, 2024. The second change relates to citizens of the Federated States of Micronesia, the Republic of Marshall Islands, and the Republic of Palau. To qualify for TANF, applicants or recipients who are not a U.S. citizen or national must qualify as a qualified and eligible alien. Section 209 of the Compact of Free Association Amendments Act creates an exemption for any lawful resident in the U.S. from the Compact of Free Association state to be considered a qualified and eligible alien for TANF eligibility.

GIST/ANALYSIS:

The proposed amendments to Chapter 10 amend the rules to: (1) allow a Ukrainian humanitarian parolee until September 30, 2024, to receive parole and be a qualified and eligible alien, per Section 301 of the Ukraine Security Supplemental Appropriations Act, 2024, Public Law (P.L.) 188-50; and (2) reclassify citizens of the Federated States of Micronesia, the Republic of Marshall Islands, and the Republic of Palau as qualified and eligible aliens, per Section 209 of the Compact of Free Association Amendments Act of 2024.

CONTACT PERSON:

Caleb Turner, Programs Manager III, 405-982-3685

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 15. CONDITIONS OF ELIGIBILITY - CITIZENSHIP AND ALIENAGE

340:10-15-1. Citizenship and alien status [AMENDED]

- (a) A person eligible to be included in a Temporary Assistance for Needy Families (TANF) benefit, must be:
- (1) a citizen or a national of the United States (U.S.), including the 50 states, District of Columbia, commonwealth of Puerto Rico, Virgin Islands, Guam, American Samoa, and Northern Mariana Islands. A person may be a citizen of the U.S. by being born in the U.S. or by being born in some other country but moving to the U.S. and being granted U.S. citizenship through the U.S. Citizenship and Immigration Services (USCIS) a bureau of the U.S. Department of Homeland Security; or
 - (2) a qualified alien described as:
 - (A) an alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA);
 - (B) an alien who is paroled into the U.S., per Section 212(d)(5) of INA for a period of at least one year;
 - (C) an alien who is granted conditional entry, per Section 203(a)(7) of INA as in effect prior to April 1, 1980;
 - (D) an alien who is granted asylum, per Section 208 of INA;
 - (E) a refugee who is admitted to the U.S., per Section 207 of INA;
 - (F) an alien whose deportation is withheld, per Section 241(b)(3) of INA;
 - (G) an alien who is a Cuban or Haitian entrant as defined, per Section 501(e) of the Refugee Education Assistance Act of 1980;
 - (H) battered aliens and their children or parents as defined, per Section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act as amended, Section 1641(c) of Title 8 of the United States Code (8 U.S.C. § 1641(c));
 - (I) an alien and his or her eligible relatives who are victims of a severe form of trafficking, per Section 107(b) of the Trafficking Victims Protection Act of 2000 that was reauthorized and amended by the Trafficking Victims Protection Reauthorization Act of 2013;
 - (J) an Iraqi admitted in special immigrant status as defined in Section 101(a)(27) of the INA, 8 U.S.C. § 1101(a)(27), and Section 1059, Public Law (P.L.) 109-163, the National Defense Authorization Act for Fiscal Year 2006, and Section 1244 of P.L. 110-181, the National Defense Authorization Act for Fiscal Year 2008, per Section 525 of Division G of P.L. 110-161, the Consolidated Appropriations Act of 2008, Section 1244 of P.L. 110-181, the National Defense Authorization Act for Fiscal Year 2008, and Section 8120 of P.L. 111-118. The person must be treated as a refugee;

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(K) an Afghan admitted in special immigrant status as defined, per Section 101(a)(27) of the INA, 8 U.S.C. § 1101(a)(27) and Section 1059, P.L. 109-163, the National Defense Authorization Act for Fiscal Year 2006, Section 602, Division F, P.L. 111-08, the Omnibus Appropriations Act, 2009, pursuant to Section 525 of Division G of P.L. 110-161 of the Consolidated Appropriations Act, 2009, and Section 8120 of P.L. 111-118. The person must be treated as a refugee;

(L) an Afghan non-special immigrant parolee, known as a humanitarian parolee, per the Afghanistan Supplemental Appropriations Act 2022 enacted on September 30, 2021, Section 2502 of P.L. 117-43, as modified by the Section 106(3) and 149(a) of the Continuing Appropriations and Ukraine Supplemental Appropriations Act, 2023, P. L. 117-180, paroled into the U.S. between July 31, 2021 and December 16, 2022, who meets all other factors of eligibility from October 1, 2021 until March 31, 2023, or the term of parole, whichever is longer; ~~or~~

(M) a Ukrainian citizen or national or person who last habitually resided in Ukraine and received parole per Section 401 of the Additional Ukraine Supplemental Appropriations Act of 2022, P.L. 117-128. The parole must occur between February 24, 2022, and September 30, ~~2023~~2024; if after September 30, ~~2023~~2024, the parolee must be the child, spouse, parent, legal guardian, or primary caretaker of a Ukrainian parolee who was paroled between February 24, 2022 and September 30, ~~2023~~2024; or
(N) a lawful resident in the U.S. per a Compact of Free Association, including citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, per 8 U.S.C. §§ 1612(b)(2)(G) and 1641(b)(8).

(b) A qualified alien who enters the U.S. on or after August 22, 1996, is not eligible for TANF benefits for a five year five-year period beginning on the date of the alien's entry into the U.S. with a qualified alien status unless the alien is:

- (1) admitted to the U.S. as a refugee, per (a)(2)(E) of this Section;
- (2) granted asylum, per (a)(2)(D) of this Section;
- (3) one whose deportation is being withheld, per (a)(2)(F) of this Section;
- (4) a Cuban or Haitian entrant, per (a)(2)(G) of this Section;
- (5) admitted to the U.S. as an Amerasian immigrant;
- (6) lawfully residing in the state and is a veteran of the U.S. armed forces, on active duty, or is that person's spouse or unmarried dependent child;
- (7) a victim of a severe form of trafficking, per (a)(2)(I) of this Section;
- (8) an Afghan citizen or national paroled into the U.S. as a humanitarian parolee between July 31, 2021 and September 30, 2022; ~~or~~
- (9) a Ukrainian citizen, national, or person who last habitually resided in Ukraine paroled, per (a)(2)(M) of this Section; or
- (10) a lawful resident in the U.S. per a Compact of Free Association, including citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, per 8 U.S.C. §§ 1612(b)(2)(G) and 1641(b)(8).

(c) The applicant or recipient must declare the citizenship or alien status for all adults and children included in the TANF assistance unit when completing and signing the application or renewal. Refer to Oklahoma Administrative Code 340:65-3-1(g) for additional citizenship requirements for persons 14 years of age and older, per Section 71 of Title 56 and Section 20j of Title 74 of the Oklahoma Statutes.

(d) Declaration on behalf of a newborn child may be delayed provided the delay does not exceed the date of the assistance unit's next eligibility renewal.

(e) Persons declaring qualified alien status must provide documentation of their alien status and have their status verified through the Systematic Alien Verification for Entitlements (SAVE) program's Alien Status Verification Index. When secondary verification must be pursued through USCIS, the worker must not delay, deny, close, or reduce benefits to an alien pending a response from USCIS.

(f) All persons born in the U.S. are, with rare exceptions, U.S. citizens. Documents of citizenship or national status of persons from certain U.S. territories or possessions listed in (a)(1) of this Section may not be in their possession nor available. Their status may usually be determined by a birth certificate, passport, or other official document.

[OAR Docket #24-1263; filed 11-18-24]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 50. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

Emergency Adoptions

[OAR Docket #24-1262]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 1. General Provisions

340:50-1-8. Reporting racial/ethnic groups [AMENDED]

Subchapter 3. Application Process

340:50-3-1. The application process [AMENDED]

Subchapter 11. Special Procedures

Part 1. HOUSEHOLDS ENTITLED TO EXPEDITED SERVICE

340:50-11-1. Expedited service screening, criteria, and time limits [AMENDED]

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); 7 C.F.R. §§ 272.6 and 273.2.

COMMENT PERIOD:

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SUPERSEDED EMERGENCY ACTIONS:

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INCORPORATED STANDARDS:

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INCORPORATING RULES:

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AVAILABILITY:

N/A

FINDING OF EMERGENCY:

Per 75 O.S. § 253, OKDHS seeks emergency rulemaking to comply with changes in federal law, avoid violation of federal law, and protect the public welfare. There has been a change in the federal law that governs the required collection of racial and ethnic data from SNAP households. The Federal Register (88 Fed. Reg. 86563, 86563 (Dec. 14, 2023)) indicates the Food and Nutrition Service published the final rule on December 12, 2023, and it became effective February 12, 2024. OKDHS SNAP rules conflict with the federal regulation (7 C.F.R. § 272.6(g)) that requires OKDHS to assign the next business day as the application date when SNAP applications received outside of business hours (7 C.F.R. § 273.2(c)(iv)). The current practice creates administrative problems that are contrary to the public welfare. The current practice does not differentiate between operating or business hours for these applications. This practice creates backlogs over weekends, holidays, or any other time outside of operating hours. It complicates meeting the federally required seven-day expedited-service and 30-day application processing times and leads OKDHS to offer less than ideal customer service since staff must address this backlog. Making the change will enable OKDHS to better manage its federally

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required obligations and offer improved service delivery and customer service. Food and Nutrition Services (FNS) has noted this inconsistency in the OKDHS Application Processing Timeliness (APT). On June 4, 2024, FNS escalated issues with our APT to ensure prompt action to improve state timeliness.

GIST/ANALYSIS:

The proposed amendments to Chapter 50, Subchapter 1 amend the rules to update the collection of required ethnic and racial data according to Section 272(g) of Title 1 of the Code of Federal Regulations (7 C.F.R. § 272.6(g)). The proposed amendments to Chapter 50, Subchapter 3 and Subchapter 11 amend the rules to update the handling of applications received outside OKDHS operating hours, per 7 C.F.R. § 273.2(c)(iv).

CONTACT PERSON:

Caleb Turner, Programs Manager III, 405-982-3685

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 1. GENERAL PROVISIONS

340:50-1-8. Reporting racial/ethnic groups [AMENDED]

The Oklahoma Department of Human Services ~~is required to obtain~~ (OKDHS) obtains ethnic and racial data on household members participating in the Supplemental Nutrition Assistance Program in the manner ~~described by the~~ Food and Nutrition Service describes per Section 272.6(g) of Title 7 of the Code of Federal Regulations.

(1) **Self-identification.** ~~The OKDHS asks the applicant is asked or authorized representative~~ to self-identify ethnic and racial information regarding all participating household members on the application and, when necessary, during the interview.

(A) The application must clearly indicate that the:

- (i) provision of ethnic and racial data is voluntary and will not affect the eligibility or benefit level of food benefits; and
- (ii) information is ~~needed~~ to ensure that food benefits are distributed without regard to race, color, or national origin.

(B) When the applicant or authorized representative does not self-identify ethnic and racial information on the application prior to the interview, the worker asks the applicant, adult household member, or authorized representative to provide ethnic and racial information during the interview and explains:

- (i) provision of ethnic and racial data is voluntary and will not affect the eligibility or benefit level of food benefits; and
- (ii) information is ~~needed~~ to ensure that food benefits are distributed without regard to race, color, or national origin.

(2) **Worker identification.** When the applicant, adult household member, or authorized representative chooses not to provide ethnic and race information, ~~the applicant is informed that when possible, the worker makes a must not record a household member's ethnic or racial information based on visual identification of the applicant's ethnicity and race, and records the data in the system.~~

(A) The worker reviews the existing case record for verification that does not rely on visual identification. Examples include, but are not limited to, documentary evidence, the household's racial or ethnic designations on previous OKDHS forms, or other reasonable nonvisual verification. When the worker finds verification of the racial and ethnic status, the worker records this information in the eligibility system.

(B) When the applicant, adult household member, or authorized representative chooses not to provide racial and ethnic status information and there is no nonvisual evidence in the case record, the worker indicates that the racial and ethnic status is unknown in the eligibility system.

(3) **Race and Ethnic Categories.** To provide flexibility and ensure data quality, separate categories are used to collect and report ethnicity and race information.

(A) The applicant or authorized representative is asked to provide ethnicity information first. The ethnicity question is "Are you Hispanic or Latino?" The term "Spanish origin" may be used in addition to "Hispanic" or "Latino." Hispanic or Latino refers to a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

(B) The applicant or authorized representative is then offered the option of selecting one or more racial designations. Racial designations include:

- (i) American Indian or Alaskan Native referring to a person with origins in the original peoples of North or South America, including Central America, and who maintains tribal affiliation or community attachment;
- (ii) Asian referring to a person with origins in the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, or Vietnam;
- (iii) Black or African American referring to a person with origins of the black racial groups of Africa. Terms, such as "Haitian" or "Negro" may be used in addition to "Black" or "African American;"
- (iv) Native Hawaiian or Other Pacific Islander referring to a person with origins in the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- (v) White, referring to a person with origins in any of the original peoples of Europe, the Middle East, or North Africa.

SUBCHAPTER 3. APPLICATION PROCESS

340:50-3-1. The application process [AMENDED]

(a) **General.** The Supplemental Nutrition Assistance Program (SNAP) application process begins with a request for benefits and ends ~~when~~with the household's eligibility ~~is determined~~ determination and ~~the household is notified of the decision~~notification.

(1) ~~The Oklahoma Human Services (OKDHS) must process the application must be processed~~ no later than 30-calendar days after OKDHS receives the signed application is submitted to Oklahoma Human Services (OKDHS) during operating hours. When OKDHS receives an application outside of operating hours, then the application is considered to be received on the next business day.

(2) Expedited services ~~must be made~~are available to households in immediate need. Refer to Oklahoma Administrative Code (OAC) 340:50-11-1 through ~~340:50-11-6~~340:50-11-5 for expedited service criteria and procedures.

(3) Persons having lawful alien status must have their status verified through Systematic Alien Verification for Entitlements (SAVE), per OAC 340:65-3-4.

(4) Benefits must be provided retroactively to the application date for households who complete the application process and are determined eligible for the application month.

(b) **Filing applications.** Each household wishing to participate in SNAP must file a separate application. Refer to OAC 340:50-5-1 for household definition. The designated head of household is not required to make the food benefit application. ~~Applications may be made by a~~ a responsible household member or authorized representative may apply for SNAP. A responsible household member or authorized representative completes an authorization for release of information at the time of application, when necessary. Applications may be submitted in person, online, or by fax, mail, or email.

(1) **Right to same day filing.** ~~Because the time limit for providing benefits starts on the date OKDHS receives the application in the county office or online, the~~The worker informs the household at first contact of its right to submit an application on the contact date and encourages the household to do so. The worker also informs the household it does not have to be interviewed before filing the application and that the household may file an incomplete application. At a minimum, an incomplete application must contain the applicant's name, address, an adult household member's signature or the household's authorized representative's signature.

(A) OKDHS makes Form 08MP001E, Request for Benefits, ~~is made~~ readily accessible to potentially eligible households, groups, and organizations that assist persons in completing applications for ~~food benefits~~SNAP.

(B) When the household requests ~~food benefits~~SNAP:

(i) by phone, the worker first offers to submit an online application by proxy on behalf of the household ~~(by proxy)~~. When the household does not have time to submit the application by proxy, the worker informs the household it may submit an application online at www.okdhslive.org or www.okbenefits.org, or the worker ~~can email or mail~~sends Form 08MP001E to the household the same day; or

(ii) in writing and provides a phone number, the worker attempts to call the household to proxy the application. When the household did not provide a phone number or the worker is unable to reach the household, he or she mails Form 08MP001E to the household on the same day the written request is received.

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(C) To facilitate SNAP participation for households in which all members are applying for a State Supplemental Payment (SSP) or Temporary Assistance for Needy Families (TANF), these households ~~must be allowed to~~ may apply for food benefits at the same time they apply for financial assistance. The household's eligibility and benefit level ~~are for food benefits is~~ based on ~~food benefit~~ SNAP eligibility criteria, and ~~the household is certified per~~ the worker certifies using SNAP rules. Refer to OAC 340:50-11-20 through 340:50-11-27 when processing food benefit applications for households approved for SSP ~~and/or~~ or TANF.

(D) ~~Immediately upon receipt in an OKDHS office, all~~ All applications are screened to determine if the household is entitled to expedited services. All initial applicant households that qualify, per OAC 340:50-11-1 must receive expedited processing when certified for ~~food benefits~~ SNAP whether requested by the household or not.

(2) **Head of household.** A household may select; as head of household; an adult parent of children of any age living in the food benefit household, or an adult who has parental control over children 17 years of age and younger living in the food benefit household; provided all adult household members agree to the selection.

(A) Households select their head of household at each certification action or when there is a change in household composition.

(B) When all adult members do not agree to the selection or decline to select an adult head of household, the household may select another head of household, or the worker may designate a head of household.

(C) In no event does the failure to select an adult who has parental control of children delay the certification or result in the denial of benefits for an otherwise eligible household.

(3) **Authorized representative.** Per Section 273.2(n)(1) of Title 7 of the Code of Federal Regulations (7 C.F.R. § 273.2(n)(1)), an authorized representative is an adult non-household member who can act on behalf of the SNAP household. The authorized representative may complete the application process, report changes, obtain benefits, ~~and/or~~ or purchase food for the household.

(A) The authorized representative designation must be made in writing and be signed by the head of household, spouse, or other responsible household member. The written designation must clearly state what actions the household wants the authorized representative to perform for it. The worker only allows the authorized representative access to the household's food benefits; when the written statement clearly grants such access. A household may allow any SNAP household member or non-household member, when authorized, to purchase food or meals for the SNAP household with the electronic benefits transfer (~~EBT~~) card, per 7 C.F.R. § 273.2(n)(3).

(B) A non-household member may be designated as an authorized representative for the application process provided the person is an adult who is knowledgeable of the relevant household circumstances. In the event the only adult member of the household is ~~classified as~~ a non-household member, per OAC 340:50-5-5, he or she may be designated as the authorized representative for minor household members.

(C) When a household member designates an authorized representative in writing to apply for SNAP benefits on the household's behalf, the worker informs the household it will be held liable for any over-issuance that results from erroneous information given by the authorized representative. When possible, the head of the household or spouse prepares or reviews the application, even though the authorized representative actually files the application and is interviewed.

(4) **Restrictions on authorized representatives.** The worker ensures an authorized representative is properly designated and has not been disqualified for an intentional program violation, per OAC 340:50-5-10.1 and 340:50-15-25 or is not restricted from serving as an authorized representative, per 7 C.F.R. § 273.2(n)(4) and information included in (A) through (E) of this subsection.

(A) Limits are not placed on the number of households an authorized representative may represent. The worker ~~takes care to ensure~~ ensures the household:

- (i) freely requested the authorized representative's assistance;
- (ii) circumstances are correctly reported; and
- (iii) receives the correct amount of benefits.

(B) OKDHS employees involved in certification or issuance processes and retailers authorized to accept food benefits may not act as authorized representatives without the specific written approval of ~~the county director~~ a field manager and only after the ~~county director~~ field manager determines no one else is available to serve as the authorized representative.

(C) A person disqualified for an intentional program violation may not act as an authorized representative during the disqualification period unless the person disqualified is the only adult member of the household able to act on its behalf and the worker determines there is no one else available to serve as an authorized representative. The worker must separately determine if the person is needed to apply for or to obtain benefit on behalf of the household.

(D) An authorized representative is disqualified from serving as an authorized representative in SNAP for up to one year when evidence demonstrates he or she misrepresented a household's circumstances, knowingly provided false information pertaining to the household, or made improper use of benefits.

(i) Information indicating that a person should be disqualified as an authorized representative is forwarded to Adult and Family Services (AFS) SNAP program staff, for a decision. The worker is notified in writing of the decision.

(ii) When the person is disqualified, appropriate notification is mailed to the household by AFS SNAP program staff.

(iii) This provision does not apply to persons serving as authorized representatives for group homes or drug and alcoholic treatment centers. However, authorized representatives for group homes or drug and alcohol treatment centers who intentionally misrepresent household circumstances may be prosecuted under applicable federal and state statutes for their acts.

(E) Homeless meal providers, such as soup kitchens, temporary shelters, or contracted restaurants, are known as authorized or private, non-profit establishments. These authorized or private, non-profit establishments may not act as authorized representatives for homeless food benefit recipients.

(c) Processing initial applications. The application date for online submissions SNAP applications is the date ~~the household submits the application to the OKDHS Live website at www.okdhslive.org or www.okbenefits.org~~ OKDHS receives it during operating hours. When the household applies outside of operating hours, over the weekend, or on a holiday, the application date is the next day OKDHS is open. When ~~the county~~ an OKDHS AFS office receives an application that contains the applicant's name and address, and is signed by a responsible member of the household or the household's authorized representative, the household's application date is the date it is received and stamped into the county office except as stipulated, per OAC 340:50-9-1(c) ~~and~~, 340:50-9-6(e), and 340:50-11-105(d). When the application is signed by the responsible person or authorized representative for a household also applying for SSP or TANF, the application is processed, per OAC ~~340:50-11-340:50-11-20.~~

(1) **Normal processing standard for initial applications.** The worker must provide eligible households who complete the initial application process with food benefits within 30-calendar days following the date the initial application is submitted.

(2) **Withdrawing application.** A household may voluntarily withdraw its application at any time prior to the eligibility determination.

(d) Second 30-calendar day period. A new application is not needed when a household completes the application interview within 30-calendar days, is denied for failing to provide verification, and then provides the required verification within 60-calendar days. When the household waits until the second 30-calendar day period to provide the verification, there is a break in benefits and the worker changes the application and certification dates to the date the verification is provided. Refer to OAC 340:50-11-5 when the verification is postponed for an expedited certification.

SUBCHAPTER 11. SPECIAL PROCEDURES

PART 1. HOUSEHOLDS ENTITLED TO EXPEDITED SERVICE

340:50-11-1. Expedited service screening, criteria, and time limits [AMENDED]

(a) **Expedited service screening.** Oklahoma Human Services (OKDHS) Adult and Family Services staff designated by ~~the county director or a~~ field manager must screen every initial Supplemental Nutrition Assistance Program application, including those received from residents of approved drug and alcohol treatment centers and group homes, on the day it is received ~~in the county office or support center~~ during operating hours to determine if the household is entitled to expedited services. When the household applies when offices are closed after hours, over the weekend, or on a holiday, the application date is the next day OKDHS is open. When an initial application indicates the household is eligible for expedited service, action is taken immediately to begin processing the application.

(1) Applications, other than certification renewals, are considered initial applications. Certification renewals are applications received before the household's certification period expires or on the first day of the month following expiration of the certification period. Certification renewals are not screened for expedited service.

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(2) When an application is received on the second day of the month following expiration of the certification period or any day thereafter, it is considered an initial application and is subject to prorated benefits and expedited screening.

(b) **Expedited service criteria.** Per 273.2(i) of Title 7 of the Code of Federal Regulations, households entitled to expedited services include households:

- (1) with less than \$150 gross income when liquid resources do not exceed \$100;
- (2) with migrant or seasonal farm workers considered destitute when liquid resources do not exceed \$100; and
- (3) whose combined monthly gross income and liquid resources are less than the household's monthly rent or mortgage and/or applicable utility standard per Oklahoma Administrative Code (OAC) 340:50-7-31(a)(6)(C).

(c) **Expedited service time limits.** When a household is eligible for expedited service, food benefit eligibility must be determined and food benefits issued no later than seven calendar days from the application date. Refer to OAC 340:50-3-1(b)(1) for right to same day filing processes. When the seventh-calendar day falls on a non-business day, the application must be processed by the last business day prior to the seventh-calendar day. When a household is determined ineligible for food benefits because it does not meet non-financial eligibility criteria, the worker must deny the application no later than 30-calendar days after the application date.

(d) **Late entitlement determination.** When expedited service screening fails to identify a household as being entitled to expedited service and the worker subsequently discovers the household is entitled to expedited service, the worker provides such service within seven-calendar days of discovery.

[OAR Docket #24-1262; filed 11-18-24]

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

[OAR Docket #24-1261]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 6. Permanency Planning

Part 8. CHILD WELFARE SPECIALIST ROLE

340:75-6-48.3. Children missing from care [AMENDED]

Subchapter 7. Foster Home Care

Part 1. GENERAL PROVISIONS

340:75-7-2. Purpose, legal basis, and definitions related to foster care [AMENDED]

Part 2. DEVELOPMENT OF RESOURCE FAMILIES

340:75-7-10.1. Resource parent framework [AMENDED]

340:75-7-14. Training requirements [AMENDED]

340:75-7-15. Background information search and assessment of results [AMENDED]

340:75-7-18. Resource family assessment (RFA) [AMENDED]

340:75-7-19. Joint approval of resource homes [AMENDED]

340:75-7-24. Kinship placement for the child in Oklahoma Human Services (OKDHS) custody [AMENDED]

Part 5. ELIGIBILITY AND PAYMENTS

340:75-7-51. Foster care claims [AMENDED]

340:75-7-52. Foster care contracts and maintenance payments [AMENDED]

Part 8. RESOURCE HOME CONTINUOUS QUALITY ASSESSMENT

340:75-7-94. Resource home annual updates, non-compliance or rule violations, investigations, closures, ~~fair hearings, and reassessment to re-open a previously closed resource~~ and fair hearings [AMENDED]

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); Chapter 75 Subchapter 6: 10A O.S §§ 1-1-102, 1-4-703, 1-4-704, 1-4-805, 1-4-806, and Title IV-E of the Social Security Act, as amended by the Family First Prevention Services Act, Public Law (P.L.) 117-348. Chapter 75 Subchapter 7: 10A O.S §§ 1-7-101, 1-7-109, 1-9-106, 1-9-116, 1-9-119, and Title 45 of the Code of Federal Regulations (CFR), Part 1355 and Part 1356.

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FINDING OF EMERGENCY:

As to change in 75-6-48.3: Avoids violation of both Public Law (P.L.) 117-348 and SB 1638 (2024), as well as potential reduction in federal funding. As to changes in subchapter 7: A recent federal rule change allows state agencies to create a separate—but no less comprehensive—framework for the licensure and approval of relative and kinship foster families. The proposed emergency rules create a kin-specific framework to increase the total number of relative and kinship placements, and to support the safety and stability of such placements through the use of increased federal reimbursement. Immediate enactment of these rules serves the public interest by ensuring that children are placed in safe, stable, and familiar homes, without unnecessary delay. Emergency rulemaking under 75 O.S. § 253(A)(1) is justified because the proposed emergency rules will protect the public health, safety, and welfare and avoid serious prejudice to the public interest by eliminating barriers which have been rendered obsolete by the new federal rules. Specifically, the new rules will (1) increase the overall number of children placed with relative and kinship foster families and (2) maximize the financial resources available to support such placements. Currently, 40% of Oklahoma foster children are placed with relatives or kinship foster families. Under the existing rules, these families are ineligible for financial support unless and until they have gone through the exact same process as traditional foster families. This puts relative and kinship families at a distinct disadvantage, as they are almost always going through this process after the placement of a child in their home. The proposed emergency rules create a separate framework for the approval of relative and kinship families, in compliance with the new federal rules. Emergency enactment will immediately remove now-obsolete barriers to safe and stable placements in relative and kinship foster homes. As to change in 75-6-48.3: Avoids violation of both Public Law (P.L.) 117-348 and SB 1638 (2024), as well as potential reduction in federal funding. As to changes in subchapter 7: A recent federal rule change allows state agencies to create a separate—but no less comprehensive—framework for the licensure and approval of relative and kinship foster families. The proposed emergency rules create a kin-specific framework to increase the total number of relative and kinship placements, and to support the safety and stability of such placements through the use of increased federal reimbursement. Immediate enactment of these rules serves the public interest by ensuring that children are placed in safe, stable, and familiar homes, without unnecessary delay. Emergency rulemaking under 75 O.S. § 253(A)(1) is justified because the proposed emergency rules will protect the public health, safety, and welfare and avoid serious prejudice to the public interest by eliminating barriers which have been rendered obsolete by the new federal rules. Specifically, the new rules will (1) increase the overall number of children placed with relative and kinship foster families and (2) maximize the financial resources available to support such placements. Currently, 40% of Oklahoma foster children are placed with relatives or kinship foster families. Under the existing rules, these families are ineligible for financial support unless and until they have gone through the exact same process as

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traditional foster families. This puts relative and kinship families at a distinct disadvantage, as they are almost always going through this process after the placement of a child in their home. The proposed emergency rules create a separate framework for the approval of relative and kinship families, in compliance with the new federal rules. Emergency enactment will immediately remove now-obsolete barriers to safe and stable placements in relative and kinship foster homes.

GIST/ANALYSIS:

The proposed amendment to Chapter 75 Subchapter 6 adds requirements for Child Welfare (CW) specialists when reporting children who are in the custody of Oklahoma Human Services (OKDHS) missing from care, per SB 1638 (2024). The proposed amendments to Chapter 75 Subchapter 7 include: (1) adding definitions and legal basis to differentiate between traditional and kinship foster care; (2) clearly differentiating application processes for traditional and kinship foster care; (3) clearly differentiating training requirements for traditional and kinship foster care applicants; (4) providing updated guidance for background check procedures with traditional and kinship foster care applicants; (5) updating guidance for the assessment of resource families specific to traditional foster care; (6) updating process for joint approval of foster home resources specific to traditional and kinship foster homes; (7) updating guidance for the assessment of resource families specific to kinship foster care; (8) providing legal and policy basis for final approval of kinship foster homes; (9) differentiating policy basis for final approval and receiving of foster care maintenance payments specific to traditional and kinship care, respectively; and (10) updating guidance to differentiate process for annual updates specific to traditional and kinship foster homes.

CONTACT PERSON:

Mark Carson, Policy & Forms Programs Administrator, 918-607-0308

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. PERMANENCY PLANNING

PART 8. CHILD WELFARE SPECIALIST ROLE

340:75-6-48.3. Children missing from care [AMENDED]

- (a) A child or youth missing from care is one who runs away, is abducted, or is otherwise absent from placement.
- (b) Per Section 1-9-123 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-9-123) ~~the Oklahoma Department of Human Services (DHS)~~(OKDHS) takes appropriate steps when a child or youth in DHS custody or under DHS supervision is missing from care or when ~~DHS~~OKDHS has reasonable cause to believe a child or youth is currently, or is at risk of being, a victim of sex trafficking, including a child or youth:
- (1) for whom ~~DHS~~OKDHS has an open case file, but who was not removed from the home;
 - (2) who ran away from foster care and has not attained 18 years of age; or
 - (3) who is not in foster care, but is receiving services.
- (c) When notified a child or youth is missing from care, the child welfare (CW) specialist within 24 hours of notification, reports the child's or youth's status to the:
- (1) appropriate law enforcement jurisdiction and requests the report be sent to the National Crime Information Center; and
 - (2) National Center for Missing and Exploited Children (NCMEC). Where reasonably possible, the report submitted to law enforcement and NCMEC includes:
 - (A) a photo of the missing or abducted child or youth;
 - (B) a description of the child's or youth's physical features, such as height, weight, sex, ethnicity, race, hair color, and eye color; and
 - (C) endangerment information, such as the child's or youth's pregnancy status, prescription medications, tendency toward suicidal thoughts, vulnerability to being a victim of sex trafficking, and other health or risk factors.
- (d) When a child or youth in ~~DHS~~OKDHS custody or under ~~DHS~~OKDHS supervision is missing from care, ~~DHS~~OKDHS:
- (1) immediately takes steps to locate the child or youth;
 - (2) determines the primary factors that contributed to the child or youth running away or otherwise being absent from placement;

- (3) documents and responds, to the extent possible and appropriate, to those factors that contributed to the absence from care or runaway behaviors in the current and subsequent placements of the child or youth; and
- (4) determines what the child or youth experienced while missing from care, including an appropriate screening to see if the child or youth is a possible victim of sex trafficking.

(e) ~~The~~ After receiving information on a child or youth who is identified as a sex trafficking victim, CW specialist reports to appropriate law enforcement jurisdictions immediately and; in no case later than 24 hours, ~~after receiving information on a child or youth who is identified as a sex trafficking victim~~, per 10A O.S. § 1-1-105.

(f) Runaway juveniles from other states, with or without delinquent status, may be held in a detention facility, per 10A O.S. § 2-3-101 and the Interstate Compact for Juveniles Act, 10A O.S. §§ 2-9-101 through 2-9-116.

(g) OKDHS maintains regular communication with law enforcement and the NCMEC to provide for a safe recovery of a missing or abducted child or youth, including by sharing information pertaining to the child's or youth's recovery and circumstances related to the recovery.

SUBCHAPTER 7. FOSTER HOME CARE

PART 1. GENERAL PROVISIONS

340:75-7-2. Purpose, legal basis, and definitions related to foster care [AMENDED]

(a) **Purpose for foster care.** Foster care provides 24-hour a day substitute temporary care and supportive services for the child, birth through 17 years of age, who resides in Oklahoma and is in Oklahoma Human Services (OKDHS) custody. Voluntary foster care is available for the child, birth through 20 years of age, who meets criteria, per Oklahoma Administrative Code (OAC) 340:75-4-12.1 and 340:75-6-110.

(b) **Legal basis for OKDHS foster care services.**

(1) The Oklahoma Children's Code, Section 1-1-102 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-1-102), acknowledges that the foster parent has a recognizable interest in the familial relationship established with the child placed in the foster parent's care. The law recognizes that the foster parent is an essential participant in the decision-making process related to the care, supervision, guidance, rearing, and other foster care services for the child.

(2) 10A O.S. §§ 1-1-105 and 1-7-109 define and authorize foster care.

(3) 10A O.S. §§ 1-9-106 authorizes and establishes a Kinship Foster Care Program within OKDHS.

~~(4)~~ (4) Titles IV-B and IV-E of the Social Security Act mandate and provide funding for certain child welfare services, including foster care. Part 1355 and Part 1356 of Title 45 of the Code of Federal Regulations (45 CFR Part 1355 and Part 1356) provide for the use of title IV-E funding to cover the cost of foster care maintenance payments on behalf of eligible children placed in relative or kinship licensed or approved foster family homes when the agency uses different licensing or approval standards for relative or kinship foster family homes.

~~(4)~~ (5) OKDHS implements recruitment and retention activities supporting the:

(A) Multiethnic Placement Act of 1994, as amended by the Interethnic Provisions of 1996 (MEPA/IEP), per OAC 340:75-1-9;

(B) Federal Indian Child Welfare Act, per Section 1901 et seq. of Title 25 of the United States Code (25 U.S.C. §§ 1901 et seq.), and the Oklahoma Indian Child Welfare Act, per 10 O.S. §§ 40 et seq.;

(C) Adoption and Safe Families Act of 1997 (ASFA) that amended Titles IV-B and IV-E of the Social Security Act, per 42 U.S.C. §§ 621 through 629i;

(D) Family First Prevention Services Act, Public Law 115-123; and

(E) regulations promulgated to implement each Act.

(c) **Definitions.** The following words and terms when used in this Subchapter have the following meaning, unless the context clearly indicates otherwise:

(1) **"Age-appropriate" or "developmentally-appropriate"** means, per 10A O.S. § 1-1-105:

(A) activities or items that are generally accepted as suitable for children of the same age or maturity level or that are determined to be developmentally-appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and

(B) in the case of a specific child, activities or items that are suitable for the child based on the developmental stages the child attains with respect to the cognitive, emotional, physical, and behavioral capacities of the specific child.

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(2) "**Alternate caregiver**" means a person, assessed and approved by OKDHS, who for not more than 14-consecutive days, relieves a resource parent's day-to-day responsibilities by temporarily assuming care and supervision of the child or youth in OKDHS custody. This definition applies only to traditional, contracted, and kinship foster care.

(3) "**Applicant**" means a person who makes a formal application to become a resource parent, but has not completed the approval process.

(4) "**Application**" means a completed Form 04AF001E, Resource Family Application. Form 04AF001E requires the applicant complete documents and actions ~~be completed by the applicant~~.

(5) "**Behavioral health**" means mental health, substance use or abuse, or co-occurring mental health and substance use or abuse diagnoses and the mental health continuum, substance use or abuse, or co-occurring mental health and substance use or abuse treatment.

(6) "**Foster care**" means an essential, temporary Child Welfare Services (CWS) service for the child and parent, legal guardian, or custodian provided when the child's safety cannot be ensured in his or her own home due to the threat of child abuse, neglect, or special circumstances necessitating out-of-home care in a home away from the child's parent, legal guardian, or custodian. A continuous care service is provided for the child requiring out-of-home placement in a home environment including, but not limited to, the care, supervision, guidance, and rearing of the child by a resource parent, who is under contract with OKDHS or approved by a child-placing agency.

(A) A foster family provides the child in OKDHS custody with continuous 24-hour care in a home-like setting with one or more identified supportive services, including:

- (i) mentoring and actively helping the parent of the child in OKDHS custody improve his or her ability to safely care for the child upon reunification with the parent;
- (ii) staying connected to the child by assisting his or her transition to:
 - (I) reunification with a parent; or
 - (II) another family when the permanency plan is legal guardianship or adoption; or
- (iii) the possibility of becoming the child's legal guardian or adoptive parent when parental reunification is not the permanency plan while safely maintaining the child's connection to kin, culture, and community.

(B) CWS foster care includes:

- (i) traditional foster care, which is continuous 24-hour care and supportive services provided for the child in a home setting by a foster parent without a kinship relationship to the child. A resource family partner (RFP) develops a supported home to provide traditional foster care to meet the needs of a child in OKDHS custody through service coordination and delivery in conjunction with OKDHS;
- (ii) kinship foster care, which is continuous care for the child requiring out-of-home placement provided by a relative, stepparent, or other responsible adult who has a bond or tie with the child or a family relationship role with the child's parent ~~or the child prior to the child's entry into foster care~~. In cases where the Indian Child Welfare Act (ICWA) applies, the definitions, per 25 U.S.C. § 1903 are used; and
- (iii) enhanced foster care (EFC), which is a traditional or kinship resource home where child-specific services are provided for a child already placed in the home. The family in an EFC home receives additional training to support the placement of children:
 - (I) transitioning from congregate care, acute care, or residential treatment; or
 - (II) who are placed in shelter care or are at risk of placement in shelter care;
- (iv) therapeutic foster care (TFC), per OAC 340:75-8 Part 1, residential behavioral management services are provided in a specialized foster care setting for a child, who:
 - (I) meets medical necessity criteria, per OAC 317:30-5-741;
 - (II) has special psychological, behavioral, social, and emotional needs;
 - (III) accepts and responds to close relationships within a family setting; and
 - (IV) requires more intensive or therapeutic services than are found in traditional foster care when additional supports are not available or have failed to stabilize the child in a less restrictive setting;
- (v) intensive treatment family care (ITFC) is a program for children:
 - (I) with special psychological, social, and emotional needs;
 - (II) with intellectual and developmental disabilities requiring more intensive treatment than traditional foster care and TFC settings provide; and
 - (III) meets medical necessity criteria, per OAC 317:30-5-751; and

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- (vi) contracted foster care (CFC), which is traditional foster care provided:
 - (I) in a TFC home for children in OKDHS or tribal custody meeting specific criteria, per OAC 340:75-8-11.1(b); and
 - (II) by a contracted child-placing agency to meet the child's needs through service coordination and delivery in conjunction with OKDHS.

(7) **"House assessment"** means the evaluation of the prospective resource family's residence and property to determine if it meets OKDHS physical safety requirements.

(8) **"Infant"** means a child, who is 12 months of age and younger.

(9) **"In-service training"** means yearly instruction the resource parent is required to complete to maintain approval as a resource home.

(10) **"Kinship annual update"** means the process by which a kinship resource is reviewed annually from the resource home's approval date in KIDS for any family approved, per OAC 340:75-7-24, to ensure the kinship resource family can continue to meet the child(ren)'s specific needs and provide a safe environment for the child(ren) in OKDHS custody.

(11) **"Kinship final approval"** means the completion of the kinship resource family assessment (KRFA) and disposition to approve the applicant family.

(12) **"Kinship training"** means required instruction to prepare and educate the applicant for caregiving, and provision of an opportunity for self-assessment, per OAC 340:75-7-14.

(13) **"Kinship resource family assessment (KRFA)"** means a joint process between CWS and the kinship family that consists of an evaluation of the family's ability to foster but is not limited to:

(A) consideration of each family member's criminal and child welfare histories;

(B) an assessment of the kinship caregiver(s); and

(C) an assessment of the kinship caregiver(s) physical environment.

~~(10)~~(14) **"Inquiry"** means the first contact an individual makes by phone, email, or in person with OKDHS to inquire about foster parenting.

~~(11)~~(15) **"Pre-service training"** means required instruction to prepare and educate the applicant for caregiving and provides an opportunity for self-assessment, prior to approval as a resource parent.

~~(12)~~(16) **"Reasonable and prudent parent standard"** means, per 10A O.S. § 1-1-105, the standard characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interests while at the same time encouraging the child's emotional and developmental growth. This standard is used by the child's resource parent when determining whether to allow a child to participate in extracurricular, enrichment, cultural, and social activities.

~~(13)~~(17) **"Relative"** means a grandparent, great-grandparent, brother, or sister of whole or half-blood, aunt, uncle, or any other person related to the child.

~~(14)~~(18) **"Resource"** means all foster care families, including traditional, kinship, CFC, EFC, TFC, ITFC, and adoptive families.

~~(15)~~(19) **"Resource family assessment (RFA)"** means a joint process between CWS and the family, excluding kinship applicants, that consists of an evaluation of the family's ability to foster, adopt, or both and includes, but is not limited to:

(A) consideration of each family member's criminal and child welfare histories;

(B) the safety and physical space available in the home to integrate a new family member;

(C) the number and ages of children residing in the home;

(D) references;

(E) household income; and

(F) health histories.

~~(16)~~(20) **"Resource family partner (RFP)"** means a private, child-placing agency under contract with OKDHS to recruit, retain, and support foster homes to meet the child's needs through service coordination and delivery in conjunction with OKDHS. RFP foster homes are known as supported homes.

~~(17)~~(21) **"Respite care"** means short-term care provided by an approved foster family when foster parents need breaks from day-to-day parenting responsibilities while caring for a child in OKDHS custody.

~~(18)~~(22) **"Targeted recruitment"** means efforts that:

(A) utilize data to focus on specific families or communities most likely to yield results in recruiting resource parents who can safely meet the unique needs of the child and youth in OKDHS custody; and

(B) comply with MEPA/IEP/ICWA requirements.

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~~(19)~~(23). "**Written plan of compliance**" means a formal accountability process for the resource parent that identifies concerns and contract and policy violations and, when unresolved, may result in resource home closure.

~~(20)~~(24). "**Youth**" means a child 13 through 17 years of age.

PART 2. DEVELOPMENT OF RESOURCE FAMILIES

340:75-7-10.1. Resource parent framework [AMENDED]

(a) **General.** The requirements in Oklahoma Administrative Code (OAC) 340:110-5 serve as the framework for families and the Oklahoma Department of Human Services (~~DHS~~)(OKDHS) in the mutual assessment process used to select the most suitable home for the child in ~~DHS~~OKDHS custody in need of foster care. Each child in ~~DHS~~OKDHS custody has the right to a safe, affirming, and family-like placement. As a result, resource parents:

- (1) are responsible, mature, healthy adults capable of meeting the needs of the children in ~~DHS~~OKDHS custody;
- (2) apply the reasonable and prudent parent standard;
- (3) demonstrate a capacity for setting realistic expectations for behavior and performance based on the ages, abilities, and unique needs of the children;
- (4) have stable relationships and a living arrangement whether married, single, separated, or divorced; and
- (5) ensure all members of the household are informed of and agree to accept the child into the home.

(b) **Age.** ~~A resource parent must be at least 21 years of age.~~ Per Section 1-4-705 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-4-705), when a potential resource parent meets the minimum age required ~~per this Section~~, ~~DHS~~OKDHS may not use the age of an otherwise eligible ~~individual adult~~ as a reason for denial of placement.

(c) **Income and employment.** Resource parents must have sufficient income or adequate financial support to meet their needs and ensure the security and stability of the household without relying on the foster care maintenance payment.

(d) **Foster principles.** A resource parent commits to demonstrating to each child in ~~DHS~~OKDHS custody basic fostering principles that include:

- (1) understanding and meeting the child's unique needs;
- (2) actively supporting each child's connections and ongoing relationships with family, kin, culture, and community;
- (3) understanding the impact of separation, grief, loss, and trauma the child has suffered;
- (4) partnering with the child's professional team to focus on his or her safety, permanency, and well-being;
- (5) recognizing that foster care is a planned, temporary placement for a child whose goal is family reunification or other permanency plan;
- (6) actively mentoring the parent to help improve the parent's ability to safely care for the child, when safe to do so; and
- (7) recognizing the impact of secondary traumatic stress and the importance of the resource parent's self-care.

(e) **Relationship with ~~DHS~~ OKDHS.** The resource parent acknowledges, cooperates, and agrees to abide by applicable statutes and ~~DHS~~OKDHS rules regarding the child in care that include, but are not limited to:

- (1) ~~DHS~~OKDHS, as the legal custodian of the child, has the right to move any child from any resource home at any time, when in the child's best interests and, per statutes governing movement of the child in ~~DHS~~OKDHS custody;
- (2) the necessity to maintain and respect the confidential nature of all information regarding a child placed in the resource home. A breach of confidentiality may be grounds for resource home closure and termination of the foster care contract; and
- (3) the requirement that ~~DHS~~OKDHS investigate, in the same manner as any other abuse or neglect investigation conducted by ~~DHS~~OKDHS, allegations of abuse, neglect, or maltreatment of any child in ~~DHS~~OKDHS custody placed in an approved resource home;.

340:75-7-14. Training requirements [AMENDED]

(a) **Pre-service training.** Per Section 1-9-116 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-9-116), ~~Applicants~~applicants, excluding kinship, and adult household members who care for a child in Oklahoma Human Services (OKDHS) custody are required to complete a prescribed course of training, prior to resource approval. The training incorporates the reasonable and prudent parent standard and addresses the values and guiding principles essential for caring for a child, who is a victim of maltreatment. Pre-service training is required for any family subject to the Resource

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Family Assessment process, per OAC 340:75-7-18, to include families approved to provide: traditional foster care, supported foster care, therapeutic foster care, intensive treatment family care, or contracted foster care.

- ~~(1) Each applicant completes required Child Welfare Services (CWS)-approved training. Additionally, any adult household member, 18 years of age and older, who provides daily care for a child, completes the required training. An exception may be given when an individual is determined to possess required values and guiding principles as a result of prior foster care training and experience.~~
- ~~(2) Kinship applicants may be approved for placement of the kinship child prior to completion of pre-service training.~~
- ~~(3) Kinship applicants complete pre-service training before receiving foster care maintenance payments.~~
- ~~(4) An applicant who is a former resource parent with a break in OKDHS service of less than five years meets the training requirements.~~
- ~~(5) An applicant may request a permanent training waiver. The resource field manager approves or denies a request for a permanent training waiver. The applicant may request a permanent waiver; when an individual has:~~
 - ~~(A)(1) the equivalent training was completed the equivalent training within the last five years. A list of equivalent training from a tribe, private agency, or another state is included that details subjects addressed in the training; or~~
 - ~~(B)(2) he or she a significant disability that precludes the completion of training. Disability verification is provided by a physician. A person granted a permanent training waiver for disabilities may not be a caregiver for the child in OKDHS custody.~~

(b) Kinship training. Kinship training is required for any family subject to the Kinship Resource Family Assessment process, per OAC 340:75-7-24.

- (1) A resource parent providing kinship foster care completes the training developed by OKDHS for kinship foster care prior to placement, per 10A O.S. § 1-9-116. Training cannot take place later than one hundred twenty-calendar days after placement of the child with the kinship foster parent.
- (2) The training incorporates the reasonable and prudent parent standard and addresses the values and guiding principles essential for caring for a child who is a victim of maltreatment.
- (3) The kinship resource parent is eligible to receive payment for providing foster care services upon Kinship Final Approval from OKDHS per OAC 340: 75-7-24.

(c) In-service training. Each resource parent completes ~~12 hours~~ of continuing in-service training per year to enhance his or her skills as a provider.

- (1) OKDHS provides free in-service training options for the resource parent.
- (2) With CWS approval, other training is accepted as credit toward in-service training requirements. The resource parent provides the resource specialist with the training certificate, when available, from the training source that lists completed, approved hours.
- (3) The resource parent selects from training options, such as classes, conferences, reading materials, or other learning opportunities that enhance his or her skills and meet the in-service training requirement. The resource parent receives approval for each training option from the resource specialist.
- (4) A resource parent residing in another state and caring for a child in OKDHS custody meets the requirements of his or her state of residence for ongoing training to maintain OKDHS approval as a resource parent.

340:75-7-15. Background information search and assessment of results [AMENDED]

(a) Authorization to conduct criminal history records searches. The applicants and adult household members give consent for Oklahoma State Bureau of Investigation (OSBI) and Federal Bureau of Investigation (FBI) criminal histories records searches by signing Form 04AD003E, Request for Background Check.

(b) Background information search for applicants and adult household members. A background information search is conducted regarding each adult in the applicant's home as a safeguard for children placed in Oklahoma Human Services (OKDHS) custody. Results from the background information searches are obtained, assessed, and documented prior to the applicant's approval. Background information searches are conducted at the time of application and include, but are not limited to:

- (1) an OSBI name and criminal history records search;
- (2) an FBI national criminal history records search, based on fingerprints, per Section 1-7-111 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-7-111);
- (3) a search of the Oklahoma Sex Offender Registry;
- (4) a search of the Mary Rippy Violent Offender Registry;
- (5) a Department of Public Safety (DPS) report;

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- (6) a search of the Oklahoma State Courts Network, including Oklahoma District Court Records to determine if the applicant or adult household member is, or was, a party in any court action;
- (7) a search of the Oklahoma Department of Corrections (DOC) offender information;
- (8) a search of all OKDHS records, including child welfare (CW) records;
- (9) a search of the Restricted Registry;
- (10) a search of Nontechnical Services Worker Abuse Registry maintained by the Oklahoma State Department of Health;
- (11) a search of the Community Services Worker Registry;
- (12) a search of all applicable out-of-state child abuse and neglect registries for the applicant or adult household member who has not lived in Oklahoma continuously for the past five years, per 10A O.S. § 1-7-111;
 - (A) ~~when a child abuse and neglect registry is maintained in the applicable state, the potential resource home is not approved without the results for the applicant's and adult household member's registry checks; or~~
 - (B) ~~when a child abuse and neglect registry is not maintained in the applicable state, OKDHS requests any information that can be provided from the state; and~~
- (13) a search of Juvenile Online Tracking System (JOLTS) records for any child not in OKDHS custody, 13 through 17 years of age, living in the home.

(c) **Background information summary.** All background information is documented on Form 04AF007E, Records Check Documentation. A copy of Form 04AF007E is shared with the resource family partner (RFP) or the resource family assessment (RFA) contractor responsible for completing an RFA. The RFP is provided background information only for searches the RFP does not conduct.

(d) **Exception to fingerprinting.** Per 10A O.S. § 1-7-111, the OKDHS Director or designee may authorize an exception to the fingerprinting requirement and an alternative procedure for obtaining a national criminal history records search for any applicant or adult residing in the home who has a severe condition that precludes him or her from being fingerprinted. In limited, case-specific circumstances, OKDHS may not be able to obtain:

- (1) an individual's fingerprints as a result of the individual's disability; or
- (2) legible fingerprints due to low quality fingerprints, as a result of age, occupation, or other conditions, thereby making it impossible for the National Crime Information Center (NCIC) to provide results.

(e) **Out-of-state equivalent records check required child abuse and neglect registry check based on length of residency.** ~~Prior to approval, applicants or adult household members who have lived in Oklahoma for less than five years must provide equivalent background records checks from previous state(s) of residence. Equivalent records checks include, but are not limited to, a state's criminal history search, including Sex Offender registries. Prior to approval, or prior to placement for kinship, OKDHS obtains the child abuse and neglect registry check from the previous state(s) of residence, when a registry is available. When a child abuse and neglect registry is not maintained in the applicable state, OKDHS requests any information that the state can provide.~~

(f) **Residence time requirement for kinship applicants.** Prior to placement, kinship applicants or adult household members who have not lived in Oklahoma continuously for the past five years must submit fingerprints. OKDHS must obtain the child abuse and neglect registry check from the previous state(s) of residence, when a registry is available. Both the national criminal history records search and the child abuse and neglect registry checks must be completed, prior to a child's placement in a kinship home, per 10A O.S. § 1-7-111. ~~When a child abuse and neglect registry is not maintained in the applicable state, OKDHS requests any information that the state can provide.~~

(g) **New household members in the resource home.** The resource parent notifies the resource specialist within 24 hours of a new household member in the resource home. A resource family's failure to notify the resource specialist of a new household member, or the refusal of a household member who remains in the home to consent to a background information search, is cause for the foster care child's removal from the resource home, possible closure of the resource home, and cancellation of the foster care contract.

- (1) OKDHS completes a background information search, per this Section, for persons 18 years of age and older residing in the resource home for 30-calendar days or more. The resource parent's child who reaches 18 years of age is considered in this category.
- (2) An adult household member that moves into the resource home must consent to a background information search and be fingerprinted immediately after notification to the resource specialist.
- (3) The resource parent's child who turns 18 years of age must consent to a background information search and be fingerprinted within 30-calendar days of turning 18 years of age.
- (4) Any child 13 through 17 years of age who moves into the home must have a JOLTS check completed immediately.

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(h) **Kinship applicant criminal history records searches after normal business hours, or on a holiday, or as needed for emergency placement.** In determining the suitability of the potential kinship home, OKDHS uses the OKDHS Office of Background Investigations (OBI) to perform a name-based state and federal criminal history records search, per Section 901 et seq. of Title 28 of the Code of Federal Regulations. When OBI is not operational, OKDHS may elect to contract or otherwise collaborate with law enforcement agencies to perform a name-based state and federal criminal history records search followed by fingerprint verification. Fingerprint verification ~~must be~~ completed within five-business days immediately after the child entered emergency placement, per 10A O.S. § 1-7-115.

(i) **Assessment of background information search results.**

(1) **Felony convictions.** OKDHS denies a resource home application when the applicant, or any person residing in the applicant's home, has a criminal conviction record for any felony offenses listed in (A) through (E) of this paragraph. The criminal conviction of an approved resource parent or any person residing in the resource home of any of the felony offenses listed in (A) through (E) of this paragraph requires the resource home's closure, cancellation of the foster care contract, and removal of every child in OKDHS custody from the home. The felony offenses are:

- (A) physical assault, battery, or a drug-related offense, when the conviction occurs within the five-year period preceding the application date;
- (B) child abuse or neglect;
- (C) spousal abuse or domestic abuse;
- (D) a crime against a child including, but not limited to, child pornography; or
- (E) a crime involving violence including, but not limited to, rape, sexual assault, or homicide, but excluding those crimes specified in (A) of this paragraph. Per 21 O.S. § 692, homicide includes manslaughter. Per Section 16 of Title 18 of the United States Code, a crime involving violence means; an offense that:

- (i) has an element of the use, attempted use, or threatened use of physical force against the person or property of another; or
- (ii) by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

(2) **Sex-related crimes.** OKDHS denies ~~the application to become~~ a resource parent home application when the applicant:

(A) or any person residing in the applicant's home, has a conviction for any crime, felony, or misdemeanor, per 57 O.S. § 582, whether the conviction occurred upon a:

- (i) verdict;
- (ii) plea of guilty; or
- (iii) plea of nolo contendere; or

(B) is subject to, living with, or married to a person who is subject to the Oklahoma Sex Offender Registration Act.

(3) **Restricted Registry.** OKDHS denies ~~the application to become~~ a resource parent home application when the applicant is a registrant on the Restricted Registry, per 10 O.S. § 405.3.

(4) **Arrests, charges, or other convictions.** ~~Approval of an~~ An applicant who has, or is, living with a person who has a history of arrests, charges, or convictions for any felony, other than those listed in (1) of this subsection, or a relevant misdemeanor may be approved as a resource parent on a case-by-case basis. A relevant misdemeanor includes:

- (A) assault and battery;
- (B) alcohol- or drug-related offenses;
- (C) domestic violence; or
- (D) other offenses involving the use of physical force or violence against the person or property of another.

(5) **Child abuse and neglect investigations.** OKDHS determines the approval of any resource applicant with a history of child abuse and neglect investigations on a case-by-case basis.

340:75-7-18. Resource family assessment (RFA) [AMENDED]

(a) **RFA.** Per Section 1-7-111 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-7-111), the Oklahoma Human Services (OKDHS) or RFA contractor conducts an assessment of the applicant's and each household member's background and other circumstances and conditions to determine if the home is suitable and provides a safe environment for the child in OKDHS custody requiring foster care. The RFA process is used to assess families providing the following types of out-of-home care to a child in OKDHS custody:

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- (1) traditional foster care;
- (2) therapeutic foster care;
- (3) intensive treatment family care; and
- (4) contracted foster care.

(b) **Mandate to conduct background information search.** 10A O.S. § 1-7-111 and the Oklahoma Child Care Facilities Licensing Act, 10 O.S. §§ 401 et seq. mandate that a national criminal history records search based on the submission of fingerprints and a child abuse and neglect information system registry check be conducted for each applicant and each household member 18 years of age and older that is not a foster child. The applicant and each adult household member complete and sign Forms 04AF001E, Resource Family Application, and 04AD003E, Request for Background Check to authorize OKDHS to conduct a search into the applicant's and adult household member's criminal history records and OKDHS records.

(c) **Form 04AF004E, House assessment.** An in-home evaluation of the applicant's residence is conducted, to assess the location, condition, and capacity to accommodate the child in OKDHS custody who requires foster care. Form 04AF004E includes an assessment of (1) through (13) of this subsection including thorough review of weapon safety.

(1) ~~The home's location. The home is accessible to school, medical, and recreational resources. An applicant or parent ensures the safety of a child in OKDHS custody who comes within close proximity to:~~

~~(A) a firearm or other weapon; or~~

~~(B) an individual in possession of a firearm or other weapon.~~

~~(2) The home's and property's condition. The home is clean and safe and any structures on the property that are accessible to a child are in a safe condition. The home and surroundings are evaluated regarding possible safety concerns and addressed with a plan of supervision, when applicable.~~

~~(3) Available play space. Adequate and safe indoor and outdoor space for play activities is available. Outdoor recreational equipment on the resource home's grounds, such as swing sets, riding toys, trampolines, or tree houses are clean and are maintained in good repair.~~

~~(4) Age-appropriate equipment. Age-appropriate child care equipment, such as beds, high chairs, or toys are available, clean, and in good repair.~~

~~(5) Medication, cleaning supplies, and other hazardous materials storage. Medication, cleaning supplies, and other hazardous materials are securely stored to ensure safety for all children.~~

~~(6) Phone communications. An operable phone is available in the home when a child is present.~~

~~(7) Transportation:~~

~~(A) The applicant:~~

~~(i) maintains a vehicle in safe working order that is capable of transporting children and:~~

~~(I) carries the statutorily mandated vehicle liability insurance;~~

~~(II) possesses a valid driver license; and~~

~~(III) has a current, valid vehicle license tag; or~~

~~(ii) provides an acceptable transportation plan for the child in OKDHS custody.~~

~~(B) The applicant is advised that proper passenger restraints are used at all times when a child in OKDHS custody is riding in a vehicle.~~

~~(C) The applicant agrees to transport all children and adults in compliance with applicable state law, per 47 O.S. § 11-1112.~~

~~(8) Sleeping arrangements and privacy:~~

~~(A) The applicant's home provides a separate bed for each child, with the exception of siblings younger than 6 years of age who exhibit a need for mutual support.~~

~~(B) A separate bedroom is provided for a child who acts out sexually.~~

~~(C) Preferably, no more than two children share a bedroom. Primary consideration is given to related children according to age and emotional needs.~~

~~(D) The applicant's home provides separate bedrooms for children 7 years of age and older of the opposite sex.~~

~~(E) A child in OKDHS custody, with the exception of an infant who is younger than 12 months of age, does not share a bedroom with an adult in the household. Under no circumstances is a child of any age authorized to sleep with an adult.~~

~~(F) The applicant's home provides space for the child's personal possessions and for a reasonable degree of privacy.~~

~~(G) The applicant may not designate a room, such as the living room, utility room, den, dining room, pantry, or unconverted garage as a bedroom for a child in OKDHS custody unless the room is specifically designed as a bedroom.~~

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(9) Infant sleeping arrangements. A crib, port-a-crib, or playpen with a firm, waterproof mattress or pad is used for each child younger than 12 months of age:

(A) Cribs, port-a-cribs, and playpens with more than two and 3/8 inches between slats or between the side and end panels are not allowed.

(B) Cribs with decorative cutout areas in crib-end panels or tall decorative knobs on the corner posts that may entrap a child's head or catch the child's clothing are not allowed.

(C) Cribs with drop-side latches have the manufacturer-provided kits to lock the crib side in the upright position due to safety hazards.

(D) Mattresses are tight-fitting with no more than one inch between the mattress and crib, port-a-crib, or playpen.

(E) Mattress and crib sheets fit snugly.

(F) Soft sleeping surfaces, such as soft mattresses, waterbeds, sofas, pillows, beanbag chairs, and inflatable mats are prohibited.

(G) Pillows, quilts, comforters and blankets, sheepskins, stuffed toys, bumper pads, breathable bumper pads, and other soft products are not permitted in the infant's crib, port-a-crib, or playpen.

(H) Infants birth through three months of age may be swaddled with an infant-sized, thin fabric, such as a receiving blanket.

(I) When placed for sleeping, items, such as pacifiers, teething necklaces, and bibs, are not attached to the infant or his or her clothing.

(J) An infant is immediately moved to a crib, port-a-crib, or playpen when he or she falls asleep in other equipment.

(K) Mobiles may be securely attached or hung above the crib provided no part of the mobile is within the infant's reach.

(10) Infant sleep positions:

(A) To reduce the risk of Sudden Infant Death Syndrome (SIDS), the infant younger than 12 months of age is placed on his or her back for sleeping, unless there is a medical reason documented by a health care professional that the infant cannot sleep on his or her back.

(B) The infant who is able to turn himself or herself over is placed initially on his or her back for sleeping but is allowed to sleep in the position he or she prefers.

(11) Water safety:

(A) Form 04MP061E, Water Safety Agreement, is completed for all applicants.

(B) The definition of a water structure or water mass includes, but is not limited to:

- (i) swimming pools;
- (ii) decorative ponds;
- (iii) farm ponds or streams;
- (iv) fountains;
- (v) wading pools;
- (vi) hot tubs or spas; and
- (vii) waterfalls.

(C) Any activity that involves a child in OKDHS custody wading or swimming is supervised at all times.

(D) All applicable laws, ordinances, rules and regulations, and insurance requirements for pools are followed.

(E) A hot tub is equipped with a hard cover designed for a hot tub.

(F) The use of portable wading pools is monitored at all times. The wading pool is emptied at the end of each use.

(G) A water Safety Plan is developed and each adult identified to provide supervision for the child during water activities signs the water safety plan. The water Safety Plan includes appropriate measures to ensure the child's safety. Appropriate measures may include, but are not limited to:

- (i) fencing. A water structure or water mass is fenced to prevent unsupervised access. There is a sturdy fence:
 - (I) at least four feet high that cannot be easily climbed; or
 - (II) that connects to the top of an above-ground pool and extends two feet above the pool or follows other specified safety guidelines; or
- (ii) pool covers. A child-safety pool cover is placed over the water area each time the pool is not in use. Pool covers are completely removed prior to pool use;

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- (iii) locked doors. All doors and gates leading to the water structure, are locked;
- (iv) pool alarms. Pool alarms are installed and operating when the pool is not in use;
- (v) removable ladders. Removable ladders are removed from the water structure when not in use;
- (vi) safety devices, such as lifejackets or rings;
- (vii) swimming lessons; or
- (viii) training, such as cardio-pulmonary resuscitation and first aid.

(12) Animal and household pet safety:

(A) Animals are in good health, do not show evidence of carrying disease, and do not present a threat to the health, safety, or welfare of children. Appropriate supervision is required when the child in OKDHS custody is in the presence of the family's animals:

(B) The applicant or parent provides documentation of current rabies vaccinations administered by a licensed veterinarian for applicable animals:

(C) When an animal bites a child, the applicant or parent obtains appropriate and immediate medical treatment and contacts the assigned child welfare (CW) specialist as soon as the child's safety is secured:

(13) Weapon safety:

(A) An applicant or parent ensures the safety of a child in OKDHS custody who comes within close proximity to:

(i) a firearm or other weapon; or

(ii) an individual in possession of a firearm or other weapon:

(B)(2) Any firearm or weapon in the home is maintained, along with any ammunition, in a secure container, cabinet, or closet or otherwise be inaccessible at all times to children who are in the home.

(C)(3) No firearm or weapon is transported in any vehicle in which a child in OKDHS custody is riding unless the firearm or weapon is safely secured or inaccessible to the child.

(D)(4) A law enforcement official is exempt from (B)(2) and (C)(3) of this paragraph subsection when conditions of employment require ready and immediate access to his or her weapon.

(E)(5) An applicant or parent licensed to carry a handgun, whether concealed or unconcealed, per 21 O.S. §§ 1290.1 et seq., the Oklahoma Self-Defense Act, may maintain the firearm in a holster secured to his or her person, per 21 O.S. § 1290.2. When the firearm is not holstered and secured to his or her person, it is maintained as required in (A) through (C)(2) and (3) of this paragraph subsection.

(F)(6) Any activity the child in OKDHS custody participates in that involves a weapon has appropriate adult supervision at all times. The applicant or parent obtains pre-approval for the child's participation in a weapons activity from the child's assigned CW specialist or CW supervisor.

(14) Disaster plans. Disaster plans are reviewed with each newly-placed child and periodically with all children in the home. The family disaster plan includes:

(A) a list of emergency phone numbers posted in an accessible and conspicuous place. The list includes:

(i) 911;

(ii) doctors' names and phone numbers;

(iii) health professionals or clinics;

(iv) fire and police departments;

(v) an ambulance service; and

(vi) the name and phone numbers of the alternate caregiver; and

(B) access to a phone at all times when a child in OKDHS custody is present;

(C) an evacuation plan in the event of a fire, tornado, earthquake, flood, ice storm, or other natural, state, or national disaster;

(D) first aid procedures and supplies;

(E) a planned source of available medical care, such as a hospital emergency room, clinic, or health care professional;

(F) a plan of whom to contact when there is an accident, an incident involving the child in OKDHS custody, or he or she runs away or is abducted; and

(G) a plan of whom to contact and community resources to access when the child in OKDHS custody has behavioral problems:

(d) **Number of children in the home.** OKDHS determines the number and ages of children placed in each resource home.

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(1) **Maximum number of children allowed to reside in the resource home.** The total number of children in OKDHS custody placed in a resource home does not exceed five. The total number of children in the resource home does not exceed six, which includes biological, adoptive, foster, and other children not in OKDHS custody. Approval to exceed these limits may be given to allow:

- (A) a parenting youth in foster care to remain with his or her child;
- (B) siblings to remain together;
- (C) a child with an established meaningful relationship with the family to remain with the family; or
- (D) a family with special training or skills to provide care to a child who has a severe disability.

(2) **Maximum number of children younger than 2 years of age allowed in a resource home.** No more than two children younger than 2 years of age including the resource parent's own children may reside or be placed in the resource home.

(3) **Child in OKDHS custody placed in a tribal home.** The number of children in OKDHS and tribal custody allowed to reside in a tribal resource home is determined by the applicable tribe. When a child in OKDHS custody is placed in a tribal home and placement exceeds six children, overflow procedures are followed. An Indian child in OKDHS custody is placed in compliance with the placement preferences of the Indian Child Welfare Act, per Oklahoma Administrative Code (OAC) 340:75-19.

(e) **Authorization to check applicant's references.** The applicant grants OKDHS and RFA contractors permission to contact the applicant's references by signing Form 04AF001E, Resource Family Application. Information obtained from the references is confidential and may only be released upon order of a court with competent jurisdiction. **RFA disposition.** Upon completion of the RFA, a decision regarding approval or denial is made after assessing the information gathered.

(1) The assessment process is completed and the determination regarding approval or denial is made no later than 60-calendar days after receipt of completed Form 04AF001E.

(2) OKDHS may approve or deny an applicant as a resource when the applicant or the home meets or does not meet requirements, per OAC 340:75-7.

(3) OKDHS makes the final determination of application denial, which may occur at any point during the process.

(f) **Assessment of applicant's marital and relationship history.** The applicant has stable relationships whether married, single, separated, or divorced. The applicant's ability to develop and sustain stable relationships is assessed and documented.

(g) **Household income.** The applicant completes Form 04AF010E, Resource Family Financial Assessment, and provides documentation of employment, income, and expenditures as an assessment component. The applicant provides verification that he or she can manage personal and household financial needs without relying on the foster care maintenance payment. The applicant has sufficient income or community resources to meet the needs of an additional child placed in his or her home until the foster care maintenance payment for the child in OKDHS custody is received.

(h) **RFA disposition.** Upon completion of the RFA, a decision regarding approval or denial is made after assessing the information gathered.

(1) The assessment process is completed and the determination regarding approval or denial is made no later than 60-calendar days after receipt of completed Form 04AF001E.

(2) OKDHS may approve or deny an applicant as a resource when the applicant or the home meets or does not meet requirements, per OAC 340:75-7.

(3) OKDHS makes the final determination of application denial, which may occur at any point during the process.

(i) **Exceptions to assessment guidelines.** Upon the applicant's or CW specialist's request, OKDHS may grant exceptions, provided adequate standards affording protection for the health, safety, and welfare of the child exist, per (1) and (2) of this subsection:

(1) For kinship resource homes only, OKDHS may, at its discretion, grant a waiver of specific rules or standards that do not compromise a child's safety and does not violate federal or state statutes.

(2) For and, for traditional resource homes, OKDHS may, at its discretion, grant a variance of specific rules or standards that do not compromise a child's safety and does not violate federal or state statutes.

(j) **Application denial.** When a decision is made to deny an applicant as a resource parent home application, the applicant is provided an explanation regarding the reasons for the denial. When the denial pertains to a kinship resource home, the child in OKDHS custody is immediately moved from the applicant's home. Reasons for denying an application may include, but are not limited to:

(1) a lack of stable, adequate income to meet the applicant's own or total family needs, or the poor management of available income;

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- (2) the physical facility is inadequate to accommodate the addition of the child in OKDHS custody into the home, or presents health or safety concerns;
- (3) a household member that has a history of alleged or confirmed child abuse, neglect, or both, per OAC 340:75-7-15;
- (4) a household member that has a history of arrests or convictions, per OAC 340:75-7-15;
- (5) any household member's health, behavioral health, or any condition that impedes the applicant's ability to provide appropriate care for a child;
- (6) relationships in the household that are unstable and unsatisfactory;
- (7) references that are guarded or have reservations in recommending the applicant;
- (8) the applicant fails to complete the application, required training, or verifications timely as requested, or provides incomplete, inconsistent, or untruthful information;
- (9) the home is determined unsuitable for the child requiring placement;
- (10) the applicant applied for a child that OKDHS reasonably believes may not be available for placement; or
- (11) one or more factors concerning any household member or conditions in the home, as described in the denial letter, renders the applicant or home environment inappropriate as a resource home.

~~(h)~~**(h) Authority to approve or deny resource home and Interstate Compact on the Placement of Children (ICPC) assessments.** OKDHS determines the final disposition of each resource home and ICPC assessment completed by OKDHS or RFA contractors.

~~(i)~~**(i) Changes in the household.** The applicant or parent notifies the resource specialist or RFA contractor:

- (1) immediately of any:
 - (A) charges, arrests, or any alleged illegal activity committed by the applicant or any household member; and
 - (B) proceeding for a protective order filed by or against the applicant or any household member; and
- (2) within 24 hours of any change in the household including, but not limited to:
 - (A) the address or the home's location, including emergency home displacement;
 - (B) any significant change in the home that impacts the family's day-to-day living;
 - (C) the death or serious illness of a resource parent;
 - (D) health;
 - (E) income;
 - (F) individuals moving in or moving out of the home for any reason; or
 - (G) new or terminated relationships.

340:75-7-19. Joint approval of resource homes [AMENDED]

(a) **Joint approval of resource home.** The Oklahoma Department of Human Services (~~DHS~~)(OKDHS) resource parent may be jointly-approved to provide foster care services to the child in ~~DHS~~OKDHS custody while approved by another agency, entity, or tribe. Joint approval occurs after each agency conducts an assessment and determines that the child's needs can be met in a jointly-approved home. While the home is jointly-approved, any changes or concerns are shared between each agency involved with the jointly-approved home. Joint-home approval is child-specific and occurs when, the:

- (1) child's need for specialized services, treatment, or placement changes;
- (2) child re-enters the child welfare (CW) system and has a previous relationship with the placement provider;
- (3) placement provider is kin to the child;
- (4) siblings need to be placed together;
- (5) infant of a youth in ~~DHS~~OKDHS custody requires placement; or
- (6) child in ~~DHS~~OKDHS custody requires specialized services or treatment in a kinship placement.

(b) **Joint approval of a therapeutic foster care (TFC) home.** Joint approval of the TFC home as a resource home occurs after an assessment of the child's case and approval by the TFC program staff and the TFC agency.

(c) **Joint approval of a DHS Developmental Disabilities Services (DDS)home.** Joint approval of a DDS home as a Child Welfare Services (CWS) resource home occurs after an assessment of the child's case and approval by the CWS DDS/Education program supervisor and the Resource Unit.

(d) **Joint use of CWS resource home by Office of Juvenile Affairs (OJA).** Joint use of the CWS resource home occurs after an assessment of the child's case and approval by the Resource Unit.

(e) **Joint use of CWS kinship resource home.** Use of the kinship resource home as a traditional resource home requires that the kinship family continue to meet all the requirements of a CWS resource home, per OAC 340:75-7-18.

- (f) **Joint use of licensed family child care home.** A resource home is considered for joint approval as a ~~DHS-licensed~~ OKDHS-licensed family child care home after an assessment and joint approval by the Resource Unit and Child Care Services (CCS). Prior to each child placement, a request for approval is made in writing on Form 07LC099E, Dual Approval Request for Foster Care Placement, based on the recommendation of CCS Licensing staff and resource staff. When a joint consensus is not achieved, CCS or the Resource Unit may request a review by the dual-approval committee, per Oklahoma Administrative Code 340:110-1-6 for a final decision. The approval decision is based on the number, ages, and specific needs of children potentially eligible for child care and foster care. Receipt of a written agreement from the caregiver is required that states the individual(s) from whom the child was removed is not present during child care hours.
- (g) **Joint approval of resource home by DHS and tribes.** The ~~DHS~~ OKDHS or tribal resource home may be jointly-approved by both the tribe and ~~DHS~~ OKDHS when the home meets DHS standards; however, the total number of children placed in the jointly-approved home cannot exceed the total number of children approved for the home.

340:75-7-24. Kinship placement for the child in Oklahoma Human Services (OKDHS) custody [AMENDED]

(a) **Kinship care.** Per Section 1-9-106 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-9-106), OKDHS establishes standards for kinship foster care.

(1) Per 10A O.S. § 1-4-204, when determining the placement of a child in OKDHS custody, ~~a~~ OKDHS gives preference ~~is given~~ to relatives and persons who have a kinship relationship with the child. OKDHS makes diligent efforts to place the child accordingly and, per 10A O.S. § 1-4-704, reports to the court the efforts made to secure a placement for the child in the least restrictive, most family-like setting, in reasonable proximity to the child's home, and where the child's special needs may be met.

(2) When the child is not placed with a relative who was considered for placement, OKDHS notifies the court in writing the reasons the relative was denied placement and becomes part of the court record, per 10A O.S. § 1-4-204.

(3) When the Indian Child Welfare Act (ICWA) applies, ICWA placement preferences are followed. The Indian child in foster care is placed in the following order of preference, absent good cause to the contrary, with:

- (A) a member of the Indian child's extended family as specified by the child's tribe;
- (B) a foster home licensed, approved, or specified by the Indian child's tribe;
- (C) an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- (D) an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs. If the Indian child's tribe has established by resolution a different order of preference, the tribe's placement preferences must be applied.

(b) **Kinship relationships.** Kinship relationships are identified in (1) through (5) of this subsection.

(1) **Related by blood.** Maternal and paternal blood relatives considered as kinship, including half-blood relatives, are:

- (A) siblings;
- (B) grandparents including those denoted by prefixes of great and great-great;
- (C) aunts and uncles including those denoted by prefixes of great and great-great or by degree of relationship;
- (D) nieces and nephews including those denoted by prefixes of grand and great-grand; and
- (E) cousins.

(2) **Related by marriage.** Relationships created by marriage, as described in (1) of this subsection, whether by common-law or ceremony include:

- (A) step-relations; and
- (B) the previous relationship designation prior to the termination of the marriage by death or divorce.

(3) **Related by adoption.** Relatives by adoption as described in (1) and (2) of this subsection are considered kinship.

(4) **Related by emotional tie or bond.** An emotional tie or bond exists when a child or the child's parent acknowledges and accepts a person as part of the extended family or in the family's close network of friends and relationships. ~~The family or child relationship role must exist prior to the necessity for the child's initial out-of-home placement.~~ Individuals with whom a child in OKDHS custody establishes a relationship after the child's out-of-home placement may be considered as a non-relative kinship placement after an assessment of the child's case ~~and an exception to kinship placement is granted.~~

- (A) When the child is in protective or OKDHS emergency custody, OKDHS gives priority to the child's noncustodial parent for placement, unless the placement is not in the child's best interests.
- (B) When the child cannot be placed with the noncustodial parent, the child's placement is made, per 10A O.S. § 1-4-204.

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(5) **Parent not considered kinship.** A kinship placement does not include:

(A) the child's custodial or noncustodial parent with whom the child is placed or to whom the child is returned; or

(B) a parent whose parental rights are terminated.

(c) **Residence requirement for kinship applicants.** For kinship applicants or adult household members who have not lived continuously in Oklahoma for the past five years, OKDHS must obtain the child abuse and neglect registry checks from the previous state(s) of residence, when a registry is available, prior to the child's placement in a kinship resource home, per 10A O.S. § 1-7-111.

(d) **Initial kinship placement.** Per 10A O.S. § 1-9-106, a child may be placed in the kinship resource home prior to final approval of the applicant completion of the resource family assessment, a national criminal history records search, and pre-service training provided:

(1) Form 04AD003E, Request for Background Check, is completed, signed, and results are received for the applicant and each adult household member, other than a foster child, per Oklahoma Administrative Code (OAC) 340:75-7-15;

(2) an OKDHS records search, including Child Welfare Services records, is completed and documented for the applicant and each adult household member on Form 04AF007E, Records Check Documentation. When an applicant or adult household member has not lived continuously in Oklahoma for the past five years, the resource specialist gathers all child welfare (CW) histories from other states where the applicant or adult household member lived within the past five years. The applicant or adult household member submits fingerprints for a national criminal history records search to expedite the initial placement approval process.

(3) Form 04FC001E, Initial Kinship Placement Agreement, is completed and signed;

(4) Form 04AF001E, Resource Family Application, is completed and signed;

(5) Form 04AF004E, House Assessment, is completed;

(6) Form 04MP061E, Water Safety Agreement, is completed and signed;

(7) Form 04AF021E, Verification of Receipt of OKDHS Rules, is completed and signed;

(8) Form 04AF052E, Initial Kinship Safety Evaluation and Assessment Tool, is completed and signed; and

(9) three personal references, only one of whom is a family member, are interviewed.

(e) **Kinship Resource Family Assessment (KRFA).** Per 10A O.S. § 1-7-111, OKDHS conducts an assessment of the applicant's and each household member's background and other circumstances and conditions to determine if the applicants, household members, references, and home environment is suitable and provides a safe environment for the child in OKDHS custody requiring foster care. The goal of KRFA is to prepare a kinship caregiver's home for children. The intention is to support and strengthen families and exercise flexibility for what each child needs. This includes an assessment of:

(1) consideration of each family member's criminal and child welfare histories;

(2) an assessment of the kinship caregiver(s); and

(3) an assessment of the kinship caregiver(s) physical environment.

(f) **Kinship resource applicant criminal history records searches after normal business hours or on holidays.**

(1) In determining the suitability of the prospective kinship home, OKDHS uses the OKDHS Office of Background Investigations (OBI) to perform a name-based state criminal history records search, per procedures set forth in Section 901 et seq. of Title 28 of the Code of Federal Regulations.

(2) When OKDHS OBI is not operational, OKDHS may elect to contract or otherwise collaborate with local law enforcement agencies to perform a name-based state and federal criminal history records search followed by fingerprint verification, per 10A O.S. § 1-7-115.

(g) **Kinship maintenance payment option.** The kinship applicant may opt for:

(1) an OKDHS foster care maintenance payment; or

(2) a money payment that the child is eligible for, instead of the foster care maintenance payment, when the child lived with the kinship applicant continuously for at least twelve months.

(A) The foster care maintenance payment is reduced by the amount of the money payment when the money payment is less than the foster care maintenance payment. Refer to OAC 340:75-7-52.1 for Supplemental Security Income (SSI) or Social Security Administration (SSA) benefits received for a parent who is deceased or disabled.

(B) Payment may include:

(i) other financial resources, per OAC 340:75-13-28; or

(ii) Temporary Assistance for Needy Families (TANF) benefits, per OAC 340:10-9.

(g) **Kinship and traditional resource home requirements the same.** Each kinship resource home, whether paid or non-paid, meets the same requirements as the traditional non-related resource home.

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(h) **Kinship start-up and training stipend.** The kinship resource family that has not been approved within the preceding five years is entitled to receive, per OKDHS Appendix C-20, Child Welfare Services Rates Schedule, a:

- (1) one-time kinship start-up stipend to assist with initial expenditures for each child placed in the home for 14-consecutive days; and
- (2) training stipend. Half of the total stipend is paid to the kinship resource family after the kinship resource parent(s) enrolls in the pre-service training and the second half of the total stipend is paid to the kinship parent(s) after the kinship resource parent(s) completes the pre-service training when:
 - (A) a child is placed and residing in the home at the time the kinship resource parent enrolls in training; and
 - (B) the child remains in the home until the kinship resource parent completes training.

(i) **Foster care maintenance payments begin when requirements satisfied the kinship foster parent receives final approval.** Per 10A O.S. § 1-9-106, the kinship resource parent is not entitled to any payments for providing foster care until the resource parent receives final approval from OKDHS. Final approval may only be granted after completion and disposition of the Kinship RFA Foster care maintenance payments for kinship resource homes begin at the time requirements are met, per OAC 340:75-7-18 and are not retroactive. On a case-by-case basis, the kinship resource parent may be approved for maintenance payments based on an exception to a non-safety requirement, per OAC 340:75-7-10.1.

(j) **Kinship resource family transfer to a resource family partner (RFP).** When a kinship resource family is already approved as a supported foster home or is in the approval process with an RFP, the RFP may request the kinship resource family case be transferred to the RFP agency. Number of children in the kinship resource home. OKDHS determines the number and ages of children placed in each kinship resource home per, OAC 340:75-7-18.

(k) **Authorization to check applicant's references.** The kinship applicant grants OKDHS permission to contact the applicant's references by signing Form 04AF001E, Resource Family Application. Information obtained from the references is confidential and may only be released upon order of a court with competent jurisdiction.

PART 5. ELIGIBILITY AND PAYMENTS

340:75-7-51. Foster care claims [AMENDED]

(a) Foster care maintenance payments.

- (1) A foster care claim for a maintenance payment is approved after:
 - (A) the resource family assessment is completed and approved, per Oklahoma Administrative Code (OAC) 340:75-7-18;
 - (B) the kinship resource parent receives final approval from Oklahoma Human Services (OKDHS) per Section 1-9-106 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-9-106) and OAC 340:75-7-24;
 - ~~(B)~~(C) pre-service training is completed by each parent in the resource home, excluding kinship, unless an exception applies, per OAC 340:75-7-14;
 - ~~(C)~~(D) the results of national criminal history records searches based on fingerprints and results of any applicable child abuse and neglect registries are received regarding each applicant and each adult household member, per OAC 340:75-7-15;
 - ~~(D)~~(E) a foster care contract is signed by each applicant; and
 - ~~(E)~~(F) a Designated Client Number (DCN) is assigned to the foster care contract.
- (2) A maintenance payment may not precede the date of the foster care contract.
- (3) The resource parent authorizes direct deposit or obtains a debit card to receive foster care maintenance payments.

(b) **Overpayment or underpayment of the foster care maintenance payment.** ~~The Oklahoma Department of Human Services (DHS)~~OKDHS and the resource parent ensure the accuracy of the foster care maintenance payment upon receipt of the payment. When an error occurs, the procedures for adjustments listed in (1) through (3) of this subsection must be completed.

- (1) The resource parent immediately notifies the resource specialist or ~~DHS~~OKDHS notifies the resource parent upon discovery of an error in the foster care maintenance payment.
- (2) ~~DHS~~OKDHS authorizes foster care supplemental payments upon discovery of underpayments. When an overpayment coincides with the underpayment, the overpayment is recouped before the underpayment is paid.
- (3) ~~DHS~~OKDHS authorizes repayment schedules when resource parents are paid for days the child was not in placement or for an amount greater than authorized.
 - (A) The resource parent reimburses ~~DHS~~OKDHS for any overpayment, regardless of the party responsible for the error. Each monthly payment toward resolving the overpayment must equal at least 10 percent of the overpayment unless an exception was granted.

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- (B) The resource specialist assigned to the resource home notifies the resource parent of the overpayment and explains the:
- (i) reason for the overpayment;
 - (ii) amount of overpayment;
 - (iii) resource parent's responsibility for repayment; and
 - (iv) repayment options.
- (C) Repayment options are:
- (i) payment in full by check or money order payable to ~~DHS~~OKDHS;
 - (ii) a deduction from the monthly foster care maintenance payment while children in ~~DHS~~OKDHS custody remain in the home; or
 - (iii) extra payments each month to ~~DHS~~OKDHS as well as the deduction from the monthly foster care maintenance payment.
- (D) When the resource parent:
- (i) closes the home and does not repay the overpayment, the amount of the overpayment remains in the ~~DHS~~OKDHS electronic system indefinitely; and
 - (ii) reopens the resource home after closure, the overpayment is deducted from the foster care maintenance payment.

340:75-7-52. Foster care contracts and maintenance payments [AMENDED]

(a) **Foster care contracts.** The rules in this Section and the provisions of the foster care contract for services define the resource parent and Oklahoma Department of Human Services (~~DHS~~OKDHS) responsibilities regarding the care of the child in a resource home. The foster care contract is signed when each requirement for approval as a resource parent is satisfied, per Oklahoma Administrative Code (OAC) 340:75-7-18, except for kinship, per OAC 340:75-7-24.

(1) Foster care contracts are perpetually renewed and considered in effect unless a specific action by one of the parties to the contract terminates the contract. The resource parent is eligible for foster care maintenance payments effective the date the home is approved. The kinship resource parent is not paid retroactively to the date of the child's placement.

(2) Foster care maintenance payments are authorized for intervals of care provided to a child in foster care:

(A) placed by ~~DHS~~OKDHS; or

(B) by a tribe with an approved Tribal/State Agreement with ~~DHS~~OKDHS.

(3) On a case-by-case basis, the kinship resource parent may be approved for maintenance payments based on an ~~an~~ exceptional waiver to a non-safety requirement, per OAC 340:75-7-24.

(4) The kinship resource parent who meets the degree of relationship, per OAC 340:10-9-1, may apply for assistance through Temporary Assistance for Needy Families (TANF) at a local ~~DHS~~OKDHS office pending resource home approval.

(b) **Foster care maintenance payments.** When the child is eligible for a benefit payment, the resource family may opt to receive the larger of either the ~~DHS~~OKDHS foster care maintenance payment or the benefit payment, per OAC 340:75-7-52.1. The foster care contract authorizes foster care maintenance payments to offset the additional expense of caring for a child in ~~DHS~~OKDHS custody.

(1) A foster care maintenance payment is not paid until the home is granted final approval. The foster care maintenance payment is issued the month after the care is provided. No foster care maintenance payment is paid after the effective date of the cancellation or termination of the contract.

(2) The ~~DHS~~OKDHS Director authorizes the amount of the foster care maintenance payment and difficulty of care payment rates. Foster care maintenance payment rates are reviewed annually to ensure continued appropriateness, per Section 1356.21(m) of Title 45 of the Code of Federal Regulations. When additional funding is needed, a request is made through the Oklahoma legislative budget process for state agencies.

(3) The foster care maintenance payment is a fixed monthly amount and corresponds to the child's age, per ~~DHS~~OKDHS Appendix C-20, Child Welfare Services Rates Schedule. When a change in the child's age qualifies for a new rate, the new rate becomes effective on the first day of the month following the child's birthday.

(4) The foster care maintenance payment is provided to the resource parent to address the costs of room, board, clothing, and incidentals for the child in ~~DHS~~OKDHS custody.

(5) The resource parent's monthly foster care maintenance payment includes a clothing allowance for each child in ~~DHS~~OKDHS custody, per OAC 340:75-13-45.

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(6) The medical expense of the child in foster care is covered through Medicaid (~~SoonerCare~~) when private insurance is not available to the child or through state funds when the child is not eligible for Medicaid (~~SoonerCare~~), per OAC 340:75-13.

(7) The foster care maintenance payment received through the foster care contract is not considered income, per Section 131 of Title 26 of the United States Code and the resource family does not receive Form 1099 from ~~ÐHSOKDHS~~ at year's end. The resource parent consults a tax advisor for advice, as needed.

(8) When a partial month of foster care service is provided, the foster care maintenance payment begins on the child's date of entry to the resource home and concludes on the day before the child's departure from the home. A prorated sum is paid:

(A) based on the number of days of service provided, multiplied by the daily rate, per ~~ÐHSOKDHS~~ Appendix C-20; and

(B) automatically by KIDS.

(9) When a child is out of the resource home for family reunification purposes, pre-placement visits, or is missing from care for up to seven consecutive days, the resource parent receives a foster care maintenance payment when the child is expected to return to the resource home by the end of the seven consecutive days.

(10) The resource parent is eligible for prorated foster care maintenance payments when the child attends an Indian boarding school, Oklahoma Schools for the Deaf or Blind, or a similar residential program and returns to the resource home for weekends or school vacations.

(A) When the child returns to the resource home for a summer vacation, the monthly rate is used.

(B) The days the child spends in the resource home are documented in KIDS, and the foster care maintenance payment is automatically generated.

(11) The resource parent is eligible for the foster care maintenance payment for up to 10-calendar days during each of the child's health or behavioral health hospitalization events when the child is expected to return to the resource home.

(12) The foster care maintenance payment is generated electronically based on the child's placement episode in KIDS.

(c) **Termination of the foster care contract.** Termination of the foster care contract occurs, per OAC 340:75-7-94 and results in closure of the resource home.

PART 8. RESOURCE HOME CONTINUOUS QUALITY ASSESSMENT

340:75-7-94. Resource home annual updates, non-compliance or rule violations, investigations, closures, fair hearings, and reassessment to re-open a previously closed resource and fair hearings [AMENDED]

(a) **Annual update.** The resource family assessment is updated annually from the resource home's approval date in KIDS for any family approved per Oklahoma Administrative Code (OAC) 340:75-7-18.

(b) **Kinship annual update.** The kinship resource family assessment is reviewed annually from the resource home's approval date in KIDS for any family approved per OAC 340:75-7-24 to ensure the kinship resource family can continue to meet the child(ren)'s specific needs and provide a safe environment for the child(ren) in Oklahoma Human Services (OKDHS) custody.

(c) **Resource home non-compliance or rule violation issues for families approved by a Resource Family Assessment or Kinship Resource Family Assessment.** When non-compliance or rule violation issues in the home require remediation for continued use of the home, a written plan of compliance is developed as a tool to address the safety and stability of the child in Oklahoma Human Services (OKDHS) custody placed in the home.

~~(c)~~(d) **Resource home investigation for families approved by a Resource Family Assessment or Kinship Resource Family Assessment.**

(1) When a Child Protective Services investigation results in removal of a child in OKDHS custody from the home:

(A) Form 04MP014E, Notice of Child's Removal from Out-of-Home Placement, is provided by the child welfare (CW) specialist, per Oklahoma Administrative Code (OAC) 340:75-6-86; and

(B) the resource parent receives Form 04MP031E, Notice of Decision Not to Return Child After Investigation, from the CW specialist when a decision is made not to return the child to the home.

(2) Per Section 1-9-119 of Title 10A of the Oklahoma Statutes, the resource parent has the right to request and receive a fair and impartial administrative hearing regarding decisions that affect certification, retention, or placement of a child in OKDHS custody in the resource home.

~~(d)~~(e) **Closure of the resource home for families approved by a Resource Family Assessment or Kinship Resource Family Assessment.** The resource home is closed and the contract is terminated, when:

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- (1) resource home services are no longer needed;
- (2) kinship children are no longer placed in the kinship resource home;
- (3) the child leaves a resource home jointly-approved for that specific child;
- (4) the child is no longer placed in the resource home approved for the specific child;
- (5) the resource parent requests closure;
- (6) the resource parent fails to timely implement or maintain compliance with provisions of Form 04AF023E, Written Plan of Compliance, to resolve conditions that present a risk to the child or conditions that do not conform to the contract;
- (7) there are non-compliance issues related to a rule, statute, contract, or a written plan of compliance that are unresolved including, but not limited to, failure of the resource parent or household member to meet or maintain the initial screening and requirements, per OAC 340:75-7-10.1 or maintain compliance with background requirements, per OAC 340:75-7-15; or
- (8) rules, statutes, or contract violations by the resource parent or household member occurred that resulted in OKDHS determining the child to be unsafe in the resource home.

(e)(f) Fair hearing for families approved by a Resource Family Assessment or Kinship Resource Family

Assessment. When the approved resource home is closed, the resource parent has the right to appeal closure through the fair hearing process, per OAC 340:75-1-12.6.

(f)(g) Reassessment to re-open a previously closed resource, excluding kinship. When the resource is closed for more than 12 months but less than five years, the resource may be opened with an approved reassessment within 30-calendar days of the disposition date.

[OAR Docket #24-1261; filed 11-18-24]

TITLE 777. STATEWIDE CHARTER SCHOOL BOARD CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #24-1365]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 1. General Provisions

777:1-1-1. Purpose [AMENDED]

777:1-1-4. Organization [AMENDED]

777:1-1-5. Time computation [AMENDED]

777:1-1-6. Records requests [AMENDED]

777:1-1-9. Individual proceedings [AMENDED]

AUTHORITY:

Statewide Charter School Board; 70 O.S.Supp.2024, § 3-132.1(I)(4) and 3-145.8(D)

COMMENT PERIOD:

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PUBLIC HEARING:

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ADOPTION:

September 10, 2024

EFFECTIVE:

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APPROVED BY GOVERNOR:

October 10, 2024

EXPIRATION:

Effective through September 14, 2025, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

SUPERSEDED RULES:

N/A

GUBERNATORIAL APPROVAL:

N/A

REGISTER PUBLICATION:

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INCORPORATIONS BY REFERENCE:

INCORPORATED STANDARDS:

N/A

INCORPORATING RULES:

N/A

AVAILABILITY:

N/A

FINDING OF EMERGENCY:

The rules were necessary comply with amendments to an agency's governing law. 75 O.S.2021, § 253(A)(1)(b).

GIST/ANALYSIS:

The Oklahoma Statewide Charter School Board proposes these emergency rules to fulfill the requirements of the Board under the Oklahoma Charter Schools Act, 70 O.S.Supp.2023, §§ 3-130-3-167. The emergency rules remove references the board's now-abolished predecessor, the Statewide Virtual Charter School Board, and ensure that the rule language refers to the Statewide Charter School Board. The emergency rules also amend language to include charter schools along with virtual charter schools to be reflective of the broadened authority delegated to the Board by the Legislature in 2023. Finally, the rules amend language regarding rehearing, reopening, and reconsideration of final agency orders to be consistent with article II, section 317 of the Administrative Procedures Act, 75 O.S.2021, §§ 308a-323.

CONTACT PERSON:

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

SUBCHAPTER 1. GENERAL PROVISIONS

777:1-1-1. Purpose [AMENDED]

This Chapter contains rules and regulations of general applicability to the administrative operations, formal proceedings, and informal proceedings of the Statewide ~~Virtual~~ Charter School Board.

777:1-1-4. Organization [AMENDED]

(a) **Objectives.** As the sole entity authorized to sponsor ~~statewide-virtual charter school programs and~~ may authorize charter schools in this state in accordance with the provisions of the Oklahoma Charter Schools Act, the Statewide ~~Virtual~~ Charter School Board shall be charged with establishing any rules, policies, and procedures necessary to regulate operation of statewide virtual charter schools and to ensure that free appropriate public education and related services are provided to ~~statewide-virtual charter school and virtual charter school~~ and virtual charter school students ~~enrolled in statewide-virtual charter schools~~ in a manner that is safe, consistent, effective, and appropriate.

(b) **Staff.** Subject to the availability of funding, the Statewide ~~Virtual~~ Charter School Board may maintain such staff as is authorized by law and as necessary to fulfill the duties set forth by Oklahoma statutes and regulations.

(c) **Hours of operation.** The official hours of operation of the principal office of the Statewide ~~Virtual~~ Charter School Board shall be the same as the hours of operation of the State Department of Education, and shall exclude Saturdays, Sundays, and legal holidays.

777:1-1-5. Time computation [AMENDED]

Any period of time prescribed by this Title shall be calculated in accordance with the following provisions:

(1) The day of the act or event from which the designated period of time begins to run shall not be included.

(2) The last day of the period so computed shall be included, unless:

(A) The last day falls on a Saturday, a Sunday, or a legal holiday as defined by the Oklahoma Statutes, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday as defined by the Oklahoma Statutes; or

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(B) The last day falls on any other day when the administrative office of the Statewide ~~Virtual~~ Charter School Board does not remain open for public business until 4:30 p.m., in which event the period runs until the end of the next day when the receiving office does remain open for public business until 4:30 p.m.

777:1-1-6. Records requests [AMENDED]

(a) **Custodian of records.** The Statewide ~~Virtual~~ Charter School Board may designate a records custodian. In absence of a records custodian designated by the Statewide ~~Virtual~~ Charter School Board, the records custodian of the Statewide ~~Virtual~~ Charter School Board shall be deemed to be the Statewide ~~Virtual~~ Charter School Board.

(b) **Procedure for records requests.** Any individual or group seeking access to public records maintained by the Statewide ~~Virtual~~ Charter School Board (the "Requester") shall submit a written request to the Statewide ~~Virtual~~ Charter School Board records custodian, by fax, email, regular mail or in person. A form is available on the Board's website. In addition, all records requests must comply with the Open Records Act at 51 O.S. § 24A.1 et seq. and all of the following provisions:

(1) All records requests must include:

- (A) Identification and contact information of the individual and/or entity making the request;
- (B) A description of the records requested with sufficient detail necessary to enable the records custodian to reasonably identify whether records responsive to the request exist; and
- (C) If the Requester claims the public interest exemption from search fees in accordance with the provisions of (d) of this Section, all information necessary for the records custodian to determine the applicability of the exemption.

(2) Within a prompt and reasonable time of the date of receipt of the request, the records custodian shall review the request, seek any additional information from the Requester necessary to clarify the request, and shall ascertain whether any records responsive to the request exist.

(3) In addition, the records custodian shall promptly notify the Requester if records responsive to the request exist and whether the search will incur any fees and costs pursuant to 51 O.S. § 24A.5.

(4) If the Requester fails to furnish additional information reasonably necessary to identify the records sought or otherwise enable agency personnel to accurately process the request, or if fees and costs have not been paid, any further processing of the request may be suspended by the records custodian. A request that remains suspended for a period of forty-five (45) calendar days or more shall be deemed abandoned

(c) **Fees for record searches and copies of records.** Fees and costs associated with record searches and providing copies of records shall be determined in accordance with the following procedures:

(1) **Fees to recover reasonable and direct costs of record searches.** Requests for individual records of persons that are either solely for commercial purposes or requests that cause an excessive disruption of the essential functions of the agency are subject to fees for recovery of the reasonable, direct costs of record searches.

However, requesters shall be exempted from search fees when the release of the requested records is in the public interest, including, but not limited to, release of records in response to requests from:

- (A) News media;
- (B) Scholars;
- (C) Authors; and
- (D) Taxpayers seeking to determine whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants.

(2) **Fees to recover reasonable and direct costs of record copies.** Requests for records are subject to fees for recovery of the reasonable, direct costs of copying records and/or certification of each individual copy of a record.

(A) For purposes of this paragraph, "copying" of a record may include costs of:

- (i) Mechanical reproduction of a paper ("hard copy") record; or
- (ii) Conversion of a record into an electronic format (e.g., pdf).

(B) In no instance shall the fees per page fee for copying and/or certification of individual copies of documents exceed the amount set forth in 51 O.S. § 25A.5(3).

(C) The Board is authorized to periodically review and adjust the rates that will be charged for providing copies of records in accordance with the law. Those rates will include costs for record copies, document searches and transcript rates. The rates will be posted at principal office of the Statewide ~~Virtual~~ Charter School Board and filed with the county clerk as required by law.

(D) All fees and/or costs shall be paid by the requester prior to delivery of the response to the request. All fees must be paid by check or money order. No cash will be accepted.

777:1-1-9. Individual proceedings [AMENDED]

(a) **Definitions.** The following words and terms, when used in this subchapter, shall have the following meaning:

- (1) "Board" shall mean the Statewide ~~Virtual~~ Charter School Board.
- (2) "Individual proceeding" shall have the meaning set forth in the Administrative Procedures Act at 75 O.S. § 250.3.

(b) **Computation of time.** Any period of time prescribed pursuant to the provision of this rule shall be computed in accordance with the provisions of the Administrative Procedures Act at 70 O.S. § 250.8.

(c) **Petitions.** An individual proceeding shall be initiated by filing a petition with the Statewide ~~Virtual~~ Charter School Board. The petition shall meet all of the following requirements:

- (1) The Petition must include:
 - (A) A statement of the legal authority and jurisdiction under which the petitioner seeks to initiate the proceeding and the hearing is to be held;
 - (B) A reference to each particular statute and/or rule involved;
 - (C) A short and plain statement of the allegations asserted; and
 - (D) A statement or description of the request for the relief petitioner seeks from the Board.
- (2) The Petition must clearly identify the petitioner(s) and be signed by the petitioner or counsel for the petitioner.

(d) **Informal disposition.** Nothing in this Section shall prevent informal disposition of a petition from being made by stipulation, agreed settlement, consent order, or default, unless otherwise precluded by law. In the event of an informal disposition of a petition, written notice signed by each party or counsel representatives shall be delivered to the Statewide ~~Virtual~~ Charter School Board prior to the time of the scheduled hearing.

(e) **Right to counsel.** All parties to an individual proceeding shall have the right to representation by legal counsel in accordance with the provisions of 75 O.S. § 310. The Board may be represented by its own counsel, or, if deemed necessary by the Chairperson of the Board, a request may be made of the Attorney General to provide Board Advisor counsel to assist the Board in ruling on motions, questions of admissibility of evidence, competency of witnesses, and any other questions of law. In the event that counsel is not requested from the Attorney General, the Chairperson of the Board or a hearing officer appointed by the Board will rule on motions, the evidence, competency of the witnesses and other questions of law.

(f) **Legal counsel.** In accordance with 74 O.S. § 20i (2014), the Chairperson of the Board may request a private attorney on behalf of the Statewide ~~Virtual~~ Charter School Board and contract for legal representation.

(g) **Entry of appearance.** All parties or attorneys representing parties in an individual proceeding shall file an entry of appearance. The entry of appearance shall constitute the address of record for the party at which all documents in the individual proceedings will be served. The entry of appearance shall meet all of the following requirements:

- (1) The case caption of the individual proceeding;
- (2) The name and signature of the party or parties entering an appearance in the individual proceeding; and
- (3) The mailing address, telephone, fax number and e-mail address of the party or parties entering an appearance in the individual proceeding or, if represented by counsel:
 - (A) The name and signature of the attorney or attorneys entering an appearance in the individual proceeding on behalf of the party or parties;
 - (B) The name of the law firm of the attorney(s), if any; and
 - (C) The Oklahoma Bar Association number of the attorney(s).

(h) **Motions.** All requests for action in an individual proceeding before the Board or hearing officer shall be made in the form of a motion. Motions shall be filed with the Board, and shall comply with all of the following requirements:

- (1) The motion must clearly and specifically state:
 - (A) The facts upon which the request is based;
 - (B) All legal grounds in support of the request; and
 - (C) The action or relief sought.
- (2) The motion must be signed by the movant or counsel for the movant;
- (3) The motion must include the name and contact information of record of the movant or counsel for the movant; and
- (4) The motion must be timely served upon all parties to the proceeding and shall include a certificate of service that complies with the provisions of (h)(3) of this Section.
- (5) If the non-moving party wishes to file a response to a motion, the response must be filed with the Board ten (10) business days from the date of service and served on the opposing party.

(i) **Service.** Methods of service and proof of service of any notice, pleading, order, or other document required by this Section shall comply with the following provisions:

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(1) **Methods of service.** Service of any notice, pleading, or order required by this Section shall be made by one of the following methods:

- (A) By personal delivery, served by a person licensed to make service of process in civil cases;
- (B) By certified mail with delivery shown by return receipt. Service by certified mail shall be effective on the date of receipt or, if refused, on the date refusal by the Respondent. Acceptance or refusal by any officer of a business or an authorized agent for a business shall constitute acceptance or refusal by the party addressed;
- (C) By publication if it is shown that service cannot be made by any other means despite the exercise of due diligence; or
- (D) Any other method authorized by 12 O.S. § 2005(B).

(2) **Proof of service.** Proof of service of any petition to initiate an individual proceeding shall be filed with the Statewide ~~Virtual~~ Charter School Board. Acknowledgment in writing of the document by the recipient, or appearance by the recipient at a hearing without objection to service, shall be considered proof of service.

(3) **Certificates of service.** All documents filed with the Statewide Virtual Charter School Board in a pending individual proceeding and all documents requiring service in accordance with the provisions of this Section shall include a Certificate of Service that meets all of the following requirements:

- (A) The Certificate of Service shall state "I hereby certify that on this ____ day of _____, _____, a copy of the foregoing document was mailed, postage prepaid, to:" and shall identify the name and address of all parties to whom the document was served.
- (B) The Certificate of Service shall be signed by the party or counsel for the party charged with service of the document.

(j) **Formal hearing procedures.** A hearing on a petition shall be conducted by the Chairman of the Board or the hearing officer in accordance with 75 O.S. § 310 and the following procedures:

(1) **Date of hearing.** When a petition is filed, the Board shall promptly set the petition for hearing. Notice of the hearing shall comply with the requirements of 75 O.S. § 309. At the hearing, the Board may choose to consider evidence and arguments in support of or in opposition to the petition, the Board may set the matter for further hearing.

(2) **Appointment of a hearing officer.** The Chairman of the Board shall preside over any hearing conducted in an individual proceeding in accordance with the provisions of this Section. Alternatively, the Board, at its discretion, may utilize a hearing officer to conduct the hearing. If utilized, the hearing officer shall be appointed by the Chairperson of the Board upon a vote of the majority of the members of the Board.

(3) **Continuances.** Any party to the proceeding may request a continuance of the scheduled hearing in accordance with the following provisions:

(A) A party may request to continue a hearing scheduled in an individual proceeding by filing a motion for continuance with the Board. The motion for continuance shall meet all of the following requirements:

- (i) The motion shall comply with all of the requirements of (g) of this Section; and
- (ii) The motion shall be filed at least fifteen (15) business days prior to the scheduled hearing date, provided that this time requirement may be waived by the Board or hearing officer for good cause shown by the movant.

(B) The Board may continue a scheduled hearing by submitting written notification to all parties via certified mail, return receipt requested, or by electronic mail at least five (5) business days prior to the date of the scheduled hearing, provided that the time requirement may be waived by the Board or the hearing officer for good cause shown by the Board or counsel for the Board.

(C) If a motion for continuance is unopposed and the Board finds good cause for granting the motion, counsel for the Board shall prepare and sign a continuance order. The continuance order shall be filed with the Board and served in accordance with the requirements of (h) of this Section.

(D) If a motion for continuance is opposed, the non-moving party shall file a response motion opposing the continuance stating all factual and legal grounds for denial of the motion. The Board or the hearing officer shall issue an order concerning the motion as soon as possible prior to the hearing. The order shall be filed with the Board, and copies of the order served in accordance with the provisions of (h) of this Section and by email if possible.

(4) **Discovery and subpoenas.** The Board or the hearing officer may require parties to an individual proceeding to attend discovery when necessary and appropriate for prompt adjudication of an individual proceeding conducted in accordance with the provisions of this Section. Discovery shall be conducted in accordance with 75 O.S. § 315 and the following provisions:

(A) **Depositions.** The parties, upon notice may take depositions of witnesses in the same manner prescribed for depositions in civil actions in the district courts of the State of Oklahoma. The depositions may be admitted into evidence by the Board or the hearing officer in the same manner as other evidence. Costs of depositions shall be borne by the deposing party.

(B) **Subpoenas.** Subpoenas for the attendance of a witness or for production of evidence may be issued in accordance with the following provisions:

(i) **Issuance of a subpoena.** The Chairman of the Board or the hearing officer may direct the Board to issue a subpoena upon the motion of a party. The signature of the Executive Director shall be sufficient authentication for issuance of any subpoena. A motion for issuance of a subpoena shall comply with the provisions of (g) of this Section and shall be filed with sufficient time to permit service of the subpoena at least five (5) business days prior to the hearing at which the attendance of the witness or ten (10) business days prior to the date production of records is required.

(ii) **Objections to subpoenas.** Any party to the proceeding may oppose the issuance of a subpoena by filing a response to the motion for issuance within five (5) business days of receipt of service of the motion for subpoena. The Board may deny the issuance of a subpoena if, in its discretion, the request for subpoena is not necessary and proper for purposes of the individual proceeding.

(iii) **Service of a subpoena.** Subpoenas shall be served as set forth in (i)(1)(A) or (i)(1)(B).

(iv) **Quashing a subpoena.** Any party or the recipient of the subpoena may move to quash a subpoena or subpoenas duces tecum issued in accordance with the provisions of this Section, provided that, prior to quashing a subpoena or subpoenas duces tecum the agency shall give notice to all parties. A subpoena or subpoenas duces tecum may not be quashed if any party objects.

(v) **Enforcement of subpoenas.** Upon the failure of any person to obey a subpoena, or upon the refusal of any witness to be sworn or make an affirmation or to answer a question put to her or him in the course of any individual proceeding, the Board shall consider the issue of enforcement of the subpoena as soon as convenient. By resolution, the Board may direct initiation of appropriate judicial proceedings necessary to enforce the subpoena or grant a party's motion for the party to seek compliance with the subpoena from the district court. Meanwhile, the hearing or other matters shall proceed, so far as is possible, but the Board or the hearing officer, at its discretion at any time may order a stay or continuance of the proceedings for such time as may be necessary to secure a final ruling in the compliance proceedings.

(vi) **Costs of issuance and service of subpoenas.** The costs covering the issuance and service of subpoenas and all witness fees incurred on behalf of a party to the proceedings, other than the Board, shall be borne by the party on whose behalf they are incurred, provided that the Board in its final order may tax such costs to another party if justice so requires.

(j) **Disqualification of a Board member or hearing officer.** A Board member or hearing officer shall withdraw from any individual proceeding in which he or she cannot accord a fair and impartial hearing or consideration. Any party may request the disqualification on the ground of his or her inability to give a fair and impartial hearing by filing an affidavit promptly upon discovery of the alleged disqualification, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded. The issue shall be determined promptly by the Board, or if it affects a member of the Board, by the remaining members thereof, if a quorum. Upon the entry of an order of disqualification affecting a hearing officer, the Board shall either assign a replacement hearing officer, or conduct the hearing itself. Upon the entry of an order of disqualification affecting a Board member, the Governor immediately shall appoint a member pro tempore to sit in place of the disqualified member in that proceeding.

(k) **Presentation and consideration of evidence.** Presentation and consideration of evidence shall be conducted in accordance with the following procedures:

(1) **Witness and exhibit lists.** The parties to the hearing shall exchange witness and exhibit lists no later than five (5) business days prior to the hearing, or within a different time by agreement of the parties.

(2) **Admissibility and consideration of evidence.** The Board or hearing officer may determine the order in which evidence shall be received and presented. Admission and consideration of evidence in an individual proceeding conducted in accordance with the provisions of this Section shall be conducted in accordance with the Administrative Procedures Act at 75 O.S. §§ 309 through 326 and the following provisions:

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(A) **Official notice.** The Board or hearing officer may take notice of judicially cognizable facts or of generally recognized technical or scientific facts within the specialized knowledge of the Statewide Virtual Charter School Board. The Board or hearing officer shall give notice to all parties, prior to, or at the hearing, of any facts of which it proposes to take official notice. Any party or her/his attorney may request that official notice be taken of any fact qualified for such notice by the statutes of this state. If such official notice is taken, it shall be stated in the record, and all parties shall have opportunity to contest and give evidence in rebuttal or derogation of the official notice.

(B) **Exclusion of witnesses.** A party may request the exclusion of witnesses to the extent and for the purposes stated in 12 O.S. § 2615. Exclusion of a witness shall not be considered a violation of the Oklahoma Open Meeting Act.

(C) **Testimony of witnesses.** All testimony of witnesses presented by parties shall be made under oath or affirmation. A party may conduct cross-examination of witnesses called by other parties. Witnesses may also be questioned by the Board or the hearing officer.

(D) **Objections to evidence.** Objections to evidence may be made and shall be included in the record of the proceedings.

(E) **Documentary evidence and authentication.** Documentary evidence may be received in the form of copies or excerpts. Parties may challenge the authenticity of any copies. Any part of the evidence may be received in written form, when a hearing will be expedited and the interests of the parties will not be prejudiced.

(l) **Order of procedure.** The order of procedure at the hearing shall be as follows:

- (1) Opening statements by legal counsel of both parties;
- (2) Presentation of evidence by both parties followed by cross-examination of witnesses, and questions by State Board members or the hearing officer;
- (3) Closing arguments by legal counsel of both parties; and
- (4) Submission of case to the Board or the hearing officer for decision.

(m) **Dismissal of an action.** Upon a hearing, if the petitioner fails to show a prima facie case for lack of sufficient evidence, the Board may dismiss the petition upon grounds of failure to prove sufficient facts in support of the petition or upon the recommendation of the hearing officer on the same grounds. If the petitioner fails to appear at the scheduled hearing without prior notification to the Statewide Virtual Charter School Board within the time frame to request a stay or continuance set forth in (i) of this Section and without a demonstration of good cause, or fails to prove the allegations by clear and convincing evidence, the petition shall be dismissed.

(n) **Decisions.** After the conclusion of the hearing, a decision will be rendered on the petition.

(1) If the Board presided over the hearing, deliberations may be held in executive session pursuant to the provisions of the Open Meeting Act set forth at 25 O.S. § 307. After deliberations, the decision of the Board shall be announced in open session. Within a reasonable amount of time, the Board shall render a Final Order containing findings of fact and conclusions of law. All findings of fact made by the Board shall be based exclusively on the evidence presented during the course of the hearing or previously filed briefs, (made a part of the record), and of the testimony of witnesses taken under oath.

(2) If a hearing officer presided over the hearing, the hearing officer may allow the parties to prepare and submit proposed findings of fact and conclusions of law within a reasonable period of time following the hearing. Then, as expeditiously as possible, the hearing officer shall prepare proposed findings of fact and conclusions of law and submit them to the Board. After the parties have been given notice and an opportunity to file exceptions, present briefs and oral arguments to the proposed findings of fact and conclusions of law, the Board may take action to accept, reject, or modify the proposed Findings and Conclusions of the hearing officer for the final order.

(o) **Final order.** As the final determination of the matter, the final order shall constitute the final agency order and shall comply with the requirements set forth at 75 O.S. § 312. If no motion for rehearing, reopening or reconsideration of the order is filed in accordance with (r) of this Section, the final agency order shall represent the exhaustion of all administrative remedies. All final orders in an individual proceeding shall be in writing and made a part of the record. Final orders are to be issued and signed by the Chairperson of the Board for transmission to the parties by the Board. Within five (5) business days of the date of issuance of the final order, parties shall be notified of a final order either personally or by certified mail, return receipt requested. Upon request, a copy of the order shall be delivered or mailed to each party and the party's attorney of record, if any.

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(p) **Communication with parties.** Unless required for the disposition of ex parte matters authorized by law, the Chairperson and the members of the Board, or the hearing officer if applicable, shall not communicate, directly or indirectly, in connection with any issue of fact, with any party, nor, in connection with any issue of law, with any party or his or her representative except upon notice and opportunity for all parties to participate. The Chairperson and members of the Board or their employees may communicate with one another in compliance with the Open Meeting Act and have the aid and advice of one or more personal assistants. Advice may also be secured from the Attorney General's office.

(q) **Record of hearing.** The record of the hearing shall be set forth in such form and detail as the Chairperson or the Board may direct.

(1) In accordance with the requirements of 75 O.S. § 309, the record shall include:

- (A) All pleadings, motions, and intermediate rulings;
- (B) Evidence received or considered during the individual proceeding;
- (C) A statement of matters officially noticed;
- (D) Questions and offers of proof, objections, and rulings thereon;
- (E) Proposed findings and exceptions;
- (F) Any decision, opinion, or report by the Board or a hearing officer presiding at the hearing; and
- (G) All other evidence or data submitted to the Board or hearing officer in connection with their consideration of the case.

(2) The Board shall ensure that all proceedings, except for executive sessions, are electronically recorded. The recording shall be made and maintained in accordance with the requirements of 75 O.S. § 309, and a copy shall be provided to any party to the proceeding upon request. The Board may, but is not required to direct the recording of a proceeding to be fully transcribed and have a copy of the transcript placed on file in the Board's office. Parties to the proceeding may have the proceedings transcribed by a court reporter at their own expense.

(r) **Rehearing, reopening or reconsideration of an order.** The ruling shall become final unless, within ten (10) calendar days of entry of the order of declaratory ruling, the petitioner files a written request for a reconsideration of the petition with the Board stating all grounds upon which the petitioner seeks reconsideration of the Board's ruling. A petition for rehearing, reopening, or reconsideration of an agency order issued pursuant to the provisions of this Section shall comply with the following procedures:

(1) A petition for rehearing, reopening or reconsideration of a final order must be filed with the Board within ten (10) days from the entry of the order. It must be signed by the party or his or her attorney, and must set forth with particularity the statutory grounds upon which it is based. However, a petition based upon fraud practiced by the prevailing party or upon procurement of the orders by perjured testimony or fictitious evidence may be filed at any time. All petitions for rehearing, reopening, or reconsideration will be considered and ruled upon as soon as the convenient conduct of the Board's business will permit.

(2) A petition for a rehearing, reopening, or reconsideration shall set forth the grounds for the request. The grounds for such a petition shall be either:

- (A) Newly discovered or newly available evidence, relevant to the issues;
- (B) Need for additional evidence ~~adequately~~ to develop adequately the facts essential to proper decision;
- (C) Probable error committed by the Agency in the proceeding or in its decision such as would be grounds for reversal on judicial review of the order;
- (D) Need for further consideration of the issues and the evidence in the public interest; or
- (E) A showing that issues not previously considered ought to be examined in order to properly dispose of the matter. The grounds justifying the rehearing shall be set forth by the Statewide ~~Virtual~~ Charter School Board which grants the order, or in the petition of the individual making the request for the hearing.

(3) It is the burden of the party requesting a rehearing to notify the opposing party of the appeal.

(4) Upon receipt of a written request for reconsideration in accordance with this subsection, the request shall be set on the agenda for consideration by the Statewide ~~Virtual~~ Charter School Board at the next available regular meeting or at a subsequent regular or special meeting. Rehearing, reopening, or reconsideration of the matter may be heard by the Statewide ~~Virtual~~ Charter School Board or may be referred to a hearing officer. The hearing must be confined to those grounds on which the recourse was granted.

(s) **Judicial review.** Any person or party aggrieved or adversely affected by a final order in an individual proceeding, after the exhaustion of administrative remedies, is entitled to certain judicial review in accordance with the provisions of the Oklahoma Administrative Procedures Act, and the procedures set forth therein shall govern appeals.

[OAR Docket #24-1365; filed 11-25-24]

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TITLE 777. STATEWIDE CHARTER SCHOOL BOARD CHAPTER 10. STATEWIDE VIRTUAL CHARTER SCHOOLS

[OAR Docket #24-1366]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 1. General Provisions

777:10-1-2. Definitions [AMENDED]

777:10-1-3. School establishment requirements [AMENDED]

777:10-1-4. Educational Management Organizations [AMENDED]

Subchapter 3. Statewide Charter School and Virtual Charter School Sponsorship [AMENDED]

777:10-3-1. Purpose [AMENDED]

777:10-3-3. Applications to sponsor statewide virtual charter schools; renewal and termination of contracts for sponsorship of statewide virtual charter schools for charter schools and virtual charter schools [AMENDED]

777:10-3-4. Oversight and evaluation of virtual charter schools by the Statewide Virtual charter schools and virtual charter schools by the Statewide Charter School Board [AMENDED]

777:10-3-5. Full-time virtual charter schools - succession of contractual rights and reversion of property to Statewide Virtual charter schools - succession of contractual rights and reversion of property to Statewide Charter School Board [AMENDED]

Subchapter 5. Statewide Virtual Charter School Facilities

777:10-5-3. Statewide virtual charter school sites [AMENDED]

AUTHORITY:

Statewide Charter School Board, 70 O.S.Supp.2024, § 3-132.1(I)(4) and 3-145.8(D).

COMMENT PERIOD:

N/A

PUBLIC HEARING:

N/A

ADOPTION:

September 10, 2024

EFFECTIVE:

Immediately upon Governor's approval

APPROVED BY GOVERNOR:

October 10, 2024

EXPIRATION:

Effective through September 14, 2025, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

SUPERSEDED RULES:

N/A

GUBERNATORIAL APPROVAL:

N/A

REGISTER PUBLICATION:

N/A

DOCKET NUMBER:

N/A

INCORPORATIONS BY REFERENCE:

INCORPORATED STANDARDS:

N/A

INCORPORATING RULES:

N/A

AVAILABILITY:

N/A

FINDING OF EMERGENCY:

The rules were necessary comply with amendments to an agency's governing law. 75 O.S.2021, § 253(A)(1)(b).

GIST/ANALYSIS:

The Oklahoma Statewide Charter School Board proposes these emergency rules to fulfill the requirements of the Board under the Oklahoma Charter Schools Act, 70 O.S.Supp.2023, §§ 3-130–3-167. The emergency rules add, amend, and modify definitions pertaining to charter schools, virtual charter schools, sites, and remove references to the board's now-abolished predecessor, the Statewide Virtual Charter School Board, to ensure that rule language refers to the Statewide Charter School Board. The emergency rules include language to allow the board read-only access to data from charter and virtual charter schools sponsored by the board. The emergency rules also require schools to provide online access and recording for public viewing of the governing board's meetings. The rules further streamline the application for new sponsorship process, including requirements that (1) ensure a representative for the prospective school participates in training related to the application process, and (2) a capacity interview of the leadership team and governing board of a prospective school are competent. The rules also streamline factors for reviewing applications for new charter or virtual charter schools. The formatting of renewals will also be streamlined. The rules add requirements on those charter schools seeking renewal of their charter but transferring sponsorship from an authorized sponsor to the board. The rules also amend the oversight and evaluation for charter and virtual charter schools and how performance will be measured. Finally, the rules amend data required to be submitted to the board on an annual basis.

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

SUBCHAPTER 1. GENERAL PROVISIONS

777:10-1-2. Definitions [AMENDED]

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

"Charter school" means any school sponsored by the Statewide Charter School Board in accordance with the requirements of the Oklahoma Charter Schools Act for the purpose of providing full-time public school courses of instruction for pre-kindergarten through twelfth (12th) grade students whose legal residence is located within the boundaries of the school district.

"Charter school site" or "school site" or "statewide-virtual charter school site" means the physical location of any facility or structure, leased or owned by the school, other than the legal residence of a student or the parent/legal guardian of a student, for use by a charter school or statewide virtual charter school to provide face-to-face or virtual instruction to students enrolled in the statewide charter school or virtual charter school. per 70 O.S. § 3-132.2(c)(1)-(2).

"Educational Management Organization" or "EMO" means a for-profit or nonprofit organization that receives public funds to provide administration and management services for a charter school, statewide-virtual charter school, or traditional public school.

"Face-to-face instruction" means any in-person tutoring, educational instruction, or any other activity provided by the charter school or statewide-virtual charter school to an enrolled student for which the student's physical presence and/or participation is used by the charter school or virtual charter school to earn credit for a virtual course, meet the instructional requirements of 70 O.S. § 1-111 and/or counted toward the student's compulsory attendance requirements set forth at Art. 13, § 4 of the Oklahoma Constitution, 70 O.S. § 10-105, and/or accompanying regulations of the State Department of Education relating to student attendance.

"OCAS" means the Oklahoma Cost Accounting System.

"SCSB" means the Statewide Charter School Board.

"Statewide-virtual" "Virtual charter school" means any charter school sponsored by the Statewide Virtual Charter School Board in accordance with the requirements of the Oklahoma Charter Schools Act for the purpose of providing full-time virtual public school courses of instruction for ~~Pre-pre-K~~ kindergarten through twelfth (12th) grade students whose legal residence is located within the State of Oklahoma.

"SVCSB" or "Board" means the Statewide Virtual Charter School Board.

"OCAS" means the Oklahoma Cost Accounting System.

777:10-1-3. School establishment requirements [AMENDED]

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(a) **Information Technology Systems and Facilities.** By July 1 of the first year of operation, the school shall have in place the following:

- (1) Purchased and implemented a state-approved school finance system. Every approved charter school or statewide virtual charter school must utilize a state-approved school finance system aligned with the Oklahoma Cost Accounting System (OCAS). The school must notify the Statewide ~~Virtual~~ Charter School Board of the name of the system being utilized by July 1 prior to the start of school.
- (2) Purchased and implemented a state-approved student information system. Every approved charter school or statewide virtual charter school must utilize a state-approved student information system. The school must notify the Statewide ~~Virtual~~ Charter School Board of the name of the system being utilized by July 1 prior to the start of school.
- (3) Established secure connectivity to state reporting systems. Every approved charter school or statewide virtual charter school must verify connections to state-reporting systems that meet federal and state requirements for student data, student privacy, and applicable laws and statutes. The school must notify the Statewide ~~Virtual~~ Charter School Board of the name of the system being utilized by July 1, prior to the start of school.
- (4) Secured and ~~occupied~~ occupied a public school administration facility located within the boundaries of the state of Oklahoma. Every approved charter school or statewide virtual charter school must have a public site that allows the public to have access to the main office of the school. The school must notify the ~~State~~ Statewide ~~Virtual~~ Charter School Board of the location, address, contact information of the facility by July 1 prior to the start of the school, and during the year if the location of the site changes. ~~Notification to the Statewide Virtual Charter School Board shall be through the online information gathering system set forth in 777:10-3-4.~~

(b) Authorizer Access to Information and Reporting Systems. The charter school or virtual charter school shall grant the Statewide Charter School Board read-only access to all state and school reporting systems, including, but not limited to, Single-Sign On, OCAS, the student information system, and the WAVE.

(c) ~~(b)~~ Governing Boards.

- (1) ~~All~~ Charter schools and virtual charter schools authorized by the Statewide Virtual Charter School Board shall be governed by a board ~~whose with a majority of members are~~ separate and distinct from any/all other school governing boards.
- (2) Any board member serving on two (2) governing boards shall abstain from voting on shared services between the charter school or virtual charter school and any other school on which they serve as a board member.
- (3) School governing boards are required to have a minimum of (5) members, at least one (1) of which shall be a parent, grandparent, or guardian of currently or previously enrolled student(s).
- (4) School governing board by-laws shall include specific terms of service for board members and methods for ~~selections~~ selection and re-appointment ~~(if applicable)~~.
- (5) Charter schools and virtual charter schools authorized by the Statewide Charter School Board shall provide online access and recording for public viewing of all governing board meetings.

777:10-1-4. Educational Management Organizations [AMENDED]

Any charter school or virtual charter school that contracts with or otherwise utilizes an educational management organization shall abide by the following:

- (1) The relationship of the charter school or virtual charter school and an educational management organization is that of a customer and vendor. As such, the charter school or virtual charter school and the educational management organization shall be separate entities in all aspects.
- (2) The name of the educational management organization shall not be the same or similar to the name of the charter school.
- (3) ~~Charter school and governing body email addresses shall not be connected to the same web domain as the educational management organization or have the same email addresses as the educational management organization.~~
- (4) ~~(3)~~ All funds utilized to operate the charter school or virtual charter school, including, but not limited to, paying charter school employees, providing curriculum, technology, supplies, and/or extra-curricular activities to students shall be maintained in public charter school accounts and controlled by charter school employees.
- (5) ~~(4)~~ All payments to educational management organizations shall be supported by documentation on file including, but not limited to, purchase orders, invoices, OCAS coding details, staff approvals, and board approvals. Prior to payments from the school to educational management organizations, all funds shall be maintained in public school accounts, subject to open records requests and audits.

~~(6)~~(5). All products and services provided as well as all management fees charged by the educational management organization shall be specifically listed and explained in the management contract. Any amendments to the contract shall be provided to the sponsor within five (5) business days of approval by the school's governing body.

~~(7)~~(6). School governing boards shall evaluate their educational management organization annually and submit the evaluation to the SVCSBSCSB.

~~(8)~~(7). An owner of an educational management organization shall not serve as superintendent of the charter school or virtual charter school.

SUBCHAPTER 3. ~~STATEWIDE~~CHARTER SCHOOL AND VIRTUAL CHARTER SCHOOL SPONSORSHIP [AMENDED]

777:10-3-1. Purpose [AMENDED]

The rules in this subchapter set forth procedures for authorization and sponsorship of ~~statewide charter schools~~ and virtual charter schools and requirements for contracts for sponsorship of ~~statewide charter schools~~ and virtual charter schools, including procedures for renewal and termination of contracts for sponsorship of statewide virtual charter schools.

777:10-3-3. Applications to sponsor statewide virtual charter schools; renewal and termination of contracts for sponsorship of statewide virtual charter schools for charter schools and virtual charter schools [AMENDED]

(a) **Sponsorship application cycle and timelines.** To ensure that timely processing, review, and consideration of initial applications for sponsorship occurs within the time periods specified by 70 O.S. § 3-134, and to ensure that the application process is completed with sufficient time for new schools to organize and comply with all statutory reporting requirements for the beginning of the next initial school year, (~~e.g., statutory state financereporting deadlines for state aid purposes~~) the timeline for the application cycle for the following school year is as follows:

(1) Completion of charter school training required by 70 O.S. § 3-134(A) prior to submission of letter of intent to submit an application;

~~(2) Charter school training must be completed by an individual directly associated with the applicant and within the last three (3) years;~~

~~(3) A letter of intent to submit an application for sponsorship must be provided to the Statewide Charter School Board. Upon receipt of the letter of intent, guidance for application submission will be provided;~~

~~(4)~~(2) Submission of a full application for ~~statewide virtual charter school~~ sponsorship shall be submitted at least in January; eighteen (18) months but not more than twenty-four (24) months prior to the first July of the expected school opening year of proposed operation;

~~(5)~~(3) A Public presentation of the application/~~proposal~~ for sponsorship will be conducted at the next regularly scheduled subsequent Statewide Virtual Charter School Board meeting;

~~(6)~~(4) A Review review of the application will consider all aspects of the application process, including but not limited to the written application, supporting documents, presentation, and capacity interview and recommendation by a team of experts in education;

~~(7)~~(5) The Statewide Virtual Charter School Board will render a decision on the application for sponsorship at a subsequent open Boardboard meeting;

~~(8)~~(6) If approved, negotiation and execution of a contract for sponsorship will begin;

~~(9) If rejected, the applicant may submit revised application within thirty (30) calendar days of receipt of notification rejection;~~

~~(10)~~(7) A Boardboard decision on ~~amended~~the revised application, if applicable, will be rendered within thirty (30) calendar days of receipt of ~~amended~~the revised application; and

~~(11)~~(8) If approved, Negotiationnegotiation and execution of a contract for sponsorship will begin; and

~~(12) If rejected, the application may proceed according to statute.~~

(b) **Sponsorship Initial application requirements for sponsorship.** In addition to ~~meeting~~meet the requirements of 70 O.S. § 3-134 and the authorizer, new applications to the Statewide Virtual Charter School Board for sponsorship of a statewide charter school or virtual charter school must include the following information in the sponsorship proposal: For initial consideration for sponsorship, every the applicant shall submit a set of policies information and procedures documents related to the organizational, academic, and financil capacity governing administration and operation of the proposed statewide charter school or virtual charter school. If approved, The the policies and procedures governing administration and operation of the proposed statewide virtual charter school application shall be incorporated into the

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terms of the contract of the virtual charter school, and shall include but are not limited to, all of the following subject areas:

(1) For initial consideration for sponsorship, every applicant shall submit a set of policies and procedures governing administration and operation of the proposed statewide virtual charter school. The policies and procedures governing administration and operation of the proposed statewide virtual charter school shall be incorporated into the terms of the contract of the virtual charter school, and shall include, but are not limited to, all of the following subject areas:

(A) Each of the following provisions required by 70 O.S. § 3-135:

- (i) A description of the charter school program offered by the school which complies with the purposes outlined in 70 O.S. § 3-136;
- (ii) Student admission and enrollment policies and procedures;
- (iii) Management and administration of the charter school;
- (iv) Requirements and procedures for program and financial audits;
- (v) All of the requirements set forth in 70 O.S. § 3-136, including, but not limited to, compliance with all regulations of the State Department of Education pertaining to health, safety, civil rights, and insurance and financial reporting and auditing requirements;
- (vi) Assumption of liability by the charter school; and
- (vii) Employment rights and personnel policies of the school required to be included in employee contracts pursuant to 70 O.S. § 3-135(B);

(B) Duties and responsibilities of the charter school governing body;

(C) Student grade placement, promotion, retention, and graduation requirements;

(D) Use and maintenance of charter school property and facilities, including:

- (i) Virtual provider technology protocols that ensure conformity to the Rehabilitation Act of 1973 Sections 504 and 508 provisions for electronic and information technology, W3C's Web Content Accessibility guidelines, and Oklahoma's Information Technology Accessibility Standards to include minimum and recommended specifications for hardware, software, operating system, and Internet service, course delivery, and technical support;
- (ii) Facility safety and emergency and crisis management;
- (iii) School calendar, sample daily schedule as applicable to online learning at proposed school, school instructional hours, school holidays, dismissals and closures, attendance requirements;

(E) Contracts with prospective contractors, including, but not limited to, any educational management organization, in which all products and services as well as all management fees are specifically listed and explained; and

(F) Any other topics deemed necessary by the Statewide Virtual Charter School Board to assess the applicant's capability to administer and operate the charter school in compliance with all applicable provisions of federal and state laws and regulations to which charter schools are required to comply.

(2) Each applicant shall:

(A) Articulate the vision and purpose of the school.

(B) Articulate the mission of the school, specifying how the school will embrace and accomplish its vision and purpose.

(C) Describe the key design elements and performance indicators of the school program that align with and support the school's mission and will be implemented to ensure student success.

(D) Describe how the school will ensure education access and equity for all eligible students.

(E) Describe how the governing body and governing documents ensure that a functioning organization with competent governance will be sustained, including:

- (i) lines of authority;
- (ii) leadership roles and responsibilities;
- (iii) proposed governing by-laws;
- (iv) meeting schedules for governing body;
- (v) a list of advisory bodies;
- (vi) external organizations applicable to school management;
- (vii) make-up of governing body, including proof of Oklahoma residency for a majority of Board members;
- (viii) start-up plan including a detailed listing and reporting frequency of academic, operational, and financial measures;

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- (ix) recruitment, hiring and personnel policies, professional and staff development and training, technology capacity, system accessibility, student records and data management, student recruitment policies and procedures, admission and enrollment policies and procedures (including minimum and maximum enrollment for each contract year and proposed school calendar and sample daily schedule), promotion and graduation policies and procedures, attendance policies and procedures, student conduct and discipline plan, school safety and emergency response plan, parent and family education and engagement plan;
- (x) school effectiveness measurement criteria; and
- (xi) location and description of school facilities:

(F) Describe how the governing body will ensure a sound and stable financial condition for the school, including:

- (i) description of the roles and responsibilities of the treasurer and financial officers, and how each has demonstrated experience in school finance or the equivalent thereof;
- (ii) financial policies, including financial controls, and compliance with audit requirements;
- (iii) financial plan for the first five years of operation including, but not limited to, any financial support from a third-party including loans, deficit protection, and other financial leverage;
- (iv) start-up and five-year budgets and cash flow projections. The documents provided must account for the school's anticipated enrollment, as well as, a budget if the school only realizes a portion of the school's anticipated enrollment;
- (v) anticipated fundraising plan, if applicable;
- (vi) insurance coverage/plan; and
- (vii) verifiable proof of secured funds for each source of revenue, and documentation to support any agreement, donation, or loan that supports the budget.

(G) Describe how the governing body will ensure the delivery of a high-quality education program that meets academic performance for grade level and subject matter growth and proficiency, graduation, and college career readiness, including, but not limited to:

- (i) grade levels served;
- (ii) plan for program delivery and program evaluation;
- (iii) curriculum and instructional model, including learning environment, curriculum overview, curriculum materials, instructional strategies, equipment and technology requirements, alignment with Oklahoma academic standards, which must include historical data and evaluation of the selected curriculum and instructional model, accreditations earned, and NCAA course certification status;
- (iv) student assessment, including plan to measure and report student progress, and benchmarks for student learning, district/school assessments, Oklahoma School Testing Program;
- (v) plan for support structures (e.g. online tutoring, home mentors, and technical support services in place 24x7) in addition to teacher support;
- (vi) plan for support of diverse learners, (students at-risk for poor learning outcomes, academically behind learners, English Language Learners (ELL), and other students identified through testing and assessments requiring targeted remediation, intervention, and/or support);
- (vii) co-curricular and extracurricular activities;
- (viii) student performance; and
- (ix) school culture.

(H) Include a concise plan that details expected school growth and how the school will evolve to meet the needs of school growth.

(I) Demonstrate the applicant's experience in pre-kindergarten through 12th grade school operation.

(3) Each applicant shall provide documentation of its school's ability to meet each of the following requirements specific to the virtual delivery of education services:

- (A) That each statewide virtual charter school is adequately prepared to deliver services to all enrolled students on the school's first day of operation and for all required instructional hours for every school year through a stable virtual platform;
- (B) That each statewide virtual charter school has consistent lawful procedures in place governing admission, transfers, enrollment, and withdrawal of students;

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(C) That each statewide virtual charter school has consistent lawful procedures in place governing admission, child find responsibilities, evaluation, and re-evaluation of students with disabilities, as well as applicable procedural safeguards and policies and procedures to ensure provision of free appropriate online and other educational and related services, supplementary aids and services, modifications, accommodations, supports for personnel, and other technical supports provided in the least restrictive environment to students with disabilities and/or other special needs in compliance with applicable federal and state laws and regulations, including:

- (i) Students who require or may require individualized education programs pursuant to the Individuals with Disabilities Education Act (IDEA); and
- (ii) Students who require or may require accommodations, regular or special education and related aids, or other services under a plan developed in accordance with the requirements of Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act;

(D) That each statewide virtual charter school has consistent procedures in place governing the admission, identification, evaluation, re-evaluation, parental notification, and provision of educational programs and services in compliance with applicable federal and state laws and regulations to students with special needs or unique abilities, including, but not limited to:

- (i) Students who are English Language Learners/Limited English Proficient and who require services as necessary to overcome language barriers and ensure that they can participate meaningfully in the district's education programs; and
- (ii) Students who meet the definition of "gifted and talented children" set forth in 70 O.S. § 1210.301;

(E) That each statewide virtual charter school complies with state and federal law in protection and handling of student records and data, including, but not limited to, protocols for secure storage and transmission of student records and data, parent/legal guardian access to student records and data and privacy of student records and data in compliance with all provisions of the Family Education Rights and Privacy Act of 1974 (FERPA) and the Individuals with Disabilities Education Act (IDEA), and ensures student records and data are exclusively the property of the school and the state of Oklahoma;

(F) That each statewide virtual charter school has consistent procedures and technology in place necessary to monitor and report student attendance, student participation in online school activities, and any necessary instruction in accordance with the requirements of state law;

(G) That each statewide virtual charter school has fair and consistent procedures in place to implement necessary and appropriate practices to promote and enforce student discipline that include sufficient due process protections for students facing accusations of conduct which may result in suspension and/or expulsion of a student;

(H) That each statewide virtual charter school has consistent procedures and technology in place to ensure delivery of services and that each virtual charter school provider has an adequate plan in place for communicating emergency procedures to students in the event of technical failures of equipment and/or loss of connectivity;

(I) That each statewide virtual charter school has consistent procedures and technology in place to ensure consistent and adequate communication with parents/guardians of students and provide student progress and academic reports to parents/guardians of students; and

(J) That each statewide virtual charter school has provided a full description and explanation of the grade levels in which the provider intends to provide instruction and, for each charter school that offers secondary level coursework for grades nine (9) through twelve (12), whether the charter school will offer coursework as necessary to comply with the graduation requirements of 70 O.S. § 11-103.6 and accompanying regulations.

(4) Each applicant shall provide a written plan for compliance with all state and federal financial recording and reporting requirements for state and federal funds that are applicable to public school districts, including, but not limited to, compliance with:

- (A) The School District Transparency Act at 70 O.S. § 5-135.4 et seq.;
- (B) The Oklahoma Public School Audit Law at 70 O.S. § 22-101 et seq.;
- (C) Annual itemized expenditure budget and request for appropriated funds and estimate of revenues required by 70 O.S. § 5-128.1; and
- (D) Statutes and regulations pertaining to the Oklahoma Cost Accounting System (OCAS).

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(5) Each application shall include a contact name, mailing address of record, phone number, and email address of the governing body at which all written notices required by 70 O.S. § 3-134 shall be served. In the event that a change in contact information occurs during the application process, the governing body shall provide the Board with updated contact information in writing within five (5) business days of the date that the change occurs.

(1) Proposed School Information

- (A) Name of proposed school;
- (B) Name of applicant;
- (C) Name of contact, title, address, email, and phone number;
- (D) The grade level to be served;
- (E) Proposed minimum and maximum enrollment for each year if the five-year charter contract term; and
- (F) Date the application was approved by the proposed school's governing board.

(2) A cover letter not to exceed three (3) pages that includes an overview of the proposed school and the community it would serve.

(3) Vision and mission statements and related information.

(4) Completed Charter School Training documentation.

(5) Academic Program

- (A) The proposed school's instructional design including the type of learning environment that will be created, class size and structure, curriculum overview, and teaching methods;
- (B) The plan for using internal and external assessments to measure and report student Include how the proposed school will use formative and summative assessments to measure program effectiveness;
- (C) The plan for identifying and successfully serving students with disabilities, students who are English language learners, students who are academically behind, and students who are gifted and/or talented;
- (D) The policies that will determine the requirements for student grade placement, promotion, and retention;
- (E) For high schools, graduation requirements and highlight any expectations that will go above or beyond the state requirements;
- (F) The plan for offering co-curricular and extracurricular programs and how the offered programs will be funded and delivered; and
- (G) Curriculum guides for each core academic area aligned with the Oklahoma Academic Standards or in the absence of curriculum guides, submit a narrative detailing the curriculum development process and timeline to achieve this goal prior to the school opening.

(6) Financial Capacity

- (A) A narrative describing how financial decisions will be made which support the school's vision and mission and the academic program;
- (B) A financial plan for the first five (5) years of operation and a description of the treasurer, encumbrance clerk, and other financial officers or persons who have primary responsibility for the finances of the proposed school. Include a description of financial controls and audit requirements;
- (C) Evidence of anticipated fundraising contributions, if applicable;
- (D) Plans to acquire a start-up funding through agreements, donations, loans, and/or long-term debt;
- (E) A description of the insurance coverage the proposed school will obtain;
- (F) Start-up and five-year budgets with clearly stated assumptions;
- (G) Start-up and first-year cash-flow projections with clearly stated assumptions;
- (H) Any proposed contract between the proposed school's governing board and an educational management organization; and
- (I) Verifiable proof of secured funds for each source of revenue and documentation to support any agreement, donation, loan, or long-term debt that supports the budget.

(7) Organizational Capacity

- (A) A narrative describing the proposed school's governing board's capacity to achieve this expectation;
- (B) The proposed school's plans for providing transportation, food service, and all other significant operational or ancillary services;
- (C) The leadership and teacher employment and hiring policies expected for the proposed school;
- (D) Any partnerships or contractual partnerships the proposed school plans to enter;
- (E) The proposed school's facilities plan including backup or contingency plans if appropriate;
- (F) The plans and timelines for student recruitment and enrollment including lottery procedures;
- (G) A description of parent expectations and the plan for parental involvement;

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- (H) A detailed school start-up plan that identifies tasks, timelines, and responsible individuals;
- (I) An organization chart that clearly presents the organizational structure of the proposed school including lines of authority and any external organizations expected to play a role in managing the proposed school and including a description of the roles and responsibilities of each entity;
- (J) Roster of governing board members and contact information;
- (K) Proposed governing board's by-law's;
- (L) Signed and notarized Statement of Assurance from each governing board member demonstrating agreement to fully comply as an Oklahoma public charter school or virtual charter school with all statutes, regulations, and requirements of the United States of America, State of Oklahoma, Statewide Charter School Board, and Department of Education; citing agreement to abide by the Oklahoma Open Meeting Act and the Oklahoma Open Records Act; guaranteeing access to education and equity for all eligible students regardless of their race, ethnicity, economic status, academic ability or other factors as established by law; acknowledging the performance criteria designed to measure the effectiveness of the proposed school; guaranteeing to meet no fewer than ten (10) months of the year in the state; and guaranteeing to establish the components necessary to begin school operations in the State of Oklahoma on July 1 of the first year, including a public administration facility, state-approved school financial system, state-approved student information system, and secured applicable connections to state reporting systems;
- (M) Proposed Educational Management Organization Contract, if applicable;
- (N) Proposed school calendar;
- (O) Sample daily schedule including bell schedule, class size, instructional staff to student ratio, subjects (and average time on task), recess/free time, and meals and for high schools including access to advanced placement, dual enrollment, and career and technical education; and
- (P) Proposed discipline policy, including special education students.

(c) Filing Initial application submission, review process, approval, and criteria, acceptance or denial of charter school applications for sponsorship reconsideration, and/or appeal.

(1) **Submission.** All applications for sponsorship shall be submitted by the governing body board of the prospective charter school or virtual charter school to the Statewide Virtual-Charter School Board by filing an original and ten (10) copies, as well as an electronic version of the application with the Statewide Virtual Charter School Board. Upon receipt of an application for sponsorship, the Board shall stamp the application to record the date of receipt, and shall promptly submit written confirmation of the receipt of the application to the contact name and address of record of the governing body listed on the application.

(1) Application format:

(A) The text and attachments shall use standard one-inch margins, be clearly paginated, and use a readable font not smaller in type than 11 point.

(B) A cover page shall be labeled *Application for Initial Authorization* and include the following information:

- (i) Name of proposed school;
- (ii) Address of proposed school;
- (iii) Contact information: name, title, phone, email address;
- (iv) Application submission date; and
- (v) Name of applicant(s) and requested sponsor.

(C) A cover letter not to exceed two (2) pages shall provide a brief overview of the proposed school.

(D) A clearly labeled table of contents shall be included setting forth all major sections (Foundation for the School Charter, Organizational Capacity, Financial Management, Education Program and Performance, Growth Plan), appendices, and page numbers.

(E) Tables, graphs, and other data provided in the application shall be clearly presented and explained and shall be relevant to the text.

(F) The application shall include signed and notarized statements from the Head of the School and the governing body members, as applicable, showing their agreement to fully comply as an Oklahoma public charter school with all statute, regulations, and requirements of the United States of America, State of Oklahoma, Statewide Virtual Charter School Board, and Oklahoma Department of Education. Specifically cite agreement to abide by the Oklahoma Open Meeting Act and the Oklahoma Open Records Act, and to guarantee access to education and equity for all eligible students regardless of their race, ethnicity, economic status, academic ability, or other factors as established by law. In addition, the head of school and governing body members, as applicable, will guarantee to establish the components

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necessary to begin school operations in the State of Oklahoma on July 1 of the first year, including a public administration facility, state-approved school financial system, state-approved student information system, and secured applicable connections to state reporting systems.

(G) The application shall include documentation of applicant's completion of charter school training. ~~(1)(2)~~ **Initial Application review and recommendation process.** Prior to consideration of the application by the Statewide Virtual Charter School Board, a review panel may be formed by the Executive Director for the purpose of developing a recommendation on the application to the Board. The panel, chaired by the Executive Director, may include representatives with expertise in the area of accountability, online education, school governance, accreditation, education services, technology, school finance, federal programs, education law, curriculum, instruction, special education, and student information. The application will be reviewed for high quality academic programming, financial planning and stability, and strong organizational structure. The SCSB shall conduct a capacity interview to ensure the school's leadership team and governing board have the collective experience and capacity to operate the school under the Board's authority.

~~(2)(3)~~ **Application review and criteria.** In reviewing an application for sponsorship of a statewide charter school or virtual charter school, the Statewide Virtual Charter School Board shall determine whether the applicant's proposal for sponsorship complies with the provisions of 70 O.S. § 3-134 and other applicable provisions of the Oklahoma Charter Schools Act and Administrative Rules. In addition, the Board may consider ~~any~~ other factors demonstrating the applicant's capacity to successfully comply with the goals set forth in its vision and mission statements and applicable state, federal, tribal, and/or local statutes and regulations. Such factors may include, but are not limited to the following:

(A) ~~Whether the applicant can demonstrate~~ Demonstrating previous experience in operation of one or more successful charter schools or virtual charter school;

(i) ~~If the applicant cannot demonstrate previous experience in operation of one or more successful virtual charter schools, whether applicant has sufficient resources in place to ensure compliance with applicable state, federal, tribal, and/or local statutes and regulations.~~

(ii) ~~If the applicant can demonstrate previous experience in operation of one or more successful virtual charter schools, whether applicant has a history of non-compliance with applicable state, federal, tribal, and/or local statutes and regulations either in the State of Oklahoma or in other jurisdictions.~~

(B) ~~Whether the applicant has provided~~ Providing evidence demonstrating financial stability in the pre-launch and operational years of the proposed school;

(C) ~~Whether~~ Providing the criteria designed to measure the effectiveness of the charter school proposed by the applicant is reasonably calculated to provide accurate benchmarks for evaluation of teacher effectiveness and student learning; and

(D) ~~Whether the charter school has~~ Providing adequate human resources, facilities, systems, and structures in place as necessary to evaluate the needs of and provide effective services to all students including those with disabilities, English Language Learners, and gifted and talented students.

~~(4)~~ **Acceptance or denial of sponsorship applications.** The Statewide Virtual Charter School Board shall review and consider the application in accordance with the timeline established pursuant to (a) of this Section, provided that a final decision on the application shall be made no later than ninety (90) calendar days from the date of receipt of the application by the Statewide Virtual Charter School Board. The Board shall promptly submit written notification of the decision of the Board, including reasons for rejection of the application, if applicable, to the applicant via certified mail, return receipt requested, to the address of record of the governing body designated on the application.

~~(5)~~ **Reconsideration of sponsorship applications.** In the event of a denial of an application for sponsorship, the applicant may submit a revised application for reconsideration in accordance with the following procedures:

(A) The revised application for reconsideration shall be filed with the Board within thirty (30) calendar days after the date of receiving notification of the rejection. The revised application shall meet all of the application requirements set forth in this Section. In the event that delivery of written notification required by paragraph two (2) of this subsection is refused by the applicant or returned as undeliverable due to the applicant's failure to update the contact of record in accordance with the requirements of (b) (4) of this Section, the date of receipt of notification of the rejection shall be considered the date of the meeting at which the Board took action on the proposed application.

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(B) Within five (5) business days of the date of receipt of the application for reconsideration, the Board shall promptly set the application for consideration at a meeting of the Board and submit notification of the date, time, and place of the meeting to the applicant to the contact of record. The meeting to consider the application shall occur within thirty (30) calendar days of the date of receipt of the application.

(C) The Statewide Virtual Charter School Board shall take action to accept or reject the revised application within thirty (30) calendar days of its receipt by the Board.

(6) **Appeal of denial of sponsorship applications.** The procedures for filing appeals to the State Board of Education shall be governed by 70 O.S. § 3-145.3 and the policies and rules adopted by the State Board of Education, with a copy of the appeal mailed to the Statewide Virtual Charter School Board.

(d) **Requirements of the sponsorship contract.** Contracts for sponsorship between the Statewide Virtual Charter School Board and the governing body of a statewide virtual charter school shall include terms that meet all of the following requirements:

(1) The contract shall incorporate the provisions of the charter of the school in accordance with the requirements of 70 O.S. § 3-135, and the charter shall comply with the provisions of 70 O.S. § 3-136.

(2) The contract shall contain terms addressing all of the requirements set forth in 70 O.S. § 3-135.

(3) The contract shall contain terms setting forth measurable goals and objectives for student performance.

(4) The contract shall contain terms specifying standards for fiscal accounting and management that ensure the compliance of the charter school with all applicable provisions of state and federal statutes and regulations pertaining to requests for appropriations and recording and reporting receipt and expenditures of public funds, including, but not limited to:

(A) Terms providing that the charter school shall conduct annual financial audits in accordance with the requirements of the Oklahoma Public School Audit Law;

(B) Terms providing that the charter school shall comply with all State Department of Education deadlines necessary for budgeting, calculation of appropriations, and/or disbursements of state aid; and/or federal aid;

(C) Terms providing that the charter school shall comply with all deadlines for recording and reporting of state aid revenue and expenditures;

(D) Terms providing that the charter school shall comply with all requirements of the Oklahoma Cost Accounting System (OCAS);

(E) Terms providing that the charter school shall comply with all provisions of the School District Transparency Act at 70 O.S. § 5-135.4 et seq;

(F) Terms providing that the charter school will provide any and all records of the school including, but not limited to, financial records upon request by the sponsor;

(G) Terms providing that the charter school will provide any and all school records including, but not limited to, financial records of educational management organization upon request by the sponsor;

(H) Terms providing that the charter school shall comply with Constitutional appropriation requirements, including but not limited to, including a non-appropriation clause in multi-year contracts with vendors conditioning such agreements upon continued legislative appropriations;

(I) Terms providing that the school is subject to requests for audit by the State Auditor's office;

(J) Terms providing that the charter school and its governing board shall be subject to the same conflict of interest requirements as members of local school boards including, but not limited to, Sections 5-113 and 5-124 of Title 70 of the Oklahoma Statutes. No governing board member, school staff member, or contractor/vendor shall receive pecuniary gain, incidentally or otherwise, from the earnings of the educational management organization or school.

(5) The policies and procedures governing administration and operation of the statewide virtual charter school shall be incorporated into the terms of the contract.

(6) The term of the initial contract shall be effective for five (5) years from the first day of operation in accordance with the provisions of 70 O.S. § 3-137.

(7) The term of the contract shall designate at least one contact name and address of record of the governing body of the charter school to which all notices required by the terms of the contract and/or this Section shall be served, including the name, title, mailing address, email address, and phone number of all individual(s) authorized to receive service of notices required by this Section and pursuant to the terms of the contract.

(8) The contract shall contain any other terms necessary to ensure compliance with applicable provisions of state and/or federal law.

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(e) ~~Application for Renewals~~ renewal of contracts for sponsorship of statewide charter school or virtual charter schools. Renewal of a contract with a statewide virtual charter school sponsored by the Statewide ~~Virtual~~ Charter School Board shall be conducted in accordance with the requirements of the Oklahoma Charter Schools Act.

(1) ~~Application Requests~~ requests for renewal of contract for sponsorship. Requests for renewal of the contract for sponsorship shall be submitted by the governing ~~body~~ board of the charter school or virtual charter school in accordance with the following procedures:

(A) At least one (1) year prior to expiration of the initial contract term, but no earlier than eighteen (18) months prior to the date of expiration of the contract; the governing ~~body~~ board of the charter school or virtual charter school must ~~may~~ submit a letter of intent to apply for renewal of the charter contract. Upon receipt of the letter of intent, guidance for application submission will be provided, a proposal for renewal of the contract to the Statewide Virtual Charter School Board by filing an original and seven (7) copies, as well as an electronic version of the proposal with the Board.

(B) The Statewide Charter School Board shall schedule the request for renewal as an item on the agenda for the next regular meeting of the Board, or at a subsequent meeting if the proposal for renewal is not received until after the agenda for the next meeting has already been set. The Board shall timely submit written notice of the date, time, and location of the meeting at which the proposal for renewal will be considered, ~~and/or heard by regular mail to the governing body of the charter school at the address of record set forth in the sponsorship contract.~~ In addition, the Board may send a courtesy copy of the notice by facsimile, and/or email. If the Board will act on the proposal for renewal at a subsequent meeting of the Board, similar notice of such meeting shall be sent to the governing body of the charter school.

(C) The Statewide Charter School Board shall review the proposal for renewal and take action on the request for renewal no later than eight (8) months prior to the date of expiration of the contract.

(D) The Statewide Charter School Board will issue a school performance report in accordance with State statute. The school shall have forty-five (45) calendar days to respond to the performance report and submit any correspondence or clarifications for the report. In evaluating a school's renewal request, the Board may consider the application, performance report, results of a site visit, and evidence provided in the school's presentation to the Board.

(E) The Statewide Charter School Board may accept or reject the application, may request the applicant consider application revisions, or may proceed with renewal with conditions.

~~(E)(D)~~ The Statewide Charter School Board may base its decision to deny the charter school governing body's ~~board's~~ request for renewal upon any of the grounds for nonrenewal or termination set forth in 70 O.S. § 3-137 and/or ~~(f)(1)~~ of this Section.

(2) **Format for renewal application for renewal.** The renewal application shall include:

(A) ~~Text and attachments using standard one-inch margins, clearly paginated, and using a readable font not smaller in type than 11 point.~~

~~(A)~~(B) A cover page labeled *Application for Reauthorization*, including the following School information:

(i) Name of school;

(ii) School phone number;

~~(iii)(ii)~~ Address of school;

~~(iv)(iii)~~ School website address;

(v) Contact information: name, title, phone number, and email address;

(vi) Governing board president contact information: name, phone number, and email address;

(vii) Names of other governing board members;

(viii) Current authorizer;

(ix) Grade level served;

(x) Current enrollment;

(xi) Year school established;

(xii) Year school last renewed; and

~~(xiii)(iv)~~ Date application approved by governing body; and board in an open meeting

~~(v)~~ Application submission date

~~(B)(C)~~ A cover letter no more than two (2) three (3) pages in length providing a brief overview of the school's vision and mission, key school design elements, school performance indicators and related data, and major challenges accomplishments and accomplishments challenges over the term of the current contract.

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~~(C)~~~~(D)~~ A narrative that describes improvements currently undertaken and/or planned for the school. A clearly labeled table of contents setting forth all major sections, appendices, and page numbers.

~~(D)~~~~(E)~~ A narrative describing the school's detailed plan for the next charter contract term for the school, include how the plan is aligned to its vision and mission. Clearly labeled attachments provided in the appendix.

~~(E)~~~~(F)~~ The school's current strategic plan. Clearly labeled tables, graphs, and other data provided in this application in addition to an explanation of their irrelevance to the text.

~~(E)~~~~(G)~~ A signed and notarized statement from the Head of the School and the all governing body board members, as applicable, demonstrating showing their consideration and approval of the reauthorization application and their agreement to fully comply, as an Oklahoma public charter school with all statutes, regulations, and requirements of the United States of America, State of Oklahoma, Statewide Virtual Charter School Board, and Oklahoma Department of Education. Specifically cite agreement to abide by the Oklahoma Open Meeting Act and the Oklahoma Open Records Act, and to guarantee access to education and equity for all eligible students regardless of their race, ethnicity, economic status, academic ability, or other factors.

~~(H)~~ A single page entitled *Introduction to the School* containing, at a minimum, the following list of information:

- ~~(i)~~ Name of school;
- ~~(ii)~~ Location of school;
- ~~(iii)~~ Year opened;
- ~~(iv)~~ Year renewed, if applicable;
- ~~(v)~~ Maximum enrollment;
- ~~(vi)~~ Current enrollment;
- ~~(vii)~~ Grade span;
- ~~(viii)~~ Most recent accountability report information from the State of Oklahoma;
- ~~(ix)~~ Attendance rate;
- ~~(x)~~ Graduation rate;
- ~~(xi)~~ Recurrent enrollment;
- ~~(xii)~~ Dropout rate;
- ~~(xiii)~~ Percentage of at-risk students enrolled; and
- ~~(xiv)~~ Any other information the school deems necessary to include.

(3) Additional Information information required for charter schools or virtual charter schools currently sponsored by and Oklahoma Authorizer other than the Statewide Charter School Board and seeking in renewal request.

~~(A)~~ Current Charter contract; In addition to the information found in the performance report, and the school's response to the performance report, if any, this reauthorization application is the school's opportunity to address each of the following components highlighting what the school believes is most important in each area:

- ~~(i)~~ Faithfulness to the foundation of the charter;
- ~~(ii)~~ Organizational capacity;
- ~~(iii)~~ Financial management;
- ~~(iv)~~ Education program and performance;
- ~~(v)~~ Strategic planning; and
- ~~(vi)~~ Corrective Action Plan (if required)

~~(B)~~ Annual Performance Frameworks and Performance Report for the school's current charter contract term;

~~(C)~~ Organizational Chart;

~~(D)~~ Current enrollment by grade level;

~~(E)~~ Percentage of returning students in the current school year;

~~(F)~~ Oklahoma School Testing Program (OSTP) data for the past two (2) years;

~~(G)~~ State School Report Cards for the past two (2) years;

~~(H)~~ Annual financial audits and related documents for the past two (2) years;

~~(I)~~ Current school budget including a year-to-date comparison of budgeted versus actual revenues and expenditures;

~~(J)~~ Loan and long-term debt documents;

~~(K)~~ Quarterly financial statements for the past four (4) quarters;

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(L) Current statement of financial position (balance sheet) with assets, liabilities, and fund balances;
(M) Current Oklahoma State Department of Education accreditation status including all applicable documents;

(N) shared services agreements; and

(O) Educational Management Organization contract (if applicable).

~~(B) Appendices. Provide documents and related information for the term of the contract beyond those provided in the performance report and response, including examples of community and parent support of the school.~~

(4) Performance report and site visit. ~~The sponsor of the school~~ Statewide Charter School Board will issue a school performance report in accordance with State statute. The school shall have forty-five (45) calendar days to respond to the performance report and submit any corrections or clarifications for the report. In evaluating a school's renewal request, the Board may consider the application, performance report, results of a site visit, and evidence provided in the school's presentation to the Board.

(5) Notice of intent of non-renewal of contract for sponsorship. ~~Notwithstanding the provisions of paragraph one (1) of this subsection, The~~ the Statewide Virtual Charter School Board may elect to not renew a contract for sponsorship in accordance with the following procedures:

(A) No later than eight (8) months prior to the date of expiration of the contract. The Statewide Virtual Charter School Board shall submit written notice of its intent of non-renewal via certified mail, return receipt requested to the governing body of the charter school at the address of record set forth in the contract. The notice shall include:

(i) A statement of any and all factual and legal grounds upon which the Board's intent to non-renew the contract is based; and

(ii) A statement of the date, time, and location of the meeting at which the Board intends to take action on the proposed non-renewal, which shall be held no earlier than thirty (30) calendar days from the date of the notice of intent to non-renew the contract is sent to the charter school.

(B) The Board may base its decision to non-renew the contract for sponsorship upon any of the grounds for nonrenewal or termination set forth in 70 O.S. § 3-137 and/or (f)(1) of this Section.

~~(C) The procedures for filing appeals to the State Board of Education shall be governed by 70 S. § 3-145.3 and the policies and rules adopted by the State Board of Education, with a copy of the appeal mailed to the Statewide Virtual Charter School Board. If the Statewide Charter School Board denies a request for renewal, the charter school or virtual charter school may proceed as provided for in the Oklahoma charter Schools Act.~~

~~(6)(f) Terminations of contracts for sponsorship of statewide virtual charter schools and virtual charter schools.~~ The Statewide Virtual Charter School Board may terminate the contract with a statewide virtual charter school or virtual charter school in accordance with the following procedures:

~~(A)(+) Grounds for termination of a contract for sponsorship:~~ At any time during the term of the contract, the ~~Statewide Virtual Charter School Board~~ may terminate the contract on one or more of the following grounds:

~~(i)(A)~~ Failure to meet the requirements for student performance set forth in the terms of the contract;

~~(ii)(B)~~ Failure to meet the standards of fiscal accounting and management set forth in the terms of the contract;

~~(iii)(C)~~ Violations of applicable state, federal, tribal, or local laws, statutes, and/or regulations;

~~(iv)(D)~~ Other good cause as established by the Board, which may include, but shall not be limited to:

~~(I)(+)~~ Failure by the governing body of the charter school, its charter school administrators, charter school personnel, and/or charter school contractors to meet reporting deadlines necessary for compliance with state or federal statutes or regulations;

~~(II)(+)~~ Failure by the governing body of the charter school, its charter school administrators, charter school personnel, and/or charter school contractors to accurately report student enrollment counts;

~~(III)(+)~~ Failure by the governing body of the charter school, its charter school administrators, charter school personnel, and/or charter school contractors to accurately report and/or classify student accountability data;

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~~(IV)(iv)~~ Identification and/or designation of the charter school by the State Board of Education as consistently in need of improvement in accordance with subsection (g) (6) of Section 1003 of Title I of the Elementary and Secondary Education Act of 1965 (ESEA), pursuant to 70 O.S. § 1210.544;

~~(V)(v)~~ Any material breach of the terms set forth in the contract for sponsorship; and

~~(VI)(vi)~~ Any action or failure to act by the governing body of the charter school, its charter school administrators, charter school personnel, and/or charter school contractors that presents or results in an immediate and serious danger to the health, safety, and welfare of its students.

~~(B)(2)~~ **Notice of intent to terminate contract.** At least ninety (90) calendar days prior to termination of a contract for sponsorship of a ~~statewide virtual~~ charter school or virtual charter school, the Statewide ~~Virtual~~ Charter School Board shall submit written notice of its intent to terminate the contract via certified mail, return receipt requested to the governing board of the charter school at the address of record set forth in the contract. The notice shall include:

~~(i)(A)~~ A statement of any and all factual and legal grounds upon which the Board's intent to terminate the contract is based;

~~(ii)(B)~~ A statement of the date, time, and location of the meeting at which the Board intends to take final action on the proposed termination, which shall be held no earlier than forty-five (45) calendar days from the date the notice of intent to terminate is mailed to the charter school; and

~~(iii)(C)~~ A statement that the governing board of the school may request a hearing before the Board to present evidence in opposition to the proposed termination by delivering a written request to the Board within fourteen (14) calendar days of receipt of notice of the intent to terminate the contract that includes:

~~(I)(i)~~ A response to the factual and legal grounds for termination set forth in the notice; and

~~(II)(ii)~~ A summary of evidence that the school intends to submit in support of its response.

~~(iv)(D)~~ Within ten (10) calendar days of the date of receipt of the request for hearing, the Board shall schedule a hearing and submit written notice of the date, time, and location of the hearing by regular mail to the charter school's address of record set forth in the sponsorship contract. The Board may send a courtesy copy of the notice by facsimile, and/or email.

~~(C)(3)~~ **Hearing on termination.** In the event that a hearing is requested pursuant to the provisions of ~~(2)(C)~~ of this subsection, the Board shall promptly schedule a hearing at which the ~~statewide virtual~~ charter school or virtual charter school may present argument and/or evidence in opposition to the proposed termination. The Board shall prescribe the time allotted for oral argument and presentation of evidence. Upon completion of the hearing, the Board may consider the merits of the argument and presentation of evidence and take action on the proposed termination, or it may schedule action on the proposed termination for a subsequent board meeting to provide the board with further opportunity for deliberation.

~~(D)(4)~~ **Appeals of termination.** The procedures for filing appeals may be made in accordance with the Oklahoma Charter Schools Act to the State Board of Education shall be governed by 70 O.S. § 3-145.3 and the policies and rules adopted by the State Board of Education, with a copy of the appeal mailed to the Statewide Virtual Charter School Board.

~~(E)(g)~~ **Negotiation and execution of contracts for sponsorship.** To facilitate and/or expedite negotiations for new contracts for sponsorship, the Statewide Virtual Charter School Board may adopt a model contract for sponsorship of a statewide virtual charter school for use by the Board and potential statewide virtual charter schools sponsored by the Board. Adoption of a model contract shall not prohibit the Board from further negotiation of contract terms or addition of terms to the contract for sponsorship prior to execution of the contract so long as such terms are in compliance with applicable state, federal, local, and/or tribal law and the provisions of this Section.

~~(E)(h)~~ **Execution of the contract.** The final contract for sponsorship shall not be executed until approved by the Statewide ~~Virtual~~ Charter School Board at a regular or special meeting. The Board may delegate authority to the Chairman to execute the approved contract for sponsorship on behalf of the Board.

777:10-3-4. Oversight and evaluation of ~~virtual charter schools by the Statewide Virtual~~ charter schools and virtual charter schools by the Statewide Charter School Board [AMENDED]

(a) **Tiered school oversight process.** The performance framework sets forth the performance indicators for authorization of charter schools and virtual charter schools in the State. Schools shall meet or show evidence of significant progress toward meeting the required standard accountability indicators as a condition of continued authorization.

(1) The Statewide ~~Virtual~~ Charter School Board provides a tiered school oversight process that includes a system of monitoring and oversight functions to ensure the school's compliance with all applicable laws, regulations, rules, and terms of the charter contract.

(2) The tiered school oversight process shall provide for review, notices, warnings, probation, and closure of schools that fail to meet the standard accountability indicators. If a school does not take action to comply, the Statewide ~~Virtual~~ Charter School Board may proceed with steps at an appropriate level of concern.

(3) The tiered school oversight process is designed to allow the Statewide Virtual Charter School Board to take appropriate action at any level based on each unique situation that may be identified through the performance framework or identified through another process.

(A) The Statewide ~~Virtual~~ Charter School Board shall perform an annual review and evaluation of the performance of ~~all~~ charter schools and virtual charter schools. The performance framework includes the indicators assessed and required in statute, rules, and the charter contract. The performance framework is presented annually to the Statewide Virtual Charter School Board and the school's governing board in an open meeting. These indicators may identify potential concerns for further review and research.

(B) Using the results of the performance framework, Statewide Virtual Charter School Board staff reviews and researches identified potential concerns to determine the nature and severity of the concern and possible corrective actions. The school is expected to take action to remedy identified deficiency(ies).

(C) Unresolved deficiency(ies) identified in the review and research stage of the tiered school oversight process will generate a notice of concern, issued by the Statewide ~~Virtual~~ Charter School Board staff and sent to members of the Statewide Virtual Charter School Board and the school's governing board. Terms and timeline to resolve deficiency(ies) will be included in the notice of concern. The Statewide ~~Virtual~~ Charter School Board may offer support and resources.

(D) A formal warning action to address unresolved deficiency(ies) or other serious concern(s) may be taken by the Statewide ~~Virtual~~ Charter School Board in an open meeting. The warning shall include deficiency(ies), terms and timeline for resolution and requires the school to take action. Support and resources may be made available and/or required.

(E) Probation is a formal action taken by the Statewide ~~Virtual~~ Charter School Board in an open meeting and as a final opportunity for a school to resolve a deficiency(ies). A final plan from the charter school or virtual charter school is required.

(F) Closure is a formal action taken by the Statewide ~~Virtual~~ Charter School Board in open meeting on a school who fails to resolve a deficiency(ies). It is a final action and requires the Statewide ~~Virtual~~ Charter School Board and the school's governing board to follow the ~~Closure Plan~~ closure plan.

(b) **Oversight and annual performance review.** The Statewide ~~Virtual~~ Charter School Board will provide ongoing oversight of the charter schools and virtual charter schools through data and evidence collection, site visits, classroom observations, audits, attendance of governing board meetings, compliance checks, and school performance reviews. ~~At the end of each year, schools~~ Schools will be subject to an annual performance review of the immediately preceding school year. The review will ~~consisting~~ consist of a compilation of performance ratings and findings based on the performance framework standards. Results will be shared with key stakeholders. The charter school or virtual charter school will have forty-five (45) calendar days to respond to the annual performance review in writing and such response will become part of the public record.

(c) **Performance framework.** The performance framework for designated virtual charter schools establishes accountability criteria and assesses schools in the areas of academic, financial, and organizational capacities.

(1) Oklahoma performance measures will be used to assess the school's academic performance, including overall achievement, overall growth, subgroup achievement, subgroup growth, and post-secondary readiness. Academic performance accountability indicators and measurements ~~in each category and grade level~~ are listed below. Subgroup measures will only be applicable if the school has a minimum of ten (10) students in the subgroup.

(A) Are students achieving proficiency on statewide assessments in Reading/reading/English Language/language Arts/arts? Meets standard accountability indicator(s):

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- (i) The percentage of students scoring proficient or above at each grade level on the ~~Oklahoma School Testing Program~~ OSTP state assessments is equal to or above the state level of proficiency; or
 - (ii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or
 - (iii)(ii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.
- (B) Are students achieving proficiency on statewide assessments in ~~Math~~ mathematics? Meets standard accountability indicator(s):
- (i) The percentage of students scoring proficient or above at each grade level on the ~~Oklahoma School Testing Program~~ (OSTP) state assessments is equal to or above the state level of proficiency; or
 - (ii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or
 - (iii)(ii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.
- (C) Are students enrolled in the school for ~~two (2)~~ three (3) or more consecutive academic years achieving proficiency on statewide assessments in Reading/English ~~Language Arts~~ language arts? Meets standard accountability indicator(s):
- (i) The percentage of students scoring proficient or above at each grade level on the ~~Oklahoma School Testing Program~~ (OSTP) state assessments is equal to or above the state level of proficiency; or
 - (ii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or
 - (iii)(ii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.
- (D) Are students enrolled in the school for ~~two (2)~~ three (3) or more consecutive academic years achieving proficiency on statewide assessments in ~~Math~~ mathematics? Meets standard accountability indicator(s):
- (i) The percentage of students scoring proficient or above at each grade level on the ~~Oklahoma School Testing Program~~ OSTP state assessments is equal to or above the state level of proficiency; or
 - (ii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or
 - (iii)(ii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.
- (E) Are students enrolled in the school for ~~four (4)~~ or more consecutive academic years achieving proficiency on statewide assessments in Reading/English Language Arts? Meets standard accountability indicator(s):
- (i) The percentage of students scoring proficient or above at each grade level on the Oklahoma School Testing Program (OSTP) state assessments is equal to or above the state level of proficiency; or
 - (ii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.
- (F) Are students enrolled in the school for ~~four (4)~~ or more consecutive academic years achieving proficiency on statewide assessments in Math? Meets standard accountability indicator(s):

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(i) The percentage of students scoring proficient or above at each grade level on the Oklahoma School Testing Program (OSTP) state assessments is equal to or above the state level of proficiency; or

(ii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.

~~(G)~~(E) Are students in the special education subgroup achieving proficiency on statewide assessments in ~~Reading~~reading/English Language Artslanguage arts? Meets standard accountability indicator(s):

(i) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the ~~Oklahoma School Testing Program (OSTP)~~ state assessments is equal to or above the state level of proficiency; or

(ii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term. The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or

~~(iii)~~ The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.

~~(H)~~(F) Are students in the special education subgroup achieving proficiency on statewide assessments in ~~Math~~mathematics? Meets standard accountability indicator(s):

(i) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the ~~Oklahoma School Testing Program (OSTP)~~ state assessments is equal to or above the state level of proficiency; or

(ii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or

~~(iii)~~(iii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.

~~(I)~~(G) Are students in the special education subgroup enrolled for ~~two (2)~~three (3) or more consecutive academic years achieving proficiency on statewide assessments in ~~Reading~~reading/English Language Artslanguage arts? Meets standard accountability indicator(s):

(i) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the ~~Oklahoma School Testing Program (OSTP)~~ state assessments is equal to or above the state level of proficiency; or

(ii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or

~~(iii)~~(iii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.

~~(J)~~(H) Are students in the special education subgroup enrolled for ~~two (2)~~three (3) or more consecutive academic years achieving proficiency on statewide assessments in ~~Math~~mathematics? Meets standard accountability indicator(s):

(i) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the ~~Oklahoma School Testing Program (OSTP)~~ state assessments is equal to or above the state level of proficiency; or

(ii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or

~~(iii)~~(iii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.

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~~(K)~~ Are students in the special education subgroup enrolled for four (4) or more consecutive academic years achieving proficiency on statewide assessments in Reading/English Language Arts? Meets standard accountability indicator(s):

(i) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the Oklahoma School Testing Program (OSTP) state assessments is equal to or above the state level of proficiency; or

(ii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school of the charter contract term.

~~(L)~~ Are students in the special education subgroup enrolled for four (4) or more consecutive academic years achieving proficiency on statewide assessments in Math? Meets standard accountability indicator(s):

(i) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the Oklahoma School Testing Program (OSTP) state assessments is equal to or above the state level of proficiency; or

(ii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.

~~(M)~~~~(I)~~ Are students in the economically disadvantaged subgroup achieving proficiency on statewide assessments in Reading/English Language Arts? Meets standard accountability indicator(s):

(i) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the Oklahoma School Testing Program (OSTP) state assessments is equal to or above the state level of proficiency; or

(ii) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or

(iii) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.

~~(N)~~~~(J)~~ Are students in the economically disadvantaged subgroup achieving proficiency on statewide assessments in Math? Meets standard accountability indicator(s):

(i) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the Oklahoma School Testing Program (OSTP) state assessments is equal to or above the state level of proficiency; or

(ii) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the within the district geographic boundary of the charter school; or

(iii) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.

~~(O)~~~~(K)~~ Are students in the economically disadvantaged subgroup enrolled for two (2) or more consecutive academic years achieving proficiency on statewide assessments in Reading/English Language Arts? Meets standard accountability indicator(s):

(i) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the Oklahoma School Testing Program (OSTP) state assessments is equal to or above the state level of proficiency; or

(ii) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or

(iii) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.

~~(P)~~~~(L)~~ Are students in the economically disadvantaged subgroup enrolled for ~~two (2)~~ three (3) or more consecutive academic years achieving proficiency on statewide assessments in Math? Meets standard accountability indicator(s):

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- (i) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the ~~Oklahoma State Testing Portal (OSTP)~~ state assessments is equal to or above the state level of proficiency; or
- (ii) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or
- (iii) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.
- ~~(Q) Are students in the economically disadvantaged subgroup enrolled for four (4) or more consecutive academic years achieving proficiency on statewide assessments in Reading/English Language Arts? Meets standard accountability indicator(s):~~
- (i) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the Oklahoma School Testing Program (OSTP) state assessments is equal to or above the state level of proficiency; or
- (ii) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.
- ~~(R) Are students in the economically disadvantaged subgroup enrolled for four (4) or more consecutive academic years achieving proficiency on statewide assessments in Math? Meets standard accountability indicator(s):~~
- (i) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the Oklahoma School Testing Program (OSTP) state assessments is equal to or above the state level of proficiency; or
- (ii) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.
- ~~(M) Are students in the English language learner subgroup achieving proficiency on statewide assessments in reading/English language arts? Meets standard accountability indicator(s):~~
- (i) The percentage of students in the English language learner subgroup scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the state level of proficiency; or
- (ii) The percentage of students in the English language learner subgroup scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the state level of proficiency of the district within the geographic boundary of the charter school; or
- (iii) The percentage of students in the English language learner subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.
- ~~(N) Are students in the English language learner subgroup achieving proficiency on statewide assessments in mathematics? Meets standard accountability indicator(s):~~
- (i) The percentage of students in the English language learner subgroup scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the state level of proficiency; or
- (ii) The percentage of students in the English language learner subgroup scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or
- (iii) The percentage of students in the English language learner subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.
- ~~(O) Are students in the English language learner subgroup enrolled for three (3) or more consecutive academic years achieving proficiency on statewide assessments in reading/English language arts? Meets standard accountability indicator(s):~~
- (i) The percentage of students in the English language learner subgroup scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the state level of proficiency; or

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(ii) The percentage of students in the English language learner subgroup scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or

(iii) The percentage of students in the English language learner subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.

(P) Are students in the English language learner subgroup enrolled for three (3) or more consecutive academic years achieving proficiency on statewide assessments in mathematics? Meets standard accountability indicator(s):

(i) The percentage of students in the English language learner subgroup scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the state level of proficiency; or

(ii) The percentage of students in the English language learner subgroup scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or

(iii) The percentage of students in the economically disadvantaged English language learner subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.

(Q) Are students achieving growth on research-based nationally-normed internal assessments in reading/English language arts? Meets standard accountability indicator(s):

(i) The percentage of students in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or

(ii) The percentage of students achieving growth at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year of the charter contract term.

(R) Are students achieving growth on research-based nationally-normed internal assessments in mathematics? Meets standard accountability indicator(s):

(i) The percentage of students in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or

(ii) The percentage of students achieving growth at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year of the charter contract term.

(S) Are students in the special education subgroup achieving growth on research-based nationally-normed internal assessments in reading/English language arts? Meets standard accountability indicator(s):

(i) The percentage of students in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or

(ii) The percentage of students in the special education subgroup achieving growth at each grade level on research-based nationally-normed internal assessments is improved by (5%) or greater compared to the prior school year of the charter contract term.

(T) Are students in the special education subgroup achieving growth on research-based nationally-normed internal assessments in mathematics? Meets standard accountability indicator(s):

(i) The percentage of students in the special education subgroup in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or

(ii) The percentage of students in the special education subgroup achieving growth at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year of the charter contract term.

(U) Are students in the economically disadvantaged subgroup achieving growth on research-based nationally-normed internal assessments in reading/English language arts? Meets standard accountability indicator(s):

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- (i) The percentage of students in the economically disadvantaged subgroup in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or
- (ii) The percentage of students in the economically disadvantaged subgroup achieving growth at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year of the charter contract term.
- (V) Are students in the economically disadvantaged subgroup achieving growth on research-based nationally-normed internal assessments in mathematics? Meets standard accountability indicator(s):
- (i) The percentage of students in the economically disadvantaged subgroup in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or
- (ii) The percentage of students in the economically disadvantaged subgroup achieving growth or above at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year of the charter contract term.
- (W) Are students in the English language learner subgroup achieving growth on research-based nationally-normed internal assessments in reading/English language arts? Meets standard accountability indicator(s):
- (i) The percentage of students in the English language learner subgroup in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or
- (ii) The percentage of students in the English language learner subgroup achieving growth at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year of the charter contract term.
- (X) Are students in the English language learner subgroup achieving growth on research-based nationally-normed internal assessments in mathematics? Meets standard accountability indicator(s):
- (i) The percentage of students in the English language learner subgroup in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or
- (ii) The percentage of students in the English learner language subgroup achieving growth or above at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year of the charter contract term.
- (Y)(S) Based on state expectations for student graduation within four years, does the school meet the expectations for student graduation? Meets standard accountability indicator(s):
- (i) The school's most recent graduation rate is equal to or greater than the most recent graduation rate for the State of Oklahoma;
- (ii) The school's most recent graduation rate is equal to or greater than the most recent graduation rate for the district within the geographic boundary of the charter school;
- (iii) The school's most recent graduation rate as reported by the State Department of Education, increased twenty percent (20%) or more of the difference between the graduation rate ~~off~~from the baseline year; or
- (iv) The school's most recent graduation rate increased five percent ~~+00 (5%) over the past two (2) years~~ or greater compared to the prior school year of the current contract term.
- (Z)(T) Based on the extended-year adjusted graduation rate, does the school meet the expectations for student graduation? Meets standard accountability indicator(s): Evidence supports a majority of extended-year students graduating.
- (AA)(U) Did the school meet the expectation for graduating eligible seniors (students within six (6) credits of graduation) during the most recent year? Meets standard accountability indicator(s):
- (i) The percent of eligible seniors, students within six (6) credits of graduation, enrolled on the first day of the school year and graduating in the current school year is equal to or greater than the current graduation rate for the State of Oklahoma; or.

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(ii) The percent of eligible seniors, students within six (6) credits of graduation, enrolled on the first day of the school year and graduating in the current school year is equal to or greater than the current graduation rate for the district within the geographic boundary of the charter school.

~~(BB)(V)~~ Do the school's students demonstrate College and Career Readiness? Meets standard accountability indicator(s):

(i) College:

(I) Achieved minimum required test score for entry without taking remediation:

- a. High School Transcript of a 2.0 (C average) or higher; or
- b. American College Testing (ACT); or
- c. Scholastic Aptitude Test (SAT); or
- d. Other recognized college entrance exams such as Accuplacer or the Classical Learning Test; and
- e. College Board Advanced Placement exam score(s) of 3 or greater; or

(II) Acceptance to a college or university; and

(III) Successful completion and submission of a college FAFSA form.

(ii) Career:

(I) Accepted to the Military; or

(II) Evidence of sustainable employment; or

(III) Completed an authorizer or state approved Career and Technical Education Certificate.

~~(W) Is the school's college remediation rate equal to or less than the state remediation rate? Meets standard accountability indicator(s): The three-year average remediation rate of high school graduating classes indicates the school's college remediation rate is equal to or less than the state remediation rate.~~

~~(2) Oklahoma performance measures will be used to assess the school's fiscal viability, including audit findings, quarterly financials, regulatory reporting, and compliance with all applicable statutes, laws and regulations.~~

~~Financial performance accountability indicators and measurements in each category are listed below.~~

~~(A) Did the school's most recent annual financial statement audit have findings? Meets standard accountability indicator(s): There were no findings instances of significant deficiencies, material noncompliance, or known fraud identified on the school's most recent independent financial audit.~~

~~(B) Did the most recent annual report on internal control over financial reporting disclose any significant or material deficiencies? Meets standard accountability indicator(s): There were no findings of significant deficiencies, material weaknesses or instances of noncompliance on the most recent annual report on internal control over financial reporting. Was the auditor's opinion on the school's annual financial statement audit modified or qualified? Meets standard accountability indicator(s): The audit opinion on the school's annual financial statement audit was unmodified/unqualified.~~

~~(C) Did the school consistently submit appropriate quarterly financial reports to the Statewide Virtual Charter School Board over the most recent year? Meets standard accountability indicator(s): Appropriate reports were submitted in the Oklahoma Cost Accounting System (OCAS) format, verified by the school treasurer, on time, and indicating financial stability of the school. Did the auditor's opinion letter contain a paragraph indicating any exception to the financial statements being presented fairly on the annual financial statement audit? Meets standard accountability indicator(s): The auditor's opinion letter did not contain a paragraph indicating any exception to the financial statements being presented fairly on the annual financial statement audit.~~

~~(D) Was the school subject to an audit by the State Auditor and Inspector and, if so, were there any findings? Meets standard accountability indicator(s): There were no findings of significant deficiencies, material noncompliance or known fraud on the school's most recent audit by the State Auditor and Inspector. Did the annual financial auditor issue a disclaimer of opinion on the annual financial statement audit? Meets standard accountability indicator: The auditor did not issue a disclaimer of opinion on the annual financial statement audit.~~

~~(E) Did the annual report on internal control over financial reporting disclose any material weakness(es) or significant deficiency? Meets standard accountability indicator(s): There were no findings of significant deficiencies, material weaknesses, or noncompliance on the annual report on internal control over financial reporting.~~

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(E) Did the school consistently submit appropriate quarterly financial reports to the Statewide Virtual Charter School Board Meets standard accountability indicator(s): Appropriate reports were submitted in the Oklahoma Cost Accounting System (OCAS) format, verified by the school treasurer, on time, and indicating financial stability of the school.

(G) Was the school subject to an audit by the State Auditor and Inspector and, if so, were there any findings? Meets standard accountability indicator(s): There were no findings of significant deficiencies, material noncompliance, or known fraud on the school's audit by the State Auditor and Inspector.

(H) Did the school consistently meet financial reporting expectations over the most recent year, as required by the State Department of Education and confirmed by the Office of Financial Accounting, and Oklahoma Cost Accounting System (OCAS), and/or Single-Sign-On? Meets standards accountability indicator(s): Evidence The State Department of Education confirms financial reporting expectations were fulfilled over the most recent year.

(I) ~~(F)~~ Was the school's most recent fiscal year OCAS data submitted to the State Department of Education, properly certified by the school leader, and accepted by the State Department of Education? Meets standard accountability indicator(s): Evidence confirms that The the school submitted OCAS data for the most recent fiscal year to the State Department of Education, certified by the school leader, and accepted State Department of Education.

(J) ~~(G)~~ Did the school timely submit timely the most recent annual financial statement audit to the State Department of Education? Meets standard accountability indicator(s): Evicence confirms that The the school timely submitted timely the most recent annual financial statement audit to the State Department of Education.

(K) ~~(H)~~ Did the state Department of Education require a corrective action plan as part of their follow-up to the annual financial statement audit submission? Meet standard accountability indicator(s): No corrective action plan was reuired by the State Department of Education in the response from the State Department of Education to the school most recetly submitted annual financial statement audit.

(L) ~~(I)~~ If a corrective action plan was required by the State Department of Education, did the plan sufficiently address the issues and was the plan accepted by the State Department of Education? Meets standard accountability indicator(s): The corrective action plan required by the State Department of Education sufficently addressed the issues and was accepted by the State Department of Education.

(M) ~~(J)~~ If a corrective action plan was required by the State Department of Education for the prior fiscal year, can it be confirmed that the corrective action measures were followed in the most recent fiscal year? Meets standard accountability indicator(s): The corrective action plan required by the State Department of Education for the prior fiscal year was followed by the school in the most recent fiscal year.

(N) ~~(K)~~ Did the school have a negative general fund balance at the end of the most recent fiscal year? Meets standard accountability indicator(s): The school did not have a negative general fund balance ats of the end of the prior fiscal year.

(O) ~~(L)~~ Did the Days Cash on Hand ratio fall below thirty (30) days during the fiscal year? Meets standard accountability indicator(s): Evidence supports that the school maintained a Days Cash on Hand ratio of thirty (30) days or more at the end of each fiscal quarter.

(P) ~~(M)~~ Did the school fail to pay any commitments, warrants, or debts? Meets standard accountability indicator(s): Evidence supports the school paid all commitments, warrants, and debts.

(Q) ~~(N)~~ Did the school maintain a general fund balance of greater than ten percent (10%) of the prior fiscal year's total expenditures? Meets standard accountability indicator(s): Evidence supports that the school maintained a general fund balance greater than ten percent (10%) of the prior fiscal year's total expenditures measured at the end of each fiscal quarter..

(R) ~~(O)~~ Did the school maintain positive fund balances in all other fund types? Meets standard accountability indicator(s): Evidence supports that the school maintained a positive fund balance in all fund types.

(S) Is the school's enrollment (average daily membership) for the first nine (9) weeks greater than or equal to eighty-five percent (85%) of last year's enrollment? Meets standard accountability indicator(s): The first quarter statistical report indicates enrollment did not decline by more than fifteen percent (15%) in comparison to the end-of-year enrollment documented by from the prior year annual statistical report.

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(T)(P) Does the school's governing board review periodic financial statements including a statement of financial position (balance sheet), statement of activities (income statement), and statement of cash flows? Meets standard accountability indicator(s): Evidence supports that the governing board reviews the school's periodic financial statements at the public governing board meetings.

(U)(Q) Does the school's governing board review and approve changes to the budget as significant changes to revenues and expenditures occur? Meets standard accountability indicator(s): Evidence supports that the school's governing board reviews and approves changes to the budget at the public governing board meetings throughout the year as revenues and expenditures change significantly.

(V)(R) Does the school's governing board review financial forecasting models prior to annual budget adoption? Meets standard accountability indicator(s): Evidence supports that the school's governing board participates in annual review of financial forecasting prior to budget adoption during a public governing board meeting.

(W)(S) Does the school's governing board review the audited financial statements and address all findings? Meets standard accountability indicator(s): Evidence supports that the school's governing board reviews the audited financial statements and addresses all findings in a public governing board meeting.

(X) Does the school properly report its facilities' carrying values and applicable depreciation on its annual financial statements? Meets standard accountability indicator(s): The annual financial statements indicate proper values for facilities are represented.

(Y) Does the school maintain documentation of property and facility leases and purchases at fair market value? Meets standard accountability indicator(s): The school maintains documentation of leases and purchases at fair market value.

(3) Oklahoma performance measures will be used to assess the school's organizational performance including organizational structure, governance, record of compliance, attendance, recurrent enrollment, accreditation, and student support. Organizational performance accountability indicators and measurements in each category are listed below.

(A) ~~Do Is the school school's decisions faithful align with to its vision and mission and implementing key design elements and performance metrics within the approved charter contract?~~ Meets standard accountability indicator(s): Evidence supports the school's decisions align faithfulness to with its the school's vision and mission and implementation of key design elements of school.

(B) Does the school follow appropriate procedures to ensure all students have equitable access to services and opportunities for success? Meets standard accountability indicator(s): Data confirms appropriate procedures to ensure student access and equity.

(C) Does the school have approved and appropriate policies and procedures that ensure student and staff safety and success, and does the school communicate those policies and procedures to students/families and staff? Meets standard accountability indicator(s): Evidence supports approved and appropriate policies and procedures are implemented and communicated.

(D) Does the school adhere to applicable ~~state and federal~~ laws and regulations? Meets standard accountability indicator(s): Evidence supports the school adheres to ~~state and federal~~ laws and regulations.

(E) Does the school adhere to the terms of the charter contract? Meets standard accountability indicator(s): Evidence supports the school adheres to the charter contract.

(F) Does a stable governing board exist? Meets standard accountability indicator(s): Evidence supports history of board stability exists.

(G) Does the governing board recruit, select, orient, and train members with skills and expertise to enable them to govern the school appropriately? Meets standard accountability indicator(s): Board agendas, ~~and~~ minutes, training records, and other documents support board member activities.

(H) Does the charter school comply with the Open Meeting Act and Open Records Act? Meets standard accountability indicator(s): Evidence supports the charter school consistently complies with requirements of the Open Meeting Act and Open Records Act.

(I) Does the charter school provide transparency through Statewide ~~Virtual~~ Charter School Board access to school records? Meets standard accountability indicator(s): The charter school has provided the Statewide ~~Virtual~~ Charter School Board with all requested school records.

(J) Does the educational management organization provide transparency through Statewide ~~Virtual~~ Charter School Board access to school records? Meets standard accountability indicator(s): The educational management organization has provided the Statewide ~~Virtual~~ Charter School Board with all requested school records.

(K) Did the school consistently meet the reporting expectations as required by the State Department of Education? Meets standard accountability indicator(s): Evidence The State Department of Education confirms reporting expectations were fulfilled.

(L) Did the school consistently meet the reporting expectations as required by the Statewide ~~Virtual~~ Charter School Board? Meets standard accountability indicator(s): Reporting expectations fulfilled as required – ninety percent (90%) or above in both on-time and accuracy categories The school reported and submitted documentation on time on-time and accurately.

~~(M)~~ Does the school website meet the standards for transparency and documentation as mandated by the Oklahoma School District Transparency Act and requested by the Statewide ~~Virtual~~ Charter School Board? Meets standard accountability indicator(s): The school has consistently met requirements for school website as mandated by the Oklahoma School District Transparency Act and requested by the Statewide ~~Virtual~~ Charter School Board.

~~(M)~~~~(N)~~ Did the school receive accreditation from the State Department of Education? Meets standard accountability indicator(s): The school received accreditation with no unresolved deficiencies following Tiered School Oversight Tier II Investigation (777:10-3-4. Oversight and evaluation of charter schools and virtual charter schools by ~~noted from the~~ Statewide Charter School Board) Department of Education.

~~(N)~~~~(O)~~ Does the school meet the expectations for student attendance? Meets standard accountability indicator(s): Evidence supports the school met State expectations for student attendance:

(i) For charter schools, the attendance rate reported by the State Department of Education is equal or greater than the attendance rate of the local school district in which the charter school is located; or

(ii) For virtual charter schools, the attendance rate reported by the State Department of Education is equal or greater than the attendance rate reported by the attendance rate for the state of Oklahoma; or

(iii) The school's attendance rate reported by the State Department of Education increased five percent (5%) or greater compared to the prior year.

~~(Q)~~~~(P)~~ Does recurrent enrollment of students meet expectations? Meets standard accountability indicator(s): The school's student recurrent enrollment rate meets the expectations indicated by the methodology used for public schools in Oklahoma.

~~(P)~~~~(Q)~~ Does the school provide support structures for students and families ~~that are accessible twenty-four (24) hours per day and seven (7) days per week~~; such as teacher support, individualized learning plans, individualized career academic planning (ICAP), guidance/counseling program, online tutoring, and technical support? Meets standard accountability indicator(s): Students and families have access to multiple support structures ~~twenty-four (24) hours per day and seven (7) days per week~~.

~~(Q)~~~~(R)~~ Does the school and governing board engage in strategic planning that results in establishment of school goals and verifiable school improvement? Meets standard accountability indicator(s): Evidence supports that the school and governing board engage in strategic planning resulting in establishment of school goals and verifiable school improvement.

(4) A Performance Framework Index will be calculated based on the following categories:

(A) Academic (A) Calculation - (Score) * (Weight) = A with a weight of 40%.

(B) Financial (F) Calculation - (Score) * (Weight) = F with a weight of 35%.

(C) Organizational (O) Calculation - (Score) * (Weight) = O with a weight of 25%.

(D) As set forth in 70 O.S. § 3-137, Performance Framework scores will guide reauthorization procedures.

(i) A Performance Framework Index (PFI) score of 75% or higher calculated over the course of the charter contract term will result in renewal of authorization for a five (5) year term should the governing board of the charter school choose to submit a letter requesting reauthorization.

(ii) A Performance Framework Index (PFI) score of 60-74% or higher calculated over the course of the charter contract term is expected. However, an application for renewal of authorization is required for consideration by the Statewide ~~Virtual~~ Charter School Board.

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(iii) A Performance Framework Index (PFI) score of less than 60% calculated over the course of the charter contract term places the charter school at risk of non-approval of the renewal for authorization. An application for reauthorization is required for consideration by the Statewide ~~Virtual~~ Charter School Board.

(E) In the event data is not available, the Statewide ~~Virtual~~ Charter School Board will designate corresponding score with "Not ~~Applicable~~ Available". In the event data is not applicable, the Statewide Charter School Board will designate corresponding score with "Not Applicable".

(d) Performance framework for designated alternative education sites. The performance framework for ~~designated charter school and~~ virtual charter school alternative education sites establishes accountability criteria and assesses schools in the areas of academic, financial, and organizational capacities. Designated alternative education sites are those that conform to the program requirements set forth in 70 O.S. § 1210-568 and are designated as alternative education sites by the State Board of Education.

(1) Oklahoma performance measures will be used to assess the school's academic performance, including overall achievement, overall growth, subgroup achievement, subgroup growth, and post-secondary readiness. Academic performance accountability indicators and measurements in each category and grade level are listed below. Subgroup measures will only be applicable if the school has a minimum of ten (10) students in the sub-group.

(A) Are students achieving proficiency on statewide assessments in ~~Reading~~reading/English Language Arts ~~language arts~~? Meets standard accountability indicator(s):

- (i) ~~The percentage of students scoring proficient or above at each grade level on the Oklahoma School Testing Program (OSTP) score totaled and averaged for~~of all state schools designated as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or
- (ii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.

(B) Are students achieving proficiency on statewide assessments in ~~Math~~mathematics? Meets standard accountability indicator(s):

- (i) ~~The percentage of students scoring proficient or above at each grade level on the Oklahoma School Testing Program (OSTP) score totaled and averaged for~~of all state schools designated as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or
- (ii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.

(C) Are students enrolled in the school for two (2) or more consecutive academic years achieving proficiency on statewide assessments in ~~Reading~~reading/English Language Arts ~~language arts~~? Meets standard accountability indicator(s):

- (i) ~~The percentage of students scoring proficient or above at each grade level on the Oklahoma School Testing Program (OSTP) score totaled and averaged for~~of all state schools designated as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or
- (ii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.

(D) Are students enrolled in the school for two (2) or more consecutive academic years achieving proficiency on statewide assessments in ~~Math~~mathematics? Meets standard accountability indicator(s):

- (i) ~~The percentage of students scoring proficient or above at each grade level on the Oklahoma School Testing Program (OSTP) score totaled and averaged for~~of all state schools designated as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or

(ii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.

~~(E)~~ Are students enrolled in the school for three (3) or more consecutive academic years achieving proficiency on statewide assessments in Reading/English Language Arts/language arts? Meets standard accountability indicator(s):

(i) The percentage of students scoring proficient or above at each grade level on the Oklahoma School Testing Program (OSTP) totaled and averaged for all state schools designated as alternative education sites will be the baseline for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or

(ii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.

~~(F)~~ Are students enrolled in the school for three (3) or more consecutive academic years achieving proficiency on statewide assessments in Math? Meets standard accountability indicator(s):

(i) The percentage of students scoring proficient or above at each grade level on the Oklahoma School Testing Program (OSTP) totaled and averaged for all state schools designated as alternative education sites will be the baseline for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or

(ii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.

~~(E)(G)~~ Are students in the special education subgroup achieving proficiency on statewide assessments in Reading/English Language Arts/language arts? Meets standard accountability indicator(s):

(i) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the Oklahoma School Testing Program (OSTP) ~~score~~ totaled and averaged for all state schools designated as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or

(ii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.

~~(E)(H)~~ Are students in the special education subgroup achieving proficiency on statewide assessments in Math/mathematics? Meets standard accountability indicator(s):

(i) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the Oklahoma School Testing Program (OSTP) ~~score~~ totaled and averaged for all state schools designated as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or

(ii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.

~~(G)(I)~~ Are students in the special education subgroup enrolled for two (2) or more consecutive academic years achieving proficiency on statewide assessments in Reading/English Language Arts/language arts? Meets standard accountability indicator(s):

(i) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the Oklahoma School Testing Program (OSTP) ~~score~~ totaled and averaged for all state schools designated as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or

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(ii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.

(H)(~~F~~) Are students in the special education subgroup enrolled for two (2) or more consecutive academic years achieving proficiency on statewide assessments in ~~Math~~mathematics? Meets standard accountability indicator(s):

(i) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the Oklahoma School Testing Program(OSTP)~~score totaled and averaged for~~of all state schools designated as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or

(ii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.

(K) Are students in the special education subgroup enrolled for three (3) or more consecutive academic years achieving proficiency on statewide assessments in ~~Reading/English Language Arts~~? Meets standard accountability indicator(s):

(i) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the Oklahoma School Testing Program(OSTP) ~~score totaled and averaged for~~of all state schools designated as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or

(ii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.

(L) Are students in the special education subgroup enrolled for three (3) or more consecutive academic years achieving proficiency on statewide assessments in ~~Math~~? Meets standard accountability indicator(s):

(i) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the Oklahoma School Testing Program (OSTP) ~~score totaled and averaged for~~all state schools designated as alternative education sites will be the baseline for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or

(ii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.

(M)(~~I~~) Are students in the economically disadvantaged subgroup achieving proficiency on statewide assessments in ~~Reading/English Language Arts~~reading/English Language Arts~~language arts~~? Meets standard accountability indicator(s):

(i) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the Oklahoma School Testing Program(OSTP)~~score totaled and averaged for~~of all state schools designated as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or

(ii) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.

(N)(~~J~~) Are students in the economically disadvantaged subgroup achieving proficiency on statewide assessments in ~~Math~~mathematics? Meets standard accountability indicator(s):

(i) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the Oklahoma School Testing Program(OSTP)~~score totaled and averaged for~~of all state schools designated as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students

scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or

(ii) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.

~~(O)~~(K). Are students in the economically disadvantaged subgroup enrolled for two (2) or more consecutive academic years achieving proficiency on statewide assessments in ~~Reading~~reading/English Language Arts~~language arts~~? Meets standard accountability indicator(s):

(i) ~~The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the Oklahoma School Testing Program (OSTP) score totaled and averaged for~~of all state schools designated as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or

(ii) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.

~~(P)~~(L). Are students in the economically disadvantaged subgroup enrolled for two (2) or more consecutive academic years achieving proficiency on statewide assessments in ~~Math~~mathematics? Meets standard accountability indicator(s):

(i) ~~The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the Oklahoma School Testing Program (OSTP) score totaled and averaged for~~of all state schools designated as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or

(ii) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.

~~(Q)~~ Are students in the economically disadvantaged subgroup enrolled for three (3) or more consecutive academic years achieving proficiency on statewide assessments in Reading/English Language Arts? Meets standard accountability indicator(s):

(i) ~~The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the Oklahoma School Testing Program (OSTP) totaled and averaged for all state schools designated as alternative education sites will be the baseline for comparison.~~ The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or

(ii) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.

~~(R)~~ Are students in the economically disadvantaged subgroup enrolled for three (3) or more consecutive academic years achieving proficiency on statewide assessments in Math? Meets standard accountability indicator(s):

(i) ~~The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the Oklahoma School Testing Program (OSTP) totaled and averaged for all state schools designated as alternative education sites will be the baseline for comparison.~~ The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or

(ii) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.

(M) Are students in the English language learner subgroup achieving proficiency on statewide assessments in reading/English language arts? Meets standard accountability indicator(s):

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(i) The OSTP score of all schools designated as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or

(ii) The percentage of students in the English language learner subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.

(N) Are students in the English language learner subgroup achieving proficiency on statewide assessments in mathematics? Meets standard accountability indicator(s):

(i) The OSTP score of all schools designated as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or

(ii) The percentage of students in the English language learner subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.

(O) Are students in the English language learner subgroup enrolled for two (2) or more consecutive academic years achieving proficiency on statewide assessments in reading/English language arts? Meets standard accountability indicator(s):

(i) The OSTP score of all schools designated as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or

(ii) The percentage of students in the English language learner subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.

(P) Are students in the English language learner subgroup enrolled for two (2) or more consecutive academic years achieving proficiency on statewide assessments in mathematics? Meets standard accountability indicator(s):

(i) The OSTP score of all schools designated as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or

(ii) The percentage of students in the English language learner subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year of the charter contract term.

(Q) Are students achieving growth on research-based nationally-normed internal assessments in reading/English language arts? Meets standard accountability indicator(s):

(i) The percentage of students in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given at each grade level; on or before September 15th of each year; or

(ii) The percentage of students achieving growth at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year of the charter contract term.

(R) Are students achieving growth on research-based nationally-normed internal assessments in mathematics? Meets standard accountability indicator(s):

(i) The percentage of students in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or

(ii) The percentage of students achieving growth at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year of the charter contract term.

(S) Are students in the special education subgroup achieving growth on research-based nationally-normed internal assessments in reading/English language arts? Meets standard accountability indicator(s):

- (i) The percentage of students in the special education subgroup in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or
 - (ii) The percentage of students in the special education subgroup achieving growth at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year of the charter contract term.
- (T) Are students in the special education subgroup achieving growth on research-based nationally-normed internal assessments in mathematics? Meets standard accountability indicator(s):
 - (i) The percentage of students in the special education subgroup in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or
 - (ii) The percentage of students in the special education subgroup achieving growth at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year of the charter contract term.
- (U) Are students in the economically disadvantaged subgroup achieving growth on research-based nationally-normed internal assessments in reading/English language arts? Meets standard accountability indicator(s):
 - (i) The percentage of students in the economically disadvantaged subgroup in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or
 - (ii) The percentage of students in the economically disadvantaged subgroup achieving growth at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year of the charter contract term.
- (V) Are students in the economically disadvantaged subgroup achieving growth on research-based nationally-normed internal assessments in mathematics? Meets standard accountability indicator(s):
 - (i) The percentage of students in the economically disadvantaged subgroup in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or
 - (ii) The percentage of students in the economically disadvantaged subgroup achieving growth or above at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year of the charter contract term.
- (W) Are students in the English language learner subgroup achieving growth on research-based nationally-normed internal assessments in reading/English language arts? Meets standard accountability indicator(s):
 - (i) The percentage of students in the English language learner subgroup in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or
 - (ii) The percentage of students in the English language learner subgroup achieving growth at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year of the charter contract term.
- (X) Are students in the English language learner subgroup achieving growth on research-based nationally-normed internal assessments in mathematics? Meets standard accountability indicator(s):
 - (i) The percentage of students in the English language learner subgroup in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or
 - (ii) The percentage of students in the English language learner subgroup achieving growth or above at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year of the charter contract term.

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(Y) Based on state expectations for student graduation within four years, does the school meet the expectations for student graduation? Meets standard accountability indicator(s):

- (i) The school's most recent graduation rate is equal to or greater than the most recent graduation rate for the State of Oklahoma; or
- (ii) The school's most recent graduation rate is equal to or greater than the most recent graduation rate for Oklahoma alternative schools;
- (iii) The school's most recent graduation rate as reported by the State Department of Education, increased twenty percent (20%) or more from the baseline year; or
- (iv) The school's most recent graduation rate increased five percent 5% or greater compared to the prior school year or the current contract term.

(Z)~~(S)~~ Based on the extended-year adjusted graduation rate, does the school meet the expectations for student graduation? Meets standard accountability indicator(s): Evidence supports a majority of extended-year students graduating.

(AA)~~(F)~~ Did the school meet the expectation for graduating eligible seniors (students within six (6) credits of graduation) during the most recent year? Meets standard accountability indicator(s):

- (i) The percent of eligible seniors, students within six (6) credits of graduation, enrolled on the first day of the school year and graduating in the current school year is equal to or greater than the current graduation rate for the State of Oklahoma; or
- (ii) The current graduation rate of alternative schools in Oklahoma; or
- (iii) The percent of eligible seniors, students within six (6) credits of graduation, enrolled on the first day of the school year and graduating in the current school year is equal to or greater than the current graduation rate for the district within the geographic boundary of the charter school.

(BB)~~(U)~~ Do the school's students demonstrate College and Career Readiness? Meets standard accountability indicator(s):

- (i) College:
 - (I) Achieved minimum required test score for entry without taking remediation:
 - a. High School Transcript of a 2.0 (C average) or higher; or
 - b. American College Testing (ACT); or
 - c. Scholastic Aptitude Test (SAT); or
 - d. Other recognized college entrance exams such as Accuplacer or the Classical Learning Test; and
 - e. College Board Advanced Placement exam score(s) of 3 or greater; and
 - (II) Acceptance to a college or university; and
 - (III) Successful completion and submission of a college FAFSA form.
- (ii) Career:
 - (I) Accepted to the Military; or
 - (II) Evidence of sustainable employment; or
 - (III) Completed an authorizer or state approved Career and Technical Education Certificate.

(CC)~~(V)~~ Are students completing courses required for grade advancement each year? Meets standard accountability indicator(s): The percentage of students earning at least six (6) credits per year is equal to or greater than forty percent (40%).

(DD)~~(W)~~ Are students benefiting from postsecondary and workforce readiness activities, testing, and enrollment? Meets standard accountability indicator(s): Evidence supports that the percent of students participating in one or more postsecondary and/or workforce readiness activity, testing, and/or enrollment is equal to or greater than forty percent (40%).

(EE)~~(X)~~ Are students demonstrating growth on nationally recognized social emotional standards? Meets standard accountability indicator(s): Evidence supports that the percent of students demonstrating growth on nationally recognized social emotional standards is equal to or greater than forty percent (40%).

(FF)~~(Y)~~ Are students attending individual, small group, and/or guidance counseling sessions? Meets standard accountability indicator(s): Evidence supports that the percent of students participating in counseling session is equal to or greater than forty percent (40%).

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~~(GG)(Z)~~ Are students participating in displaying, creating, and/or publishing art opportunities? Meets standard accountability indicator(s): Evidence supports that the percent of students participating, creating, and/or publishing art opportunities is equal to or greater than forty percent (40%).

~~(HH)(AA)~~ Are students participating in extracurricular activities, work study, and/or service learning? Meets standard accountability indicator(s): Evidence supports that the percent of students participating in extracurricular activities, work study, and/or service learning is equal to or greater than forty percent (40%).

~~(II)(BB)~~ Are students completing required individual career academic plan (ICAP) activities? Meets standard accountability indicator(s): Evidence supports that the percent of students completing individual career academic plan ICAP activities is equal to or greater than forty percent (40%).

~~(JJ)(CC)~~ Are students participating in life skill activities that extend beyond the curriculum, put relevant life skills into practice, and promote healthy living? Meets standard accountability indicator(s): Evidence supports that the percent of students participating in life skills activities is equal to or greater than forty percent (40%).

(2) Oklahoma performance measures will be used to assess the school's fiscal viability, ~~audit findings, financials, regulatory reporting, and compliance with all applicable statutes, laws and regulations.~~ Financial performance accountability indicators and measurements in each category are listed below.

(A) Did the school's most recent annual financial statement audit have findings? Meets standard accountability indicator(s): There were no findings of significant deficiencies, material noncompliance, or known fraud on the school's most recent independent financial audit.

~~(B) Did the most recent annual report on internal control over financial reporting disclose any significant or material deficiencies? Meets standard accountability indicator(s): There were no findings of significant deficiencies, material weaknesses or instances of noncompliance on the most recent annual report on internal control over financial reporting.~~ Was the auditor's opinion on the school's annual financial statement audit modified or qualified? Meets standard accountability indicator(s): The audit opinion on the school's annual financial statement audit was unmodified/unqualified.

~~(C) Did the school consistently submit appropriate quarterly financial reports to the Statewide Virtual Charter School Board over the most recent year? Meets standard accountability indicator(s): Appropriate reports were submitted in the Oklahoma Cost Accounting System (OCAS) format, verified by the school treasurer, on time, and indicating financial stability of the school.~~ Did the auditor's opinion letter contain a paragraph indicating any exception to the financial statements being presented fairly on the annual financial statement audit? Meets standard accountability indicator(s): The auditor's opinion letter did not contain a paragraph indicating any exception to the financial statements being presented fairly on the annual financial statement audit.

~~(D) Was the school subject to an audit by the State Auditor and Inspector and, if so, were there any findings? Meets standard accountability indicator(s): There were no findings of significant deficiencies, material noncompliance or known fraud on the school's most recent audit by the State Auditor and Inspector.~~ Did the annual financial auditor issue a disclaimer of opinion on the annual financial statement audit? Meets standard accountability indicators: The auditor did not issue a disclaimer of opinion on the annual financial statement audit.

~~(E) Did the school consistently meet financial reporting expectations over the most recent year, as required by the State Department of Education and confirmed by the Office of Financial Accounting, and Oklahoma Cost Accounting System (OCAS), Audits? Meets standard accountability indicator(s): The State Department of Education confirms financial reporting expectations were fulfilled over the most recent year.~~ Did the annual report on internal control over financial reporting disclose any material weakness(es) or significant deficiencies? Meets standard accountability indicator(s): There were no findings of significant deficiencies, material weaknesses of noncompliance on the annual report on internal control over financial reporting.

~~(F)(G)~~ Did the school consistently submit appropriate quarterly financial reports to the Statewide Virtual Charter School Board ~~over the most recent year?~~ Meets standard accountability indicator(s): Appropriate reports were submitted in the Oklahoma Cost Accounting System (OCAS) format, verified by the school treasurer, on time, and indicating financial stability of the school.

~~(G)(H)~~ Was the school subject to an audit by the State Auditor and Inspector and, if so, were there any findings? Meets standard accountability indicator(s): There were no findings of significant ~~deficiency~~ deficiencies, material noncompliance, or known fraud on the school's ~~most recent~~ audit by the State Auditor and Inspector.

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~~(H)~~(E) Did the school consistently meet financial reporting expectations over the most recent year, as required by the State Department of Education and confirmed by the Office of Financial Accounting, and Oklahoma Cost Accounting System (OCAS), Audits? Meets standard accountability indicator(s): ~~The State Department of Education confirms financial reporting expectations were fulfilled over the most recent year.~~ Did the school consistently meet financial reporting expectations as required by the State Department of Education and confirmed by the Office of Financial Accounting, Oklahoma Cost Accounting System (OCAS), and/or Single-Sign-On? Meets standard accountability indicator(s): Evidence confirms financial reporting expectations were fulfilled.

~~(I)~~(F) Was the school's most recent fiscal year OCAS data submitted to the State Department of Education, properly certified by the school leader, and accepted by the State Department of Education? Meets standard accountability indicator(s): Evidence confirms ~~The~~the school submitted OCAS data for the most recent fiscal year to the State Department of Education, certified by the school leader, and accepted by the State Department of Education.

~~(J)~~(G) Did the school submit timely the most recent annual financial statement audit to the State Department of Education? Meets standard accountability indicator(s): The school submitted timely the most recent annual financial statement audit to the State Department of Education.

~~(K)~~(H) Did the State Department of Education require a corrective action plan as part of their follow-up to the annual financial statement audit submission? Meets standard accountability indicator(s): No corrective action plan was required by the State Department of Education in the response from the State Department of Education to the most recently submitted annual financial statement audit to the school.

~~(L)~~(I) If a corrective action plan was required by the State Department of Education, did the plan sufficiently address the issues and was the plan accepted by the State Department of Education? Meets standard accountability indicator(s): The corrective action plan required by the State Department of Education sufficiently addressed the issues and was accepted by the State Department of Education.

~~(M)~~(J) If a corrective action plan was required by the State Department of Education for the prior fiscal year, can it be confirmed that the corrective action measures were followed in the most recent fiscal year? Meets standard accountability indicator(s): The corrective action plan required by the State Department of Education for the prior fiscal year was followed by the school in the most recent fiscal year.

~~(N)~~(K) Did the school have a negative fund balance at the end of the most recent fiscal year? Meets standard accountability indicator(s): The school did not have a negative general fund balance as of the end of the prior fiscal year.

~~(O)~~(L) Did the Days Cash on Hand ratio fall below thirty (30) days during the fiscal year? Meets standard accountability indicator(s): Evidence supports that the school maintained a Days Cash on Hand ratio of thirty (30) days or more at the end of each fiscal quarter.

~~(P)~~(M) Did the school fail to pay any commitments, warrants, or debts? Meets standard accountability indicator(s): Evidence supports the school paid all commitments, warrants, and debts.

~~(Q)~~(N) Did the school maintain a fund balance of greater than ten percent (10%) of the prior fiscal year's total expenditures? Meets standard accountability indicator(s): Evidence supports that the school maintained a fund balance greater than ten percent (10%) of the prior fiscal year's total expenditures measured at the end of each fiscal quarter.

~~(R)~~(O) Did the school maintain positive fund balances in all other fund types? Meets standard accountability indicator(s): Evidence supports that the school maintained a positive fund balance in all fund types.

~~(S)~~ Is the school's enrollment (average daily membership) for the first nine (9) weeks greater than or equal to eighty-five percent (85%) of last year's enrollment? Meets standard accountability indicator(s): The first quarter statistical report indicates enrollment did not decline by more than fifteen percent (15%) in comparison to the end of year enrollment documented by from the prior year annual statistical report.

~~(T)~~(P) Does the school's governing board review periodic financial statements including a statement of financial position (balance sheet), statement of activities (income statement), and statement of cash flows? Meets standard accountability indicator(s): Evidence supports that the governing board reviews the school's periodic financial statements at the public governing board meetings.

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~~(U)~~~~(Q)~~ Does the school's governing board review and approve changes to the budget as significant changes to revenues and expenditures occur? Meets standard accountability indicator(s): Evidence supports that the school's governing board reviews and approves changes to the budget at the public governing board meetings throughout the year as revenues and expenditures change significantly.

~~(V)~~~~(R)~~ Does the school's governing board review financial forecasting models prior to annual budget adoption? Meets standard accountability indicator(s): Evidence supports that the school's governing board participates in annual review of financial forecasting prior to budget adoption during a public governing board meeting.

~~(W)~~~~(S)~~ Does the school's governing board review the audited financial statements and address all findings? Meets standard accountability indicator(s): Evidence supports that the school's governing board reviews the audited financial statements and addresses all findings in a public governing board meeting.

~~(X)~~ Does the school properly report their facilities' carrying values and applicable depreciation on their annual financial statements? Meets standard accountability indicator(s): The annual financial statements indicate proper values for facilities are represented.

~~(Y)~~ Does the school maintain documentation of property and facilities leases and purchases at fair market value? Meets standard accountability indicator(s): The school maintains documentation of leases and purchases at fair market value.

(3) Oklahoma performance measures will be used to assess the school's organizational performance including organizational structure, governance, record of compliance, attendance, recurrent enrollment, accreditation, and student support. Organizational performance accountability indicators and measurements in each category are listed below.

~~(A) Do~~ Is the school's decisions align with faithful to its vision and mission and implementing key design elements and performance metrics within the approved charter contract? Meets standard accountability indicator(s): Evidence supports faithfulness to the school's decisions align with its vision and mission and implementation of key design elements of school.

(B) Does the school follow appropriate procedures to ensure all students have equitable access to services and opportunities for success? Meets standard accountability indicator(s): Data confirms appropriate procedures to ensure student access and equity. ~~Examples of data include, but not limited to, an equity committee, an equity audit of policies, procedures, culture, instruction, professional learning, and stakeholder perceptions and goals related to equity, inclusion, anti-racism, and identity safety; and an equity plan and policies.~~

(C) Does the school have approved and appropriate policies and procedures that ensure student and staff safety and success, and does the school communicate those policies and procedures to students/families and staff? Meets standard accountability indicator(s): Evidence supports approved and appropriate policies and procedures are implemented and communicated.

~~(D) Does the school adhere to applicable state and federal laws and regulations?~~ Meets standard accountability indicator(s): Evidence supports the school adheres to ~~state and federal~~ laws and regulations.

(E) Does the school adhere to the terms of the charter contract? Meets standard accountability indicator(s): Evidence supports the school adheres to the charter contract.

(F) Does a stable governing board exist? Meets standard accountability indicator(s): Evidence supports history of board stability exists.

(G) Does the governing board recruit, select, orient, and train members with skills and expertise to enable them to govern the school appropriately? Meets standard accountability indicator(s): Board agendas, ~~and minutes,~~ training records, and other documents support board member activities.

(H) Does the charter school comply with the Open Meeting Act and Open Records Act? Meets standard accountability indicator(s): Evidence supports the charter school consistently complies with requirements of the Open Meeting Act and Open Records Act.

~~(I) Does the charter school provide transparency through Statewide Virtual Charter School Board access to school records?~~ Meets standard accountability indicator(s): The charter school has provided the Statewide ~~Virtual~~ Charter School Board with all requested school records.

~~(J) Does the educational management organization provide transparency through Statewide Virtual Charter School Board access to school records?~~ Meets standard accountability indicator(s): The educational management organization has provided the Statewide ~~Virtual~~ Charter School Board with all requested school records.

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(K) Did the school consistently meet the reporting expectations as required by the State Department of Education? Meets standard accountability indicator(s): Evidence The State Department of Education confirms reporting expectations were fulfilled.

(L) Did the school consistently meet the reporting expectations as required by the Statewide Virtual Charter School Board? Meets standard accountability indicator(s): Reporting expectations fulfilled as required—ninety percent (90%) or above in both on-time and accuracy categories. The school reported and submitted documentation on time and accurately.

(M) Does the school website meet the standards for transparency and documentation as mandated by the Oklahoma School District Transparency Act and requested by the Statewide Virtual Charter School Board? Meets standard accountability indicator(s): The school has consistently met requirements for school website as mandated by the Oklahoma School District Transparency Act and requested by the Statewide Virtual Charter School Board.

(~~M~~)(N) Did the school receive accreditation from the State Department of Education? Meets standard accountability indicator(s): The school received accreditation with no unresolved deficiencies following Tiered School Oversight Tier II Investigation (777:10-3-4. Oversight and evaluation of charter schools and virtual charter schools by noted from the Statewide Charter School Board). State Department of Education

(~~N~~)(O) Does the school meet the expectations for student attendance? Meets standard accountability indicator(s): Evidence supports the school met State expectations for student attendance.

(i) For charter schools, the attendance rate reported by the State Department of Education is equal or greater than the attendance rate of the local school district in which the charter school is located; or

(ii) For virtual charter schools, the attendance rate reported by the State Department of Education is equal or greater than the attendance rate reported by the attendance rate for the state of Oklahoma; or

(iii) The school's attendance rate reported by the State Department of Education increased five percent (5%) or greater compared to the prior year.

(~~O~~)(P) Does recurrent enrollment of students meet expectations? Meets standard accountability indicator(s): The school's student recurrent enrollment rate meets the expectations indicated by the methodology used for public schools in Oklahoma.

(~~P~~)(Q) Does the school provide support structures for students and families that are accessible twenty-four (24) hours per day and seven (7) days per week, such as teacher support, individualized learning plans, individualized career academic planning (ICAP), guidance/counseling program, online tutoring, and technical support? Meets standard accountability indicator(s): Students and families have access to multiple support structures twenty-four (24) hours per day and seven (7) days per week.

(~~Q~~)(R) Does the school and governing board engage in strategic planning that results in establishment of school goals and verifiable school improvement? Meets standard accountability indicator(s): Evidence supports that the school and governing board engage in strategic planning resulting in establishment of school goals and verifiable school improvement.

(4) A Performance Framework Index will be calculated based on the following categories:

(A) Academic (A) Calculation - (Score) * (Weight) = A with a weight of 40%.

(B) Financial (F) Calculation - (Score) * (Weight) = F with a weight of 35%.

(C) Organizational (O) Calculation - (Score) * (Weight) = O with a weight of 25%.

(D) According to 70 O.S. § 3-137, Performance Framework scores will guide reauthorization procedures.

(i) A Performance Framework Index (PFI) score of 75% or higher calculated over the course of the charter contract term will result in renewal of authorization for a five (5) year term should the governing board of the charter school choose to submit a letter requesting reauthorization.

(ii) A Performance Framework Index (PFI) score of 60-74% or higher calculated over the course of the charter contract term is expected. However, an application for renewal of authorization is required for consideration by the Statewide Virtual Charter School Board.

(iii) A Performance Framework Index (PFI) score of less than 60% calculated over the course of the charter contract term places the charter school at risk of non-approval of the renewal for authorization. An application for reauthorization is required for consideration by the Statewide Virtual Charter School Board.

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(E) In the event data is not available, the Statewide ~~Virtual~~ Charter School Board will designate corresponding score with "Not ~~Applicable~~ Available". In the event data is not applicable, the Statewide Charter School Board will designate corresponding score with "Not Applicable".

(e) **Submission of school data.** ~~To aid the~~ The Statewide ~~Virtual~~ Charter School Board will obtain documentation and evidence in to assessing whether the schools are meeting the expectations of the performance framework., In addition to site visits and read-only access to reporting systems, schools are required to submit annual school data to the Statewide ~~Virtual~~ Charter School Board through an online data collection system.

(1) Schools must submit the requested documentation according to the instructions for the submission by the due date indicated in the online data collection system:

- ~~(A)~~ (A) Current charter contract and any amendments;
- ~~(B)~~ (A) Educational Management contracts and amendments;
- ~~(C)~~ (B) Lease/purchase agreements;
- ~~(D)~~ (C) Annual budget;
- ~~(E)~~ (D) Audit documents (audit, response, corrective action);
- ~~(F)~~ School performance review report response;
- ~~(G)~~ Annual report on school's mission and key design elements and performance indicator data;
- ~~(H)~~ College and career readiness report, including, but not limited to, individual career academic plans, college preparation coursework, college remediation data, dual (concurrent) college enrollment, military service commitments, internships, and industry certification and career technology programs;
- ~~(I)~~ (F) Annual evaluation of each educational management ~~organization~~ organization(s) providing services to contracted with the governing body or school;
- ~~(J)~~ Senior graduation report;
- ~~(K)~~ (K) Current inventory report;
- ~~(L)~~ (L) Quarterly financial statements;
- ~~(M)~~ Handbooks (student family handbook, employee handbook, other handbooks);
- ~~(N)~~ (N) School calendar;
- ~~(O)~~ Student support documentation;
- ~~(P)~~ (P) Internal assessment plan;
- ~~(Q)~~ School policies including, but not limited to, attendance, employment, enrollment/lottery, finance and procurement, code of ethics, and conflict of interest;
- ~~(R)~~ (R) Current governing board rosters, including personal contact information;
- ~~(S)~~ Insurance verification;
- ~~(T)~~ (T) Enrollment counts (~~August 1 for year one (1) schools, first day of school, monthly, and final for all schools~~);;
- ~~(U)~~ Surety bond verification;
- ~~(V)~~ (V) Accreditation documents including application, checklist, responses, and status letter;
- ~~(W)~~ (W) Annual and First Quarter Statistical Report ~~summary~~ summaries
- ~~(X)~~ (X) Board meeting calendar;
- ~~(Y)~~ (Y) Board meeting agendas and all supporting board meeting documents submitted prior to the board meeting;
- ~~(Z)~~ Board meeting approved minutes;
- ~~(AA)~~ Final state aid and federal allocations;
- ~~(BB)~~ Revenue and Expenditure Report;
- ~~(C)~~ (C) Four (4) year cohort and extended-year graduation rate documents;
- ~~(D)~~ (D) Annual Statistical Report summary;
- ~~(E)~~ Strategic planning documents;
- ~~(F)~~ Oklahoma School Testing Program (OSTP) documentation;
- ~~(G)~~ Child counts;
- ~~(H)~~ Enrollment file;
- ~~(I)~~ (H) Estimate of Needs and Supplemental Estimate of Needs (if applicable);
- ~~(J)~~ Supplemental Estimate of Needs (if applicable);
- ~~(K)~~ (K) School, governing board, and/or educational management organization litigation documents;
- ~~(L)~~ State accountability report;
- ~~(M)~~ (M) School organizational chart;
- ~~(N)~~ End of fiscal year student exit status report;
- ~~(O)~~ Current by-laws;

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~~(PP) Final Employee Compensation Report;~~
~~(QQ) College remediation data;~~
~~(T)(RR) School District Budgeting Act (SDBA) Budget Summary, public hearing documentation, published notice, and Budget Message (if applicable);~~
~~(SS) SDBA public hearing documentation and published notice (if applicable);~~
~~(U)(TT) Shared Services Agreements (if applicable);~~
~~(V)(UU) Other school documents as needed for effective school oversight. Monthly and all other state aid funding reports;~~
~~(VV) Final OSTP Participation Report;~~
~~(WW) ACT Profile Report; and~~
~~(XX) Plan for Improvement (if applicable);~~

- (2) In the event submission through the online system is not possible, the school must hand-deliver ~~hard-copy~~ documentation to the office of the Statewide ~~Virtual~~ Charter School Board by the due date.
- (3) Failure to submit the documentation is grounds for termination of the contract if not cured within thirty (30) calendar days of the deadline.
- (4) Receipt of document submissions does not necessarily indicate approval of the content of the data.

(f) **School website compliance.** In order to aid in transparency, charter schools and virtual charter schools sponsored by the Statewide ~~Virtual~~ Charter School Board will be subject to website compliance checks at any time. Each school shall maintain a website in compliance with 70 O.S. § 5-135.4 and 74 O.S. § 24-3106.2 with the following information available;

- (1) Governing board members (board member information, and office held if any);
- (2) Schedule of governing board meetings as submitted to the school district's ~~Oklahoma~~ County Clerk;
- (3) Board meeting agendas;
- (4) Board meeting approved minutes;
- (5) School accountability reports;
- (6) Financial documents or a link to the Oklahoma Cost Accounting System (OCAS), in compliance with Oklahoma statute;
- (7) Total compensation package of the superintendent;
- (8) ~~Virtual charter school~~ Attendance Policy, in compliance with Oklahoma statute;
- (9) Most recent audit in compliance with Oklahoma statute; and
- (10) Enrollment capacity

(g) **School orientation.** Each statewide charter school or virtual charter school shall develop a student orientation program that must be completed by each student prior to final enrollment in the school. The school shall maintain a record of completion of orientation by each student. The orientation shall contain, at a minimum, the following components:

- (1) Enrollment requirements;
- (2) Daily schedule and work expectations;
- (3) School policies, including student engagement and attendance requirements;
- (4) Student and Family Handbooks;
- (5) Communication streams (website, school and teacher connection, school administration and governing board contact);
- (6) Academic expectations;
- (7) Assessment requirements;
- (8) Social expectations;
- (9) Technology management;
- (10) Academic program management;
- (11) Student support programs and services; and
- (12) Programs specific to the school.

(h) **Annual audits.** The ~~virtual~~ charter schools and virtual charter schools shall change audit firms, at a minimum, every ~~five three (3)(5) years to ensure annual audits are completed by at least two (2) different firms over the term of the charter contract. If the term of the charter contract is less than five (5) years, the school shall change audit firms at least every two (2) years, or otherwise, to ensure annual audits are completed by two (2) different firms over the term of the charter contract.~~

(i) **Compliance audits.** In addition to the annual financial audits, the virtual charter schools authorized by the ~~SVCSB~~ SCSB shall be subject to compliance audits conducted by the agency ~~SVCSB~~ at any time during the charter contract term.

Emergency Adoptions

777:10-3-5. Full-time virtual charter schools – succession of contractual rights and reversion of property to Statewide Virtual charter schools - succession of contractual rights and reversion of property to Statewide Charter School Board [AMENDED]

(a) **School Closure Process.** Final school closure determination may be made as the result of voluntary or involuntary school closure decisions. This includes a decision of the charter school governing board to close the school, nonrenewal of a charter contract, or termination of a charter contract. In the event of a voluntary closure by the school, the final closure determination occurs as of the date the charter school governing board votes to close the school. In the event of an involuntary closure of the school, the final closure determination occurs as of the date the final order is issued by the ~~SVCSB~~SCSB. Once a final closure determination is made the ~~SVCSB~~SCSB will appoint a Closing Officer to provide oversight of school closure. Oversight responsibilities include management of the operational process of charter school closure and ensured continuation of appropriate educational services and transfer process for students and families, and ensure the governing board of the charter school continues to meet as necessary to take actions needed to wind down school operations, manage school finances, allocate resources and facilitate all aspects of closure. Under the oversight and with the support of the Closing Officer, the charter school is responsible for completing the tasks required for the closing of the school in a legal and orderly manner while continuing to operate the school and provide academic and other services to students and families. With the exception of the cost of the ~~SVCSB~~SCSB Closing Officer, all expenses of school closure will be provided for through charter school funds. These include, but are not limited to, the expense of contracted expertise such as accountants and auditor, general supplies and postage, and auction costs. The following School Closure Protocol will be implemented ten (10) business days after the final order is issued, and may be stayed by the Statewide ~~Virtual~~ Charter School Board in the event of a request for reconsideration or rehearing:

(1) Within fourteen (14) calendar days:

(A) The Closing Officer meets with the school's Chief Administrative officer and the Governing Board President to provide information regarding the school closure process and expectations.

(B) A special meeting of the charter school governing board will be called for to establish a Transition Team composed of school staff, applicant staff, and others designated by the applicant who will attend to the tasks and responsibilities of school closure on behalf of the school.

(C) The ~~SVCSB~~SCSB issues a media release appropriate for public notification of charter school closure.

(D) A temporary hold will be placed on all state and federal funding.

(E) Notification of school closure determination is submitted to the Oklahoma State Department of Education (OSDE) including name of school, date of action, effective date of closure, criteria for closure determination, closure process information, and location of student and personnel records. Request name and contact information for OSDE representative for communication purposes and for assistance with closure. Similar notification also sent to the Oklahoma Teachers Retirement System (if applicable), State Treasurer, and State Auditor.

(F) Notification is made to parents of enrolled students regarding school closure determination including name of school, date of action, effective date of closure, and expected future communication to parents.

(G) Notification to school staff regarding school closure determination including name of school, date of action, effective date of closure, and expected future communication to school staff.

(2) Once a Transition Team is established, the following should occur within thirty (30) days:

(A) The Closing Officer and Transition Team will establish a written student transfer plan including the steps required for the transfer of students and student records and the security of those records.

(B) The Closing Officer and Transition Team will contact Oklahoma school districts regarding charter school closure.

(C) The Closing Officer and Transition Team will establish a written plan for ongoing communication with families. This plan will include communication through closure process and a final report of school closure to charter school families. A list of all students/families will be generated and maintained to include student name, parent name, address, telephone, email, grade level, and school district of residence.

(D) The Closing Officer and Transition Team will establish a written plan for ongoing communication with staff. This plan will include the initial communication of school closure, follow-up communication as needed, and a final report of school closure to charter school staff. A list of all staff will be created to include name, position, address, telephone, email. Notification includes information regarding closure determination, closure date, personnel records, and benefits.

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(E) The Closing Officer and Transition Team will secure all financial and personnel records. In addition, Closing Officer and Transition Team will identify all agencies, employees, insurers, contractors, creditors, debtors, grantors, and management organizations. The statewide virtual charter school shall provide the Statewide Virtual Charter School Board with executed copies of all of the following documents:

- (i) A detailed list of all real and/or personal property and other assets procured by the charter school during the term of the contract that includes identification of all sources of funds used to procure the property. All items procured all or in part with state, local or federal funds shall be clearly identified.
- (ii) Title documents, deeds, and/or leases for all real or personal property or other assets procured all or in part with state or federal funds.
- (iii) Copies of all executory contracts to which the charter school or its governing body is a party.
- (iv) All documentation relating to debt, liabilities, encumbrances, or other obligations incurred by the charter school and/or the governing body of the charter school during the term of the sponsorship contract.
- (v) The Closing Officer and Transition Team Chair will ensure a complete financial accounting. A financial plan for school closure will be established. The Closing Officer may include other financial experts on behalf of the SVCSB to assist with the process. Financial Plan must ensure only essential invoices and regular salaries paid, all vendor refunds received, and the immediate collection of all credit cards and closing of accounts.
- (vi) All assets will be inventoried. Inventory shall include name of asset, quantity, estimated value, and location of property. Assets include, but are not limited to, property, furnishings, technology, books, supplies, and equipment.
- (vii) All assets will be confirmed by the Closing Officer and Transition Team. Within forty-five (45) business days of a final closure determination date, the charter school assets may be liquidated and funds used to satisfy remaining school debt. Otherwise the sponsor may dispose of remaining school property as deemed appropriate and retaining any remaining funds.

(3) Prior to final closeout, the charter school shall complete all federal, state, and local obligations on behalf of school employees as governed by Federal and State Statute and regulations; including, but not limited to, the following:

- (A) File all final federal, state, and local employer payroll tax returns and issue final W-2s and Form 1099s by the statutory deadlines.
- (B) File the Federal Notice of Discontinuance with the Department of Treasury.
- (C) Make final federal tax payments.
- (D) File the final withholding tax return.
- (E) File the final return with the IRS.
- (F) Complete all tax requirements of the State of Oklahoma.
- (G) Provide employees with notices and pamphlets required under applicable state and federal law.

(4) Within thirty (30) business days of school closure, all school records, including, but not limited to, student, personnel and financial records are received and secured by the ~~SVCSB~~ SCSB or the State Department of Education (SDE).

(5) Within forty-five (45) business days of school closure, a final school closure audit will be conducted and provided to the ~~SVCSB~~ SCSB. A copy of the audit will be presented to the State Superintendent of Public Instruction, and all fiscal balances of the charter school will be retained by the charter school authorizer.

(6) The Statewide ~~Virtual~~ Charter School Board shall have forty-five (45) calendar days after the date of delivery of all of the documents set forth in (3) of this subsection to request any additional documentation from the charter school the Board deems necessary to determine the assets and liabilities of the statewide virtual charter school.

(7) The Closing Officer will report school closure progress to the ~~SVCSB~~ SCSB at each regular meeting through the school closing transition period.

(8) Upon completion of school closure, a final report from the Closing Officer will be presented to the Statewide ~~Virtual~~ Charter School Board.

(9) All personal property of the charter school reverting to the Statewide ~~Virtual~~ Charter School Board in accordance with the provisions of 70 O.S. 3-136 and this Section shall be delivered to the Board no later than sixty (60) calendar days after the School Closure Date in the manner and to the location(s) directed by the Board.

(10) The Chairman of the Statewide ~~Virtual~~ Charter School Board is authorized to execute conveyances and documents on behalf of the Board as necessary to fulfill the requirements of this subsection.

(b) **School district contracts for sponsorship of full-time virtual charter schools.** In accordance with the provisions of 70 O.S. 3-145.5, the following provisions shall apply to school district contracts for sponsorship of charter schools who provide full-time virtual education: Contracts for sponsorship of a full-time virtual charter school. Beginning July 1, 2014, no school district shall:

- (1) Offer full-time virtual education to any student whose legal residence, as determined in accordance with the provisions of 70 O.S. § 1-113, is located outside of the boundaries of the school district; or
- (2) Enter a contract to provide full-time virtual education to any student whose legal residence, as determined in accordance with the provisions of 70 O.S. § 1-113, is located outside of the boundaries of the school district.

(c) **Termination or nonrenewal for good cause.** Failure by any charter school to comply with the provisions of this Section shall constitute good cause for:

- (1) Termination or nonrenewal of a contract for sponsorship with the Statewide ~~Virtual~~ Charter School Board; and/or
- (2) Denial of any application for sponsorship subsequently submitted by the charter school and/or authorized representatives of the charter school, including, but not limited to, the governing body of a charter school.

SUBCHAPTER 5. STATEWIDE VIRTUAL CHARTER SCHOOL FACILITIES

777:10-5-3. Statewide virtual charter school sites [AMENDED]

Face-to-face instruction. No statewide virtual charter school or employee of the statewide virtual charter school shall provide face-to-face instruction to any ~~charter school~~ student unless the instruction occurs at:

- (1) The legal residence of a student or the parent/legal guardian of a student;
- (2) A site as defined in 777:10-1-2; or
- (3) A public facility that complies with all federal and state statutes and regulations governing health and safety that are applicable to public school facilities .

[OAR Docket #24-1366; filed 11-25-24]

TITLE 777. STATEWIDE CHARTER SCHOOL BOARD CHAPTER 15. HORIZON: DIGITALLY ENHANCED CAMPUS [AMENDED]

[OAR Docket #24-1367]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 1. Oklahoma Supplemental Online Course Certification [AMENDED]

777:15-1-1. Purpose [AMENDED]

777:15-1-2. Definitions [AMENDED]

777:15-1-3. Application for course certification [AMENDED]

777:15-1-5. Course review requirements [AMENDED]

777:15-1-6. Course review and certification process [AMENDED]

777:15-1-7. Certified courses remaining in good standing [AMENDED]

777:15-1-8. Process for course certification renewal [AMENDED]

777:15-1-9. ~~SVCSB~~S~~CSB~~SCSB responsibilities [AMENDED]

Subchapter 3. Horizon Online Learning Platform and Courses

777:15-3-1. Purpose [AMENDED]

777:15-3-2. Online courses [AMENDED]

AUTHORITY:

Statewide Charter School Board; 70 O.S.Supp.2024, § 3-132.1(I)(4) and 3-145.8(D)

COMMENT PERIOD:

N/A

PUBLIC HEARING:

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N/A

ADOPTION:

September 10, 2024

EFFECTIVE:

Immediately upon Governor's approval

APPROVED BY GOVERNOR:

October 10, 2024

EXPIRATION:

Effective through September 14, 2025, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

SUPERSEDED RULES:

N/A

GUBERNATORIAL APPROVAL:

N/A

REGISTER PUBLICATION:

N/A

DOCKET NUMBER:

N/A

INCORPORATIONS BY REFERENCE:

INCORPORATED STANDARDS:

N/A

INCORPORATING RULES:

N/A

AVAILABILITY:

N/A

FINDING OF EMERGENCY:

The rules were necessary comply with amendments to an agency's governing law. 75 O.S.2021, § 253(A)(1)(b).

GIST/ANALYSIS:

The Oklahoma Statewide Charter School Board proposes these emergency rules to fulfill the requirements of the Board under the Oklahoma Charter Schools Act, 70 O.S.Supp.2023, §§ 3-130-3-167. The emergency rules remove references the board's now-abolished predecessor, the Statewide Virtual Charter School Board, and ensure that the rule language refers to the Statewide Charter School Board.

CONTACT PERSON:

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

SUBCHAPTER 1. OKLAHOMA SUPPLEMENTAL ONLINE COURSE CERTIFICATION [AMENDED]

777:15-1-1. Purpose [AMENDED]

The Statewide ~~Virtual~~ Charter School Board (~~SVCSB~~)(SCSB) makes publicly available a list of supplemental online courses which it has reviewed and/or certified to ensure that the courses are high quality options and are aligned with the subject matter standards approved by the State of Oklahoma. In conjunction with the Office of Management and Enterprise Services (OMES), the ~~SVCSB~~SCSB negotiates with online course providers to offer a state rate price to school districts for supplemental online courses. These rules have been adopted for the purpose of implementing policy and procedures pursuant to Oklahoma Statute Title 70, Section 3-145.3.

777:15-1-2. Definitions [AMENDED]

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

"**Course provider**" means an entity that meets eligibility requirements and provides an online course to Oklahoma school districts.

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"**Course review**" means the process conducted by content and pedagogical experts to ensure courses recommended for certification by the SVCSBSCSB meet the established standards.

"**Oklahoma Online Course Catalog**" means a publicly available listing of courses certified (or pending review) by the SVCSBSCSB available through approved Course Providers.

"**Online course**" means an educational course in which instruction and content are delivered primarily over the Internet. A student and teacher are in different locations for a majority of the student's instructional period, most instructional activities take place in an online environment, the online instructional activities are integral to the academic program, consistent communication between a student and a teacher and among students is emphasized, and a student is not required to be located on the physical premises of a public school district. An online course is the equivalent of what would typically be taught in one semester.

"**Receiver district**" means an Oklahoma public school district that has students enrolled in the district who take one or more online courses.

"**Receiver district ally**" means an individual(s) in the receiving district who monitors student progress in the Horizon Online Platform and serves as a liaison between Horizon faculty and staff, the student, and other stakeholders, including parents.

777:15-1-3. Application for course certification [AMENDED]

(a) To have a course(s) listed in the Oklahoma Online Course Catalog (OCC), Course Providers must first be approved as vendors through the Oklahoma Management and Enterprise System (OMES) and enter into a contract with the state.

(b) Once the online provider is registered as a state vendor, OMES and the SVCSBSCSB will negotiate and enter into a contract with the approved vendor to provide online courses at a state rate.

777:15-1-5. Course review requirements [AMENDED]

(a) Online Course Providers must supply the following to have courses listed in the OCC:

- (1) The name of the institution or organization providing the online content;
- (2) Course title and subject code (using appropriate course title and subject code as established by the Oklahoma State Department of Education's approved Subject Codes for the appropriate academic year);
- (3) Brief course description;
- (4) Grade level(s);
- (5) Subject area;
- (6) Unit(s) of credit;
- (7) Course cost;
- (8) Course designations (e.g., dual-credit, AP, NCAA-eligible, Quality Matters certified);
- (9) Course prerequisites; and
- (10) Instructor credential and qualifications.

(b) At the time of the course review, guest access to the course will be required for the reviewers. If substantive changes are made to a course since its last certification, it must be submitted for review regardless of its current status in the review cycle. Substantive changes would include altering the intended course outcomes, significantly changing instructional strategies or assessment protocols used in the course as a whole, or any revision that impacts standards alignment. Only courses certified (or pending review) by the Statewide ~~Virtual~~ Charter School Board will be accepted into the Oklahoma Online Course Catalog.

(c) Course Providers whose courses have undergone review and approval by a recognized third-party entity must provide the results of those reviews. Depending on the results of the external review, a course may be recommended for state certification with no additional review or with a modified review process (e.g., review only for alignment to state standards).

(d) Course Providers of Advanced Placement (AP) courses must provide the results of their College Board AP Course Audit and Authorization. No other course evaluation will be conducted for AP Courses. If a course is authorized by the College Board as an AP course, it is automatically listed as "state-certified" in the Oklahoma Online Course Catalog. Online Providers must provide evidence annually of AP Authorization Renewal.

777:15-1-6. Course review and certification process [AMENDED]

(a) All approved vendors will have the online courses they submitted published in the Oklahoma Online Course Catalog and reviewed according to the schedule adopted by the SVCSBSCSB.

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(b) Course reviews will be conducted by content experts and pedagogical experts selected by the SVCSBSCSB. Courses will be evaluated using rubrics to determine alignment with the current academic standards approved by the State of Oklahoma (or nationally/ internationally accepted content standards set for courses whose content is not included in state standards) and national standards for quality in online course design. Course Providers whose courses have undergone review and approval by a recognized third-party entity must provide the results of those reviews. Depending on the results of the external review, a course may be recommended for state certification with no additional review or with a modified review process (e.g., review only for alignment to state standards). Online Course Providers of Advanced Placement (AP) courses must provide the results of the AP Course Audit and Authorization. No other course evaluation will be conducted for AP Courses. Online Providers must provide evidence annually of AP Authorization Renewal.

(c) If results of the initial review suggest that a course will not be recommended for certification, the Course Provider will be contacted with the review results and will have fifteen (15) calendar days to revise material or provide additional information pertinent to the review. These revisions will be examined by the course reviewers and, if appropriate, the rubric scores will be modified. Once the course review is complete, results of the evaluation will be presented to the Statewide ~~Virtual~~ Charter School Board (SVCSB)(SCSB). The SVCSBSCSB will consider the evidence and vote whether to certify or not certify the course. The decision will be made on a simple majority vote. If the SVCSBSCSB votes to not certify a course, the course will be removed from the Oklahoma Online Course Catalog and the Course Provider will be notified of the reasons the course was not certified. The Course Provider may revise the course and resubmit for additional Course Review and certification consideration. Resubmitted courses will be reviewed after all submitted courses have undergone an initial review. Courses approved will be certified for a five-year period. After which, Course Providers must apply for renewal. Certified courses will be identified as such and have their course review ratings published in the Oklahoma Online Course Catalog. Courses pending review will be identified as such in the Oklahoma Online Course Catalog.

777:15-1-7. Certified courses remaining in good standing [AMENDED]

(a) To remain in good standing and have a course(s) continuously listed in the Oklahoma Online Course Catalog through the entirety of the approval period, Course Providers agree to:

- (1) Maintain their vendor status.
- (2) Notify the SVCSBSCSB of any additions, deletions or changes to certified courses.
- (3) Serve all enrolled students, regardless of number enrolled in a section so that Receiver Districts have reliable course options for students.
- (4) Provide online instructors who are 1) certified in Oklahoma or another state to teach in the content area of the course offered; or 2) a faculty member at an accredited institution of higher education, possessing the specific content expertise necessary to teach the course. Additionally, the Course Provider shall supply certification or applicable credentialing documentation to the SVCSBSCSB as part of the course review process and within ten (10) working days upon the hire of any new instructors for any certified course. The Course Provider shall be responsible for such obligation regardless of whether instructors are employees of the Course Provider, independent contractors, or employees of a third-party course vendor. Course Providers shall take all steps necessary to verify the qualifications of non-employee instructors.
- (5) Notify SVCSBSCSB in writing within ten (10) working days if for any reason an online instructor no longer meets the requirements to teach a course offered. The name and credentials of the replacement instructor must also be provided at that time.
- (6) Refer only to courses currently certified and listed in the Oklahoma Online Course Catalog as "Statewide ~~Virtual~~ Charter School Board approved."
- (7) Own, secure, and/or maintain licensure and copyright for all courses offered in the Oklahoma Online Course Catalog.
- (8) Course Providers of Advanced Placement (AP) courses must provide evidence annually of AP Authorization Renewal.
- (9) Refrain from significantly modifying or changing courses without prior notice and approval from the SVCSBSCSB. Course Providers shall provide written notice of any planned modification in sufficient detail for SVCSBSCSB Course Reviewers to determine whether the course continues to satisfy all requirements. Failure to obtain written approval may result in removal of the course from the approved catalog.
- (10) Ensure that each certified course is maintained throughout the duration that the course is offered and continues to meet the current academic standards approved by the State of Oklahoma; national standards for quality in online course design; and Oklahoma's Information Technology Accessibility Standards.
- (11) Employ the appropriate course title and subject code as established by the Oklahoma State Department of Education's approved Subject Codes for the appropriate academic year for the purpose of data collection.

(12) Report aggregate student success data to the ~~SVSCB~~SCSB in the requested format and by the timeline set. The ~~SVSCB~~SCSB does not collect individual student information. By August 1 of each year, the Course Provider will report the following aggregate student success data to the ~~SVSCB~~SCSB:

- (A) Total number of unique Oklahoma students;
- (B) Total number of courses taken by Oklahoma students;
- (C) Number of students in each course (both overall number and Oklahoma students); and
- (D) Successful completion rate (number and percent) of each course (i.e., X#/60% of students enrolled in X successfully completed the course). Include both overall rates and Oklahoma-specific rates.

(b) Course providers will be notified if a course(s) is found to be noncompliant and will have fifteen (15) business days after notification to bring the course(s) into compliance. If the course(s) is still noncompliant at the end of this period, the course certification will be revoked and the course will be removed from the Oklahoma Online Course Catalog.

777:15-1-8. Process for course certification renewal [AMENDED]

Courses that remain in good standing are certified for a period of five years. Course Providers may apply for renewal of their course certification six months prior to the completion of the course approval period. Course Providers will notify the ~~SVSCB~~SCSB of their intent to apply for renewal by submitting all documents listed in the Course Review Requirements. Course Providers who have maintained their "good standing" status throughout the course approval period will have their courses reviewed and considered for certification following a similar procedure as their initial Course Review and Certification Process. Aggregate student success data will be considered in renewal decisions. Additionally, the ~~SVSCB~~SCSB may survey districts to collect satisfaction data and those data may also be considered in renewal decisions. Course Providers who have not maintained a "good standing" status must provide documentation explaining the lapse in "good standing" status and the protocols that are in place to prevent such a lapse in the future.

777:15-1-9. ~~SVSCB~~SCSB responsibilities [AMENDED]

The ~~SVSCB~~SCSB shall:

- (1) Ensure that all courses listed in the Oklahoma Online Course Catalog are reviewed according to the stated requirements.
- (2) Notify the Course Providers of changes in current academic standards approved by the State of Oklahoma; national standards for quality in online course design; and Oklahoma's Information Technology Accessibility Standards, or other standards that prompt the need for course revisions. Such notification is a courtesy and does not negate the responsibility of the Course Providers to maintain currency with regard to these standards.
- (3) Maintain accurate information in the Oklahoma Online Course Catalog.

SUBCHAPTER 3. HORIZON ONLINE LEARNING PLATFORM AND COURSES

777:15-3-1. Purpose [AMENDED]

The Statewide ~~Virtual~~ Charter School Board shall manage the Horizon: Digitally Enhanced Campus (Horizon) online learning platform to provide high quality online learning opportunities for Oklahoma students that are aligned with the subject matter standards adopted by the State Board of Education pursuant to Section 11-103.6 of Title 70 of the Oklahoma Statutes. The Board shall implement online courses, with an emphasis on science, technology, engineering, and ~~math~~ mathematics (STEM) courses, foreign language courses and advanced placement courses. The online platform shall be available to all Oklahoma school districts.

777:15-3-2. Online courses [AMENDED]

- (a) Courses made available through the Horizon online learning platform may include, but not be limited to the following:
 - (1) Online courses developed by the Statewide ~~Virtual~~ Charter School Board;
 - (2) Online courses developed by Oklahoma public school districts;
 - (3) Courses provided by online vendors; and
 - (4) Concurrent enrollment courses provided through partnerships with Oklahoma institutions of higher education.
- (b) Courses made available through Horizon: Digitally Enhanced Campus have the following criteria:
 - (1) Courses made available through Horizon: Digitally Enhanced Campus shall be published in the Oklahoma Online Course Catalog (OCC) as defined in 70 O.S. § 3-145.3;
 - (2) Courses made available through Horizon: Digitally Enhanced Campus shall be reviewed to ensure quality and alignment to adopted state standards as defined in 70 O.S. § 3-145.3;

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- (3) Unless otherwise noted at the time of enrollment, all curricular materials (i.e., textbooks are embedded within the online course; and
- (4) Courses will explicitly state communication protocols to include:
 - (A) How to contact the instructor via phone, email, or online messaging tools;
 - (B) How to contact technical support via email, or online messaging tools;
 - (C) How to contact Horizon administration via phone or email;
 - (D) Expectations for student communication beyond asynchronous participation (e.g., periodic video sessions, attendance at virtual office hours).

[OAR Docket #24-1367; filed 11-25-24]

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) alendar days following the inauguration of the next Governor unless otherwise terminated or continued during that time by Executive Order."

TITLE 1. EXECUTIVE ORDERS

1:2024-28.

EXECUTIVE ORDER 2024-28

The "Oklahoma Standard" is a phrase that embodies the resilience, unity, and kindness of the people of Oklahoma, particularly in times of crisis. The Oklahoma Standard represents a commitment to helping those in need, offering support without hesitation, and coming together to overcome adversity. It reflects the state's values of generosity, neighborly support, and the strength of community bonds in the face of hardship. The legacy of the Oklahoma Standard continues to influence the state's culture, symbolizing its ability to recover and thrive through mutual aid and perseverance.

I, J. Kevin Stitt, Governor of Oklahoma, by the authority vested in me pursuant to Sections 1 and 2 of Article VI of the Oklahoma Constitution, hereby amend and continue Executive Order 2015-10, which continued the Oklahoma Community Service Commission (Commission) of Executive Order 1996-08, to oversee administration of our State's participation in the National Community Service Act of 1990 (Act), Pub. L. No. 101-610 (codified as amended at 42 U.S.C §§ 12501-12682 (2009)). The Commission will continue and reestablish its function as the State entity entrusted with developing and implementing Oklahoma's participation in the Act to support volunteerism in Oklahoma by helping to better coordinate, fund, and expand the public, private, and faith-based service initiatives that work closely with our state's citizen volunteers. The Commission shall comply with any subsequent amendments to the Act that impose affirmative obligations that condition the receipt of federal funding, immediately upon their becoming effective.

The members of the Commission shall be appointed and serve in conformity with the Act and Executive Orders 1996-08 and 2015-10. The Commission shall prepare an annual progress report for submission to the Governor by December 31 of each year, beginning on December 31, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 20th day of November 2024.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:

Josh Cockroft
Secretary of State

[OAR Docket #24-1271; filed 11-20-24]