

Volume 30
Number 19
June 17, 2013
Pages 999 - 1494

The Oklahoma Register

Oklahoma
Secretary of State
Office of Administrative Rules



Mary Fallin, Governor
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Secretary of State
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INFORMATION ABOUT THIS PUBLICATION may be obtained by contacting the OAR by mail at Oklahoma Secretary of State, Office of Administrative Rules, 2300 North Lincoln Boulevard, Suite 101, Oklahoma City, OK 73105, by phone at (405) 521-4911, or by fax at (405) 522-3555. Information may also be obtained by visiting the OAR's office, located in Room 220, Will Rogers Building, 2401 N. Lincoln Boulevard, Oklahoma City, between 8:00 a.m. and 5:00 p.m., Monday through Friday.

This publication is issued and printed by the Secretary of State as authorized by 75 O.S., Section 255. 53 copies have been prepared and distributed at a cost of \$966.54. Copies have been deposited with the Oklahoma Department of Libraries, Publications Clearinghouse.

ISSN 0030-1728

Permanent Final Adoptions

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

[OAR Docket #13-771]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 13. Student Assessment
210:10-13-11. Testing students with disabilities [AMENDED]

AUTHORITY:

70 O.S. § 3-104; 70 O.S. § 1210.507.; State Department of Education

DATES:

Comment period:

January 15, 2013 through February 15, 2013

Public hearing:

February 15, 2013

Adoption:

February 28, 2013

Submitted to Governor:

March 7, 2013

Submitted to House:

March 7, 2013

Submitted to Senate:

March 7, 2013

Gubernatorial approval:

April 18, 2013

Legislative approval:

Failure of the Legislature to disapprove the rules resulted in approval on May 7, 2013.

Final adoption:

May 7, 2013

Effective:

June 27, 2013

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

ANALYSIS:

The rule is amended to require that training in providing access to students with the most significant disabilities shall be provided to those who score assessments administered by public schools under the Oklahoma Alternate Assessment Program ("OAAP"). The OAAP is the school testing program administered to public school students with the most significant disabilities in accordance with the provisions of the Oklahoma School Testing Program Act and in compliance with the federal provisions of the No Child Left Behind Act and the Individuals with Disabilities Act.

CONTACT PERSON:

Stephanie Moser Goins, (405) 521-4890

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN,
THE FOLLOWING RULES ARE CONSIDERED
FINALLY ADOPTED AS SET FORTH IN 75 O.S.,
SECTION 308.1(A), WITH AN EFFECTIVE DATE
OF JUNE 27, 2013:**

SUBCHAPTER 13. STUDENT ASSESSMENT

210:10-13-11. Testing students with disabilities

(a) Acceptable accommodations of the general assessments of the OSTP for students with disabilities shall be:

- (1) specified in the student's IEP under the Individuals with Disabilities Education Act (IDEA); or

(2) specified for student served under the Americans With Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

(b) The use of test accommodations which deviate from established standardized test procedures for the general assessments of the OSTP shall be reported to the State Department of Education's Student Assessment Section.

(c) Large print and Braille versions of the tests may be utilized with students whose visual disabilities necessitate such accommodations. The Student must be utilizing large print or Braille in daily classwork as indicated on the student's IEP on file at the school district. To order large print or Braille tests, the district test coordinator shall indicate the quantities required at each grade level tested on the annual questionnaire.

(d) Students with disabilities who cannot be assessed in a valid and reliable manner with the general state assessment even with accommodations, as specified in the student's IEP, shall be assessed with an appropriate alternate assessment provided by the State Department of Education. Eligibility for an alternate assessment shall be determined annually by the student's IEP team. Alternate assessments may include, but not be limited to, portfolio assessments or modified assessments. The scores from alternate assessments shall be included in accountability calculations for the school, district, and state according to the standard AYP calculation procedures, as specified in federal law.

(e) Students with the most significant cognitive disabilities shall participate in an Alternate Assessment Program (OAAP) and should not exceed a small percentage of the special education population. The OAAP shall be designed for students who are participating in an alternative curriculum based on the Curriculum Access Resource Guide (CARG).

(f) The OAAP shall consist of a portfolio assessment, which may include authentic performance tasks. A portfolio assessment is a collection of student-generated or student-focused products that exhibit the alternative approach to teaching the Priority Academic Student Skills (PASS). The portfolio shall be scored by teams~~Teams~~ of teachers supervised by an individual who has received training in providing access to students with severe or profound disabilities from the Office of Special Education of the State Department of Education.~~shall score the OAAP portfolio.~~ If authentic performance tasks are used, teachers completing the portfolio shall be provided with information regarding these tasks during a specified time prior to the completion of the portfolio.

(g) Students with cognitive disabilities that inhibit their ability to attain, even after receiving appropriate instructional interventions, grade-level achievement standards within the same time frame as other students may demonstrate academic proficiency through participation in a statewide system of modified assessments. These assessments, the Oklahoma Modified Alternate Assessment Program (OMAAP), shall be based in the content drawn from the Priority Academic Students Skills (PASS) and shall be designed to be rigorous, reliable and valid measures of the academic content required of all students.

[OAR Docket #13-771; filed 5-15-13]

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

[OAR Docket #13-772]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 3. Facilities
210:30-3-3. Mobile classrooms [REVOKED]

AUTHORITY:

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

DATES:

Comment period:

January 15, 2013 through February 15, 2013

Public hearing:

February 15, 2013

Adoption:

February 28, 2013

Submitted to Governor:

March 7, 2013

Submitted to House:

March 7, 2013

Submitted to Senate:

March 7, 2013

Gubernatorial approval:

April 18, 2013

Legislative approval:

Failure of the Legislature to disapprove the rules resulted in approval on May 7, 2013.

Final adoption:

May 7, 2013

Effective:

June 27, 2013

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

ANALYSIS:

The revocation of the rule is necessary because the Oklahoma State Legislature no longer provides for emergency classroom facilities for use when schools are destroyed or extensively damaged as a result of natural disasters, and because the State Department of Education no longer maintains mobile classroom units.

CONTACT PERSON:

Stephanie Moser Goins, (405) 521-4890

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JUNE 27, 2013:

SUBCHAPTER 3. FACILITIES

210:30-3-3. Mobile classrooms [REVOKED]

~~(a) The Oklahoma Legislature has provided for emergency classroom facilities for use when schools are destroyed or extensively damaged as a result of natural disasters. Mobile classrooms constructed similarly to mobile homes have been obtained to fulfill this function.~~

~~(b) The primary objective of the program is to minimize the time that school is disrupted by fire, tornado, flood or other disaster. The success of this program will require the coordinated efforts of the local school officials and the State Department of Education.~~

~~(c) When mobile classrooms are requested and made available to an affected district on a temporary basis, the local school will be expected to prepare the site, provide utility connections, provide insurance and supply support facilities such as anchoring and walkways. They will pay for all moving cost to the school site and will similarly return the mobile units at the agreed upon time.~~

~~(d) An agreement will be made between the State Department of Education and local school district regarding the number of units to be located on site, time, etc. A school district may keep a mobile unit for one semester, and the agreement may be extended monthly for a second semester; however, no agreement may be extended past two (2) semesters, except in unusual circumstances as submitted to and approved by the State Board of Education.~~

[OAR Docket #13-772; filed 5-15-13]

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

[OAR Docket #13-769]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 5. Transportation
210:30-5-1. District administration, operation and management of transportation [AMENDED]
210:30-5-3. Transportation of students [NEW]
210:30-5-4. Transportation for school activities [NEW]
210:30-5-5. Transportation routes and boundaries [NEW]
210:30-5-6. School buses [NEW]
210:30-5-7. Transportation of students with disabilities [NEW]

AUTHORITY:

70 O.S. § 3-104; 70 O.S. § 9-101; 70 O.S. § 9-101.1; 70 O.S. 9-105; 70 O.S. § 9-118; 47 O.S. § 15-109; 42 U.S.C. § 12101 et seq.; State Department of Education

DATES:

Comment period:

January 15, 2013 through February 15, 2013

Public hearing:

February 15, 2013

Adoption:

February 28, 2013

Submitted to Governor:

March 7, 2013

Submitted to House:

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Legislative approval:

Failure of the Legislature to disapprove the rules resulted in approval on May 7, 2013.

Final adoption:

May 7, 2013

Permanent Final Adoptions

Effective:

June 27, 2013

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

ANALYSIS:

The proposed changes to 210:30-5-1(a) reorganize the rule, which deals with several different transportation topics, by removing subsections (b)-(g) of 210:30-5-1 and renumbering them as separate sections (210:30-5-3 through 210:30-5-7).

47 O.S. § 15-109 requires the State Board of Education to adopt and enforce regulations governing the design and operation of school buses used for the transportation of school children in accordance with the provisions of the Federal Motor Vehicle Safety Standards. The amendment to the rule clarifies the procedure whereby an individual may become qualified to perform annual school bus inspections through the State Department of Education.

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JUNE 27, 2013:

SUBCHAPTER 5. TRANSPORTATION

210:30-5-1. District administration, operation and management of transportation

(a) **Administration.** The local superintendent and local board of education shall be held responsible for applying ~~these~~the regulations in this subchapter to all pupil transportation under their administration and supervision. In keeping with this responsibility, each local board of education shall examine and periodically review the school district's bus fleet liability insurance coverage and its tort liability insurance coverage to assure such coverages are coordinated to protect the interest of the students, general public, and school district. Any school district maintaining a school may provide transportation with the approval of the State Board of Education.

(b) **Students.**

(1) ~~A student must live in a school district authorized by law to furnish transportation.~~

(2) ~~A student must live one and one half (1 1/2) miles or more by commonly traveled road from the school attended. Students living less than one and one half (1 1/2) miles from school may be transported, but shall not be counted in determining state aid.~~

(3) ~~A normal school day consists of not less than six (6) hours, exclusive of lunch period, with the exception of the first and kindergarten grades. Transportation may be provided for kindergarten age students to and from school during the normally scheduled morning and evening bus operation. Districts desiring to provide additional transportation for kindergarten students at midday may do so at local district expense but it is not required.~~

(4) ~~The local school district is responsible for providing transportation for an eligible special education student~~

~~when transportation has been identified as "related service" necessary to enable the student to receive the educational services outlined in his/her Individualized Education Program (IEP).~~

(5) ~~Students living in a school district not offering the grade which they are entitled to pursue are entitled to transportation to a school authorized by law to provide transportation to and from school provided they have been legally transferred and reside in the transportation area.~~

(e) ~~**Activities.** All Oklahoma school districts shall develop policies and procedures authorizing transportation for extra-curricular activities and community involvement purposes as authorized by 70 O.S. § 5-130.~~

(d) ~~**Routes and boundaries.** All school bus routes shall be evaluated annually for safety and efficiency by the local school district supervisor of transportation or designee.~~

(1) ~~Boundaries.~~

(A) ~~A change in transportation area made after July 1, will not become effective until the next July 1, unless all boards of education affected agree to the proposed change.~~

(B) ~~An elementary area that has been assigned to a high school transportation area may be changed to another high school transportation area by mutual agreement, in writing, by the three (3) boards of education affected and the approval of the State Board of Education.~~

(C) ~~A part or all of an elementary school district that is isolated from the remainder of the school district's transportation area because of topography or previous annexations to another high school district, may be changed from one high school district's transportation area to another high school district's transportation area if the State Board of Education determines the change should be made on the basis of good administration.~~

(D) ~~When a dependent school district is surrounded by an independent school district, that district must be designated as the transportation area for the high school students.~~

(E) ~~An independent school district's transportation route may extend into a dependent school district's territory to pick up students whose grade is not offered in the dependent district.~~

(F) ~~Upon mutual agreement of two (2) school districts, a school district may cross a portion of another district provided the doors of the school bus are kept closed.~~

(2) ~~Petition for changing boundary lines.~~

(A) ~~Seventy percent (70%) of the legal voters residing in a district who have children eligible to attend a public school (grades K through 12) or who have children under the age of five (5) may petition the State Board of Education for an election to change any part or all of a district from one transportation area to another.~~

(B) The State Board of Education will approve a convenient date for an election, supply ballots, and send a representative to assist with the election.

(C) If fifty one percent (51%) of all such legal voters in the district vote for the change, the election makes a good recommendation to the State Board of Education.

(3) ~~Changing areas, high school districts discontinued. High school districts and/or elementary school districts that must be placed in one or more high school transportation area or areas because a high school has been discontinued may be placed in a transportation area or areas on the following basis:~~

(A) ~~All or part of District "A" may be placed in the transportation area of high school District "B", whose transportation area is not adjacent to District "A", provided high school District "C", which has transportation area that separates District "A" from District "B" transportation area, appears to be in jeopardy of being discontinued itself, and provided the number of people in District "A", who want to be placed in the transportation area of District "B", justifies such an arrangement. People in District "A" requesting these arrangements to enable them to annex to District "B" will be given much more consideration than those desiring to transfer only.~~

(B) ~~No portion of a school district that is adjacent to a high school district's transportation area, but is separated from the high school area by a natural barrier, will be placed in the high school district's transportation area unless or until there is a road connecting the two (2) areas that is maintained in a manner that will justify the operation of a school bus over the road across the barrier.~~

(e) **School bus.**

(1) ~~Equipment.~~

(A) ~~Transportation equipment used to transport ten (10) or more public school children at one time shall meet all the minimum standards required for Types A, B, C, and D buses.~~

(B) ~~Vehicles having a seating capacity of fewer than (10) passengers, excluding the operator, are not required to meet the State minimum standards for school buses.~~

(2) ~~School bus inspections.~~

(A) ~~A driver shall perform a daily pre-trip safety inspection of the vehicle. The inspection shall include brakes, lights, tires, exhaust system, gauges, windshield wipers, steering and fuel. The driver shall make a daily written report describing the condition of the bus and listing any deficiencies. This report is to remain on file with the local Chief Administrative Officer or designee for a period of ninety (90) days.~~

(B) ~~A school district shall have each school bus mechanically inspected annually by an inspector approved by the Oklahoma State Department of Education.~~

(C) ~~At least twice during each school year, each pupil who is transported in a school vehicle shall be instructed in safe riding practices, and participate in emergency evacuation drills. This instruction should be conducted during the first two weeks of each semester.~~

(3) ~~School bus inspector qualifications.~~

(A) ~~Any person licensed to inspect school buses by the Department of Public Safety under the Motor Vehicle Laws of Oklahoma prior to July 1, 2001, may be qualified to perform annual school bus inspections.~~

(B) ~~Any person not meeting the qualifications as prescribed in (A) may be qualified to perform the annual school bus inspection by submitting proof to the Oklahoma State Department of Education that they meet the following qualifications:~~

(i) ~~Two years experience as an automotive technician and certification by the Association for Automotive Service Excellence (ASE), or~~

(ii) ~~Any person qualified to perform inspections under the Federal Motor Carrier Safety Act, appendix G.~~

(iii) ~~Any person successfully completing an Inspector's Training Course approved by the Oklahoma State Department of Education.~~

(4) ~~Standards and school bus specifications.~~

(A) ~~The NATIONAL MINIMUM STANDARDS FOR SCHOOL BUSES applies to school bus construction and equipment. The Oklahoma State Board of Education has accepted the various methods bus manufacturers use to meet the requirements of these standards and all requirements under the Federal Motor Vehicle Safety Standards. (P.L. 89 563) The responsibility for compliance with Federal and State bus specifications rests with dealers and manufacturers.~~

(B) ~~State Standards in addition to Federal Requirements also apply as follows:~~

(i) ~~No school district may purchase any used or previously owned school bus unless the seller certifies prior to the sale, that the bus meets all safety standards and specifications for the date of manufacture of the used bus. Any school district that purchases a used or previously owned bus without the certification regarding compliance with standards shall forfeit their state transportation aid. The seller of any used or previously owned school bus shall certify to the local board of education that any such transportation equipment meets all Oklahoma and National Standards required for the date of its manufacture.~~

(ii) ~~Church buses used for the purpose of transporting children to and from schools accredited by the State Department of Education shall be painted national school bus yellow.~~

(C) ~~School districts that convert or have converted school buses to Liquefied Petroleum Gas (LPG) shall~~

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comply with safety standards prescribed by the National Fire Protection Association, Standard No. 58 (NFPA 58) and the Oklahoma Liquefied Petroleum Gas Administration. In order to insure safe installation and proper maintenance of equipment, all personnel must also meet the following existing requirements of the Oklahoma Liquefied Petroleum Gas Administration: "No person, firm, corporation, association, or other entity shall engage in the manufacturing, assembling, fabrication, installing, or selling of any system, container, or apparatus to be used in this State in or for the transportation, storing, dispensing, or utilization of LPG, nor shall any transporter, distributor, or retailer of LPG store, dispense and/or transport over the highways of this State any LPG for use in this State in any system, container, apparatus, or appliance without having first obtained a permit to do so as provided..."

(f) **Special education.**

(1) **Loading responsibility.** The local school district is responsible for the special education child from the time the student is loaded at the "home curb" until returned and unloaded at the "home curb". The parent or their designee is responsible for "door to curb", "curb to door", and "street crossing" of the child to the designated loading and unloading point.

(2) **Extended boundaries.** Based upon mutual agreement between two participating school districts, a school district offering special education classes may extend its transportation program to include the transportation of students qualifying for special education in an adjacent school district which does not offer special education classes.

(g) **School bus driver certification.**

(1) **General criteria.**

(A) No board of education shall have authority to enter into any written contract with a school bus driver who does not hold a valid certificate issued by the State Board of Education authorizing said bus driver to operate a school bus.

(B) The State Board of Education requires all public school bus drivers to complete a school bus drivers training course approved by the State Department of Education to obtain a standard certificate.

(C) All school bus drivers must have not less than 20/40 vision (Snellen) in each eye and not less than 20/40 vision (Snellen) with both eyes and a minimum field of vision of 70 degrees horizontal median vision in each eye.

(D) Any person with diabetes requiring insulin by injection shall not be eligible for a school bus certificate unless the individual possesses and maintains a diabetic/medical exemption from the Oklahoma Department of Public Safety (DPS) or the Federal Motor Carrier Safety Administration (FMCSA), and has met all physical examination requirements of sub-section (I) of this section. Upon hire, exempted individuals will be required to:

(i) Self monitor their current blood glucose level one (1) hour prior to driving and approximately every four (4) hours after that time while driving a school bus by using a portable glucose monitoring device with a computerized memory, and take corrective action if necessary;

(ii) Maintain blood glucose logs, three months from the current date (or the date that insulin use began, whichever is shorter). If the employing district has cause to require a medical evaluation as authorized by sub-section (G), logs maintained pursuant to this sub-section must be provided to the medical doctor (MD) or doctor of osteopathy (DO) treating the individual. Blood glucose logs must be created by an electronic blood glucose meter that stores every reading, records date and time of reading, and from which data can be downloaded and printed.

(iii) Carry a source of rapidly absorbable glucose at all times while operating a school bus; and

(iv) Be examined annually by an Oklahoma board-certified medical doctor (MD) or doctor of osteopathy (DO) who attests in writing:

(I) The individual demonstrates and has demonstrated a willingness to monitor and manage his or her diabetes;

(II) The individual is not likely to suffer any diminution in his or her driving ability due to diabetes.

(E) Superintendents or their designees who hire individuals who hold a diabetes exemption certification must keep on file in a separate medical record:

(i) A current copy of the diabetes exemption certificate of the individual;

(ii) The contact information of the board-certified medical doctor (MD) or doctor of osteopathy (DO) who is treating the individual;

(iii) Record of the annual medical certification issued by the board-certified medical doctor (MD) or doctor of osteopathy (DO) pursuant to sub-section (D) of this section; and

(iv) Copies of any medical certifications obtained pursuant to sub-section (G) of this section.

(F) Superintendents or their designees shall not allow an individual holding a diabetes exemption certificate to drive if their blood glucose level is outside of a range of 100 mg/dl to 400 mg/dl one (1) hour prior to driving. If the individual's blood glucose level is below 100 mg/dl or above 400 mg/dl, then the operator cannot operate a school bus or transport school children as an employee of any school district until the blood glucose measure is within the target range.

(G) In the event an individual holding a diabetes exemption is involved in an incident directly caused by the individual's diabetic condition, the individual cannot operate a school bus or transport school children as an employee of any school district until the individual has been certified in writing as medically

able to safely resume work related duties by the Oklahoma board certified medical doctor (MD) or doctor of osteopathy (DO) by whom they are being treated.

(H) The use of tobacco by a school bus driver is not permitted during the operation of the bus while hauling pupils. The use of any intoxicating or non-intoxicating alcoholic beverage by the driver eight (8) hours prior to or during the operation of a school bus is strictly prohibited. The use of any controlled dangerous substance seventy two (72) hours prior to or during the operation of a school bus is strictly prohibited. The possession of any controlled dangerous substance on a school bus is strictly prohibited.

(I) All school bus drivers shall have an annual health certificate signed by a physician licensed by this state filed in the office of the local Chief Administrative Officer or designee attesting that such physician has examined the applicant and that the applicant has no sign or symptoms of ill health, and is otherwise, from the observation of such physician, physically and mentally capable of safely operating a school bus. As an alternative to the annual physical examination requirements for school bus drivers, school districts may adopt a policy that utilizes a biannual physical examination, provided the examination is in compliance with the physical qualifications and examination requirements of the Federal Motor Carrier Safety Act, Subpart E 391.41 to 391.50.

(J) Substitute and activity school bus drivers shall meet all the requirements prescribed for regular bus drivers.

(K) At a minimum, the Chief Administrative Officer or designee shall conduct an annual driving record check of all school bus drivers, including substitute and activity drivers. The Oklahoma State Department of Education shall be immediately notified of any violation(s) that make a school bus driver ineligible to hold an Oklahoma School Bus Driver's Certificate.

(L) The State Board of Education shall revoke the license of any certificate holder who fails to comply with the provisions of this section.

(M) School districts who fail to comply with the provisions of this section shall be subject to penalty pursuant to OAC 210:30-5-2.

(2) Certificate requirements.

(A) The Chief Administrative Officer or designee shall certify to the State Department of Education that each applicant submitted for Standard Five Year Certification:

- (i) Is at least 18 years of age.
- (ii) Has successfully completed a special school bus drivers' course approved by the State Department of Education.
- (iii) Holds a valid Commercial Drivers license (CDL) appropriate for the type of vehicle driven with the proper endorsements required by the Department of Public Safety.

(iv) Has not been convicted, plead guilty, or nolo contendere to a felony during the last ten years.

(v) Has passed a driving record check, and no certificate shall be issued to any person who, within the preceding three years:

- (I) Has had a license suspended or revoked, canceled or withdrawn pursuant to the Implied Consent Laws at 47 O.S. §751 et seq.
- (II) Has a conviction for a violation of 47 O.S. §11-902 which includes driving, operating or being in actual physical control of a vehicle while under the influence of alcohol or any intoxicating drug.
- (III) Has been convicted or plead guilty to a violation of 47 O.S. §761, operating a motor vehicle while impaired by consumption of alcohol.
- (IV) Has been convicted of any municipal violation of driving under the influence of alcohol or drugs or operating a motor vehicle while impaired or being in actual physical control of a motor vehicle while impaired.
- (V) Has had four or more traffic violations. (excluding parking violations)

(B) The Chief Administrative Officer or designee shall certify to the State Department of Education that the applicant for an Emergency One Year School Bus Driver Certificate (Not Renewable):

- (i) Is at least 18 years of age.
- (ii) Holds a valid Commercial Drivers License with the proper endorsements required by the Department of Public Safety.

(C) Requirements for Renewal of the Standard Five Year Certificate include:

- (i) Every five years, each driver shall have successfully completed 4 hours per year of inservice training approved by the State Department of Education.
- (ii) The local Chief Administrative Officer or designee shall certify to the State Department of Education that the applicant meets all requirements for standard certification, [47 O.S. § 15-109]
- (iii) Each applicant has a health certificate on file signed by a licensed physician and meets all vision requirements.
- (iv) Each applicant has not been convicted or plead guilty of a felony in the last ten years, and
- (v) A driving record has been checked and meets State Board of Education requirements for certification.

210:30-5-3. Transportation of students

(a) A student must live in a school district authorized by law to furnish transportation.

(b) A student must live one and one-half (1 1/2) miles or more by commonly traveled road from the school attended.

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Students living less than one and one-half (1 1/2) miles from school may be transported, but shall not be counted in determining state aid.

(c) A normal school day consists of not less than six (6) hours, exclusive of lunch period, with the exception of the first and kindergarten grades. Transportation may be provided for kindergarten age students to and from school during the normally scheduled morning and evening bus operation. Districts desiring to provide additional transportation for kindergarten students at midday may do so at local district expense but it is not required.

(d) The local school district is responsible for providing transportation for those students with disabilities identified under the Individuals with Disabilities Education Act (IDEA) for whom transportation has been identified as "related service" necessary to enable the students to receive the educational services outlined in their Individualized Education Programs (IEPs).

(e) Students living in a school district not offering the grade which they are entitled to pursue are entitled to transportation to a school authorized by law to provide transportation to and from school provided they have been legally transferred and reside in the high school transportation area of the school they choose to attend.

210:30-5-4. Transportation for school activities

All Oklahoma school districts shall develop policies and procedures authorizing transportation for extracurricular activities and community involvement purposes as authorized by 70 O.S. § 5-130.

210:30-5-5. Transportation routes and boundaries

(a) **Evaluation.** All school bus routes shall be evaluated annually for safety and efficiency by the local school district supervisor of transportation or designee.

(b) **Boundaries.**

(1) A change in transportation area made after July 1 of each year, will not become effective until the next July 1, unless all boards of education affected agree to the proposed change.

(2) An elementary area that has been assigned to a high school transportation area may be changed to another high school transportation area by mutual agreement, in writing, by the three (3) boards of education affected and the approval of the State Board of Education.

(3) A part or all of an elementary school district that is isolated from the remainder of the school district's transportation area because of topography or previous annexations to another high school district may be changed from one high school district's transportation area to another high school district's transportation area if the State Board of Education determines the change should be made on the basis of good administration.

(4) When an elementary school district is surrounded by an independent school district, that district must be designated as the transportation area for the high school students.

(5) An independent school district's transportation route may extend into an elementary school district's territory to pick up students whose grade is not offered in the elementary school district.

(6) Upon mutual agreement of two (2) school districts, a school district may cross a portion of another district provided the doors of the school bus are kept closed.

(c) **Petition for changing boundary lines.**

(1) Seventy percent (70%) of the legal voters residing in a district who have children eligible to attend a public school (grades K through 12) or who have children under the age of five (5) may petition the State Board of Education for an election to change any part or all of a district from one transportation area to another.

(2) The State Board of Education will approve a convenient date for an election, supply ballots, and send a representative to assist with the election.

(3) If fifty-one percent (51%) of all such legal voters in the district vote for the change, the election makes a good recommendation to the State Board of Education.

(d) **Changing areas, high school districts discontinued.**

High school districts and/or elementary school districts that must be placed in one or more high school transportation area or areas because a high school has been discontinued may be placed in a transportation area or areas on the following basis:

(1) All or part of District "A" may be placed in the transportation area of high school District "B", the transportation area of which is not adjacent to District "A", provided high school District "C", which has a transportation area that separates District "A" from District "B" transportation area, appears to be in jeopardy of being discontinued itself, and provided the number of people in District "A", who want to be placed in the transportation area of District "B", justifies such an arrangement. People in District "A" requesting these arrangements to enable them to annex to District "B" will be given much more consideration than those desiring to transfer only.

(2) No portion of a school district that is adjacent to a high school district's transportation area, but is separated from the high school area by a natural barrier, will be placed in the high school district's transportation area unless or until there is a road connecting the two (2) areas that is maintained in a manner that will justify the operation of a school bus over the road across the barrier.

210:30-5-6. School buses

(a) **Equipment.**

(1) Transportation equipment used to transport ten (10) or more public school children at one time shall meet all the minimum standards required for Types A, B, C, and D buses.

(2) Vehicles having a seating capacity of fewer than ten (10) passengers, excluding the operator, are not required to meet the State minimum standards for school buses.

(b) **School bus inspections.**

(1) A driver shall perform a daily pre-trip safety inspection of the vehicle. The inspection shall include brakes, lights, tires, exhaust system, gauges, windshield wipers,

steering and fuel. The driver shall make a daily written report describing the condition of the bus and listing any deficiencies. This report is to remain on file with the chief administrative officer of the local school district or designee of the chief administrative officer for a period of ninety (90) days.

(2) A driver shall perform a daily post-trip inspection of the interior passenger area of the vehicle to ensure that no pupils remain on the vehicle after the end of the route.

(3) A school district shall have each school bus mechanically inspected annually by an inspector approved by the Oklahoma State Department of Education.

(4) At least twice during each school year, each pupil who is transported in a school vehicle shall be instructed in safe riding practices, and participate in emergency evacuation drills. This instruction should be conducted during the first two weeks of each semester.

(c) School bus inspector qualifications.

(1) Any person licensed to inspect school buses by the Department of Public Safety under the Motor Vehicle Laws of Oklahoma prior to July 1, 2001, may be qualified to perform annual school bus inspections until July 1, 2014.

(2) Any person not meeting the qualifications as prescribed in (1) of this subsection may be qualified to perform the annual school bus inspection by submitting proof to the Oklahoma State Department of Education that they meet one or more of the following qualifications:

(A) Two years' experience as an automotive technician and certification by the Association for Automotive Service Excellence (ASE) in medium-heavy truck brake, transit bus brake, school bus brake, medium-heavy truck preventive maintenance inspection, or transit bus preventive maintenance inspection; or

(B) Any person qualified to perform inspections under the Federal Motor Carrier Safety Act, appendix G, and accompanying regulations at 49 CFR 396.19 will be qualified to inspect any school bus except for the brakes. Persons qualified to inspect brakes under 49 CFR 396.25 shall be qualified to inspect the brakes on any school bus; or

(C) Successful completion of an Inspector's Training Course approved by the Oklahoma State Department of Education.

(d) Standards and school bus specifications.

(1) The NATIONAL MINIMUM STANDARDS FOR SCHOOL BUSES applies to school bus construction and equipment. The Oklahoma State Board of Education has accepted the various methods bus manufacturers use to meet the requirements of these standards and all requirements under the Federal Motor Vehicle Safety Standards. (P.L. 89-563) The responsibility for compliance with Federal and State bus specifications rests with dealers and manufacturers.

(2) State Standards in addition to Federal requirements also apply as follows:

(A) No school district may purchase any used or previously owned school bus unless the seller certifies prior to the sale that the bus meets all safety standards and specifications for the date of manufacture of the used bus. Any school district that purchases a used or previously owned bus without the certification regarding compliance with standards shall forfeit its state transportation aid. The seller of any used or previously owned school bus shall certify to the local board of education that any such transportation equipment meets all Oklahoma and National Standards required for the date of its manufacture.

(B) Church buses used for the purpose of transporting children to and from schools accredited by the State Department of Education shall be painted National School Bus Yellow.

(3) School districts that convert or have converted school buses to Liquefied Petroleum Gas (LPG) shall comply with safety standards prescribed by the National Fire Protection Association, Standard No. 58 (NFPA-58) and the Oklahoma Liquefied Petroleum Gas Administration. In order to ensure safe installation and proper maintenance of equipment, all personnel must also meet the following existing requirements of the Oklahoma Liquefied Petroleum Gas Administration: "No person, firm, corporation, association, or other entity shall engage in the manufacturing, assembling, fabrication, installing, or selling of any system, container, or apparatus to be used in this State in or for the transportation, storing, dispensing, or utilization of LPG, nor shall any transporter, distributor, or retailer of LPG store, dispense and/or transport over the highways of this State any LPG for use in this State in any system, container, apparatus, or appliance without having first obtained a permit to do so as provided..."

210:30-5-7. Transportation of students with disabilities

(a) **Loading responsibility.** The local school district is responsible for transporting children with disabilities whose IEPs require transportation by the school district as a "related service". This responsibility for transportation begins from the time the student is loaded at the "home curb" until returned and unloaded at the "home curb". The parent or their designee is responsible for "door-to-curb", "curb-to-door", and "street crossing" of the child to the designated loading and unloading point.

(b) **Extended boundaries.** Based upon mutual agreement between two participating school districts, a school district offering special education classes may extend its transportation program to include the transportation of students qualifying for special education in an adjacent school district which does not offer special education classes.

[OAR Docket #13-769; filed 5-15-13]

Permanent Final Adoptions

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

[OAR Docket #13-770]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

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

Part 21. Standard XI: Accreditation Status

210:35-3-201. Statement of the standard [AMENDED]

AUTHORITY:

70 O.S. § 3-104; 70 O.S. § 3-104.4; 70 O.S. § 1210.541; State Department of Education

DATES:

Comment period:

January 15, 2013 through February 15, 2013

Public hearing:

February 15, 2013

Adoption:

February 28, 2013

Submitted to Governor:

March 7, 2013

Submitted to House:

March 7, 2013

Submitted to Senate:

March 7, 2013

Gubernatorial approval:

April 18, 2013

Legislative approval:

Failure of the Legislature to disapprove the rules resulted in approval on May 7, 2013.

Final adoption:

May 7, 2013

Effective:

June 27, 2013

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

ANALYSIS:

The rule sets forth the statement of the standard for accreditation status of school sites and designates the categories of classification of schools for purposes of accreditation by the State Department of Education. The amendments to the rule to reflect the current categories of schools designated as schools in need of improvement under the accountability system required to be developed by 70 O.S. § 1210.541 and federal law provisions of the No Child Left Behind Act.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JUNE 27, 2013:

SUBCHAPTER 3. STANDARDS FOR ELEMENTARY, MIDDLE LEVEL, SECONDARY, AND CAREER AND TECHNOLOGY SCHOOLS

PART 21. STANDARD XI: ACCREDITATION STATUS

210:35-3-201. Statement of the standard

(a) Each school site must submit an Application for Accreditation to the Accreditation Standards Section of the State Department of Education by the due date specified on the Application. School sites are accredited for one year. An accredited school site shall meet all regulations and statutory requirements at the beginning of and throughout the school year.

(b) Accreditation status of school sites shall be classified according to the following categories:

(1) Accredited With No Deficiencies--All standards are being met.

(2) Accredited With Deficiencies--A school site fails to meet one or more of the standards but the deficiency does not seriously detract from the quality of the school's educational program.

(3) Accredited With Warning--A school site:

(A) fails to meet one or more of the standards and the deficiency seriously detracts from the quality of the school's educational program; and/or

(B) is declared as a School Improvement School (to be implemented in school year 2008-09) designated as a school in need of improvement in school years 2011-2012 or later;

(4) Accredited With Probation--A school site:

(A) consistently fails to remove or make substantial progress towards removing all deficiencies noted the previous year; and/or,

(B) consistently violates regulations; and/or,

(C) deliberately and unnecessarily violates one or more of the regulations; and/or

(D) is declared as a School Improvement School year three (3) or beyond (to be implemented in school year 2008-09); in school years 2009-2010 and 2010-2011 and designated as a school in need of improvement in school year 2011-2012; and/or;

(E) is designated as a school in need of improvement for three or more consecutive years beginning in school year 2011-2012.

(5) Nonaccredited--The school site is no longer recognized by the State Board of Education.

(c) If a school site is placed on warning or probation, the school board and administration will meet with a committee from the Accreditation Section to review their accreditation status. After the review from the committee, a determination will be made concerning warning, probation or nonaccredited status. The Accreditation Section will then present a recommendation to the State Board of Education.

[OAR Docket #13-770; filed 5-15-13]