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# Initial Draft of Proposed Rule

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

**SUBCHAPTER 13. STUDENT ASSESSMENT**

**210:10-13-11. Testing students with disabilities [AMENDED]**

- (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 of ~~teachers~~ assessors who hold at least a bachelor's degree from an accredited institution of higher education. Teams of assessors shall be 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.

# Summary of Public Comments

**State Board of Education**  
**Summary of Public Comments to Proposed Permanent Rule Changes to:**  
**210:10-13-11. Testing students with Disabilities**

<b>Summary of Comments</b>	<b>Agency Response</b>
Three (3) commenters opposed the proposed change in eliminating the requirement that the OAAP assessments be scored by teachers.	<ul style="list-style-type: none"> <li>• The agency agrees to keep the requirement that teachers will score the assessments.</li> </ul>
Five (5) commenters expressed concerns about scoring of the OAAP assessments being conducted by individuals without a background in special education.	<ul style="list-style-type: none"> <li>• While the agency agrees that special education teachers play a critical role in administration of the OAAP, the agency does not agree that scoring of the OAAP should be limited to special education teachers, because special education teachers may not have the knowledge of the state academic content standard being assessed. Skilled administration of the OAAP by a special education teacher will make the student's demonstration of proficiency clear to any teacher scoring the OAAP.</li> <li>• The proposed change to the rule does add a requirement that scorers of the OAAP will be provided training in access to students with severe or profound disabilities.</li> </ul>
One (1) commenter expressed concern about a lack of information provided from OAAP scoring necessary for the special ed teachers administering the exam to understand why a student may have failed.	<ul style="list-style-type: none"> <li>• This comment is outside of the scope of the proposed change to the rule.</li> </ul>
One (1) commenter expressed concern about the percentage of students with disabilities who can take the OAAP with the planned phaseout of the OMAAP. Commenter was concerned about students "who are above the OAAP level, but don't need to take the OCCT either."	<ul style="list-style-type: none"> <li>• This comment is outside of the scope of the proposed change to the rule.</li> </ul>

## SDE Rules

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**From:** Cliff Johnson <supt@latta.k12.ok.us>  
**Sent:** Monday, February 11, 2013 9:05 AM  
**To:** SDE Rules  
**Subject:** 210:10-13-11. Testing students with disabilities [AMENDED]

It does not seem appropriate for someone who does not have a background in special education to be scoring those tests. I realize they would have training, but it takes more than just short-term training to understand the realm of special education. Only those individuals who have had classroom experience should be scoring those assessments.

Cliff Johnson, Superintendent  
Latta Public Schools  
580-332-2092 (Voice)  
580-332-3116 (Fax)

## SDE Rules

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**From:** Merchen, Heath [OK] <hmerchen@okea.org>  
**Sent:** Monday, February 11, 2013 9:18 AM  
**To:** SDE Rules  
**Cc:** Odom, Lela [OK]; Hampton, Linda [OK]; Wilkinson, Richard [OK]  
**Subject:** Comment to Proposed Administrative Rule 210:10-13-11

I am writing on behalf of the Oklahoma Education Association to comment on the proposed change to Oklahoma Administrative Code Section 210:10-13-11. Specifically, the amendment would allow a special education student's portfolio to be scored by a less qualified "assessor" who possesses neither a teaching certificate nor a special education endorsement. Additionally, the assessor could, under the amendment, be an individual who has had no prior contact with the student, has no in depth knowledge of the student's IEP or performance levels, and who lacks a competent background in special education assessment. Any uncertified staff member will lack the necessary understanding of PASS skills for each grade and subject and will have no familiarity with the specifics of how each particular student's disability was accommodated and how those accommodations affected what is represented in the portfolio. A truncated state department training cannot adequately teach the skill sets necessary to properly assess a special education student's performance, especially when the assessor must understand complex IEP requirements and stringent legal standards that pose a challenge for even highly qualified special education instructors. This regulation change compromises the quality of assessment, and ultimately instruction, for special education students.

For the above reasons, we oppose the amendment.

Sincerely,

Heath Merchen  
Associate General Counsel  
Oklahoma Education Association

## SDE Rules

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**From:** Nancy Young <[nyoung@latta.k12.ok.us](mailto:nyoung@latta.k12.ok.us)>  
**Sent:** Monday, February 11, 2013 9:22 AM  
**To:** SDE Rules  
**Subject:** 210:10-13-11. Testing students with disabilities [AMENDED]

It does not seem appropriate for someone who does not have a background in special education to be scoring those tests. I realize they would have training, but it takes more than just short-term training to understand the realm of special education. Only those individuals who have had classroom experience should be scoring those assessments in my opinion.

Nancy Young  
Federal Programs Director  
Latta Public Schools  
13925 CR 1560  
Ada, OK 74820-0804  
580-332-3370  
580-332-3660 (fax)  
[nyoung@latta.k12.ok.us](mailto:nyoung@latta.k12.ok.us)

## SDE Rules

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**From:** Stan Cochran <scochran@latta.k12.ok.us>  
**Sent:** Monday, February 11, 2013 9:48 AM  
**To:** SDE Rules  
**Subject:** Comments Re: SpEd Rule Changes

I question the practice of individuals without special education background scoring the tests. Additional training is needed to adequately understand special education. Successful classroom experience is needed to score these assessments properly.

## SDE Rules

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**From:** Cami Dotson <cdotson@latta.k12.ok.us>  
**Sent:** Monday, February 11, 2013 10:15 AM  
**To:** SDE Rules  
**Subject:** 210:10-13-11. Testing students with disabilities [AMENDED]

It does not seem appropriate for someone who does not have a background in special education to be scoring those tests. I realize they would have training, but it takes more than just short-term training to understand the realm of special education. Only those individuals who have had classroom experience should be scoring those assessments in my opinion.

*Cami Dotson*  
*Special Education Director*  
*Latta Public Schools*  
*13925 CR 1560*  
*Ada, OK 74820-0804*  
*580-436-6851*

## SDE Rules

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**From:** Ryan Owens <owens@ccosa.org>  
**Sent:** Thursday, February 14, 2013 12:37 PM  
**To:** SDE Rules  
**Cc:** Kimberly Richey; Stephanie Moser; Joel Robison  
**Subject:** CCOSA Comments on SDE Proposed Rules  
**Attachments:** CCOSA.Comments.OAAP.Rule.FINAL 2-14-13.pdf;  
CCOSA.Comments.Transportation.Rule.Final.2.14.13.pdf

Our comments on the SDE proposed rule changes for OAAP and Transportation are attached.

Thanks,

***Ryan Owens***  
**General Counsel and Director of Legislative Services**



2901 N. Lincoln Blvd.  
Oklahoma City, OK 73105  
405-431-0880 (cell)  
405-524-1191 (office)  
405-524-1196 (fax)  
[owens@ccosa.org](mailto:owens@ccosa.org)  
[www.ccosa.org](http://www.ccosa.org)

*\*\*\* Legal information provided by the Cooperative Council for Oklahoma School Administration is provided as a benefit of membership in the Association. The information set forth herein shall not receive protection from disclosure under any established Attorney-Client privilege. Additionally, it is urged that the school district seek the legal advice of the district's school attorney with regard to legal issues the school encounters. Legal information provided by CCOSA is not intended to replace the advice of a school district's or a member's retained counsel.\*\*\**

## CCOSA Comments

**Chapter 10. School Administration and Instructional Services**  
**Subchapter 13. Student Assessment**  
**210:10-13-11. Testing Students with Disabilities**

(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 of teachers assessors who hold at least a bachelor's degree from an accredited institution of higher education. Teams of assessors shall be 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.

**CCOSA does not support the proposed change.** Instead, we propose that SBE further revise the two amended sentences in subsection (f), above, to read as follows:

**State-mandated alternate assessments shall be scored by teams of teachers from Oklahoma or other states, who hold at least a bachelor's degree from an accredited institution of higher education. The teams of teachers shall be trained in advance to score the assessments and will be consistently supervised during the scoring process by one or more employees of the Office of Special Education of the State Department of Education, who have training and experience in teaching students with severe or profound disabilities, administering state-mandated alternate assessments to those students, and scoring those assessments.**

**Rationale for CCOSA's proposal:** Subsection (f) currently requires that "Teams of teachers shall score the OAAP portfolio." During the 2011-12 and 2012-13 school years, however, SDE has had teams of non-teachers score the OAAP. Those non-teacher scorers have little to no background or understanding of the unique needs of students with severe or profound disabilities. We have no idea what level of training they had before they began scoring the alternate assessments or how they were supervised during the scoring process.

After school districts received their students' 2011-12 scored alternate OAAP End of Instruction tests (EOIs), CCOSA received many inquiries from members of the Oklahoma Directors of Special Services (ODSS) expressing concerns about the new scoring system. CCOSA collected those comments, which are attached, and forwarded them to the Special Education Services section of SDE for review.



2901 North Lincoln Boulevard  
Oklahoma City, OK 73105  
405-524-1191 office  
405-524-1196 fax  
[www.ccosa.org](http://www.ccosa.org)

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Because SDE has already implemented the proposed change in this Rule, we already know that this new scoring system is significantly flawed. SDE's proposed language must be further revised to include a professional level of credentials, as well as training and supervision.

Scoring the state alternate assessment for students with severe or profound disabilities is not like scoring the state's standard or modified assessments. Even with a scoring rubric, scoring the alternate assessment is largely subjective. Scorers need at least a teaching background, which will have provided them with college level training and on-the-job experience with students with different types of disabilities. The scorers also need advance training and consistent supervision by someone from SDE who has experience and the knowledge that comes from educating, administering assessments to, and scoring the assessments of students with severe or profound disabilities.

In Oklahoma, students who take the standard or modified EOIs can complete projects or take other specified assessments if they score at the "unsatisfactory" level on those tests. Students with severe or profound disabilities currently have no such opportunities. There is no process for them to challenge or even get an explanation of their alternate assessment scores. For those reasons, it is crucial that the persons scoring all state-mandated alternate assessments have well-defined and sufficient levels of experience, training, and supervision to perform their duties. The current scoring system – operating without regard to subsection (f) – does not provide that protection. The proposed Rule – which would formalize the current system – does not provide that protection. CCOSA requests that SBE adopt its proposed amendment to subsection (f), which does provide the needed protections for students.

## SDE Rules

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**From:** L Graham <LGraham@carnegie.k12.ok.us>  
**Sent:** Thursday, February 14, 2013 4:05 PM  
**To:** SDE Rules  
**Subject:** OAAP

My concern is for the percentage of students we can OAAP, especially when the OMAAP goes away. Some of my students who can not pass the OMAAP are going to have to take the OCCT and will sure have difficulty with that as well. In the past, we haven't OAAP'd them. I am concerned about those students who are above the OAAP level but don't need to take the OCCT either.

## SDE Rules

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**From:** Heather Bledsoe <heatherbledsoe@waukomis.k12.ok.us>  
**Sent:** Friday, February 15, 2013 10:38 AM  
**To:** SDE Rules  
**Subject:** OAAP concerns

Here in Waukomis, we have concerns regarding scores on the OAAP. There is no way to know why or how the students failed. Even though the student in question performed better than peers who passed the section, she received a failing score. The same activities were performed by all students and administered by the same teacher. There is no way to know whether the data was all received or what caused the failure. This needs to be addressed. I do not feel that it is in good practice to have non-teachers, with no experience teaching severe/profound students, evaluating the work of these students.

--

Heather Bledsoe  
Special Education  
Waukomis Public Schools  
(580) 758-3245 ext. 123  
(580) 758-3256 FAX

# Revised Draft of Proposed Rule

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

**SUBCHAPTER 13. STUDENT ASSESSMENT**

**210:10-13-11. Testing students with disabilities [AMENDED]**

- (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.
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- (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 of teachers ~~assessors who hold at least a bachelor's degree from an accredited institution of higher education. Teams of assessors shall be 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.

# Initial Draft of Proposed Rule

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

**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.~~

# Summary of Public Comments

**State Board of Education**  
**Summary of Public Comments to Proposed Permanent Rule Changes to:**  
**Chapter 30. School Facilities and Transportation**  
**Subchapter 3. Facilities**  
**210:30-3-3 Mobile Classrooms**

<b>Summary of Comments</b>	<b>Agency Response</b>
No written or oral comments were filed on the proposed revocation of the rule during the public comment period.	<ul style="list-style-type: none"><li data-bbox="711 455 808 485">• N/A</li></ul>

# Revised Draft of Proposed Rule

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

**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.~~

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~~(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.~~

# Initial Draft of Proposed Rule

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

**SUBCHAPTER 5. TRANSPORTATION**

**210:30-5-1. District administration, operation and management of transportation  
[AMENDED]**

~~(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 extracurricular 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 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.~~

Agency Note: Subsections 210:30-5-1(b)-(g) shown as strikeouts in 210:30-5-1 are being amended and renumbered as 210:30-5-3 through 210:30-5-8.

### **210:30-5-3. Transportation of students [NEW]**

- (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. 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.

(4) 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).

(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 high school transportation area of the school they choose to attend.

#### **210:30-5-4. Transportation for school activities [NEW]**

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 [NEW]**

(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 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.

(5) 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.

(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 [NEW]**

#### **(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 (A) 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 special education students [NEW]**

(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.

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

(a) General criteria.

(1) 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.

(2) 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.

(3) 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.

(4) 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.

(5) All school bus drivers shall have an annual health certificate signed by a physician licensed by this state filed in the office of the chief administrative officer of the local school district or designee of the chief administrative officer 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.

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

(7) At a minimum, the chief administrative officer of the local school district or designee of the chief administrative officer 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.

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

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

**(b) School bus driver certificate requirements.**

(1) The chief administrative officer of the local school district or designee of the chief administrative officer shall certify to the State Department of Education that each applicant submitted for Standard Five-Year Certification:

(A) Is at least 18 years of age;

(B) Has successfully completed a special school bus drivers' course approved by the State Department of Education;

(C) 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;

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

(E) Has passed a driving record check, and no certificate shall be issued to any person who, within the preceding three (3) 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; or
  - (v) Has had four (4) or more traffic violations (excluding parking violations).
- (2) The chief administrative officer of the local school district or designee of the chief administrative officer shall certify to the State Department of Education that the applicant for an Emergency One-Year School Bus Driver Certificate (Not Renewable):
  - (A) Is at least 18 years of age; and
  - (B) Holds a valid Commercial Drivers License with the proper endorsements required by the Department of Public Safety.
- (3) Requirements for Renewal of the Standard Five-Year Certificate include:
  - (A) Every five (5) years, each driver shall have successfully completed four (4) hours per year of inservice training approved by the State Department of Education;
  - (B) The chief administrative officer of the local school district or designee of the chief administrative officer shall certify to the State Department of Education that the applicant meets all requirements for standard certification; [47 O.S. § 15-109]
  - (C) Each applicant has a health certificate on file signed by a licensed physician and meets all vision requirements;
  - (D) Each applicant has not been convicted or pled guilty to a felony in the last ten (10) years; and
  - (E) A driving record has been checked and meets State Board of Education requirements for certification.
  - (F) Notwithstanding the provisions of this paragraph, in order to renew any school bus driver certificate which has been expired for more than one year, a driver must successfully complete a renewal course approved by the State Department of Education. Such a course must, at a minimum, include topics on:
    - (i) Railroad crossings;
    - (ii) Emergency evacuation procedures;
    - (iii) Mirror placement;
    - (iv) Pick-up and drop-off procedures;
    - (v) Sound driving practices; and
    - (vi) Accident procedures.

**(c) Certification of drivers with a monocular vision condition.**

- (1) Individuals who cannot meet the vision requirements of this section in both eyes due to the presence of a monocular vision condition may apply to the State Department of Education for a waiver of the vision requirement in subsection (a) of this section as to one eye only.
- (2) No applicant shall be granted a waiver from the vision requirements of subsection (a) of this section for one eye unless the Applicant's monocular vision condition has been present and unchanged for three years or more prior to the application for a waiver.

(3) No applicant shall be granted a waiver from the vision requirements of subsection (a) of this section for one eye unless the Applicant meets all other requirements for school bus driver certification set forth in this subchapter.

(4) No applicant shall be granted a waiver from the vision requirements of subsection (a) of this section for one eye unless Applicant meets all of the following conditions:

(A) Applicant must possess a current, valid “intrastate” Commercial Drivers License issued by the Oklahoma Department of Public Safety;

(B) Applicant must meet all health requirements specified by federal and/or state law for possession of an “intrastate” Commercial Drivers License;

(C) Applicant must have been examined by a licensed ophthalmologist or optometrist within the 60 days prior to obtaining the Commercial Driver License and within one year of applying for the State Department of Education monocular vision waiver. Applicant must provide the State Department of Education a copy of the official Oklahoma State Department of Public Safety vision form documenting the examination. In addition, if not included on the official Oklahoma State Department of Public Safety vision form, Applicant must submit additional documentation, in which a licensed ophthalmologist identifies and describes:

(i) the nature of the vision deficiency, including how long the individual has had the deficiency;

(ii) the date of the examination;

(ii) whether the applicant’s vision is stable;

(iv) the visual acuity of each eye, corrected and uncorrected;

(v) the field of vision of each eye, including central and peripheral fields, testing to at least 120 in the horizontal. (Formal perimetry is required. The doctor must submit the formal perimetry test for each eye and interpret the results in degrees of field of vision.);

(vi) whether the applicant has the ability to recognize the colors of traffic control signals and devices showing red, green, and amber;

(vii) the ophthalmologist/optometrist’s medical opinion as to whether the individual has sufficient vision to perform the driving tasks required to operate a school bus.

(D) Applicant must demonstrate experience in operating a commercial motor vehicle (as defined by 47 O.S. §1-107.1, 1-107.2, or 1-107.3) for the 3-year period immediately preceding the date of this application by providing the State Department of Education with documentation of the Applicant’s experience driving while under a monocular vision condition. Such documentation shall, at a minimum, include:

(i) for any applicant employed as a driver of a commercial motor vehicle, the DOT # or ICC# of Applicant’s employer(s); for any applicant with driving experience as an independent motor carrier, a list of names, addresses, and phone numbers of customers for whom Applicant performed transportation services through the operation of a commercial motor vehicle on public highways;

(ii) a list of all dates (month/date/year) during the 3-year period for which Applicant performed services driving and/or operating a commercial motor vehicle, and the number of hours driven per week;

(iii) a list of all types of commercial motor vehicles operated by Applicant and gross vehicle weight rating (“GVWR”) of each vehicle operated by Applicant;

(E) Acceptable forms of required documentation of the Applicant’s driving experience described subparagraph (D) shall be limited to:

(i) A signed, notarized statement from the individual’s present or past employer(s) on company letterhead; or

(ii) An affidavit by the Applicant.

(F) Applicant's driving history must demonstrate that Applicant, while driving a commercial motor vehicle during the 3-year period prior to the date the application is filed:

(i) Has never had a driver's license suspended or revoked for operation of any motor vehicle (including Applicant's personal vehicle);

(ii) Has never been involved in an accident involving negligence attributed to Applicant;

(iii) Has never received a citation or a moving traffic violation; and

(iv) Has never been convicted for:

(I) a disqualifying offense set forth in 49 CFR 383.51(b)(2); or

(II) more than one serious traffic violation, set forth in 49 CFR 383.5, which disqualified or should have disqualified Applicant in accordance with the driver disqualification provisions of 49 CFR 383.51; or

(III) no more than two convictions for any other moving traffic violations in a commercial motor vehicle.

(G) Applicants for a State Department of Education monocular vision waiver must immediately notify the State Department of Education Transportation Section of any arrest, citation, or conviction of any disqualifying offense or other moving violation, including involvement in traffic accidents, during the period that the application is pending.

(H) Individuals who receive the vision waiver to drive a bus for an accredited school in Oklahoma must submit to their employer a copy of a vision examination that conforms to Paragraph (c)(4)(C) of this section on an annual basis.

**(d) Certification of drivers with diabetes.**

(1) 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 subsection (a) of this section. Upon hire, exempted individuals will be required to:

(A) 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;

(B) 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.

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

(D) 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; and

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

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

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

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

(C) 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

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

(3) 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.

(4) 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.

# Summary of Public Comments

**State Board of Education**  
**Summary of Public Comments to Proposed Permanent Rule Changes to:**  
**Chapter 30. School Facilities and Transportation**  
**Subchapter 5. Transportation**

Summary of Comments	Agency Response
One (1) oral and one (1) written comment voicing general support for the proposed inclusion of a monocular vision waiver for certification of bus drivers in 210:30-5-8(c).	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
One (1) commenter proposed to change the numbering of subsections (4) and (5) to (d) and (e) in 210:30-5-3.	<ul style="list-style-type: none"> <li>• The agency agrees and has incorporated this change into the revised draft of the proposed rule.</li> </ul>
One (1) commenter proposed to change the language in subsection 210:30-5-5(b)(4) referring to transportation routes and boundaries to replace references to a “dependent school district” with an “elementary school district.”	<ul style="list-style-type: none"> <li>• The agency agrees and has incorporated this change into the revised draft of the proposed rule.</li> </ul>
One (1) commenter proposed to correct the reference in 210:30-5-6(c)(2) from 210:30-5-6(A) to 210:30-5-6(c)(1)	<ul style="list-style-type: none"> <li>• The agency agrees and has incorporated this change into the revised draft of the proposed rule.</li> </ul>
One (1) commenter proposed to replace the reference to “special education students” in the tagline of 210:30-5-7 to “students with disabilities.”	<ul style="list-style-type: none"> <li>• The agency agrees and has incorporated this change into the revised draft of the proposed rule.</li> </ul>
One (1) commenter proposed to change the language relating to bus driver certificate requirements in 210:30-5-8(b)(1)(D) from “Has not been convicted, plead guilty, or nolo contendere to a felony during the last ten years;” to “Has not been convicted <b>of or</b> plead guilty or nolo contendere to a felony during the last ten years;”	<ul style="list-style-type: none"> <li>• The agency has changed the language to “Has not been convicted of or pled guilty or nolo contendere to a felony during the last ten years.”</li> </ul>
One (1) commenter proposed to change the language relating to bus driver certificate requirements in 210:30-5-8(b)(3)(E) from “A driving record has been checked and meets State Board of Education requirements for certification” to “ <b>The applicant’s</b> driving record has been checked and meets State Board of Education requirements for certification.”	<ul style="list-style-type: none"> <li>• The agency agrees and has incorporated this change into the revised draft of the proposed rule.</li> </ul>
One (1) commenter proposed to change the language relating to bus driver certificate requirements in 210:30-5-8(c)(4)(E) from “Acceptable forms of required documentation of the Applicant’s driving experience described subparagraph (D) shall be limited...” to “Acceptable forms of required documentation of the Applicant’s driving experience described <b>in</b> subparagraph (D) shall be limited...”	<ul style="list-style-type: none"> <li>• The agency agrees and has incorporated this change into the revised draft of the proposed rule.</li> </ul>
One (1) commenter proposed to change the language relating to the monocular vision waiver in 210:30-5-8(c)(4)(C) from “...Applicant must submit additional documentation, in which a licensed ophthalmologist identifies and describes...” to “Applicant must submit additional	<ul style="list-style-type: none"> <li>• The agency agrees and has incorporated this change into the revised draft of the proposed rule.</li> </ul>

documentation, in which a licensed ophthalmologist <b>or optometrist</b> identifies and describes...”	
One (1) commenter proposed to include the addition of an “and” in the lists of requirements set forth in the language relating to the monocular vision waiver in 210:30-5-8(c)(4)(C) and (D) to clarify that all items in the list are required.	<ul style="list-style-type: none"> <li>• The agency agrees and has incorporated this change into the revised draft of the proposed rule.</li> </ul>
One (1) commenter proposed to change the language relating to the monocular vision waiver in 210:30-5-8 (c)(4)(G) from requiring reporting of certain incidents “including involvement in traffic accidents” during the period the application is pending to “including involvement in <b>a</b> traffic accident” to clarify that even one accident is required to be reported.	<ul style="list-style-type: none"> <li>• The agency agrees and has incorporated this change into the revised draft of the proposed rule.</li> </ul>
One (1) commenter proposed to change a reference in the diabetes waiver in subsection 210:30-5-8(d)(1) to replace references subsection (G) to paragraph (D)(4) and clarify that the reference to the blood glucose logs required under (d)(1)(B) shall be provided to the “ <b>Oklahoma board certified</b> medical doctor (MD) or doctor of osteopathy (DO) treating the individual.”	<ul style="list-style-type: none"> <li>• The agency agrees and has incorporated this change into the revised draft of the proposed rule.</li> </ul>
One (1) commenter suggested the language of language relating to the monocular vision waiver in 210:30-5-8 (c)(4)(F) be clarified to indicate the scope of the driving history examination is for a three (3) year period prior to the date of filing to the application, rather than applicant’s entire driving history.	<ul style="list-style-type: none"> <li>• The agency agrees and has incorporated this change into the revised draft of the proposed rule.</li> </ul>

## SDE Rules

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**From:** Kase Mathis <kmathis@maysville.k12.ok.us>  
**Sent:** Friday, January 25, 2013 9:54 AM  
**To:** SDE Rules

I think the rule change for the monocular vision is the right thing to do. I think that will show that this state is ready to blaze a trail forward on equal rights for everybody. That we don't judge disabilities.

## SDE Rules

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**From:** Ryan Owens <owens@ccosa.org>  
**Sent:** Thursday, February 14, 2013 12:37 PM  
**To:** SDE Rules  
**Cc:** Kimberly Richey; Stephanie Moser; Joel Robison  
**Subject:** CCOSA Comments on SDE Proposed Rules  
**Attachments:** CCOSA.Comments.OAAP.Rule.FINAL 2-14-13.pdf;  
CCOSA.Comments.Transportation.Rule.Final.2.14.13.pdf

Our comments on the SDE proposed rule changes for OAAP and Transportation are attached.

Thanks,

***Ryan Owens***  
**General Counsel and Director of Legislative Services**



2901 N. Lincoln Blvd.  
Oklahoma City, OK 73105  
405-431-0880 (cell)  
405-524-1191 (office)  
405-524-1196 (fax)  
[owens@ccosa.org](mailto:owens@ccosa.org)  
[www.ccosa.org](http://www.ccosa.org)

*\*\*\* Legal information provided by the Cooperative Council for Oklahoma School Administration is provided as a benefit of membership in the Association. The information set forth herein shall not receive protection from disclosure under any established Attorney-Client privilege. Additionally, it is urged that the school district seek the legal advice of the district's school attorney with regard to legal issues the school encounters. Legal information provided by CCOSA is not intended to replace the advice of a school district's or a member's retained counsel.\*\*\**

## CCOSA Comments

### Chapter 30. School Facilities and Transportation Subchapter 5. Transportation 210:30-5-1 through 210:30-5-8

CCOSA requests the following non-substantive changes to the proposed amended Rules to increase understanding and minimize the likelihood of confusion.

#### 210:30-5-3. Transportation of students

Change subsection ~~(4)~~ to **(d)** and ~~(5)~~ to **(e)**.

**Rationale:** The references to (4) and (5) are carryovers from the deleted version of this rule and must be amended in light of the new format.

Change subsection (4) as follows: 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 a “related service” . . .

**Rationale:** This change eliminates clumsy wording to make the rule easier to understand.

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

Change subsection (b)(4) as follows: When a ~~dependent~~ **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.

Change subsection (b)(5) as follows: An independent school district’s transportation route may extend into a ~~dependent~~ **an elementary** school district’s territory to pick up students whose grade is not offered in the ~~dependent~~ **elementary** district.

**Rationale:** The term “dependent” is an antiquated term. Other portions of subsection (b) already include references to “elementary” rather than “dependent” school district.

#### 210:30-5-6. School buses

Change subsection (c)(2) as follows: Any person not meeting the qualification as prescribed in ~~(A)~~ **subsection (c)(1)** . . .

**Rationale:** The reference to (A) is a carryover from the deleted version of this rule and must be amended in light of the new format.

### 210:30-5-7 Transportation of special education students

Change the title of this rule, above, to delete “special education students” and replace with “**students with disabilities**”.

**Rationale:** This change uses People First language rather than a term that defines students by the fact that they receive special education services.

### 210:30-5-8. School bus driver certification

Change subsection (b)(1)(D) as follows: Has not been convicted, **of or** plead guilty, or nolo contendere to a felony during the last ten years; and . . .

Change subsection (b)(3)(E) as follows: A **The applicant’s** driving record has been checked and meets State Board of Education requirements for certification.

Change subsection (c)(1) as follows: Individuals who cannot meet the vision requirements **in subsection (a)** of this section in both eyes due to the presence of a monocular vision condition may apply to the State Department of Education for a waiver of the vision requirement ~~in subsection (a) of this section~~ as to one eye only.

Change subsection (c)(4)(E) as follows: Acceptable forms of required documentation of the Applicant’s driving experience described **in** subparagraph (D) shall be limited to:

**Rationale:** These changes eliminate clumsy wording to make the rules easier to understand.

Change subsection (c)(4)(C) as follows: . . . Applicant must submit additional documentation, in which a licensed ophthalmologist **or optometrist** identifies and describes: . . .

**Rationale:** The first sentence of subsection (c)(4)(C) and subsection (c)(4)(C)(vii) both refer to ophthalmologists and optometrists. The omission of optometrists above appears to be an oversight.

Change subsection (c)(4)(C)(vi) as follows: whether the applicant has the ability to recognize the colors of traffic control signals and devices showing red, green, and amber; **and**

Change subsection (c)(4)(D)(ii) as follows: a list of all dates (month/date/year) during the 3-year period for which Applicant performed services driving and/or operating a commercial motor vehicle, and the number of hours driven per week; **and**

**Rationale:** This change will clarify that all items in each list are required.



2901 North Lincoln Boulevard  
Oklahoma City, OK 73105  
405-524-1191 office  
405-524-1196 fax  
[www.ccosa.org](http://www.ccosa.org)

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Change subsection (c)(4)(G) as follows: Applicants for a State Department of Education monocular vision waiver must immediately notify the State Department of Education Transportation Section of any arrest, citation, or conviction of any disqualifying offense or other moving violation, including involvement in a traffic accidents, during the period that the application is pending.

**Rationale:** This change will clarify that applicants must report involvement in even a single traffic accident.

Change subsection (d)(1)(B) as follows: 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)~~ **(D)(4)**, logs maintained pursuant to this sub-section must be provided to the **Oklahoma board certified** medical doctor (MD) or doctor of osteopathy (DO) treating the individual. . . .

Change subsection (d)(2)(D) as follows: Copies of any medical certifications obtained pursuant to sub-section ~~(G)~~ **(D)(4)** of this section.

**Rationale:** The reference to (G) is a carryover from the deleted version of this rule and must be amended in light of the new format. Also, with the exception of subsection (d)(1)(B), all references in this subsection are to an Oklahoma board certified or board certified MD or DO. This change will clarify that the employee must be treated by an Oklahoma board certified MD or DO.

# Revised Draft of Proposed Rule

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

**SUBCHAPTER 5. TRANSPORTATION**

**210:30-5-1. District administration, operation and management of transportation  
[AMENDED]**

~~(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 extracurricular 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 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.~~~~

~~Agency Note: Subsections 210:30-5-1(b)-(g) shown as strikeouts in 210:30-5-1 are being amended and renumbered as 210:30-5-3 through 210:30-5-8.~~

### **210:30-5-3. Transportation of students [NEW]**

- (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. 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.

(d4) 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).

(e5) 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 [NEW]**

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 [NEW]**

(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 ~~a dependent~~ **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 ~~a dependent~~ **an elementary** school district's territory to pick up students whose grade is not offered in the ~~dependent~~ **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 [NEW]**

#### **(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 (Ac)(1) 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 ~~special education~~ students with disabilities** [NEW]

(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.

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

(a) General criteria.

(1) 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.

(2) 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.

(3) 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.

(4) 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.

(5) All school bus drivers shall have an annual health certificate signed by a physician licensed by this state filed in the office of the chief administrative officer of the local school district or designee of the chief administrative officer 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.

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

(7) At a minimum, the chief administrative officer of the local school district or designee of the chief administrative officer 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.

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

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

**(b) School bus driver certificate requirements.**

(1) The chief administrative officer of the local school district or designee of the chief administrative officer shall certify to the State Department of Education that each applicant submitted for Standard Five-Year Certification:

(A) Is at least 18 years of age;

(B) Has successfully completed a special school bus drivers' course approved by the State Department of Education;

(C) 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;

(D) Has not been convicted of a felony, or plead guilty, or nolo contendere to a felony during the last ten years; and

(E) Has passed a driving record check, and no certificate shall be issued to any person who, within the preceding three (3) 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; or
  - (v) Has had four (4) or more traffic violations (excluding parking violations).
- (2) The chief administrative officer of the local school district or designee of the chief administrative officer shall certify to the State Department of Education that the applicant for an Emergency One-Year School Bus Driver Certificate (Not Renewable):
  - (A) Is at least 18 years of age; and
  - (B) Holds a valid Commercial Drivers License with the proper endorsements required by the Department of Public Safety.
- (3) Requirements for Renewal of the Standard Five-Year Certificate include:
  - (A) Every five (5) years, each driver shall have successfully completed four (4) hours per year of inservice training approved by the State Department of Education;
  - (B) The chief administrative officer of the local school district or designee of the chief administrative officer shall certify to the State Department of Education that the applicant meets all requirements for standard certification; [47 O.S. § 15-109]
  - (C) Each applicant has a health certificate on file signed by a licensed physician and meets all vision requirements;
  - (D) Each applicant has not been convicted or pled guilty to a felony in the last ten (10) years; and
  - (E) ~~A~~The applicant's driving record has been checked and meets State Board of Education requirements for certification.
  - (F) Notwithstanding the provisions of this paragraph, in order to renew any school bus driver certificate which has been expired for more than one year, a driver must successfully complete a renewal course approved by the State Department of Education. Such a course must, at a minimum, include topics on:
    - (i) Railroad crossings;
    - (ii) Emergency evacuation procedures;
    - (iii) Mirror placement;
    - (iv) Pick-up and drop-off procedures;
    - (v) Sound driving practices; and
    - (vi) Accident procedures.
- (c) Certification of drivers with a monocular vision condition.**
  - (1) Individuals who cannot meet the vision requirements of this section in both eyes due to the presence of a monocular vision condition may apply to the State Department of Education for a waiver of the vision requirement in subsection (a) of this ~~section~~ rule as to one eye only.
  - (2) No applicant shall be granted a waiver from the vision requirements of subsection (a) of this ~~section~~ rule for one eye unless the Applicant's monocular vision condition has been present and unchanged for three years or more prior to the application for a waiver.

(3) No applicant shall be granted a waiver from the vision requirements of subsection (a) of this ~~section~~ rule for one eye unless the Applicant meets all other requirements for school bus driver certification set forth in this subchapter.

(4) No applicant shall be granted a waiver from the vision requirements of subsection (a) of this ~~section~~ rule for one eye unless Applicant meets all of the following conditions:

(A) Applicant must possess a current, valid “intrastate” Commercial Drivers License issued by the Oklahoma Department of Public Safety;

(B) Applicant must meet all health requirements specified by federal and/or state law for possession of an “intrastate” Commercial Drivers License;

(C) Applicant must have been examined by a licensed ophthalmologist or optometrist within the 60 days prior to obtaining the Commercial Driver License and within one year of applying for the State Department of Education monocular vision waiver. Applicant must provide the State Department of Education a copy of the official Oklahoma State Department of Public Safety vision form documenting the examination. In addition, if not included on the official Oklahoma State Department of Public Safety vision form, Applicant must submit additional documentation, in which a licensed ophthalmologist or optometrist identifies and describes:

(i) ~~T~~he nature of the vision deficiency, including how long the individual has had the deficiency;

(ii) ~~T~~he date of the examination;

(ii) ~~W~~hether the applicant’s vision is stable;

(iv) ~~t~~The visual acuity of each eye, corrected and uncorrected;

(v) ~~t~~The field of vision of each eye, including central and peripheral fields, testing to at least 120 in the horizontal. (Formal perimetry is required. The doctor must submit the formal perimetry test for each eye and interpret the results in degrees of field of vision.);

(vi) ~~W~~hether the applicant has the ability to recognize the colors of traffic control signals and devices showing red, green, and amber; ~~and~~

(vii) ~~T~~he ophthalmologist/optometrist’s medical opinion as to whether the individual has sufficient vision to perform the driving tasks required to operate a school bus.

(D) Applicant must demonstrate experience in operating a commercial motor vehicle (as defined by 47 O.S. §§ 1-107.1, 1-107.2, or 1-107.3) for the 3-year period immediately preceding the date of this application by providing the State Department of Education with documentation of the Applicant’s experience driving while under a monocular vision condition. Such documentation shall, at a minimum, include:

(i) ~~f~~For any applicant employed as a driver of a commercial motor vehicle, the DOT # or ICC# of Applicant’s employer(s); for any applicant with driving experience as an independent motor carrier, a list of names, addresses, and phone numbers of customers for whom Applicant performed transportation services through the operation of a commercial motor vehicle on public highways;

(ii) ~~a~~A list of all dates (month/date/year) during the 3-year period for which Applicant performed services driving and/or operating a commercial motor vehicle, and the number of hours driven per week; ~~and~~

(iii) ~~a~~A list of all types of commercial motor vehicles operated by Applicant and gross vehicle weight rating (“GVWR”) of each vehicle operated by Applicant;

(E) Acceptable forms of required documentation of the Applicant’s driving experience described in subparagraph (c)(4)(D) of this rule shall be limited to:

(i) A signed, notarized statement from the individual’s present or past employer(s) on company letterhead; or

(ii) An affidavit by the Applicant.

(F) Applicant's driving history must demonstrate that Applicant, while driving a commercial motor vehicle during the 3-year period prior to the date the application is filed:

(i) Has ~~never~~ not had a driver's license suspended or revoked for operation of any motor vehicle (including Applicant's personal vehicle);

(ii) Has ~~never~~ not been involved in an accident involving negligence attributed to Applicant;

(iii) Has ~~never~~ not received a citation or a moving traffic violation; and

(iv) Has ~~never~~ not been convicted for:

(I) ~~a~~A disqualifying offense set forth in 49 CFR 383.51(b)(2); or

(II) ~~m~~More than one serious traffic violation, set forth in 49 CFR 383.5, which disqualified or should have disqualified Applicant in accordance with the driver disqualification provisions of 49 CFR 383.51; or

(III) ~~n~~No more than two convictions for any other moving traffic violations in a commercial motor vehicle.

(G) Applicants for a State Department of Education monocular vision waiver must immediately notify the State Department of Education Transportation Section of any arrest, citation, or conviction of any disqualifying offense or other moving violation, including involvement in a traffic accidents, during the period that the application is pending.

(H) Individuals who receive the vision waiver to drive a bus for an accredited school in Oklahoma must submit to their employer a copy of a vision examination that conforms to ~~P~~subparagraph (c)(4)(C) of this ~~section~~rule on an annual basis.

**(d) Certification of drivers with diabetes.**

(1) 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 subsection (a) of this section. Upon hire, exempted individuals will be required to:

(A) 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;

(B) 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~~subparagraph ~~(Gc)~~(4)(D) of this rule, logs maintained pursuant to this sub-section must be provided to the ~~Oklahoma board certified~~ 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.

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

(D) 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; and

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

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

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

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

(C) Record of the annual medical certification issued by the board certified medical doctor (MD) or doctor of osteopathy (DO) pursuant to ~~sub-section~~subparagraph (d)(1)

(D) of this ~~section~~rule; and

(D) Copies of any medical certifications obtained pursuant to ~~sub-section~~subparagraph

(Gd)(1)(D) of this ~~section~~rule.

(3) 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.

(4) 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.

# Initial Draft of Proposed Rule

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

**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.

# Summary of Public Comments

**State Board of Education**

**Summary of Public Comments to Proposed Permanent Rule Changes to:  
Chapter 35: Standards for Accreditation of Elementary, Middle Level, Secondary, and  
Career and Technology Schools**

**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**

<b>Summary of Comments</b>	<b>Agency Response</b>
No written comments or oral comments regarding the proposed changes to the rule were filed during the public comment period.	<ul style="list-style-type: none"><li data-bbox="711 562 808 590">• N/A</li></ul>

# Revised Draft of Proposed Rule

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

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