Oklahoma Register
Secretary of State
State of Oklahoma

Volume 44
Number 2
October 1, 2026
Pages 23 - 102

# The Oklahoma Register

Oklahoma
Secretary of State
Office of Administrative Rules

**Kevin Stitt, Governor**
**Benjamin M. Lepak,**
**Secretary of State**
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***THE OKLAHOMA REGISTER*** is an official publication of the State of Oklahoma. It is published semi-monthly on the first working day of the month and on the first working day following the 14th day of the month under the authority of 75 O.S., Sections 250 et seq. and OAC 655:10-15-1. The rules of the State of Oklahoma are codified and published in the *Oklahoma Administrative Code.*

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**INFORMATION ABOUT THIS PUBLICATION** may be obtained by contacting the OAR by mail at Oklahoma Secretary of State, Office of Administrative Rules, 421 NW 13th Street, Suite 210, Oklahoma City, OK 73103, by email at oar@sos.ok.gov, or by phone at (405) 521-4911. Information may also be obtained by visiting the OAR's office, located in Suite 220, Colcord Center, 421 NW 13th Street, Oklahoma City, between 8:00 a.m. and 5:00 p.m., Monday through Friday.

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# Notices of Rulemaking Intent

Prior to adoption and gubernatorial/legislative review of a proposed PERMANENT rulemaking action, an agency must publish a Notice of Rulemaking Intent in the *Register*. In addition, an agency may publish a Notice of Rulemaking Intent in the *Register* prior to adoption of a proposed EMERGENCY or PREEMPTIVE rulemaking action.

A Notice of Rulemaking Intent announces a comment period, or a comment period and public hearing, and provides other information about the intended rulemaking action as required by law, including where copies of proposed rules may be obtained.

*For additional information on Notices of Rulemaking Intent, see 75 O.S., Section 303.*

## TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
## CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE

*[OAR Docket #26-700]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties

Part 6. INPATIENT PSYCHIATRIC AND SUBSTANCE USE DISORDER SERVICES

317:30-5-95.34. Active treatment for children [AMENDED]

**SUMMARY:**

The Oklahoma Health Care Authority proposes policy revisions to clarify and strengthen agency rules regarding administrative requirements for discharge and transition planning for children receiving inpatient psychiatric care. Revisions clarify expectations for collaboration with external individuals and necessary documentation. These changes will ensure adequate care is being received and will reduce recidivism of inpatient psychiatric admissions.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; 63 O.S. §§ 5006 and 5007(C)(2); Sections 5-513 and 7-102 of Title 43A of the Oklahoma Statutes, and Section 482.43 of Title 42 of the Code of Federal Regulations.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 5:00 p.m. on November 2, 2026, at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Lauren Johnson, Senior Policy & Program Advisor, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or lauren.johnson@okhca.org.

**PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on Monday, November 2, 2026, in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Lauren Johnson, at the above addresses, before the close of the comment period on November 2, 2026.

**COPIES OF PROPOSED RULES:**

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to lauren.johnson@okhca.org.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement has been prepared and may be obtained from the Agency at the above address beginning October 16, 2026.

**CONTACT PERSON:**

Lauren Johnson, Senior Policy & Program Advisor, (405) 522-7891, lauren.johnson@okhca.org.

*[OAR Docket #26-700; filed 9-8-26]*

## TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
## CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE

*[OAR Docket #26-701]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties
Part 1. PHYSICIANS
317:30-5-22. Obstetrical care [AMENDED]
317:30-5-22.1. Enhanced services for medically high risk pregnancies [AMENDED]
Part 19. CERTIFIED NURSE MIDWIVES
317:30-5-226. Coverage by category [AMENDED]
317:30-5-229. Reimbursement [AMENDED]
Part 35. RURAL HEALTH CLINICS
317:30-5-356. Coverage for adults [AMENDED]
317:30-5-361. Billing [AMENDED]
Part 75. FEDERALLY QUALIFIED HEALTH CENTERS
317:30-5-664.8. Obstetrical care provided by Health Centers [AMENDED]
Part 110. INDIAN HEALTH SERVICES, TRIBAL PROGRAMS, AND URBAN INDIAN CLINICS (I/T/Us)
317:30-5-1095. I/T/U services not compensable under outpatient encounters [AMENDED]
317:30-5-1099. I/T/U service limitations and requirements [AMENDED]
Part 116. LICENSED MIDWIVES
317:30-5-1237. Reimbursement [AMENDED]

**SUMMARY:**

The proposed policy changes revise billing policy for obstetric services to align with upcoming changes to the Current Procedural Terminology (CPT) codes. CPT codes, which are maintained by the American Medical Association (AMA), are the foundation of claims-based billing used in fee-for-service healthcare delivery model. The AMA has proposed comprehensive changes to the way maternity and obstetric services are billed and reimbursed. Currently, obstetric services are billed and reimbursed using a single bundled code. The bundled code will be discontinued on January 1, 2027. The AMA is developing and revising codes for each obstetric service. The proposed policy changes update billing guidance to reflect the new obstetric billing structure.

**AUTHORITY:**

63 O.S. §5007(C)(2); The Oklahoma Health Care Authority Board

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 5:00 p.m. on November 2, 2026 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Kelsey Dewbre, Deputy State Medicaid Director, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or kelsey.dewbre@okhca.org.

**PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on Monday, November 2, 2026 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing at the above addresses, before the close of the comment period on November 2, 2026.

**COPIES OF PROPOSED RULES:**

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement has been prepared and may be obtained from the Agency at the above address beginning October 16, 2026.

**CONTACT PERSON:**

Kelsey Dewbre, Senior Policy & Program Advisor, (405) 522-7286, kelsey.dewbre@okhca.org.

*[OAR Docket #26-701; filed 9-8-26]*

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**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY**
**CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

*[OAR Docket #26-710]*

**RULEMAKING ACTION:**
Notice of proposed PERMANENT rulemaking
**PROPOSED RULES:**
Subchapter 5. Individual Providers and Specialties
Part 21. OUTPATIENT BEHAVIORAL HEALTH AGENCY SERVICES
317:30-5-240.1. Definitions [AMENDED]
317:30-5-241.6. Behavioral health targeted case management [AMENDED]
Part 24. CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINICS
317:30-5-268. Limitations [AMENDED]
**SUMMARY:**
The OHCA proposes these policy revisions to provide federally mandated Medicaid covered services to eligible justice-involved youth under age 21, and former foster care youth up to age 26, during the 30 days prior to release from incarceration. Required services include physical and behavioral health screenings and diagnostic services, as well as targeted case management provided 30 days prior to release and 30 days post-release. Services will be coordinated in partnership with the Office of Juvenile Affairs, Department of Corrections, and Department of Mental Health and Substance Abuse Services.
**AUTHORITY:**
The Oklahoma Health Care Authority Board; 63 O.S. §§ 5006 and 5007 (C)(2); Section 5121 of the Consolidated Appropriations Act, 2023 Public Law 117-328 (Dec. 29, 2022) 136 Stat. 4459
**COMMENT PERIOD:**
Persons wishing to present their views in writing may do so before 5:00 p.m. on November 2, 2026 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Grace Tierney, Senior Policy and Program Advisor, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or grace.tierney@okhca.org.
**PUBLIC HEARING:**
A public hearing will be held at 1:00 p.m. on Monday, November 2, 2026, in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.
**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**
The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Grace Tierney, at the above addresses, before the close of the comment period on November 2, 2026.
**COPIES OF PROPOSED RULES:**
The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org
**RULE IMPACT STATEMENT:**
Pursuant to 75 O.S., §303(D), a rule impact statement has been prepared and may be obtained from the Agency at the above address beginning October 16, 2026.
**CONTACT PERSON:**
Grace Tierney, Senior Policy & Program Advisor, (405) 522-6761, grace.tierney@okhca.org.

*[OAR Docket #26-710; filed 9-8-26]*

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## TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
## CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE

*[OAR Docket #26-716]*

**RULEMAKING ACTION:**
Notice of proposed PERMANENT rulemaking
**PROPOSED RULES:**
Subchapter 3. General Provider Policies
Part 1. GENERAL SCOPE AND ADMINISTRATION
317:30-3-1. Creation and implementation of rules; applicability [AMENDED]
**SUMMARY:**
The purpose of the proposed rule is to implement Senate Bill 904 by revising OAC 317:30-3-1 to provide that the Oklahoma Health Care Authority (OHCA) does not reimburse for or provide coverage of gender transition procedures, as defined by Section 1-800 of Title 63 of the Oklahoma Statutes. The rule is intended to align OHCA policy with the statutory prohibition on Medicaid reimbursement and coverage for such procedures. SB904 provides that the state Medicaid program shall not reimburse or provide coverage for any gender transition procedures, regardless of whether provided to a minor or an adult.
**AUTHORITY:**
The Oklahoma Health Care Authority Board; 63 O.S. §§ 5006 and 5007; 63 O.S. Supp. 2026, § 1-800 (SB 904)
**COMMENT PERIOD:**
Persons wishing to present their views in writing may do so before 5:00 p.m. on November 2, 2026 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Heather Cox, Deputy State Medicaid Director, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or heather.cox@okhca.org.
**PUBLIC HEARING:**
A public hearing will be held at 1:00 p.m. on Monday, November 2, 2026 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.
**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**
The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing at the above addresses, before the close of the comment period on November 2, 2026.
**COPIES OF PROPOSED RULES:**
The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.
**RULE IMPACT STATEMENT:**
Pursuant to 75 O.S., §303(D), a rule impact statement has been prepared and may be obtained from the Agency at the above address beginning October 16, 2026.
**CONTACT PERSON:**
Heather Cox, Deputy State Medicaid Director, (405) 522-7229, heather.cox@okhca.org

*[OAR Docket #26-716; filed 9-8-26]*

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## TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
## CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY

*[OAR Docket #26-702]*

**RULEMAKING ACTION:**
Notice of proposed PERMANENT rulemaking
**PROPOSED RULES:**
Subchapter 5. Eligibility and Countable Income

Part 1. DETERMINATION OF QUALIFYING CATEGORICAL RELATIONSHIPS

317:35-5-4.1. Special level of care and cost effectiveness application procedures for Tax Equity and Fiscal Responsibility Act (TEFRA) [AMENDED]

**SUMMARY:**

The proposed policy changes will allow qualified non-physician providers to complete TEFRA assessment forms. The services required to complete TEFRA assessments are within the scope of practice of certain non-physician qualified healthcare providers, such as advanced practice registered nurses and physician assistants. Non-physician providers provide primary care services to many TEFRA members and may be more accessible than physicians, especially in rural areas.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; 63 O.S. §§ 5006 and 5007

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 5:00 p.m. on November 2, 2026 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Kelsey Dewbre, Deputy State Medicaid Director, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or kelsey.dewbre@okhca.org.

**PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on Monday, November 2, 2026 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing at the above addresses, before the close of the comment period on November 2, 2026.

**COPIES OF PROPOSED RULES:**

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement has been prepared and may be obtained from the Agency at the above address beginning October 16, 2026.

**CONTACT PERSON:**

Kelsey Dewbre, Senior Policy & Program Advisor, (405) 522-7286, kelsey.dewbre@okhca.org.

*[OAR Docket #26-702; filed 9-8-26]*

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## TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
## CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY

*[OAR Docket #26-703]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 18. Programs of All-Inclusive Care for the Elderly (Pace)

317:35-18-12. Medicaid Payments [AMENDED]

**SUMMARY:**

The proposed policy changes will update OHCA rules regarding post-eligibility treatment of income for PACE participants to align with the Oklahoma Medicaid State Plan. The revisions clarify when a PACE participant is responsible for a vendor payment and how that payment affects the capitation amount paid to the PACE organization.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; 63 O.S. §§ 5006 and 5007(C)(2); 56 O.S. §1017.7

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 5:00 p.m. on November 2, 2026 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Kelsey Dewbre, Deputy State Medicaid Director, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or kelsey.dewbre@okhca.org.

**PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on Monday, November 2, 2026 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing at the above addresses, before the close of the comment period on November 2, 2026.

**COPIES OF PROPOSED RULES:**

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement has been prepared and may be obtained from the Agency at the above address beginning October 16, 2026.

**CONTACT PERSON:**

Kelsey Dewbre, Senior Policy & Program Advisor, (405) 522-7286, kelsey.dewbre@okhca.org.

*[OAR Docket #26-703; filed 9-8-26]*

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## TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
## CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY

*[OAR Docket #26-714]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Eligibility and Countable Income
Part 3. NON-MEDICAL ELIGIBILITY REQUIREMENTS
317:35-5-28. Work Requirements [NEW]

**SUMMARY:**

In compliance with the requirements of HR1, the proposed revisions implement community engagement requirements effective January 1, 2027. Certain populations will be required to demonstrate community engagement as a condition of eligibility. Community engagement may include work, work programs, educational programs, or some combination thereof. Certain populations are excluded or exempted from these requirements, including American Indians/Alaska Natives (AI/ANs), children under age 19, Medicare enrollees, former foster youth under age 26, parents/guardians/caretaker relatives of a child age 13 or younger or of a disabled individual, disabled veterans, medically frail individuals, TANF or SNAP enrollees, inmates, individuals participating in drug or alcohol addiction treatment programs, or pregnant/postpartum women. New applicants must demonstrate community engagement for at least the month immediately preceding their application; existing members must demonstrate for at least one month of their certification period (6 or 12 months, depending on the population category). The agency will first seek to determine compliance from existing data, including the case record and automated data exchange with other agencies, before requesting documentation from members.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; 63 O.S. §§ 5006 and 5007; H.R. 1 (2025), Public Law 119-21

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 5:00 p.m. on November 2, 2026 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Heather Cox, Deputy State Medicaid Director, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or heather.cox@okhca.org.

**PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on Monday, November 2, 2026 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing at the above addresses, before the close of the comment period on November 2, 2026.

**COPIES OF PROPOSED RULES:**

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement has been prepared and may be obtained from the Agency at the above address beginning October 16, 2026.

**CONTACT PERSON:**

Sean Webster, Senior Policy & Program Advisor, (405) 522-7227, sean.webster@okhca.org

*[OAR Docket #26-714; filed 9-8-26]*

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**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY**
**CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY**

*[OAR Docket #26-715]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 6. Soonercare for Pregnant Women and Families With Children
Part 7. CERTIFICATION, REDETERMINATION AND NOTIFICATION
317:35-6-60. Certification for SoonerCare for pregnant women and families with children [AMENDED]
317:35-6-60.2. Retroactive eligibility [AMENDED]
317:35-6-61. Redetermination of eligibility for persons receiving SoonerCare [AMENDED]
Subchapter 7. Medical Services
Part 7. CERTIFICATION, REDETERMINATION AND NOTIFICATION
317:35-7-60. Certification for SoonerCare [AMENDED]

**SUMMARY:**

In compliance with requirements of HR1, the proposed emergency revisions implement 6-month redetermination cycles (reduced from 12 months) for certain Expansion adults effective January 1, 2027. American Indian/Alaska Native (AI/AN) populations are specifically excluded from the 6-month redetermination provisions and will remain on a 12-month redetermination cycle. Non-expansion groups are not subject to this requirement. The proposed emergency rule also implements reduced retroactive eligibility periods in compliance with HR1. Existing retroactive eligibility is a period of three months prior to the application date. Expansion adults will be eligible for one month of retroactive eligibility, while non-expansion populations will be eligible for two months. AI/AN populations are not excluded from this provision.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; 63 O.S. §§ 5006 and 5007; H.R. 1 (2025), Public Law 119-21

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 5:00 p.m. on November 2, 2026 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Heather Cox, Deputy State Medicaid Director, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or heather.cox@okhca.org.

**PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on Monday, November 2, 2026 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing at the above addresses, before the close of the comment period on November 2, 2026.

**COPIES OF PROPOSED RULES:**

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement has been prepared and may be obtained from the Agency at the above address beginning October 16, 2026.

**CONTACT PERSON:**

Sean Webster, Senior Policy & Program Advisor, (405) 522-7227, sean.webster@okhca.org

*[OAR Docket #26-715; filed 9-8-26]*

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**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY**
**CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY**

*[OAR Docket #26-717]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Eligibility and Countable Income

Part 3. NON-MEDICAL ELIGIBILITY REQUIREMENTS

317:35-5-26. Residence requirements; residents of public institutions; homeless persons; and residents of IHS, BIA or Tribal controlled dormitories [AMENDED]

Subchapter 6. Soonercare for Pregnant Women and Families With Children

Part 5. DETERMINATION OF ELIGIBILITY FOR SOONERCARE HEALTH BENEFITS FOR PREGNANT WOMEN AND FAMILIES WITH CHILDREN

317:35-6-45. Eligibility for inmates [AMENDED]

**SUMMARY:**

The OHCA proposes these policy revisions to provide federally mandated Medicaid covered services to eligible justice-involved youth under age 21, and former foster care youth up to age 26, during the 30 days prior to release from incarceration. Required services include physical and behavioral health screenings and diagnostic services, as well as targeted case management provided 30 days prior to release and 30 days post-release. Services will be coordinated in partnership with the Office of Juvenile Affairs, Department of Corrections, and Department of Mental Health and Substance Abuse Services.

**AUTHORITY:**

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; the Oklahoma Health Care Authority Board; Section 5121 of the Consolidated Appropriations Act, 2023 Public Law 117–328 (Dec. 29, 2022) 136 Stat. 4459

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 5:00 p.m. on November 2, 2026 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Grace Tierney, Senior Policy and Program Advisor, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or grace.tierney@okhca.org.

**PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on Monday, November 2, 2026, in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Grace Tierney, at the above addresses, before the close of the comment period on November 2, 2026.

**COPIES OF PROPOSED RULES:**

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement has been prepared and may be obtained from the Agency at the above address beginning October 16, 2026.

**CONTACT PERSON:**

Grace Tierney, Senior Policy & Program Advisor, (405) 522-6761, grace.tierney@okhca.org.

*[OAR Docket #26-717; filed 9-8-26]*

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**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY**
**CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY**

*[OAR Docket #26-718]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Eligibility and Countable Income
Part 3. NON-MEDICAL ELIGIBILITY REQUIREMENTS
317:35-5-25. Citizenship/noncitizen status and identity verification requirements [AMENDED]

**SUMMARY:**

The proposed policy revisions are intended to align with eligibility changes included in H.R. 1, also referred to as the Working Families Tax Cut legislation. Beginning October 1, 2026, federal financial participation (FFP) will only be available for Medicaid benefits furnished to United States citizens, lawful permanent residents (LPRs), certain Cuban/Haitian entrants, and citizens of the Freely Associated States covered under the Compact of Free Association (COFA). Most other non-citizens would no longer qualify for full-scope coverage and would be limited to Emergency Medical Assistance.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; 63 O.S. §§ 5006 and 5007(C)(2); H.R. 1 (2025), Public Law 119-21

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 5:00 p.m. on November 2, 2026 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Heather Cox, Deputy State Medicaid Director, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or heather.cox@okhca.org.

**PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on Monday, November 2, 2026 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing at the above addresses, before the close of the comment period on November 2, 2026.

**COPIES OF PROPOSED RULES:**

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement has been prepared and may be obtained from the Agency at the above address beginning October 16, 2026.

**CONTACT PERSON:**

Sean Webster, Senior Policy & Program Advisor, (405) 522-7227, sean.webster@okhca.org

*[OAR Docket #26-718; filed 9-8-26]*

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

*[OAR Docket #26-707]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 31. Oklahoma Tuition Equalization Grant Program
610:25-31-3. Eligibility Requirements [AMENDED]
610:25-31-4. Fiscal Policies [AMENDED]

**SUMMARY:**

The proposed rule change updates the reference to the Expected Family Contribution (EFC) to the Student Aid Index (SAI), reflecting the current federal methodology used to assess financial need for student aid eligibility. EFC is no longer the federal methodology used to determine financial aid eligibility through the FAFSA. Under the federal FAFSA Simplification Act, the Student Aid Index (SAI) replaced the Expected Family Contribution (EFC) as the primary measure of financial need. Accordingly, the rule should be updated to reflect the current federal terminology and methodology. This revision will help ensure that OSRHE’s award process remains consistent with federal financial aid practices, eliminates reliance on an outdated standard, and provides private and independent institutions with clear guidance regarding the information required when available grant funds are insufficient and awards must be prioritized based on demonstrated financial need.

**AUTHORITY:**

Oklahoma State Regents for Higher Education; 70 O.S. §§ 3204, 3206, and 2632.

**COMMENT PERIOD:**

Interested persons may submit written comments to Melissa Chavez, Legal Assistant and Agency Liaison for Rules, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK 73104, mc-trejo@osrhe.edu, by 5:00 p.m., November 2, 2026.

**PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S. § 303(B)(9), "persons may demand a hearing" by contacting Melissa Chavez, Legal Assistant and Agency Liaison for Rules, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK 73104, 405-225-9289, mc-trejo@osrhe.edu, by 5:00 p.m., November 2, 2026.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules will be made available at the office of the Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK 73104, and on the agency's website at https://www.okhighered.org on or before October 3, 2026.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be made available on the agency's website at https://www.okhighered.org on or before October 16, 2026.

**CONTACT PERSON:**

Melissa Chavez, Legal Assistant and Agency Liaison for Rules, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK 73104, 405-225-9289, mc-trejo@osrhe.edu.

*[OAR Docket #26-707; filed 9-4-26]*

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

*[OAR Docket #26-708]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 41. Inspired to Teach Program
610:25-41-2. Definitions [AMENDED]
610:25-41-4. Application procedure [AMENDED]
610:25-41-5. Certifications of compliance [AMENDED]
610:25-41-7. Participant eligibility for scholarship payments [AMENDED]
610:25-41-8. Participant eligibility for employment incentive payments [AMENDED]
610:25-41-9. Incentive benefits to be disbursed under the program [AMENDED]
610:25-41-11. Verification and notification requirements [AMENDED]

**SUMMARY:**

Inspired to Teach was established by the Oklahoma legislature as an incentive to encourage the preparation of teachers in the public schools of Oklahoma. The program offers qualified Oklahoma college students an opportunity to earn scholarships and benefits. Program participants may have the opportunity to earn up to $25,500 as they complete their Educator Preparation Program and teach in Oklahoma. The proposed revisions herein modernize and clarify administration of the Inspired to Teach Program by transitioning from Participation Agreements to an online application system, updating eligibility criteria, revising scholarship award structures, clarifying employment incentive requirements, and streamlining participant verification and reporting processes. The proposed revisions also provide greater clarity regarding full-time student eligibility, scholarship and employment incentive payments, documentation requirements, and participant notification obligations while maintaining the program's existing funding limits and core eligibility requirements.

**AUTHORITY:**

Oklahoma State Regents for Higher Education; 70 O.S. §§ 698.1, 3204, and 3206

**COMMENT PERIOD:**

Interested persons may submit written comments to Melissa Chavez, Legal Assistant and Agency Liaison for Rules, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK 73104, mc-trejo@osrhe.edu, by 5:00 p.m., November 2, 2026.

**PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S. § 303(B)(9), "persons may demand a hearing" by contacting Melissa Chavez, Legal Assistant and Agency Liaison for Rules, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK 73104, 405-225-9289, mc-trejo@osrhe.edu, by 5:00 p.m., November 2, 2026.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules will be made available at the office of the Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK 73104, and on the agency's website at https://www.okhighered.org on or before October 3, 2026

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be made available on the agency's website at https://www.okhighered.org on or before October 16, 2026.

**CONTACT PERSON:**

Melissa Chavez, Legal Assistant and Agency Liaison for Rules, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK 73104, 405-225-9289, mc-trejo@osrhe.edu.

*[OAR Docket #26-708; filed 9-4-26]*

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

*[OAR Docket #26-709]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 23. Oklahoma Higher Learning Access Program
610:25-23-2. Eligibility of participants [AMENDED]
610:25-23-3. Applications [AMENDED]
610:25-23-4. Program requirements [AMENDED]
610:25-23-5. Securing Program benefits [AMENDED]
610:25-23-9. "Heroes Promise" [AMENDED]

**SUMMARY:**

Oklahoma's Promise was established in 1992 to help eligible Oklahoma students earn a college education. Students generally must enroll in the program while in the eighth, ninth, tenth, or eleventh grade and must satisfy program requirements, including completion of a college preparatory curriculum, achievement of at least a 2.50 GPA in both the required curriculum and overall coursework, regular school attendance, and compliance with conduct standards related to substance abuse and delinquent acts. Students who successfully complete the program requirements may qualify for an award equal to public college tuition. The proposed revisions are intended to support the State Regents' goal of increasing the number of college graduates in Oklahoma by clarifying and modernizing the administration of Oklahoma's Promise. The amendments address areas in which existing procedures or eligibility provisions may be unclear, outdated, or difficult to apply consistently across varying applicant circumstances. By making eligibility requirements, documentation expectations, application deadlines, verification procedures, and related standards more explicit, the proposed amendments should reduce ambiguity for students, parents, participating institutions, and OSRHE staff. These changes will promote more consistent eligibility determinations, reduce the risk of differing interpretations, and lessen unnecessary administrative burden while preserving the integrity and statutory purpose of the Oklahoma's Promise program.

**AUTHORITY:**

Oklahoma State Regents for Higher Education; 70 O.S. §§ 2603, 3204, and 3206

**COMMENT PERIOD:**

Interested persons may submit written comments to Melissa Chavez, Legal Assistant and Agency Liaison for Rules, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK 73104, mc-trejo@osrhe.edu, by 5:00 p.m., November 2, 2026.

**PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S. § 303(B)(9), "persons may demand a hearing" by contacting Melissa Chavez, Legal Assistant and Agency Liaison for Rules, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK 73104, 405-225-9289, mc-trejo@osrhe.edu, by 5:00 p.m., November 2, 2026.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules will be made available at the office of the Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK 73104, and on the agency's website at https://www.okhighered.org on or before October 3, 2026.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be made available on the agency's website at https://www.okhighered.org on or before October 16, 2026.

**CONTACT PERSON:**

Melissa Chavez, Legal Assistant and Agency Liaison for Rules, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK 73104, 405-225-9289, mc-trejo@osrhe.edu.

*[OAR Docket #26-709; filed 9-4-26]*

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## TITLE 623. ROUTE 66 COMMISSION
## CHAPTER 10. OKLAHOMA ROUTE 66 COMMISSION

*[OAR Docket #26-684]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. Rules
623:10-1-1. Purpose [AMENDED]
623:10-1-5. Minimum award [AMENDED]
623:10-1-7. Application submission [AMENDED]

**SUMMARY:**

The proposed rule change to OAC 623:10-1-1 is made to comport with changes in House Bill 1571 (2025), which removed the sunset date of the Commission. The proposed rule changes to OAC 623:10-1-5 and OAC 623:10-1-7 replace the Oklahoma Department of Commerce with the Oklahoma Tourism and Recreation Department as the agency providing administrative support to the Commission. This change is in accordance with the Commission's April 30th vote that transferred the administration of the Commission from the Oklahoma Department of Commerce to the Oklahoma Tourism and Recreation Department.

**AUTHORITY:**

Oklahoma Route 66 Commission; 69 O.S. § 4041

**COMMENT PERIOD:**

October 1, 2026, through November 5, 2026. Persons wishing to present their views in writing may do so before 5:00 p.m. on November 5, 2026 at the following address: Oklahoma Tourism and Recreation Department, 123 Robert S Kerr Avenue, Suite 910, Oklahoma City, OK 73012, Attn: Garrett Sill or by email to Garrett.Sill@TravelOK.com.

**PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on November 5, 2026 at the Oklahoma State Capitol, Multipurpose 100 Room, 2300 N Lincoln Blvd, Oklahoma City, OK 73105. The alternate date and time in the event of a closure due to inclement weather is 1:00 p.m. on November 10, 2026 at the Oklahoma State Capitol, Multipurpose 100 Room, 2300 N Lincoln Blvd, Oklahoma City, OK 73105. Anyone who wishes to speak must sign in at the door by 1:15 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by November 5, 2026 at the Oklahoma Tourism and Recreation Department, 123 Robert S Kerr Avenue, Suite 910, Oklahoma City, OK 73012, Attn: Garrett Sill, or by email to Garrett.Sill@TravelOK.com.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained online at otrd.travelok.com, or hard copies may be requested by mail or in person at Oklahoma Tourism and Recreation Department, 123 Robert S Kerr Avenue, Suite 910, Oklahoma City, OK 73012, Attn: Garrett Sill, or by email to Garrett.Sill@TravelOK.com.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303, a rule impact statement will be prepared and may be obtained from the Oklahoma Tourism and Recreation Department and on the Department's website at the above addresses on and after October 15, 2026.

**CONTACT PERSON:**
Garrett Sill, General Counsel, Oklahoma Tourism and Recreation Department, 123 Robert S Kerr Avenue, Suite 910, Oklahoma City, OK 73012, (405) 255-7454 or Garrett.Sill@TravelOK.com.

*[OAR Docket #26-684; filed 9-7-26]*

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**TITLE 800. DEPARTMENT OF WILDLIFE CONSERVATION**
**CHAPTER 1. OPERATIONS AND PROCEDURES**

*[OAR Docket #26-692]*

**RULEMAKING ACTION:**
Notice of proposed PERMANENT rulemaking
**PROPOSED RULES:**
Subchapter 13. Hunting and Fishing License Dealers
800:1-13-14. Lifetime fishing upgrade to Lifetime Combination fishing and hunting license [NEW]
**SUMMARY:**
This rule change would allow resident lifetime fishing license holders to upgrade their license to a combination fishing and hunting license, less the difference in current cost of a lifetime combination fishing and hunting license.
**AUTHORITY:**
Wildlife Conservation Commission; Title 29 O.S., §§ 3-103 (D)(4)(8) and (15), and 5-401(A), Oklahoma Constitution, Article XXVI, §§ 1 and 4: (Page 1 & 2 of Article 26)
**COMMENT PERIOD:**
Persons wishing to present their views in writing may do so on or before 4:30 p.m. on November 6, 2026, at the following address: Oklahoma Department of Wildlife Conservation, 1801 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105 (PO Box 53465, Oklahoma City, OK 73152) or online at www.wildlifedepartment.com.
**PUBLIC HEARING:**
Date: November 5, 2026 Time: 7:00 p.m. Oklahoma City - OK Department of Wildlife Conservation, 1801 N. Lincoln Blvd., Oklahoma City, OK
**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**
N/A
**COPIES OF PROPOSED RULES:**
Copies of the proposed rules will be available to the public at 1801 N. Lincoln Blvd., Oklahoma City, OK 73105.
**RULE IMPACT STATEMENT:**
Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after October 15, 2026, at the above address for the Oklahoma Department of Wildlife Conservation.
**CONTACT PERSON:**
Nels Rodefeld, Assistant Director, 405/521-4635 or Tammy St. Yves, Executive Assistant 405/522-6279.

*[OAR Docket #26-692; filed 9-1-26]*

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

*[OAR Docket #26-694]*

**RULEMAKING ACTION:**
Notice of proposed PERMANENT rulemaking
**PROPOSED RULES:**
Subchapter 1. Harvest and Possession Limits
800:10-1-4. Size and bag limits on fish [AMENDED]
800:10-1-7. Possession limit [AMENDED]
Subchapter 3. Methods of Taking
800:10-3-5. Use of bow and arrow, grabhooks, gigs, spears, and spearguns, snagging, noodling and netting [AMENDED]

800:10-3-6. Use of trotlines, throwlines, limblines, juglines and yo-yo's [AMENDED]
800:10-3-8. Harvest tagging and reporting [AMENDED]
Subchapter 5. Area Restrictions and Special Fees
800:10-5-2. Department fishing areas [AMENDED]
800:10-5-3. Designated trout areas [AMENDED]
800:10-5-5. Tailwaters [AMENDED]

**SUMMARY:**

This rule change provides for unlimited harvest of crappie on "Close to Home" waters and allows for crappie size, bag limits to be adjusted through Commission resolution, removes the special walleye, saugeye, and sauger length limit for Sooner Lake, and adjusts regulation of striped bass and hybrid striped bass on Lake Thunderbird.

**AUTHORITY:**

Wildlife Conservation Commission; Title 29 O.S., §§ 3-103 (D)(4)(8) and (15), and 5-401(A), Oklahoma Constitution, Article XXVI, §§ 1 and 4: (Page 1 & 2 of Article 26)

**COMMENT PERIOD:**

People wishing to present their views in writing may do so on or before 4:30 p.m. on November 6, 2026, at the following address: Oklahoma Department of Wildlife Conservation, 1801 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105 (PO Box 53465, Oklahoma City, OK 73152) or online at www.wildlifedepartment.com.

**PUBLIC HEARING:**

Date: November 6, 2026 Time: 7:00 p.m. Oklahoma City - OK Department of Wildlife Conservation, 1801 N. Lincoln Blvd., Oklahoma City, OK

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules will be available to the public at 1801 N. Lincoln Blvd., Oklahoma City, OK 73105.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after October 15, 2026, at the above address for the Oklahoma Department of Wildlife Conservation.

**CONTACT PERSON:**

Ken Cunningham, Chief of Fisheries 405/521-4606 or Tammy St. Yves, Executive Assistant 405/522-6279.

*[OAR Docket #26-694; filed 9-1-26]*

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## TITLE 800. DEPARTMENT OF WILDLIFE CONSERVATION
## CHAPTER 20. RESTRICTION ON AQUATIC SPECIES INTRODUCTION

*[OAR Docket #26-695]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 2. Introductions Of Fish and Aquatic Organisms
800:20-2-3. Introductions of fish and aquatic organisms [AMENDED]

**SUMMARY:**

Requires watercraft and associated equipment be drained upon departure of any Oklahoma waterbodies. This includes the removal of drain plugs from bilges and the draining of live wells, ballast tanks, and other water-containing compartments.

**AUTHORITY:**

Wildlife Conservation Commission; Title 29 O.S., §§ 3-103 (D)(4)(8) and (15), and 5-401(A), Oklahoma Constitution, Article XXVI, §§ 1 and 4: (Page 1 & 2 of Article 26)

**COMMENT PERIOD:**

People wishing to present their views in writing may do so on or before 4:30 p.m. on November 6, 2026, at the following address: Oklahoma Department of Wildlife Conservation, 1801 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105 (PO Box 53465, Oklahoma City, OK 73152) or online at

**PUBLIC HEARING:**

Date: November 5, 2026 Time: 7:00 p.m. Oklahoma City - OK Department of Wildlife Conservation, 1801 N. Lincoln Blvd., Oklahoma City, OK

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules will be available to the public at 1801 N. Lincoln Blvd., Oklahoma City, OK 73105.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after October 15, 2026, at the above address for the Oklahoma Department of Wildlife Conservation.

**CONTACT PERSON:**

Ken Cunningham, Chief of Fisheries Division, 405/521-4606 or Tammy St. Yves, Executive Assistant 405/522-6279.

*[OAR Docket #26-695; filed 9-1-26]*

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

*[OAR Docket #26-696]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**SUMMARY:**

Opens archery in designated areas Dec. 15 – Jan. 15. Provides for controlled deer hunts in certain area. Adds certain exemptions to possession of wildlife. Clarifies pursuit of and taking of bear, deer, elk, antelope, and turkey. Removes license requirement for youth trapping and hunting furbearers. Adds opportunity for falconers to trap and train passage birds during a more malleable age. Adds 2-day waiting period for nonresidents purchasing a deer license after the season opens. Clarifies language and adjust date for CITES tag. Adds opossum to list of species with a year-round take. Exempts lifetime license holders from purchase of bear license and simplifies wording in list of prohibited activities. • Opens leg hold trapping methods on Arbuckle Springs, Candy Creek, Cross Timbers, Lexington, Grady County, Hickory Creek, Love Valley, Skiatook, and Texoma/Washita Arm WMAs. Removes outdated language to a webpage that no longer exists on all NWRs. Opens small game hunting opportunity on Wichita Mountains NWR. Updates season dates on Camp Gruber Training Center to be consistent with statewide regulations. Provides for additional means of take on Fort Cobb WMA for small game. Opens trapping opportunities on Fort Gibson WRP and aligns waterfowl season on Shorb WMA to be consistent with all Northwest region WMAs. Adds American eel to list of Species of Special Concern Category II. • This rule change has significant clean up language to match Nuisance Wildlife Control Operator (NWCO) requirement with what is now required of hunters and trappers in Oklahoma. Clarifies when an NWCO permit is and isn't required. Corrects report deadlines and license renewals. Expands the Special Canada Goose Permit program to allow licensed NWCO persons to recruit non-licensed helpers to assist in trapping and relocation efforts. Prohibits rehabilitation of cervids without Director approval. • This rule change proposal as authorized by HB3462 specifies the conditions under which private landowners can release deer on private property. Establishes rules for waterfowl and crane outfitter and guide licenses as authorized by SB2095.

**AUTHORITY:**

Wildlife Conservation Commission; Title 29 O.S., §§ 3-103 (D)(4)(8) and (15), and 5-401(A), Oklahoma Constitution, Article XXVI, §§ 1 and 4: (Page 1 & 2 of Article 26)

**COMMENT PERIOD:**

People wishing to present their views in writing may do so on or before 4:30 p.m. on November 6, 2026, at the following address: Oklahoma Department of Wildlife Conservation, 1801 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105 (PO Box 53465, Oklahoma City, OK 73152) or online at www.wildlifedepartment.com.

**PUBLIC HEARING:**

Date: November 5, 2026 Time: 7:00 p.m. Oklahoma City - OK Department of Wildlife Conservation, 1801 N. Lincoln Blvd., Oklahoma City, OK

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules will be available to the public at 1801 N. Lincoln Blvd., Oklahoma City, OK 73105.

**RULE IMPACT STATEMENT:**
Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after October 15, 2026, at the above address for the Oklahoma Department of Wildlife Conservation.
**CONTACT PERSON:**
Bill Dinkines, Chief of Wildlife Division 405/521-4653 or Tammy St. Yves, Executive Assistant 405/522-6279.

*[OAR Docket #26-696; filed 9-1-26]*

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

*[OAR Docket #26-697]*

**RULEMAKING ACTION:**
Notice of proposed PERMANENT rulemaking
**PROPOSED RULES:**
Subchapter 1. Use of Department Managed Lands
800:30-1-2. Use restrictions [AMENDED]
800:30-1-5. Vehicles [AMENDED]
800:30-1-7. Livestock and feral hogs [AMENDED]
**SUMMARY:**
Closes prairie dog hunting on Cimarron Hills and Cimarron Bluff WMAs and removes outdated restrictions. Allows for personal watercraft on Ft. Gibson WMA. Require individuals operating motor vehicles on WMAs and Department managed land be licensed. WMAs with a hog hunting restriction will be allowed incidental take of feral hog during open deer seasons using methods, hunting hours, and weapons authorized for that open deer season. Adds three additional WMAs to the existing list of those with a seasonal feral hog shooting restriction.
**AUTHORITY:**
Wildlife Conservation Commission; Title 29 O.S., §§ 3-103 (D)(4)(8) and (15), and 5-401(A), Oklahoma Constitution, Article XXVI, §§ 1 and 4: (Page 1 & 2 of Article 26)
**COMMENT PERIOD:**
People wishing to present their views in writing may do so on or before 4:30 p.m. on November 6, 2026, at the following address: Oklahoma Department of Wildlife Conservation, 1801 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105 (PO Box 53465, Oklahoma City, OK 73152) or online at
**PUBLIC HEARING:**
Date: November 5, 2026 Time: 7:00 p.m. Oklahoma City - OK Department of Wildlife Conservation, 1801 N. Lincoln Blvd., Oklahoma City, OK
**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**
N/A
**COPIES OF PROPOSED RULES:**
Copies of the proposed rules will be available to the public at 1801 N. Lincoln Blvd., Oklahoma City, OK 73105.
**RULE IMPACT STATEMENT:**
Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after October 15, 2026, at the above address for the Oklahoma Department of Wildlife Conservation.
**CONTACT PERSON:**
Bill Dinkines, Chief of Wildlife Division, 405/521-4653, or Tammy St. Yves, Executive Assistant 405/522-6279.

*[OAR Docket #26-697; filed 9-1-26]*

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

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

An emergency rule is considered promulgated immediately upon approval by the Governor, and effective immediately upon the Governor's approval or a later date specified by the agency in the emergency rule document. An emergency rule expires on September 15 following the next regular legislative session after its promulgation, or on an earlier date specified by the agency, if not already superseded by a permanent rule or terminated through legislative action as described in 75 O.S., Section 253(H)(2).

Emergency rules are not published in the *Oklahoma Administrative Code;* however, a source note entry, which cites to the *Register* publication of the emergency action, is added to the *Code* upon promulgation of a superseding permanent rule or expiration/termination of the emergency action. *For additional information on the emergency rulemaking process, see 75 O.S., Section 253.*

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## TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
## CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE

*[OAR Docket #26-670]*

**RULEMAKING ACTION:**
EMERGENCY adoption
**RULES:**
Subchapter 5. Individual Providers and Specialties
Part 21. OUTPATIENT BEHAVIORAL HEALTH AGENCY SERVICES
317:30-5-240.1. Definitions [AMENDED]
317:30-5-241.6. Behavioral health targeted case management [AMENDED]
Part 24. CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINICS
317:30-5-268. Limitations [AMENDED]
**AUTHORITY:**
The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; the Oklahoma Health Care Authority Board; Section 5121 of the Consolidated Appropriations Act, 2023
**COMMENT PERIOD:**
N/A
**PUBLIC HEARING:**
N/A
**ADOPTION:**
June 26, 2026
**EFFECTIVE:**
Immediately upon Governor's approval
**APPROVED BY GOVERNOR:**
August 17, 2026
**EXPIRATION:**
Effective through September 14, 2027, unless superseded by another rule or disapproved by the Legislature.
**SUPERSEDED EMERGENCY ACTIONS:**
**SUPERSEDED RULES:**
N/A
**GUBERNATORIAL APPROVAL:**
N/A
**REGISTER PUBLICATION:**
N/A
**DOCKET NUMBER:**
N/A
**INCORPORATIONS BY REFERENCE:**
**INCORPORATED STANDARDS:**
N/A
**INCORPORATING RULES:**

N/A

**AVAILABILITY:**

N/A

**FINDING OF EMERGENCY:**

Pursuant to 75 O.S. § 253(A)(1), OHCA finds this emergency rule is necessary to avoid violation of federal law. These rules implement the federal mandate, Section 5121 of the Consolidated Appropriations Act of 2023. The state has been working to ensure that Section 5121 will be implemented by July 1, 2026. Emergency rulemaking is necessary so OHCA policy conforms to current federal guidance.

**GIST/ANALYIS:**

The OHCA proposes these policy revisions to provide federally mandated Medicaid-covered services to eligible justice-involved youth under age 21, and Former Foster Care Youth up to age 26, during the 30 days prior to release from incarceration. Required services include physical and behavioral health screenings and diagnostic services, as well as targeted case management provided 30 days prior to release and 30 days post-release. Services will be coordinated in partnership with the Office of Juvenile Affairs, Department of Corrections, and Department of Mental Health and Substance Abuse Services.

**CONTACT PERSON:**

Grace Tierney, Senior Policy and Program Advisor, (405)522-6761, grace.tierney@okhca.org

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

## SUBCHAPTER 5. INDIVIDUAL PROVIDERS AND SPECIALTIES

## PART 21. OUTPATIENT BEHAVIORAL HEALTH AGENCY SERVICES

**317:30-5-240.1. Definitions [AMENDED]**

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

**"Accrediting body"** means one (1) of the following:

(A) Accreditation Association for Ambulatory Health Care (AAAHC);
(B) American Osteopathic Association (AOA);
(C) Commission on Accreditation of Rehabilitation Facilities (CARF);
(D) Council on Accreditation of Services for Families and Children, Inc. (COA);
(E) The Joint Commission (TJC) formerly known as Joint Commission on Accreditation of Healthcare Organizations;
(F) Accreditation Commission for Health Care (ACHC); or
(G) Other OHCA approved accreditation.

**"Adult"** means an individual twenty-one (21) and over, unless otherwise specified.

**"AOD"** means alcohol and other drug.

**"AODTP"** means alcohol and other drug treatment professional.

**"ASAM"** means the American Society of Addiction Medicine.

**"ASAM patient placement criteria"** or **"ASAM PPC"** means the most current edition of the American Society of Addiction Medicine's published criteria for admission to treatment, continued services, and discharge.

**"Behavioral health services"** or **"BH services"** means a wide range of diagnostic, therapeutic, and rehabilitative services used in the treatment of mental illness, substance abuse, and co-occurring disorders.

**"BHAs"** means behavioral health aides.

**"Carceral facility"** means a facility in which an eligible juvenile or former foster care youth is considered an inmate of a public institution under 42 C.F.R. §435.1010, including but not limited to:

(A) State-owned, operated, or contracte prisons;
(B) Community correction centers and ODOC contracted halfway houses;
(C) City and county jails;
(D) County-operated juvenile detention centers;
(E) Secure detention and treatment facilities;
(F) Tribal jails and tribal-operated juvenile detention facilities.

**"Certifying agency"** means the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS).

**"C.F.R."** means Code of Federal Regulations.

**"Child"** means an individual younger than twenty-one (21), unless otherwise specified.

**"Client Assessment Record"** or **"CAR"** means the standardized tool recognized by OHCA and ODMHSAS to evaluate the functioning of the member as per the OHCA prior authorization manual on the OHCA'S website at www.oklahoma.gov/ohca.

**"CM"** means case management.

**"Cultural competency"** means the ability to recognize, respect, and address the unique needs, worth, thoughts, communications, actions, customs, beliefs and values that reflect an individual's racial, ethnic, age group, religious, sexual orientation, and/or social group.

**"DSM"** means the most current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

**"EBP"** means an evidence-based practice per the Substance Abuse & Mental Health Services Administration (SAMHSA).

**"EPSDT"** means the Early and Periodic Screening, Diagnostic and Treatment benefit for children. In addition to screening services, EPSDT also covers the diagnostic and treatment services necessary to ameliorate acute and chronic physical and mental health conditions.

**"FBCS"** means facility-based crisis stabilization.

**"FSPs"** means family support providers.

**"ICF/IID"** means intermediate care facility for individuals with intellectual disabilities.

**"Institution"** means an inpatient hospital facility or institution for mental disease (IMD).

**"IMD"** means institution for mental disease as per 42 C.F.R. § 435.1009 as a hospital, nursing facility, or other institution of more than sixteen (16) beds that is primarily engaged in providing diagnosis, treatment, or care of persons with mental diseases, including medical attention, nursing care and related services. The regulations indicate that an institution is an IMD if its overall character is that of a facility established and maintained primarily for the care and treatment of individuals with mental diseases. Title XIX of the Social Security Act provides that, except for individuals under age twenty-one (21) receiving inpatient psychiatric care, Medicaid (Title XIX) does not cover services to IMD patients under sixty-five (65) years of age [Section 1905(a)(24)(B) of the Social Security Act].

**"Level of functioning rating"** means a standardized mechanism to determine the intensity or level of services needed based upon the severity of the member's condition. The CAR level of function rating scale is the tool that links the clinical assessment to the appropriate level of Mental Health treatment. Either the Addiction Severity Index (ASI) or the TeenAddiction Severity Index (TASI), based on age, is the tool that links the clinical assessment to the appropriate level of Substance Abuse (SA) treatment.

**"LBHP"** means a licensed behavioral health professional.

**"MST"** means the EBP Multi-Systemic Therapy.

**"OAC"** means the publication authorized by 75 Oklahoma Statutes, Sec. 256 known as The Oklahoma Administrative Code, or, prior to its publication, the compilation of codified rules authorized by 75 O.S. § 256(A)(1)(a) and maintained in the Office of Administrative Rules.

**"Objectives"** means a specific statement of planned accomplishments or results that are specific, measurable, attainable, realistic, and time limited.

**"ODMHSAS"** means the Oklahoma Department of Mental Health and Substance Abuse Services.

**"ODMHSAS contracted facilities"** means those providers that have a contract with the ODMHSAS to provide mental health or substance use disorder treatment services, and contract directly with the Oklahoma Health Care Authority to provide outpatient behavioral health services.

**"OHCA"** means the Oklahoma Health Care Authority.

**"OJA"** means the Office of Juvenile Affairs.

**"O.S."** means Oklahoma Statutes.

**"RBMS"** means residential behavioral management services within a group home or therapeutic foster home.

**"Recovery"** means an ongoing process of discovery and/or rediscovery that must be self defined, individualized and may contain some, if not all, of the ten fundamental components of recovery as outlined by SAMHSA.

**"PRSS"** means peer recovery support specialist.

**"SAMHSA"** means the Substance Abuse and Mental Health Services Administration.

**"Serious emotional disturbance (SED)"** means a condition experienced by persons from birth to eighteen (18) that show evidence of points of (A), (B) and (C) below:

(A) The disability must have persisted for six (6) months and be expected to persist for a year or longer.

(B) A condition or serious emotional disturbance as defined by the most recently published version of the DSM or the International Classification of Disease (ICD) equivalent with the exception of DSM "V" codes, substance abuse, and developmental disorders which are excluded, unless they co-occur with another diagnosable serious emotional disturbance.
(C) The child must exhibit either (i) or (ii) below:
(i) Psychotic symptoms of a serious mental illness (e.g., Schizophrenia characterized by defective or lost contact with reality, often hallucinations or delusions); or
(ii) Experience difficulties that substantially interfere with or limit a child or adolescent from achieving or maintaining one or more developmentally appropriate social, behavioral, cognitive, communicative, or adaptive skills. There is functional impairment in at least two (2) of the following capacities (compared with expected developmental level):
(I) Impairment in self-care manifested by a person's consistent inability to take care of personal grooming, hygiene, clothes and meeting of nutritional needs.
(II) Impairment in community function manifested by a consistent lack of age-appropriate behavioral controls, decision-making, judgment and value systems which result in potential involvement or involvement with the juvenile justice system.
(III) Impairment of social relationships manifested by the consistent inability to develop and maintain satisfactory relationships with peers and adults.
(IV) Impairment in family function manifested by a pattern of disruptive behavior exemplified by repeated and/or unprovoked violence to siblings and/or parents, disregard for safety and welfare or self or others (e.g., fire setting, serious and chronic destructiveness, inability to conform to reasonable limitations and expectations which may result in removal from the family or its equivalent).
(V) Impairment in functioning at school manifested by the inability to pursue educational goals in a normal time frame (e.g., consistently failing grades, repeated truancy, expulsion, property damage or violence toward others).

**"Serious mental illness (SMI)"** means a condition experienced by persons age eighteen (18) and over that show evidence of points of (A), (B) and (C) below:
(A) The disability must have persisted for six (6) months and be expected to persist for a year or longer.
(B) A condition or serious mental illness as defined by the most recently published version of the DSM or the International Classification of Disease (ICD) equivalent with the exception of DSM "V" codes, substance abuse, and developmental disorders which are excluded, unless they co-occur with another diagnosable serious mental illness.
(C) The adult must exhibit either (i) or (ii) below:
(i) Psychotic symptoms of a serious mental illness (e.g., Schizophrenia characterized by defective or lost contact with reality, often hallucinations or delusions); or
(ii) Experience difficulties that substantially interfere with or limit an adult from achieving or maintaining one or more developmentally appropriate social, behavioral, cognitive, communicative, or adaptive skills. There is functional impairment in at least two (2) of the following capacities (compared with expected developmental level):
(I) Impairment in self-care manifested by a person's consistent inability to take care of personal grooming, hygiene, clothes and meeting of nutritional needs.
(II) Impairment in community function manifested by a consistent lack of appropriate behavioral controls, decision-making, judgment and value systems which result in potential involvement or involvement with the criminal justice system.
(III) Impairment of social relationships manifested by the consistent inability to develop and maintain satisfactory relationships with peers.
(IV) Impairment in family function manifested by a pattern of disruptive behavior exemplified by repeated and/or unprovoked violence, disregard for safety and welfare of self or others (e.g., fire setting, serious and chronic destructiveness, inability to conform to reasonable limitations and expectations).
(V) Impairment in functioning at school or work manifested by the inability to pursue educational or career goals.

**"Trauma informed"** means the recognition and responsiveness to the presence of the effects of past and current traumatic experiences in the lives of members.

**317:30-5-241.6. Behavioral health targeted case management [AMENDED]**

Payment is made for behavioral health targeted case management services as set forth in this Section. The limitations set forth in this Section do not apply to case management provided in programs and service delivery models which are not reimbursed for case management on a fee-for-service basis.

(1) **Description of behavioral health case management services.** Behavioral health case management services are provided to assist eligible individuals in gaining access to needed medical, social, educational and other services essential to meeting basic human needs. Services under behavioral health targeted case management are not comparable in amount, duration and scope. The target groups for behavioral health case management services are persons under age twenty-one (21) who are in imminent risk of out-of-home placement for psychiatric or substance abuse reasons or are in out-of-home placement due to psychiatric or substance abuse reasons, and chronically and/or severely mentally ill adults who are institutionalized or are at risk of institutionalization. All behavioral health case management services will be authorized based on established medical necessity criteria.

(A) The behavioral health case manager provides assessment of case management needs, development of a case management care plan, referral, linkage, monitoring and advocacy on behalf of the member to gain access to appropriate community resources. The behavioral health case manager must monitor the progress in gaining access to services and continued appropriate utilization of necessary community resources. Behavioral case management is designed to promote recovery, maintain community tenure, and to assist individuals in accessing services for themselves following the case management guidelines established by ODMHSAS. In order to be compensable, the service must be performed utilizing the Strengths Based model of case management. This model of case management assists individuals in identifying and securing the range of resources, both environmental and personal, needed to live in a normally interdependent way in the community. The focus for the helping process is on strengths, interests, abilities, knowledge and capacities of each person, not on their diagnosis, weakness or deficits. The relationship between the service member and the behavioral health case manager is characterized by mutuality, collaboration, and partnership. Assistive activities are designed to occur primarily in the community, but may take place in the behavioral health case manager's office, if more appropriate.

(B) The provider will coordinate transition services with the member and family (if applicable) by phone or face to face, to identify immediate needs for return to home/community no more than seventy-two (72) hours after notification that the member/family requests case management services. For members discharging from a higher level of care than outpatient, the higher level of care facility is responsible for scheduling an appointment with a case management agency for transition and post discharge services. The case manager will make contact with the member and family (if applicable) for transition from the higher level of care other than outpatient back to the community, within seventy-two (72) hours of discharge, and then conduct a follow-up appointment/contact within seven (7) days. The case manager will provide linkage/referral to physicians/medication services, psychotherapy services, rehabilitation and/or support services as described in the case management service plan.

(C) Case managers may also provide crisis diversion (unanticipated, unscheduled situation requiring supportive assistance, face to face or telephone, to resolve immediate problems before they become overwhelming and severely impair the individual's ability to function or maintain in the community) to assist member(s) from progression to a higher level of care. During the follow-up phase of these referrals or links, the behavioral health case manager will provide aggressive outreach if appointments or contacts are missed within two (2) business days of the missed appointments. Community/home based case management to assess the needs for services will be scheduled as reflected in the case management service plan, but not less than one (1) time per month. The member/parent/guardian has the right to refuse behavioral health case management and cannot be restricted from other services because of a refusal of behavioral health case management services.

(D) An eligible member/parent/guardian will not be restricted and will have the freedom to choose a behavioral health case management provider as well as providers of other medical care.

(E) In order to ensure that behavioral health case management services appropriately meet the needs of the member and family and are not duplicated, behavioral health case management activities will be provided in accordance with an individualized plan of care.

(F) The individual plan of care must include general goals and objectives pertinent to the overall recovery of the member's (and family, if applicable) needs. Progress notes must relate to the individual plan of care and describe the specific activities to be performed. The individual plan of care must be developed with participation by, as well as, reviewed and signed by the member, the parent or guardian

[if the member is under eighteen (18)], the behavioral health case manager, and an LBHP or licensure candidate as defined in OAC 317:30-5-240.3(a) and (b).

(G) SoonerCare reimbursable behavioral health case management services include the following:

(i) Gathering necessary psychological, educational, medical, and social information for the purpose of individual plan of care development.

(ii) Face-to-face meetings with the member and/or the parent/guardian/family member for the implementation of activities delineated in the individual plan of care.

(iii) Face-to-face meetings with treatment or service providers, necessary for the implementation of activities delineated in the individual plan of care.

(iv) Supportive activities such as non-face-to-face communication with the member and/or parent/guardian/family member.

(v) Non face-to-face communication with treatment or service providers necessary for the implementation of activities delineated in the individual plan of care.

(vi) Monitoring of the individual plan of care to reassess goals and objectives and assess progress and or barriers to progress.

(vii) Crisis diversion (unanticipated, unscheduled situation requiring supportive assistance, face to face or telephone, to resolve immediate problems before they become overwhelming and severely impair the individual's ability to function or maintain in the community) to assist member(s) from progression to a higher level of care.

(viii) Behavioral health targeted case management is available to individuals transitioning from institutions to the community, ~~[~~except individuals who are inmates of public institutions~~]~~. This exclusion does not apply to eligible juveniles under the age of twenty-one (21) and former foster care youth under the age of twenty-six (26) who reside in carceral facilities as defined in OAC 317:30-5-240.1 and are within thirty (30) days of projected release. Individuals are considered to be transitioning to the community during the last thirty (30) consecutive days of a covered institutional stay. This time is to distinguish case management services that are not within the scope of the institution's discharge planning activities from case management required for transitioning individuals with complex, chronic, medical needs to the community. Transition services provided while the individual is in the institution are to be claimed as delivered on the day of discharge from the institution.

(2) **Levels of case management.**

(A) Standard case management/resource coordination services are targeted to adults with serious mental illness or children with serious emotional disturbance, or who have or are at-risk for mental disorders, including substance use disorders (SUD), and their families, who need assistance in accessing, coordination, and monitoring of resources and services. Services are provided to assess an individual's strengths and meet needs in order to achieve stability in the community. Standard case managers have caseloads of thirty (30) to thirty-five (35) members. Standard case management/resource coordination is limited to twelve (12) units per member per month. Additional units may be authorized up to twenty-five (25) units per member per month if medical necessity criteria for transitional case management are met.

(B) Intensive case management (ICM) is targeted to adults with serious and persistent mental illness in PACT programs. To ensure that these intense needs are met, caseloads are limited to between ten (10) to fifteen (15) members. The ICM shall: be a certified behavioral health case manager II; have a minimum of two (2) years' behavioral health case management experience; have crisis diversion experience; have attended the ODMHSAS six (6) hour ICM training and be available twenty-four (24) hours a day. ICM is limited to fifty-four (54) units per member per month.

(C) Wraparound facilitation case management (WFCM) is targeted to children with significant mental health conditions being treated in a System of Care (SOC) Network who are deemed at imminent risk of out-of-home placement due to psychiatric or SUD reasons and in need of more intensive case management services. It is designed to ensure access to community agencies, services, and people whose functions are to provide the support, training and assistance required for a stable, safe, and healthy community life, and decreased need for higher levels of care. To produce a high fidelity wraparound process, a facilitator can facilitate between eight (8) and ten (10) families. Staff providing WFCM must meet the requirements for the SOC/WFCM. WFCM is limited to fifty-four (54) units per member per month.

(3) **Excluded services.** SoonerCare reimbursable behavioral health case management does not include the following activities:

(A) Physically escorting or transporting a member or family to scheduled appointments or staying with the member during an appointment;
(B) Managing finances;
(C) Providing specific services such as shopping or paying bills;
(D) Delivering bus tickets, food stamps, money, etc.;
(E) Counseling, rehabilitative services, psychiatric assessment, or discharge planning;
(F) Filling out forms, applications, etc., on behalf of the member when the member is not present;
(G) Filling out SoonerCare forms, applications, etc.;
(H) Mentoring or tutoring;
(I) Provision of behavioral health case management services to the same family by two (2) separate behavioral health case management agencies;
(J) Non-face-to-face time spent preparing the assessment document and the service plan paperwork;
(K) Monitoring financial goals;
(L) Leaving voice or text messages for clients and other failed communication attempts.

(4) **Excluded individuals.** The following SoonerCare members who are receiving similar services through another method are not eligible for behavioral health case management services without special arrangements with the Oklahoma Department of Human Services (OKDHS), OJA, OHCA or ODMHSAS as applicable, in order to avoid duplication in payment. Services/programs include, but may not be limited to:

(A) Members/families (when applicable) for whom at-risk case management services are available through OKDHS and OJA staff;
(B) Members in out-of-home placement and receiving targeted case management services through staff in a foster care or group home setting, unless transitioning into the community;
(C) Residents of ICF/IIDs and nursing facilities unless transitioning into the community;
(D) Members receiving targeted case management services under a Home and Community Based Services (HCBS) waiver program;
(E) Members receiving case management through the ADvantage waiver program;
(F) Members receiving targeted case management available through a Certified Community Behavioral Health Center (CCBHC);
(G) Members receiving case management services through Programs of All-Inclusive Care for the Elderly (PACE);
(H) Members receiving Early Intervention case management (EICM);
(I) Members receiving case management services through certified school-based targeted case management (SBTCM) providers;
(J) Members receiving partial hospitalization services; or
(K) Members receiving MST.

(5) **Filing requirements.** Case management services provided to Medicare eligible members should be filed directly with the fiscal agent.

(6) **Documentation requirements.** The service plan must include general goals and objectives pertinent to the overall recovery needs of the member. Progress notes must relate to the service plan and describe the specific activities performed. Behavioral health case management service plan development is compensable time if the time is spent communicating with the member and it must be reviewed and signed by the member, the behavioral health case manager, and an LBHP or licensure candidate as defined at OAC 317:30-5-240.3(a) and (b). All behavioral health case management services rendered must be reflected by documentation in the records. In addition to a complete behavioral health case management service, plan documentation of each session must include but is not limited to:

(A) Date;
(B) Person(s) to whom services are rendered;
(C) Start and stop times for each service;
(D) Original signature or the service provider [original signatures for faxed items must be added to the clinical file within thirty (30) days];
(E) Credentials of the service provider;
(F) Specific service plan needs, goals, and/or objectives addressed;
(G) Specific activities performed by the behavioral health case manager on behalf of the member related to advocacy, linkage, referral, or monitoring used to address needs, goals, and/or objectives;

(H) Progress and barriers made towards goals, and/or objectives;
(I) Member/family (when applicable) response to the service;
(J) Any new service plan needs, goals, and/or objectives identified during the service; and
(K) Member satisfaction with staff intervention.

(7) **Case management travel time.** The rate for case management services assumes that the case manager will spend some amount of time traveling to the member for the face-to-face service. The case manager must only bill for the actual face-to-face time that they spend with the member and not bill for travel time. This would be considered duplicative billing since the rate assumes the travel component already.

**PART 24. CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINICS**

**317:30-5-268. Limitations [AMENDED]**

(a) The following are non-billable opportunities for CCBHCs serving eligible members:
(1) Employment services;
(2) Personal care services;
(3) Childcare
(4) Respite services; and
(5) Care coordination.

(b) The following SoonerCare members are not eligible for CCBHC services:
(1) Members residing in a nursing facility or ICF/IID;
(2) Inmates of a public correctional institution~~; and~~ unless the inmate:
(A) Is in the custody of a carceral facility as defined in OAC 317:30-5-240.1; and
(B) Is under the age of twenty-one (21) or a former foster care youth up to the age of twenty-six (26) pursuant to Section 5121 of the Consolidated Appropriations Act of 2023; and
(C) Is within thirty (30) days of projected release and eligible to receive medically necessary screening, diagnostic, and targeted case management services.
(3) SoonerCare members being served by a PACE provider.

*[OAR Docket #26-670; filed 8-27-26]*

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**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY**
**CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY**

*[OAR Docket #26-671]*

**RULEMAKING ACTION:**
EMERGENCY adoption
**RULES:**
Subchapter 5. Eligibility and Countable Income
Part 3. NON-MEDICAL ELIGIBILITY REQUIREMENTS
317:35-5-26. Residence requirements; residents of public institutions; homeless persons; and residents of IHS, BIA or Tribal controlled dormitories [AMENDED]
Subchapter 6. Soonercare for Pregnant Women and Families With Children
Part 5. DETERMINATION OF ELIGIBILITY FOR SOONERCARE HEALTH BENEFITS FOR PREGNANT WOMEN AND FAMILIES WITH CHILDREN
317:35-6-45. Eligibility for inmates [AMENDED]
**AUTHORITY:**
The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; the Oklahoma Health Care Authority Board; Section 5121 of the Consolidated Appropriations Act, 2023
**COMMENT PERIOD:**
N/A
**PUBLIC HEARING:**
N/A
**ADOPTION:**

June 26, 2026
**EFFECTIVE:**
Immediately upon Governor's approval
**APPROVED BY GOVERNOR:**
August 17, 2026
**EXPIRATION:**
Effective through September 14, 2027, unless superseded by another rule or disapproved by the Legislature.
**SUPERSEDED EMERGENCY ACTIONS:**
**SUPERSEDED RULES:**
N/A
**GUBERNATORIAL APPROVAL:**
N/A
**REGISTER PUBLICATION:**
N/A
**DOCKET NUMBER:**
N/A
**INCORPORATIONS BY REFERENCE:**
**INCORPORATED STANDARDS:**
N/A
**INCORPORATING RULES:**
N/A
**AVAILABILITY:**
N/A
**FINDING OF EMERGENCY:**
Pursuant to 75 O.S. § 253(A)(1), OHCA finds this emergency rule is necessary to avoid violation of federal law. These rules implement the federal mandate, Section 5121 of the Consolidated Appropriations Act of 2023. The state has been working to ensure that Section 5121 will be implemented by July 1, 2026. Emergency rulemaking is necessary so OHCA policy conforms to current federal guidance.
**GIST/ANALYIS:**
The OHCA proposes these policy revisions to provide federally mandated Medicaid-covered services to eligible justice-involved youth under age 21, and Former Foster Care Youth up to age 26, during the 30 days prior to release from incarceration. Required services include physical and behavioral health screenings and diagnostic services, as well as targeted case management provided 30 days prior to release and 30 days post-release. Services will be coordinated in partnership with the Office of Juvenile Affairs, Department of Corrections, and Department of Mental Health and Substance Abuse Services
**CONTACT PERSON:**
Grace Tierney, Senior Policy and Program Advisor, (405)522-6761, grace.tierney@okhca.org

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

## SUBCHAPTER 5. ELIGIBILITY AND COUNTABLE INCOME

### PART 3. NON-MEDICAL ELIGIBILITY REQUIREMENTS

**317:35-5-26. Residence requirements; residents of public institutions; homeless persons; and residents of IHS, BIA or Tribal controlled dormitories [AMENDED]**
(a) **Residence.** To be eligible for SoonerCare services, the applicant must be residing in the State of Oklahoma with intent to remain at the time the medical service is received. A durational residence requirement is not imposed.

(1) Temporary absence from the State, with subsequent returns to the State, or intent to return when the purposes of the absence have been accomplished, does not interrupt continuity of Oklahoma residence.

(2) Oklahoma residence does not include transients or visitors passing through the state but does not preclude persons who do not have a fixed address if intent is established.

(3) Intent to remain or return is defined as a clear statement of plans to remain or return in addition to other evidence and/or corroborative statements of others.
(4) When a non-resident makes application for SoonerCare benefits, the local office provides services necessary to make available to the applicant any SoonerCare services for which he/she might be eligible from his/her state of residence. The local office contacts the state or county of the applicant's residence to explore possible eligibility for medical benefits from the state and to obtain information needed for the determination of medical eligibility for the services received while in Oklahoma.
(5) If a member's whereabouts are unknown, as indicated by the return of unforwardable agency mail, refer to OAC 317:35-5-67.

(b) **Individuals residing in institutions (correctional facilities and institutions for mental disease).** The SoonerCare program will only pay for services rendered: ~~to~~

(1) To adults (21 through 64 years of age) who are inpatients in an institution for mental disease (IMD), juveniles in the custody of the Office of Juvenile Affairs who are inmates in a state-owned and operated facility, or inmates in a correctional facility, when these individuals are admitted as an inpatient to a hospital, nursing facility, juvenile psychiatric facility or an intermediate care facility for individuals with intellectual disabilities and meet all other eligibility requirements.
(2) To juveniles under the age of twenty-one (21) and former foster care youth up to the age of twenty-six (26) in the custody of a carceral facility as defined in OAC 317:30-5-240.1 who are eligible to receive targeted case management (TCM) services thirty (30) days prior to projected release and thirty (30) days following release.

(c) **Homeless individuals.** Individuals are not required to have a fixed address in order to be eligible for assistance. Individuals who lack a fixed or regular residence, who have temporary accommodations, i.e., supervised shelters, residence of other individuals, a hallway, bus station, car or other similar places, are considered as "homeless".
(d) **Individuals residing in IHS, BIA or Tribal controlled dormitories.** Individuals that reside in a facility which provides students boarding and lodging on a temporary residential basis for the purpose of attending a Bureau-operated or Indian-controlled contract or public school are considered Oklahoma residents for SoonerCare eligibility purposes.

## SUBCHAPTER 6. SOONERCARE FOR PREGNANT WOMEN AND FAMILIES WITH CHILDREN

## PART 5. DETERMINATION OF ELIGIBILITY FOR SOONERCARE HEALTH BENEFITS FOR PREGNANT WOMEN AND FAMILIES WITH CHILDREN

### 317:35-6-45. Eligibility for inmates [AMENDED]

(a) The Oklahoma Health Care Authority (OHCA) shall receive applications from and make eligibility determinations for individuals residing in correctional institutions, including juvenile facilities. However, the SoonerCare program will only pay for services rendered to individuals residing in a correctional institution as specified in Oklahoma Administrative Code (OAC) 317:35-5-26.
(b) In accordance with federal law, including, but not limited to, 42 United States Code (U.S.C.) § 1396a(a)(84), individuals residing in correctional institutions who are under the age of twenty-one (21) or who meet the former foster care child requirements found at OAC 317:35-5-2, shall have their eligibility suspended for the duration of the incarceration period, except for periods of time that inpatient services are provided as specified in OAC 317:35-5-26.
(c) The effective date of the suspension is the calendar day following the date on which an individual described in (b) of this section becomes incarcerated.
(d) A redetermination of eligibility for an individual described in (b) of this section shall be conducted prior to release to determine if the individual continues to meet the eligibility requirements for SoonerCare. A new application will not be required to redetermine eligibility.
(e) Suspended eligibility shall be restored to the release date after a redetermination of eligibility, when:

(1) The Oklahoma Department of Human Services (OKDHS), using the release date supplied by the Oklahoma Office of Juvenile Affairs (OJA) or the Oklahoma Department of Corrections (DOC), removes the suspension;
(2) The individual reports his or her release to the Oklahoma Health Care Authority (OHCA) within ten (10) calendar days of the release date; or
(3) The individual reports his or her release to OHCA more than ten (10) calendar days from the release date, and there is good cause for the delay in reporting.

(f) Qualifying juveniles under the age of twenty-one (21) and former foster care youth up to the age of twenty-six (26) in the custody of a carceral facility within thirty (30) days of projected release are eligible to receive medically necessary screening, diagnostic, targeted case management, and other covered Medicaid state plan services required under applicable federal law and state plan provisions.

*[OAR Docket #26-671; filed 8-27-26]*

## TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
## CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY

*[OAR Docket #26-683]*

**RULEMAKING ACTION:**
EMERGENCY adoption
**RULES:**
Subchapter 5. Eligibility and Countable Income
Part 3. NON-MEDICAL ELIGIBILITY REQUIREMENTS
317:35-5-25. Citizenship/noncitizen status and identity verification requirements [AMENDED]
**AUTHORITY:**
The Oklahoma Health Care Authority Board; 63 O.S. §§ 5006 and 5007; 42 U.S.C. 1396b(v) as amended by Section 71109 of HR1, Public Law No. 119-21
**COMMENT PERIOD:**
N/A
**PUBLIC HEARING:**
N/A
**ADOPTION:**
June 26, 2026
**EFFECTIVE:**
Immediately upon Governor's approval
**APPROVED BY GOVERNOR:**
August 17, 2026
**EXPIRATION:**
Effective through September 14, 2027, unless superseded by another rule or disapproved by the Legislature.
**SUPERSEDED EMERGENCY ACTIONS:**
**SUPERSEDED RULES:**
N/A
**GUBERNATORIAL APPROVAL:**
N/A
**REGISTER PUBLICATION:**
N/A
**DOCKET NUMBER:**
N/A
**INCORPORATIONS BY REFERENCE:**
**INCORPORATED STANDARDS:**
N/A
**INCORPORATING RULES:**
N/A
**AVAILABILITY:**
N/A
**FINDING OF EMERGENCY:**
Pursuant to 75 O.S. § 253(A)(1), OHCA finds this emergency rule is necessary to avoid violation of federal law. HR1 (2025), also known as the One Big Beautiful Bill Act, Public Law No. 119-21, Section 71109 codified at 42 U.S.C. 1396b(v), becomes effective on October 1, 2026. Emergency rulemaking is necessary so OHCA policy conforms to current federal law governing Medicaid eligibility.
**GIST/ANALYIS:**

The proposed policy revisions align with eligibility changes included in HR 1, also referred to as the Working Families Tax Cut legislation or the One Big Beautiful Bill Act. Beginning October 1, 2026, federal financial participation (FFP) will only be available for Medicaid benefits furnished to United States citizens, lawful permanent residents (LPRs), certain Cuban/Haitian entrants, and citizens of the Freely Associated States covered under the Compact of Free Association (COFA). Most other non-citizens will no longer qualify for full-scope coverage and will be limited to Emergency Medical Assistance.

**CONTACT PERSON:**

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

**SUBCHAPTER 5. ELIGIBILITY AND COUNTABLE INCOME**

**PART 3. NON-MEDICAL ELIGIBILITY REQUIREMENTS**

**317:35-5-25. Citizenship/noncitizen status and identity verification requirements [AMENDED]**

(a) **Citizenship/noncitizen status and identity verification requirements.** Verification of citizenship/noncitizen status and identity is required for all adults and children approved for SoonerCare. An exception is individuals who are initially eligible for SoonerCare as deemed newborns; according to Section 1903(x) of the Social Security Act, they will not be required to further document citizenship or identity at any subsequent SoonerCare eligibility redetermination. They are considered to have provided satisfactory documentation of citizenship and identity by virtue of being born in the United States.

(1) The types of acceptable evidence that verify identity and citizenship include:

(A) United States (U.S.) passport;

(B) Certificate of Naturalization issued by U.S. Citizenship & Immigration Services (USCIS)(Form N-550 or N-570);

(C) Certificate of Citizenship issued by USCIS (Form N-560 or N-561);

(D) Copy of the Medicare card or printout of a Beneficiary Earnings and Data Exchange (BENDEX) or State Data Exchange (SDX) screen showing receipt of Medicare benefits, Supplemental Security Income or disability benefits from the Social Security Administration; or

(E) Tribal membership card or Certificate of Degree of Indian Blood (CDIB) card, with a photograph of the individual.

(2) The types of acceptable evidence that verify citizenship but require additional steps to obtain satisfactory evidence of identity are listed in subparagraphs (A) and (B). Subparagraph (A) lists the most reliable forms of verification and is to be used before using items listed in (B). Subparagraph (B) lists those verifications that are less reliable forms of verification and are used only when the items in (A) are not attainable.

(A) Most reliable forms of citizenship verification are:

(i) A U.S. public Birth Certificate showing birth in one (1) of the fifty (50) states, the District of Columbia, Puerto Rico (on or after 1/13/1941), Guam (on or after 4/10/1899), the U.S. Virgin Islands (on or after 1/17/1917), American Samoa, Swain's Island, or the Northern Mariana Islands after 11/4/1986. For Puerto Ricans whose eligibility is being determined for the first time on or after October 1, 2010 and using a birth certificate to verify citizenship, the birth certificate must be a certified birth certificate issued by Puerto Rico on or after July 1, 2010;

(ii) A Consular Report of Birth Abroad of a U.S. citizen issued by the Department of Homeland Security or a Certification of Birth issued by the State Department (Form FS-240, FS-545 or DS-1350);

(iii) A U.S. Citizen Identification Card (Form I-179 or I-197);

(iv) A Northern Mariana Identification Card (Form I-873) (Issued by the former INS to a collectively naturalized citizen of the U.S. who was born in the Northern Mariana Islands before 11/3/1986);

(v) An American Indian Card issued by the Department of Homeland Security with the classification code "KIC" (Form I-872);

(vi) A final adoption decree showing the child's name and U.S. place of birth;
(vii) Evidence of U.S. Civil Service employment before 6/1/1976;
(viii) An Official U.S. Military Record of Service showing a U.S. place of birth (for example a DD-214);
(ix) Tribal membership card or Certificate of Degree of Indian Blood (CDIB) card, without a photograph of the individual, for Native Americans;
(x) Oklahoma voter registration card;
(xi) Other acceptable documentation as approved by OHCA; or
(xii) Other acceptable documentation to the same extent as described and communicated by the United States Citizenship and Immigration Service (USCIS) from time to time.

(B) Other less reliable forms of citizenship verification are:
(i) An extract of a hospital record on hospital letterhead established at the time of the person's birth that was created five (5) years before the initial application date and that indicates a U.S. place of birth. For children under sixteen (16) the evidence must have been created near the time of birth or five (5) years before the date of application;
(ii) Life, health, or other insurance record showing a U.S. place of birth that was created at least five (5) years before the initial application date and that indicates a U.S. place of birth;
(iii) Federal or state census record showing U.S. citizenship or a U.S. place of birth (generally for persons born 1900 through 1950). The census record must also show the applicant's/member's age; or
(iv) One (1) of the following items that show a U.S. place of birth and was created at least five (5) years before the application for SoonerCare. This evidence must be one (1) of the following and show a U.S. place of birth:
(I) Seneca Indian tribal census record;
(II) Bureau of Indian Affairs tribal census records of the Navajo Indians;
(III) U.S. State Vital Statistics official notification of birth registration;
(IV) An amended U.S. public birth record that is amended more than five (5) years after the person's birth; or
(V) Statement signed by the physician or midwife who was in attendance at the time of birth.

(3) Acceptable evidence of identity that must accompany citizenship evidence listed in (A) and (B) of paragraph (2) of this subsection includes:
(A) A driver's license issued by a U.S. state or territory with either a photograph of the individual or other identifying information such as name, age, sex, race, height, weight, or eye color;
(B) A school identification card with a photograph of the individual;
(C) An identification card issued by federal, state, or local government with the same information included on driver's licenses;
(D) A U.S. military card or draft record;
(E) A U.S. military dependent's identification card;
(F) A Native American Tribal document including Certificate of Degree of Indian Blood, or other U.S. American Indian/Alaska Native Tribal document with a photograph of the individual or other personal identifying information;
(G) A U.S. Coast Guard Merchant Mariner card;
(H) A state court order placing a child in custody as reported by the OKDHS;
(I) For children under sixteen (16), school records may include nursery or daycare records;
(J) If none of the verification items on the list are available, an affidavit may be used for children under sixteen (16). An affidavit is only acceptable if it is signed under penalty of perjury by a parent or guardian stating the date and place of the birth of the child and cannot be used if an affidavit for citizenship was provided.

(b) **Reasonable opportunity to obtain verification.**
(1) The state provides Medicaid to citizens and nationals of the United States and certain noncitizens, including during a reasonable opportunity period pending verification of citizenship, national status, or immigrations status. The reasonable opportunity period begins on the date the notice of reasonable opportunity is received by the individual and extends at minimum ninety (90) days. Receipt by the individual is deemed to occur five (5) days after the date on the notice, unless the individual shows that the notice was not received in the five-day period. The state provides an extension of the reasonable opportunity period if the individual subject to

verification is making a good faith effort to resolve any inconsistencies or obtain any necessary documentation, or the state needs more time to complete the verification process. The state begins to furnish benefits to otherwise eligible individuals on the date of application containing the declaration of citizenship or immigration status and throughout the reasonable opportunity period.

(2) The following methods of verification are the least reliable forms of verification and should only be used as a last resort:

(A) Institutional admission papers from a nursing facility, skilled care facility or other institution. Admission papers generally show biographical information for the person including place of birth; the record can be used to establish U.S. citizenship when it shows a U.S. place of birth;

(B) Medical (clinic, doctor, or hospital) record created at least five (5) years before the initial application date that indicates a U.S. place of birth. For children under the age of sixteen (16), the document must have been created near the time of birth. Medical records generally show biographical information for the person including place of birth; the record can be used to establish U.S. citizenship when it shows a U.S. place of birth. An immunization record is not considered a medical record for purposes of establishing U.S. citizenship;

(C) Written affidavit. Affidavits are only used in rare circumstances. If the verification requirements need to be met through affidavits, the following rules apply:

(i) There must be at least two (2) affidavits by two (2) individuals who have personal knowledge of the event(s) establishing the applicant's/member's claim of citizenship;

(ii) At least one (1) of the individuals making the affidavit cannot be related to the applicant/member;

(iii) In order for the affidavit to be acceptable, the persons making them must be able to provide proof of their own citizenship and identity;

(iv) If the individual(s) making the affidavit has information which explains why evidence establishing the applicant's/member's claim of citizenship does not exist or cannot be readily obtained, the affidavit must contain this information as well;

(v) The State must obtain a separate affidavit from the applicant/member or other knowledgeable individual (guardian or representative) explaining why the evidence does not exist or cannot be obtained; and

(vi) The affidavits must be signed under penalty of perjury.

(c) **Noncitizen eligibility.** ~~SoonerCare services are provided as described to the defined groups as indicated in this subsection if they meet all other factors of eligibility, including but not limited to residency requirements, and if the relevant noncitizen status is verifiable by federally approved means.~~ SoonerCare services are provided to noncitizens only as described in this subsection, if the individual meets all other applicable eligibility requirements, including but not limited to residency requirements, and the relevant immigration status or category is verified by federally approved means. Effective October 1, 2026, full SoonerCare benefits for noncitizens are limited to individuals for whom federal financial participation is available under Section 1903(v)(5) of the Social Security Act and other applicable federal law.

~~(1) **Unauthorized resident noncitizen.** An unauthorized resident noncitizen is a foreign-born individual who is not lawfully present in the United States, regardless of having had authorization during a prior period. Unauthorized resident noncitizens have formerly been known as "illegal" or "undocumented" immigrants or "aliens". Per 8 U.S.C. 1611(a) and (b)(1)(A) an unauthorized resident noncitizen is ineligible for Title XIX Medicaid benefits except for emergency Medicaid as defined at subparagraph (e) below. However, an unauthorized resident noncitizen who is pregnant is eligible for benefits under Title XXI separate Children's Health Insurance Program (CHIP) for services that benefit the unborn child, if the unborn child meets all eligibility requirements.~~

~~(2) **Authorized resident noncitizen, not qualified.** An authorized resident noncitizen is a foreign-born individual who is lawfully present in the United States (U.S.) and is lawfully residing in the U.S., but who does not meet the definition of qualified noncitizen, per 8 U.S.C. 1611(a) and (b)(1)(A). The Oklahoma Medicaid program does not exercise the CHIPRA 214 option; therefore, an authorized resident noncitizen is ineligible for Title XIX or Title XXI Medicaid benefits except for emergency Medicaid as defined at subparagraph (e) below. However, an authorized resident noncitizen who is pregnant is eligible for benefits under Title XXI separate CHIP for services that benefit the unborn child, if the unborn child meets all eligibility requirements.~~

~~(3) **Qualified noncitizen.** A "qualified noncitizen" is an authorized resident noncitizen who, at the time of applying for Medicaid, has a "qualified noncitizen" immigration status as identified at 8 U.S.C. 1641, as may be amended from time to time. Any qualified noncitizen is eligible for full Title XIX Medicaid benefits after a five-year waiting period beginning on the date of the noncitizen's entry into the U.S. with an immigration status~~

identified as "qualified noncitizen" if the noncitizen meets all other eligibility criteria at the end of the waiting period. During the waiting period, as per 8 U.S.C. 1613(a), any qualified noncitizen is eligible to receive emergency Medicaid as described in subparagraph (e) below if the noncitizen meets all other eligibility requirements, including but not limited to residency requirements.

(A) **Qualified noncitizen immigration statuses.** Immigration statuses identified by federal law as "qualified noncitizen", as of November 2, 2021, include:

(i) A noncitizen who is lawfully admitted for permanent residence under the Immigration and Nationality Act [INA], per 8 U.S.C. 1101 et seq.;

(ii) A noncitizen who is granted asylum under INA section 208, per 8 U.S.C. 1158;

(iii) A noncitizen who is admitted to the U.S. under INA section 207 refugee, per 8 U.S.C. 1157;

(iv) A noncitizen who is paroled into the U.S. under INA section 212(d)(5), per 8 U.S.C. 1182(d)(5), for a period of at least one (1) year;

(v) A noncitizen whose deportation is being withheld under INA section 243(h), per 8 U.S.C. 1253 (as in effect immediately before the effective date of section 307 of division C of Public Law 104B208) or section 241(b)(3) of such Act, per 8 U.S.C. 1231(b)(3) (as amended by section 305(a) of division C of Public Law 104B208);

(vi) A noncitizen who is granted conditional entry before 1980 pursuant to INA section 203(a)(7), per 8 U.S.C. 1153(a)(7), as in effect prior to April 1, 1980;

(vii) A noncitizen who is a Cuban and Haitian entrant (as defined in section 501(e) of the Refugee Education Assistance Act of 1980);

(viii) A noncitizen who, or whose parent or child, has been battered or subjected to extreme cruelty in the U.S. by a U.S. citizen or lawful permanent resident spouse or parent or by a member of the spouse's or parent's family residing in the same household, except during any period in which the individual responsible for such battery or cruelty resides in the same household or family eligibility unit as the individual subjected to such battery or cruelty and only when the alien meets all of the following requirements:

(I) The noncitizen, if not the individual subjected to battery or extreme cruelty, had no active participation in the battery or cruelty;

(II) The noncitizen is a credible victim; and

(III) The noncitizen is able to show a substantial connection between the need for benefits sought and the batter or extreme cruelty; and

(IV) The noncitizen has been approved or has a petition pending which sets forth a prima facie case for one of the following: status as a spouse or child of a U.S. citizen under INA 204(a)(1)(A); classification under INA 204(a)(1)(B)(ii) or (iii); suspension of deportation under INA 244(a)(3); status as a spouse or child of a U.S. citizen under INA 204(a)(1)(A); or classification under INA 204(a)(1)(B); or cancellation of removal under INA 240A(b)(2).

(ix) A noncitizen who is or has been a victim of a severe form of trafficking in persons and who has been granted nonimmigrant status under INA 101(a)(15)(T) or who has a pending application that sets forth a prima facie case for eligibility for such immigration status; or

(x) Beginning December 27, 2020, a noncitizen who lawfully resides in the state in accordance with the Compacts of Free Association between the Government of the United States and the Governments of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

(B) **Five-year wait exception for refugees and asylees.**

(i) Excepted from the five-year waiting period per 8 U.S.C. 1612(b)(2)(A), the following qualified noncitizens are immediately eligible for a Medicaid determination upon the date:

(I) A noncitizen is admitted to the U.S. as a refugee under INA section 207 [INA 207 Refugee], per 8 U.S.C. 1157;

(II) A noncitizen is granted asylum under INA section 208, per 8 U.S.C. 1158;

(III) A noncitizen's deportation is withheld under INA section 243(h), per 8 U.S.C. 1253 (as in effect immediately before the effective date of section 307 of division C of Public Law 104B208) or section 241(b)(3) of such Act, per 8 U.S.C. 1231(b)(3) (as amended by section 305(a) of division C of Public Law 104B208);

(IV) A noncitizen is granted status as a Cuban and Haitian entrant (as defined in section 501(e) of the Refugee Education Assistance Act of 1980); or
(V) A noncitizen is admitted to the U.S. as an Amerasian immigrant under the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, section 584.

(ii) This exception to the five-year waiting period expires seven (7) years after the date of action indicated in the list at (c)(3)(B)(i) above. Upon expiration of the exception, the five-year waiting period must be calculated.

(C) **Five-year wait exception for certain permanent resident noncitizens.** The five-year waiting period does not apply and the noncitizen is immediately eligible for a Medicaid determination per 8 U.S.C. 1612(b)(2)(B), if:

(i) The noncitizen is lawfully admitted to the U.S. for permanent residence;
(ii) The noncitizen has either:

(I) worked forty (40) qualifying quarters of coverage as defined under the Act; or
(II) can be credited with such qualifying quarters as provided under 8 U.S.C. 1645; and

(iii) In the case of any such qualifying quarters creditable for any period beginning after December 31, 1996, the noncitizen did not receive any federal means-tested public benefit during any such period.

(D) **Five-year wait exception for veteran and active-duty noncitizens.** As per 8 U.S.C. 1612(b)(2)(C) and 1613, the five-year waiting period does not apply, and the noncitizen is immediately eligible for a Medicaid determination if the noncitizen is a qualified noncitizen who is lawfully residing in the state and is:

(i) A veteran (as defined at INA sections 101, 1101, or 1301, or as described at 38 U.S.C. section 107) with a discharge characterized as an honorable discharge and not on account of noncitizenship and who fulfills the minimum active-duty service requirements of 38 U.S.C. section 5303A(d);
(ii) On active duty (other than active duty for training) in the Armed Forces of the United States; or
(iii) The spouse or unmarried dependent child of an individual described herein as a veteran or active-duty noncitizen; or
(iv) The unremarried surviving spouse of an individual described herein as a veteran or active-duty noncitizen who is deceased, if the marriage fulfills the requirements of 38 U.S.C. section 1304.

(E) **Five-year wait exception for COFA migrants.** Per 8 U.S.C. 1613(b)(3) and as of December 27, 2020, any noncitizen who lawfully resides in the state in accordance with the Compacts of Free Association between the Government of the United States and the Governments of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau is, with regard to the Medicaid program, are not subject to the five-year waiting period unless and until the individual=s status is adjusted to lawful permanent resident (LPR), at which time the five year waiting period must be calculated, unless the individual meets a separate exception to the five-year waiting period:

(i) If the individual entered the U.S. before December 27, 2020, and the date of adjustment to LPR status occurred before December 27, 2020, then the waiting period begins on the date of adjustment and ends after five (5) years;
(ii) If the individual entered the U.S. before December 27, 2020, and the date of adjustment to LPR status occurred after December 27, 2020, the waiting period expires on December 27, 2025; and
(iii) If the individual entered the U.S. after December 27, 2020, and the date of adjustment to LPR status occurred after December 27, 2020, the waiting period begins on the date of entry into the U.S. and ends after five (5) years.

(F) **Five-year wait exception for qualified noncitizens receiving SSI.** Per 8 U.S.C. 1612(b)(2)(F), a qualified noncitizen who is receiving benefits under the supplemental security income program (SSI) under Title XVI of the Act shall be eligible for medical assistance under a state plan under Title XIX of the Social Security Act, per 42 U.S.C. 1396 et seq), under the same terms and conditions that apply to other recipients of SSI benefits.

(4) **Special categories of noncitizens and conferred benefits.** For the following noncitizens, federal law has expressly authorized Title XIX Medicaid benefits as described below and at law.

(A) **Certain American Indian / Alaskan Native (AI/AN) noncitizens.** The qualified noncitizen requirement and the five-year waiting period do not apply to any individual who is:

(i) An American Indian born in Canada to whom section 289 of the Immigration and Nationality Act apply, per 8 U.S.C. 1359; or

(ii) A member of a federally recognized Indian tribe as defined at 25 U.S.C. 450b(e).

(B) **Certain Iraqi nationals.**

(i) Public Law 110-181, Section 1244, while in force and as amended from time to time, created a new category of special immigrant for Iraqi nationals, including:

(I) Principal noncitizens who have provided relevant service to the U.S. government, while employed by or on behalf of the U.S. government in Iraq, for not less than 1 year beginning on or after March 20, 2003, and who have experienced or are experiencing an ongoing serious threat as a consequence of that employment;

(II) The spouse or surviving spouse of a principal noncitizen; and

(III) The child of a principal noncitizen.

(ii) Public Law 111-118, Section 8120, while in force and as amended from time to time, extended Iraqi special immigrant eligibility for medical assistance to the same extent as INA 207 Refugees are eligible for medical assistance [see subparagraph (c)(3)(B) above] as of December 19, 2009.

(iii) As of August 3, 2021, pursuant to the Office of Refugee Resettlement Policy Letter 21-07, while in force and as may be amended, Iraqi nationals granted special immigrant parole, noncitizens with applications pending for special immigrant status, are also eligible for medical assistance to the same extent as INA 207 Refugees are eligible for medical assistance [see subparagraph (c)(3)(B) above];

(C) **Certain Afghan nationals.**

(i) Public Law 111-8, Section 602, while in force and as amended from time to time, created a new category of special immigrant for Afghan nationals, including:

(I) Principal noncitizens who have provided relevant service to the U.S. government or the International Security Assistance Force, while employed by or on behalf of the U.S. government in Afghan, for not less than one (1) year beginning on or after October 7, 2001, and who have experienced or are experiencing an ongoing serious threat as a consequence of that employment;

(II) The spouse or surviving spouse of a principal noncitizen; and

(III) The child of a principal noncitizen.

(ii) Public Law 111-118, Section 8120, while in force and as amended from time to time, amended Public Law 111-8, Section 602, to extend Afghan special immigrant eligibility for medical assistance to the same extent as INA 207 Refugees are eligible for medical assistance [see subparagraph (c)(3)(B) above] as of December 19, 2009;

(iii) As of August 3, 2021, pursuant to the Office of Refugee Resettlement Policy Letter 21-07, while in force and as may be amended, Afghan nationals granted special immigrant parole, noncitizens with applications pending for special immigrant status, are also eligible for medical assistance to the same extent as INA 207 Refugees are eligible for medical assistance [see subparagraph (c)(3)(B) above];

(iv) Pursuant to Public Law 117-43, Section 2502, while in force and as may be amended from time to time, "applicable individuals" have time-limited eligibility for medical assistance to the same extent as INA 207 Refugees are eligible for medical assistance [See subsection (c)(3)(B) above], until March 21, 2023, or the term of parole, whichever is later. In this subparagraph, the term "applicable individual" includes only:

(I) A citizen or national of Afghanistan or a person with no nationality who last habitually resided in Afghanistan, if the individual is paroled into the U.S. between July 31, 2021, and September 30, 2022;

(II) The spouse or child of an individual described at (c)(3)(C)(iv)(I) of this section, if the spouse or child is paroled into the U.S. after September 30, 2022; and

~~(III) The parent or legal guardian of an individual described at (c)(3)(C)(iv)(I) who is determined to be an unaccompanied child, if the parent or legal guardian is paroled into the U.S. after September 30, 2022.~~

~~(D) **Certain Ukrainian nationals.** Public Law 117-128, Section 401, while in force and as amended from time to time, created a new category of special immigrant for Ukraine nationals, including:~~

~~(i) A citizen or national of Ukraine, or a person who last habitually resided in Ukraine, who was paroled into the United States between February 24, 2022 and September 30, 2023; or~~

~~(ii) A citizen or national of Ukraine, or a person who last habitually resided in Ukraine, who was paroled into the United States after September 30, 2023, and is the spouse or child of an individual described in (D)(i)(I) above, or is the parent, legal guardian, or primary caregiver of an individual described in (D)(i)(I) above who is determined to be an unaccompanied child; and~~

~~(iii) The individual's parole has not been terminated by the Secretary of Homeland Security.~~

(1) **Noncitizens eligible for full SoonerCare benefits**. Beginning October 1, 2026, a noncitizen is eligible for full SoonerCare benefits without a five-year waiting period only if the individual is:

(A) a Cuban or Haitian entrant, as defined by federal law;

(B) a Compact of Free Association migrant lawfully residing in the United States in accordance with federal law; or

(C) a lawfully admitted permanent resident who is not subject to the five-year waiting period or who is exempt from that waiting period under applicable federal law.

(2) **Noncitizens eligible for full SoonerCare benefits after the five-year waiting period.** Beginning October 1, 2026, a lawfully admitted permanent resident who is subject to the five-year waiting period is eligible for full SoonerCare benefits only after satisfying the applicable waiting period and all other eligibility requirements under federal and state law.

(3) **Noncitizens ineligible for full SoonerCare benefits.** Beginning October 1, 2026, a noncitizen who is not described in paragraph (1) or (2) of this subsection is not eligible for full SoonerCare benefits, except to the extent coverage is expressly authorized by federal law. Such individuals may be eligible for emergency Medicaid if otherwise eligible under subsection (e) of this section. This paragraph includes, but is not limited to, a noncitizen whose verified immigration status or category is any of the following and who is not otherwise described in paragraph (1) or (2) of this subsection:

(A) a refugee admitted under section 207 of the Immigration and Nationality Act;

(B) an individual granted asylum under section 208 of the Immigration and Nationality Act;

(C) a noncitizen paroled into the United States for a period of at least one (1) year;

(D) a noncitizen granted withholding of deportation or withholding of removal;

(E) a noncitizen granted conditional entry prior to April 1, 1980;

(F) a noncitizen who, or whose parent or child, has been battered or subjected to extreme cruelty, as described by federal law;

(G) a noncitizen granted nonimmigrant status as a victim of trafficking, a noncitizen with a pending application that sets forth a prima facie case for such status, or a victim of a severe form of trafficking in persons and qualifying family members, as described by federal law;

(H) an Amerasian immigrant;

(I) a lawfully residing veteran, active-duty servicemember, or qualifying family member whose eligibility is based solely on that status and who is not otherwise described in paragraph (1) or (2) of this subsection;

(J) an American Indian born in Canada or an American Indian who is a member of a federally recognized tribe, if the individual is not a United States citizen and is not otherwise described in paragraph (1) or (2) of this subsection;

(K) a certain Afghan parolee described by federal law;

(L) a certain Ukrainian parolee described by federal law; or

(M) any other lawfully residing noncitizen not otherwise described in paragraph (1) or (2) of this subsection.

(4) **Unauthorized resident noncitizens.** An unauthorized resident noncitizen is not eligible for full SoonerCare benefits and may receive emergency Medicaid only, if otherwise eligible.

(d) **Continuing conformance with federal law.**~~Notwithstanding any other provision of this section, any noncitizen population that federal law or authority, as amended from time to time, identifies as eligible for medical assistance under Title XIX is eligible for such benefits to the same extent, under the same conditions, and for the same period of time as indicated in the relevant federal law or official federal guidance documents, including any amendments to the law or guidance.~~Notwithstanding any other provision of this section, eligibility of noncitizens for full SoonerCare benefits, any applicable waiting period, and the availability of emergency Medicaid shall be determined in accordance with applicable federal law, as amended from time to time, and federal financial participation shall be claimed only to the extent permitted by federal law.

(e) **Emergency Medicaid.**~~Emergency Medicaid in this section means medical assistance provided to a noncitizen under Title XIX for care and services that are necessary for the treatment of an emergency medical condition, as defined by section 1903(v)(3) of the Act and including labor and delivery but not related to organ transplant procedure, of the noncitizen involved if the noncitizen otherwise meets eligibility requirements for medical assistance under the state plan, including but not limited to residency requirements.~~Emergency Medicaid means medical assistance provided to a noncitizen under Title XIX for care and services necessary for the treatment of an emergency medical condition, as defined by Section 1903(v)(3) of the Social Security Act, including labor and delivery but not related to an organ transplant procedure, if the noncitizen otherwise meets eligibility requirements under the state plan, including but not limited to residency requirements.

*[OAR Docket #26-683; filed 8-27-26]*

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## TITLE 442. OKLAHOMA MEDICAL MARIJUANA AUTHORITY
## CHAPTER 10. MEDICAL MARIJUANA REGULATIONS

*[OAR Docket #26-689]*

**RULEMAKING ACTION:**
EMERGENCY adoption
**RULES:**
Subchapter 5. Medical Marijuana Businesses
442:10-5-2. Licenses [AMENDED]
442:10-5-3. Applications [AMENDED]
**AUTHORITY:**
Executive Director of the Oklahoma Medical Marijuana Authority; 63 O.S. § 427.14a and 63 O.S. § 427.14c.
**COMMENT PERIOD:**
N/A
**PUBLIC HEARING:**
N/A
**ADOPTION:**
July 22, 2026
**EFFECTIVE:**
Immediately upon Governor's approval or August 1, 2026, whichever is later
**APPROVED BY GOVERNOR:**
August 28, 2026
**EXPIRATION:**
Effective through September 14, 2027, unless superseded by another rule or disapproved by the Legislature.
**SUPERSEDED EMERGENCY ACTIONS:**
**SUPERSEDED RULES:**
N/A
**GUBERNATORIAL APPROVAL:**
N/A
**REGISTER PUBLICATION:**
N/A
**DOCKET NUMBER:**
N/A
**INCORPORATIONS BY REFERENCE:**

**INCORPORATED STANDARDS:**
N/A
**INCORPORATING RULES:**
N/A
**AVAILABILITY:**
N/A
**FINDING OF EMERGENCY:**
The proposed emergency rules implement legislative changes mandated by HB 3143 from the 2026 legislative session and address changes in statute under 63 O.S. § 427.14a and 63 O.S. § 427.14c. The emergency rules are intended to align the Agency's rules with the statutory changes that took effect on August 1, 2026, and to provide clear guidance regarding the eligibility requirements for submitting license transfer applications, as permanent rules implementing these legislative changes cannot be promulgated before the statutory effective date.
**GIST/ANALYIS:**
The proposed emergency rules implement legislative changes mandated by HB 3143 from the 2026 legislative session and address changes in statute under 63 O.S. § 427.14a and 63 O.S. § 427.14c. The moratorium on processing and issuing new medical marijuana business licenses for dispensaries, processors, and commercial growers was extended to August 1, 2028, and added to 63 O.S. § 427.14a of state statute and OAC 442:10-5-3(h) of administrative code. Language prohibiting licensees from submitting applications to transfer ownership of a license if the licensee is subject to any administrative action that may result in revocation, suspension, or nonrenewal of the license or OBNDD registration was added to 63 O.S. § 427.14c of state statute and OAC 442:10-5-2(f) of administrative code. The emergency rules are intended to align rules with statute and provide clear guidance to licensees regarding license transfer applications.
**CONTACT PERSON:**
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**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F), AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR OR AUGUST 1, 2026, WHICHEVER IS LATER:**

## SUBCHAPTER 5. MEDICAL MARIJUANA BUSINESSES

**442:10-5-2. Licenses [AMENDED]**
(a) **Timeframe**. A medical marijuana business license shall be issued for a twelve (12) month period expiring one (1) year from the date of issuance. The license may be issued upon receipt of a completed application, payment of application fee, and verification by the Authority the individual or entity complies with the requirements set forth in Oklahoma law and this Chapter. Beginning November 1, 2025, the Authority shall invoice license applicants, if applicable, and notify applicants in the same method and manner as the application was submitted to the Authority for any additional licensing fees owed prior to approval of a license application. Applicants and licensees shall remit all required license and application fees, including any additional licensing fees, if applicable, in full within forty-five (45) days of notification by the Authority. Failure to remit such fees shall result in the denial of the application.
(b) **Location**. A business license issued to a grower, processor, dispensary, or testing laboratory shall only be valid for a single location at the address listed on the application. A transporter license shall only be valid at the physical locations that have been submitted to and approved by the Authority and are listed on the application.
(1) For a medical marijuana commercial grower that has a combination of both indoor and outdoor growing facilities at one (1) location, the medical marijuana commercial grower shall be required to obtain a separate license from the Authority for each type of grow operation and shall be subject to the licensing fees provided in 63 O.S. 427.14 and these Rules.
(2) No medical marijuana business premises is permitted to have multiple licenses of the same type, excluding the following:
(A) a commercial grower with a combination of an indoor or outdoor growing facility on one (1) parcel of land, For the purposes of this section, a "parcel of land" means the specific portion of land that is identified by a legal description, which is considered as a single unit for the purpose of ownership, and upon which the licensed premises is located.
(B) a licensed medical marijuana processor used by multiple licensees, and

(C) a licensed medical marijuana business that has an approved application by the Authority while the new business seeks registration from the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control (OBNDD).

(c) **Renewal of license**.

(1) It is the responsibility of the license holder to renew the license, with all applicable documentation, prior to the date of expiration of the license by following the procedures provided in OAC 442:10-5-3.

(2) Before renewing a license, the Authority may require further information and documentation and may require additional background checks to determine the licensee continues to meet the requirements set forth in Oklahoma law and these Rules.

(3) The Authority may refuse to renew a license of a medical marijuana business for the following:

(A) Failure to meet the requirements for licensure set forth in 63 O.S. § 420 et seq; the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.; or OAC 442:10.

(B) Noncompliance with 63 O.S. § 420 et seq.; the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.; the Oklahoma Medical Marijuana Waste Management Act, 63 O.S. § 427a et seq.; or OAC 442:10.

(4) Upon the determination that a licensee has not met the requirements for renewal, the Authority shall provide written notice to the licensee. The notice shall provide an explanation for the denial of the renewal application.

(5) A commercial licensee that attempts to renew its license after the expiration date of the license shall pay a nonrefundable late renewal fee of five hundred dollars ($500.00) per week that the license is expired and a license that has been expired for more than sixty (60) calendar days shall not be renewed. Only license renewal applications submitted at least sixty (60) calendar days prior to the expiration date shall be considered timely submitted and subject to the requirement that applications be reviewed within ninety (90) business days of receipt of the application in accordance with Subsection F of Section 427.14 of Title 63 of the Oklahoma Statutes. A medical marijuana business license shall remain unexpired during the pendency of the application for renewal provided that such application was timely submitted. The Authority shall allow renewal applications to be submitted at least one hundred twenty (120) calendar days prior to the expiration date of a medical marijuana business license.

(6) Late renewal applications and late renewal fees provided in OAC 442:10-5-2(C)(5) apply only to initial renewal applications. If an initial renewal application is rejected for any reason, the licensee has thirty (30) days to resubmit the application with the required information as provided by OAC 442:10-5-3(f). Failure to resubmit the application within the thirty (30) days shall result in expiration of the application and the licensee is prohibited from submitting a new renewal application subject to the late renewal fee as provided in OAC 442:10-5-2(C)(5).

(d) **Liquidation of products.** A medical marijuana business licensee whose license is not renewed, or whose license is revoked, suspended, or voluntarily surrendered, shall cease all operations immediately upon expiration of the license and shall liquidate or dispose of any medical marijuana or medical marijuana products in accordance with OAC 442:10-5-10 that were not liquidated prior to licensure expiration in accordance with Oklahoma law and these Rules. Except as provided by Section 427.14 of Title 63 of the Oklahoma Statutes, immediately upon expiration of a license, any medical marijuana business shall cease all possession, transfer, or sale of medical marijuana or medical marijuana products. Any continued possession, sale, or transfer shall subject the business owners and operators to felony prosecution pursuant to the Uniform Controlled Dangerous Substances Act.

(e) **Change in information**.

(1) Licensees shall notify the Authority in writing within fourteen (14) days of any changes in contact information by electronically submitting a change request in accordance with the Authority's instructions.

(2) Licensees shall obtain Authority approval for any material changes that affect the licensee's qualifications for licensure. No licensee shall operate under the conditions of a material change without written approval of an application by the Authority. Applications for written approval of material changes that affect the licensee's qualifications for licensure shall not occur during the renewal application and must be submitted in a separate material change request to the Authority. Licensees shall submit a material change request to the Authority in writing in advance of any material change that may affect the licensee's qualifications for licensure by electronically submitting a change request, along with any relevant documentation and fees, in accordance with the Authority's instructions.

(A) Medical marijuana business licensees submitting a location change request must provide a five hundred dollar ($500.00) nonrefundable application fee and the information and documentation required in OAC 442:10-5-3 relating to locations, including but not limited to the following:

(i) If applicable, proof as required in OAC 442:10-5-3(e)(6) that the location of the dispensary or grower is at least one thousand (1,000) feet from any public and private school;
(ii) As required in OAC 442:10-5-3(e)(8), all building permits and/or certificate(s) of occupancy issued by the Oklahoma State Fire Marshal or by the political subdivision with an authority having a jurisdiction agreement on file with the Oklahoma State Fire Marshal certifying compliance with the categories listed in 63 O.S. § 426.1(E) for the construction or alteration of any buildings or structures classified as occupancies under the building codes adopted by the Oklahoma Uniform Building Code Commission;
(iii) If applicable, a bond or attestation as required under OAC 442:10-5-3.3 certifying compliance with 63 O.S. § 427.26; and
(iv) Any further documentation the Authority determines is necessary to ensure the business licensee is still qualified under Oklahoma law and this Chapter to obtain a business license.
(v) Upon written acceptance of a location change by the Authority, commercial licensees must carry a physical copy of the written location change approval while transporting medical marijuana products from location to location.
(vi) If a location change request is being submitted due to a change of ownership, name, or the transfer of a license to a new licensee, the location change request must be included in a license transfer application pursuant to OAC 442:10-5-2(f)(2).

(B) Medical marijuana business licensees submitting an ownership change request must provide the nonrefundable application fee listed below and the information and documentation required in OAC 442:10-5-3 relating to owners, including but not limited to the following:

(i) A list of all owners and principal officers of the commercial applicant and supporting documentation as set forth in OAC 442:10-5-3(e)(1);
(ii) An affidavit of lawful presence for each new owner;
(iii) Documents required under OAC 442:10-5-3(e)(7) establishing that the applicant; and the members, managers, and board members if applicable; and seventy-five percent (75%) of the commercial applicant's ownership interests are Oklahoma residents as required in the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.;
(iv) A background check in accordance with OAC 442:10-1-5;
(v) If applicable, a bond or attestation as required under OAC 442:10-5-3.3 certifying compliance with 63 O.S. § 427.26;
(vi) A nonrefundable application fee that is the annual license or application fee established under Section 427.14 of Title 63 of the Oklahoma Statutes for the medical marijuana business license type; and
(vii) Any further documentation the Authority determines is necessary to ensure the business licensee is still qualified under Oklahoma law and this Chapter to obtain a business license.
(viii) All licensees submitting a change of ownership request must submit a license transfer application pursuant to OAC 442:10-5-2(f)(2).

(C) A medical marijuana business licensee submitting a name change request must provide a five hundred dollar ($500.00) nonrefundable application fee and the information and documentation required in OAC 442:10-5-3 relating to the business name, including, but not limited to, the following:

(i) A certificate of good standing from the Oklahoma Secretary of State issued within thirty (30) days of submission of the application;
(ii) If applicable, official documentation from the Oklahoma Secretary of State establishing the applicant's trade name;
(iii) If applicable, an electronic copy or digital image in color of a sales tax permit issued by the Oklahoma Tax Commission;
(iv) A list of all owners and principal officers of the licensee under the new name and supporting documentation as set forth in OAC 442:10-5-3(e)(1);
(v) Documents establishing that seventy-five percent (75%) of the ownership of the licensee under the new name are Oklahoma residents in accordance with OAC 442:10-5-3(e)(7);
(vi) If applicable, a bond or attestation as required under OAC 442:10-5-3.3 certifying compliance with 63 O.S. § 427.26; and
(vii) Any further documentation the Authority determines is necessary to ensure the business licensee is still qualified under Oklahoma law and this Chapter to obtain a business license.

(viii) Requests to change the name of a business or individual holding the license is considered a transfer of license from one licensee to another. Licensees submitting a name change request must do so by submitting a license transfer application pursuant to OAC 442:10-5-2(f)(2).

(D) Medical marijuana growers, processors, or commercial transporters that have held a valid medical marijuana business license for at least eighteen (18) months and are operating in good standing may submit an ownership change request to add a publicly traded company as an owner. The publicly traded company shall not own more than forty percent (40%) of the equity in the existing medical marijuana grower, processor, or commercial transporter. The following documentation must be provided:

(i) If applicable, a certificate of good standing from the Oklahoma Secretary of State issued within thirty (30) days of submission of the application.

(ii) A list of all owners, excluding all shareholders of the publicly traded company, and principal officers of the commercial applicant and supporting documentation as set forth in OAC 442:10-5-3(e)(1);

(iii) Documents required under OAC 442:10-5-3(e)(7) establishing that the applicant; and the members, managers, and board members if applicable; and seventy-five percent (75%) of the grower, processor, or transporter applicant's ownership interests, excluding the publicly traded company, are Oklahoma residents as required in the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.

(3) Upon cancellation or expiration of a bond, commercial grower licensees shall provide proof to the Authority on forms and in a manner prescribed by the Authority of a new alternate bond or attestation and accompanying documentation meeting the requirements of OAC 442:10-5-3.3 before the date of cancellation or expiration of the previous bond. Any grower that fails to comply with this section shall be subject to disciplinary action including, but not limited to, revocation, nonrenewal, or monetary penalties.

(f) **Transfer of license**.

(1) Licenses may not be changed from one license type to another.

(2) Beginning on November 1, 2024, licensees wishing to transfer a license, submit an ownership change request, or submit a name change request are required to submit a license transfer application. The license transfer application shall be submitted by the new owner. The application fee for license transfer applications shall be the annual license or application fee established under Section 427.14 of Title 63 of the Oklahoma Statutes for medical marijuana business license types. License transfer applications shall be subject to all requirements under OAC 442:10-5-3.

(A) Upon approval of a license transfer application, the applicant must register with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control before the transfer of the license is finalized. Prior to finalization of the license transfer, the prior owner will remain responsible for maintaining the license, including submission of license renewal applications. Upon issuance of the registration by OBNDD. The prior owner and the new owner will have fifteen (15) business days from the issuance of an OBNDD registration to transfer all inventory of medical marijuana, medical marijuana concentrate, and medical marijuana products, if any. Fifteen (15) business days after issuance of an OBNDD registration, the prior owner will no longer be a licensee.

(B) The new owner is not authorized to take possession of medical marijuana, medical marijuana concentrate, or medical marijuana products, exercise control over any activities involving the medical marijuana business, or hold themselves out as having control over any activities involving the medical marijuana business unless and until the application has been approved by the Authority and the new owner is registered with OBNDD.

(C) Any attempt to transfer a medical marijuana business, medical marijuana, medical marijuana concentrate, or medical marijuana products of a medical marijuana business without approval from the Authority shall be grounds for revocation or nonrenewal of the license and denial, revocation, or nonrenewal of current or future licenses or license applications with ownership held by any such person involved in the unlawful transfer.

(D) A licensee shall not submit an application to transfer ownership of a medical marijuana business while a pending administrative action or appeal concerning the license or OBNDD registration could result in revocation, suspension, or nonrenewal. A transfer application may be submitted only after the pending administrative action or appeal has been completed in full. If the license or OBNDD registration is annulled, revoked, or suspended as the result of an administrative action, the licensee

shall not submit an application to transfer ownership of the medical marijuana business until at least six (6) months after the annulment, revocation, or suspension period has concluded.

(g) **Surrender of license**.

(1) A licensee may voluntarily surrender a license to the Authority at any time.

(2) If a licensee voluntarily surrenders a license, the licensee shall:

(A) Return the license to the Authority;

(B) Submit on a form prescribed by the Authority a report to the Authority including the reason for surrendering the license; contact information following the close of business; the person or persons responsible for the close of the business; where business records will be retained; and a statement confirming that all medical marijuana and medical marijuana products remaining in the possession of the licensee were liquidated or disposed of in accordance with Oklahoma law and these Rules.

(C) Submit proof of the licensee's identity through submission of documentation identified in OAC 442:10-1-7 (relating to Proof of Identity); and

(D) Liquidate or dispose of any medical marijuana or medical marijuana products remaining in the possession of the licensee in accordance with OAC 442:10-5-2(d) and OAC 442:10-5-10. The licensee must liquidate and dispose of all medical marijuana and medical marijuana products in accordance with OAC 442:10-5-2(d) prior to license surrender.

(3) A license surrender shall be considered effective upon written approval by the Authority. The Authority may reject a license surrender if medical marijuana or medical marijuana products remain in the possession of the licensee at time of surrender, or if any of the required documentation is missing or incomplete. All medical marijuana and medical marijuana products must be liquidated or disposed of in accordance with Oklahoma law and these Rules prior to the surrender of a license.

**442:10-5-3. Applications [AMENDED]**

(a) **Application fee**. An applicant for a medical marijuana business, or renewal thereof, shall submit to the Authority a completed application on a form and in a manner prescribed by the Authority, along with the application fee as established in 63 O.S. § 420 et seq. and the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq. Beginning November 1, 2025, the Authority shall invoice license applicants, if applicable, and notify applicants in the same method and manner as the application was submitted to the Authority for any additional licensing fees owed prior to approval of a license application. Applicants and licensees shall remit all required license and application fees, including any additional licensing fees, if applicable, in full within forty-five (45) days of notification by the Authority. Failure to remit such fees shall result in the denial of the application.

(b) **Submission**. The application shall be on the Authority prescribed form and shall include the following information about the establishment:

(1) Name of the establishment;

(2) Physical address of the establishment, including the county in which any licensed premises will be located;

(3) GPS coordinates of the establishment;

(4) Phone number and email address of the establishment; and

(5) Hours of operation for any licensed premises.

(c) **Individual applicant**. The application for a business license made by an individual on his or her own behalf shall be on the Authority prescribed form and shall include at a minimum:

(1) The applicant's first name, middle name, last name and suffix if applicable;

(2) The applicant's residence address and valid mailing address;

(3) The applicant's date of birth;

(4) The applicant's telephone number and email address;

(5) An attestation that the information provided by the applicant is true and correct;

(6) An attestation that any licensed premises shall not be located on tribal lands;

(7) An attestation that the business has obtained all applicable local licenses and permits for all licensed premises;

(8) An attestation that no individual with ownership interest in the business is a sheriff, deputy sheriff, police officer, prosecuting officer, an officer or employee of OMMA, or an officer or employee of a municipality in which the commercial entity is located; and

(9) A statement signed by the applicant pledging not to divert marijuana to any individual or entity that is not lawfully entitled to possess marijuana.

(d) **Application on behalf of an entity**. In addition to requirements of Subsection (c), an application for a business license made by an individual on behalf of an entity shall include:

(1) An attestation that applicant is authorized to make application on behalf of the entity:
(2) Full name of organization;
(3) Trade name, if applicable;
(4) Type of business organization;
(5) Mailing address;
(6) Telephone number and email address; and
(7) The name, residence address, and date of birth of each owner and each member, manager, and board member, if applicable.

(e) **Supporting documentation**. Pursuant to 63 O.S. § 427.3(D)(11), 63 O.S. § 427.14(L), 63 O.S. § 427.14(G)(2), and 63 O.S. § 427.14(J), each application shall be accompanied by the following documentation:

(1) A list of all owners and principal officers of the business applicant and supporting documentation, including, but not limited to: certificate of incorporation, bylaws, articles of organization, operating agreement, certificate of limited partnership, resolution of a board of directors, or other similar documents;
(2) If applicable, a certificate of good standing from the Oklahoma Secretary of State issued within thirty (30) days of submission of the application;
(3) If applicable, official documentation from the Oklahoma Secretary of State establishing the applicant's trade name;
(4) If applicable, an electronic copy or digital image in color of a sales tax permit issued by the Oklahoma Tax Commission;
(5) An Affidavit of Lawful Presence for each owner;
(6) If a licensed dispensary or grower, proof that the location of the facility is at least one thousand (1,000) feet from a public or private school. For a dispensary, the distance specified shall be measured in a straight line from the nearest property line of such public school or private school to the nearest perimeter wall of the licensed premise of such medical marijuana dispensary. For a grower, the distance specified shall be measured in a straight line from the nearest property line of such public school or private school to the nearest property line of the licensed premises of such medical marijuana commercial grower. For the purposes of this subsection, a school shall not include a property owned, used, or operated by a public or private school that is not used for classroom instruction on core curriculum, such as an administrative building, athletic facility, ballpark, field, or stadium, unless such property is located on the same campus as a building used for classroom instruction on core curriculum;
(7) Documents establishing the applicant; and the members, managers, and board members if applicable; and seventy-five percent (75%) of the commercial applicant's ownership interests are Oklahoma residents as required in the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.
(A) Applicants seeking to renew a commercial license issued prior to the enactment of the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq., shall submit documentation establishing proof of residency in accordance with OAC 442:10-1-6 (relating to proof of residency);
(B) All other applicants shall submit documentation establishing proof of residency in accordance with OAC 442:10-5-3.1 (relating to proof of residency for business licenses).
(8) If applicable, all building permits and/or certificate(s) of occupancy issued by the Oklahoma State Fire Marshal or by the political subdivision with an authority having a jurisdiction agreement on file with the Oklahoma State Fire Marshal certifying compliance with the categories listed in 63 O.S. § 426.1(E) for the construction or alteration of any buildings or structures classified as occupancies under the building codes adopted by the Oklahoma Uniform Building Code Commission.
(A) Once a certificate of occupancy is issued by the Oklahoma State Fire Marshal or by the political subdivision with an authority having a jurisdiction agreement on file with the Oklahoma State Fire Marshal and such certificate of occupancy has been submitted to the Authority showing full compliance, a licensee shall only need to submit an affidavit for license renewal stating the premises continues to comply with zoning classifications, applicable municipal ordinances, and all applicable safety, electrical, fire, plumbing, waste, construction, and building specification codes. An additional certificate of occupancy along with an affidavit shall be submitted if a change of use or occupancy occurs, or there is any change concerning the facility or location that would, by law, require additional inspection, licensure or permitting by the state or municipality. Licensees are responsible for compliance with applicable state fire, building, and electrical codes and may be liable for all damage that results from noncompliance with state fire, building, and electrical codes to the extent authorized by law.

(B) For all commercial license applications submitted on or after June 14, 2024 that require a building permit and/or certificate of occupancy for licensure, applicants who submitted a full and complete application for a building permit and/or certificate of occupancy issued by the Oklahoma State Fire Marshal or the political subdivision with an authority having a jurisdiction agreement on file with the Oklahoma State Fire Marshal prior to February 1, 2024 and while the same application remains under review by the State Fire Marshal or political subdivision, the applicant may submit an attestation on a form and in a manner prescribed by the Authority certifying that the applicant submitted a full and complete application for a building permit and/or certificate of occupancy prior to February 1, 2024, and that the same application remains under review by the Oklahoma State Fire Marshal or the political subdivision.

(9) If applicable, accreditation documentation, including documentation of enrollment in analyte-specific proficiency testing results, showing applicants meet requirements stated in OAC 442:10-8-2(a);
(10) If a licensed grower, processor or transporter has added or is seeking to add a publicly traded company as an owner, additional documentation as required under OAC 442:10-5-2(e)(2)(C) to show the grower, processor, or transporter applicants meet the requirements stated in 63 O.S. § 427.15a;
(11) If applicable, a list of all chemicals a processor will utilize to process medical marijuana;
(12) If applicable, safety data sheets for every chemical a processor will utilize to process medical marijuana;
(13) If applicable, a bond or attestation as required under OAC 442:10-5-3.3 certifying compliance with 63 O.S. § 427.26;
(14) Supplemental application materials to be submitted by the applicant and utilized by the Authority to determine medical marijuana business licensing fees pursuant to 63 O.S. 427.14; and
(15) Any further documentation the Authority determines is necessary to ensure the commercial applicant is qualified under Oklahoma law and these Rules to obtain a commercial license.

(f) **Incomplete application**. Failure to submit a complete application with all required information and documentation shall result in a rejection of the application. The Authority shall notify the applicant in the same method the application was submitted to the Authority of the reasons for the rejection, and the applicant shall have thirty (30) days from the date of notification to correct and complete the application without an additional fee. If the applicant fails to correct and complete the application within the thirty (30) day period, the application shall expire. Unless the Authority determines otherwise, an application that has been resubmitted but is still incomplete or contains errors that are not clerical or typographical in nature shall be denied.
(g) **Status update letter**. If a delay in processing has occurred, the Authority shall notify the applicant via email of the delay and the reason for the delay.
(h) **Moratorium.** Beginning ~~August 26, 2022~~August 1, 2026, and ending August 1, ~~2026~~2028, there shall be a moratorium on processing and issuing new medical marijuana business licenses for dispensaries, processors, and growers. ~~The Authority will review and process applications received on or before August 26, 2022.~~ The Executive Director of the Authority may terminate the moratorium prior to August 1, ~~2026~~2028, upon a determination that all pending license reviews, inspections, or investigations have been completed. The moratorium shall not apply to:

(1) The renewal of a medical marijuana business license for dispensaries, processors, or growers;
(2) The issuance of a medical marijuana business license necessitated by a change in the ownership or location of a dispensary, processor, or grower; or
(3) The issuance or renewal of a testing laboratory, transporter, education facility, research, or waste disposal license.

*[OAR Docket #26-689; filed 8-31-26]*

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## TITLE 777. STATEWIDE CHARTER SCHOOL BOARD
## CHAPTER 10. CHARTER SCHOOLS AND STATEWIDE VIRTUAL CHARTER SCHOOLS

*[OAR Docket #26-693]*

**RULEMAKING ACTION:**
EMERGENCY adoption
**RULES:**
Subchapter 3. Charter School and Virtual Charter School Sponsorship

777:10-3-4. Oversight and evaluation of charter schools and virtual charter schools by the Statewide Charter School Board [AMENDED]

**AUTHORITY:**
Oklahoma Statewide Charter School Board; 70 O.S. 3-132.1(I)(4)

**COMMENT PERIOD:**
N/A

**PUBLIC HEARING:**
N/A

**ADOPTION:**
July 13, 2026

**EFFECTIVE:**
Immediately upon Governor's approval

**APPROVED BY GOVERNOR:**
August 31, 2026

**EXPIRATION:**
Effective through September 14, 2027, unless superseded by another rule or disapproved by the Legislature

**SUPERSEDED EMERGENCY ACTIONS:**

**SUPERSEDED RULES:**
N/A

**GUBERNATORIAL APPROVAL:**
N/A

**REGISTER PUBLICATION:**
N/A

**DOCKET NUMBER:**
N/A

**INCORPORATIONS BY REFERENCE:**

**INCORPORATED STANDARDS:**
N/A

**INCORPORATING RULES:**
N/A

**AVAILABILITY:**
N/A

**FINDING OF EMERGENCY:**
The rule changes are necessary as an emergency measure to comply with statute, avoid confusion or conflicting language in the agency's rules and governing documents, and more accurately and efficiently communicate school performance, improving transparency.

**GIST/ANALYIS:**
This Chapter contains general provisions of the Statewide Charter School Board, including charter school sponsorship and oversight. The Board is in the process of revising the performance frameworks to more accurately evaluate schools in alignment with statute and best practices. In order to revise the performance frameworks, the existing language must be removed from the administrative rules to avoid confusion or conflicting language. The proposed, amended emergency rules remove the specific performance indicators and measurements from the oversight and evaluation of charter schools and virtual charter schools by the SCSB. In addition, the proposed, amended emergency rules add the statutory authority which provides the performance measures that will be used by the SCSB in developing and revising the performance framework.

**CONTACT PERSON:**
Emily Witwer, 405-522-8357

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

## SUBCHAPTER 3. CHARTER SCHOOL AND VIRTUAL CHARTER SCHOOL SPONSORSHIP

### 777:10-3-4. Oversight and evaluation of charter schools and virtual charter schools by the Statewide Charter School Board [AMENDED]

(a) **Tiered school oversight process.** The performance framework sets forth the performance indicators for authorization of charter schools and virtual charter schools in the State. Schools shall meet or show evidence of significant progress toward meeting the required standard accountability indicators as a condition of continued authorization.

(1) The Board provides a tiered school oversight process that includes a system of monitoring and oversight functions to ensure the school's compliance with all applicable laws, regulations, rules, and terms of the charter contract.

(2) The tiered school oversight process shall provide for review, notices, warnings, probation, and closure of schools that fail to meet the standard accountability indicators. If a school does not take action to comply, the Board may proceed with steps at an appropriate level of concern.

(3) The tiered school oversight process is designed to allow the Board to take appropriate action at any level based on each unique situation that may be identified through the performance framework or identified through another process.

(A) The Board shall perform an annual review and evaluation of the performance of charter schools and virtual charter schools. The performance framework includes the indicators assessed and required in statute, rules, and the charter contract. The performance framework is presented annually to the Statewide Charter School Board and the school's governing board in an open meeting. These indicators may identify potential concerns for further review and research.

(B) Using the results of the performance framework, SCSB staff reviews and researches identified potential concerns to determine the nature and severity of the concern and possible corrective actions. The school is expected to take action to remedy identified deficiency(ies).

(C) Unresolved deficiency(ies) identified in the review and research stage of the tiered school oversight process will generate a notice of concern, issued by the Statewide Charter School Board staff and sent to members of the Statewide Charter School Board and the school's governing board. Terms and timeline to resolve deficiency(ies) will be included in the notice of concern. The Statewide Charter School Board may offer support and resources.

(D) A formal warning action to address unresolved deficiency(ies) or other serious concern(s) may be taken by the Statewide Charter School Board in an open meeting. The warning shall include deficiency(ies), terms and timeline for resolution and requires the school to take action. Support and resources may be made available and/or required.

(E) Probation is a formal action taken by the Board in an open meeting and as a final opportunity for a school to resolve a deficiency(ies). A final plan from the charter school or virtual charter school is required.

(F) Closure is a formal action taken by the Board in open meeting on a school who fails to resolve a deficiency(ies). It is a final action and requires the SCSB's and the school's governing board to follow the closure plan.

(b) **Oversight and annual performance review.** The Board will provide ongoing oversight of the charter schools and virtual charter schools through data and evidence collection, site visits, classroom observations, audits, attendance of governing board meetings, compliance checks, and school performance reviews. Schools will be subject to an annual performance review of the immediately preceding school year. The review will consist of a compilation of performance ratings and findings based on the performance framework standards. Results will be shared with key stakeholders. The charter school or virtual charter school will have forty-five (45) calendar days to respond to the annual performance review in writing and such response will become part of the public record.

(c) **Performance framework.** The performance framework for designated charter schools and virtual charter schools establishes accountability criteria and assesses schools in the areas of academic, financial, and organizational capacities. In accordance with 70 O.S. § 3-136, Oklahoma performance measures will be used to assess the school's academic, fiscal, and organizational performance. ~~In addition to required state accountability indicators, the Board may approve up to three mission-specific performance measures for a school. These must be evidence-based, valid, reliable, and aligned with the school's mission. Mission-specific measures may account for up to ten percent (10%) of the academic weighting of the Performance Framework Index. Schools must propose such measures during the initial application process or renewal process, and performance against the measures will be reviewed annually.~~

~~(1) Oklahoma performance measures will be used to assess the school's academic performance, including overall achievement, overall growth, subgroup achievement, subgroup growth, and post-secondary readiness. Academic performance accountability indicators and measurements are listed below. Sub-group measures will only be applicable if the school has a minimum of ten (10) students in the sub-group.~~

~~(A) Are students achieving proficiency on statewide assessments in reading/English language arts? Meets standard accountability indicator(s):~~

(i) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the state level of proficiency; or
(ii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or
(iii)The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.
(B) Are students achieving proficiency on statewide assessments in mathematics? Meets standard accountability indicator(s):
(i) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the state level of proficiency; or
(ii)The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or
(iii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.
(C) Are students enrolled in the school for three (3) or more consecutive academic years achieving proficiency on statewide assessments in reading/English language arts? Meets standard accountability indicator(s):
(i) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the state level of proficiency; or
(ii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or
(iii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.
(D) Are students enrolled in the school for three (3) or more consecutive academic years achieving proficiency on statewide assessments in mathematics? Meets standard accountability indicator(s):
(i) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the state level of proficiency; or
(ii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or
(iii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.
(E) Are students in the special education subgroup achieving proficiency on statewide assessments in reading/English language arts? Meets standard accountability indicator(s):
(i) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessment is equal to or above the state level of proficiency; or
(ii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or
(iii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.
(F) Are students in the special education subgroup achieving proficiency on statewide assessments in mathematics? Meets standard accountability indicator(s):
(i) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessment is equal to or above the state level of proficiency; or
(ii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or

(iii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.

(G) Are students in the special education subgroup enrolled for three (3) or more consecutive academic years achieving proficiency on statewide assessments in reading/English language arts? Meets standard accountability indicator(s):

(i) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessment is equal to or above the state level of proficiency; or

(ii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or

(iii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.

(H) Are students in the special education subgroup enrolled for three (3) or more consecutive academic years achieving proficiency on statement assessments in mathematics? Meet standard accountability indicator(s):

(i) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessment is equal to or above the state level of proficiency; or

(ii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or

(iii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.

(I) Are students in the economically disadvantaged subgroup achieving proficiency on statewide assessments in reading/English language arts? Meets standard accountability indicator(s):

(i) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the OSTP state assessment is equal to or above the state level of proficiency; or

(ii) The percentage of students in the economically disadvantaged education subgroup scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or

(iii) The percentage of students in the economically disadvantaged education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.

(J) Are students in the economically disadvantaged subgroup achieving proficiency on statewide assessments in mathematics? Meets standard accountability indicator(s):

(i) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the OSTP state assessment is equal to or above the state level of proficiency; or

(ii) The percentage of students in the economically disadvantaged education subgroup scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or

(iii) The percentage of students in the economically disadvantaged education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.

(K) Are students in the economically disadvantaged subgroup enrolled for two (2) or more consecutive academic years achieving proficiency on statewide assessments in reading/English language arts? Meets standard accountability indicator(s):

(i) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the OSTP state assessment is equal to or above the state level of proficiency; or

(ii) The percentage of students in the economically disadvantaged education subgroup scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or
(iii) The percentage of students in the economically disadvantaged education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.

(L) Are students in the economically disadvantaged subgroup enrolled for three (3) or more consecutive academic years achieving proficiency on statewide assessments in mathematics? Meets standard accountability indicator(s):

(i) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the OSTP state assessment is equal to or above the state level of proficiency; or
(ii) The percentage of students in the economically disadvantaged education subgroup scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or
(iii) The percentage of students in the economically disadvantaged education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.

(M) Are students achieving growth on research-based nationally-normed internal assessments in reading/English language arts? Meets standard accountability indicator(s):

(i) The percentage of students in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or
(ii) The percentage of students achieving growth at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year.

(N) Are students achieving growth on research-based nationally-normed internal assessments in mathematics? Meets standard accountability indicator(s):

(i) The percentage of students in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or
(ii) The percentage of students achieving growth at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year.

(O) Are students in the special education subgroup achieving growth on research-based nationally-normed internal assessments in reading/English language arts? Meets standard accountability indicator(s):

(i) The percentage of students in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or
(ii) The percentage of students in the special education subgroup achieving growth at each grade level on research-based nationally-normed internal assessments is improved by (5%) or greater compared to the prior school year.

(P) Are students in the special education subgroup achieving growth on research-based nationally-normed internal assessments in mathematics? Meets standard accountability indicator(s):

(i) The percentage of students in the special education subgroup in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or
(ii) The percentage of students in the special education subgroup achieving growth at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year.

(Q) Are students in the economically disadvantaged subgroup achieving growth on research-based nationally-normed internal assessments in reading/English language arts? Meets standard accountability indicator(s):

(i) The percentage of students in the economically disadvantaged subgroup in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or

(ii) The percentage of students in the economically disadvantaged subgroup achieving growth at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year.

(R) Are students in the economically disadvantaged subgroup achieving growth on research-based nationally-normed internal assessments in mathematics? Meets standard accountability indicator(s):

(i) The percentage of students in the economically disadvantaged subgroup in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or

(ii) The percentage of students in the economically disadvantaged subgroup achieving growth or above at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year.

(S) Are students in early childhood schools achieving growth on research-based, nationally normed internal assessments in early literacy? Meets standard accountability indicator(s):

(i) The percentage of early childhood students in pre-kindergarten and kindergarten achieving proficiency or greater, as determined by the assessment on the end-of-year assessment given in May each year, as compared to the initial assessment given on or before September 15th of each year; or

(ii) The percentage of early childhood students in pre-kindergarten and kindergarten achieving growth at each grade level on a research-based nationally-normed assessment is improved by five percent (5%) or greater compared to the prior school year.

(T) Are students in early childhood schools achieving growth on research-based, nationally-normed internal assessment in early numeracy? Meets standard accountability indicator(s):

(i) The percentage of early childhood students in pre-kindergarten and kindergarten achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or

(ii) The percentage of early childhood students in pre-kindergarten and kindergarten achieving growth at each grade level on a research-based nationally normed assessment is improved by five percent (5%) or greater compared to the prior school year.

(U) Are early childhood students in the economically disadvantaged subgroup achieving growth on research-based, nationally-normed internal assessments in early literacy? Meets standard accountability indicator(s):

(i) The percentage of early childhood students in economically disadvantaged subgroup in pre-kindergarten and kindergarten achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or

(ii) The percentage of students in the economically disadvantaged subgroup in pre-kindergarten and kindergarten achieving growth at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year.

(V) Are early childhood school students in the economically disadvantaged subgroup achieving growth on research-based, nationally-normed internal assessments in early numeracy? Meets standard accountability indicator(s):

(i) The percentage of early childhood students in the economically disadvantaged subgroup in pre-kindergarten and kindergarten achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or

(ii) The percentage of students in the economically disadvantaged subgroup in pre-kindergarten and kindergarten achieving growth at each grade level on research-based, nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year.

~~(W) Based on state expectations for student graduation within four years, does the school meet the expectations for student graduation? Meets standard accountability indicator(s):~~

~~(i) The school's most recent graduation rate is equal to or greater than the most recent graduation rate for the State of Oklahoma;~~

~~(ii) The school's most recent graduation rate is equal to or greater than the most recent graduation rate for the district within the geographic boundary of the charter school;~~

~~(iii) The school's most recent graduation rate as reported by the State Department of Education, increased twenty percent (20%) or more of the difference between the graduation rate from the baseline year; or~~

~~(iv) The school's most recent graduation rate increased five percent (5%) or greater compared to the prior school year.~~

~~(X) Based on the extended-year adjusted graduation rate, does the school meet the expectations for student graduation? Meets standard accountability indicator(s): Evidence supports a majority of extended-year students graduating.~~

~~(Y) Did the school meet the expectation for graduating eligible seniors (students within six (6) credits of graduation) during the most recent year? Meets standard accountability indicator(s):~~

~~(i) The percentage of eligible seniors, students within six (6) credits of graduation, enrolled on the first day of the school year and graduating in the current school year is equal to or greater than the current graduation rate for the State of Oklahoma; or.~~

~~(ii) The percentage of eligible seniors, students within six (6) credits of graduation, enrolled on the first day of the school year and graduating in the current school year is equal to or greater than the current graduation rate for the district within the geographic boundary of the charter school.~~

~~(Z) Do the school's students demonstrate College and Career Readiness? Meets standard accountability indicator(s):~~

~~(i) College: Achieved minimum required test score for entry without taking remediation:~~

~~(I) High School Transcript of a 2.0 (C average) or higher; or~~

~~(II) American College Testing (ACT); or~~

~~(III) Scholastic Aptitude Test (SAT); or~~

~~(IV) Other recognized college entrance exams such as Accuplacer or the Classical Learning Test; and~~

~~(V) College Board Advanced Placement exam score(s) of 3 or greater; or~~

~~(ii) Acceptance to a college or university; or successful completion and submission of a college FAFSA form; and~~

~~(iii) Career~~

~~(I) Accepted to the Military; or~~

~~(II) Evidence of sustainable employment; or~~

~~(III) Completed an authorizer or state approved Career and Technical Education Certificate.~~

~~(2) Oklahoma performance measures will be used to assess the school's fiscal viability. Financial performance accountability indicators and measurements in each category are listed below.~~

~~(A) Did the school's annual financial statement audit have findings? Meets standard accountability indicator(s): There were no instances of significant deficiencies, material noncompliance, or known fraud identified on the school's independent financial audit.~~

~~(B) Was the auditor's opinion on the school's annual financial statement audit modified or qualified? Meets standard accountability indicator(s): The audit opinion on the school's annual financial statement audit was unmodified/unqualified.~~

~~(C) Did the auditor's opinion letter contain a paragraph indicating any exception to the financial statements being presented fairly on the annual financial statement audit? Meets standard accountability indicator(s): The auditor's opinion letter did not contain a paragraph indicating any exception to the financial statements being presented fairly on the annual financial statement audit.~~

~~(D) Did the annual financial auditor issue a disclaimer of opinion on the annual financial statement audit? Meets standard accountability indicator: The auditor did not issue a disclaimer of opinion on the annual financial statement audit.~~

~~(E) Did the annual report on internal control over financial reporting disclose any material weakness(es) or significant deficiency? Meets standard accountability indicator(s): There were no findings of significant deficiencies, material weaknesses, or noncompliance on the annual report on internal control over financial reporting.~~
~~(F) Did the school consistently submit appropriate quarterly financial reports to the Statewide Charter School Board Meets standard accountability indicator(s): Appropriate reports were submitted in the Oklahoma Cost Accounting System (OCAS) format, verified by the school treasurer, on time, and indicating financial stability of the school.~~
~~(G)Was the school subject to an audit by the State Auditor and Inspector and, if so, were there any findings? Meets standard accountability indicator(s): There were no findings of significant deficiencies, material noncompliance, or known fraud on the school's audit by the State Auditor and Inspector.~~
~~(H) Did the school consistently meet financial reporting expectations as required by the State Department of Education and confirmed by the Office of Financial Accounting, Oklahoma Cost Accounting System (OCAS), and/or Single- Sign-On? Meets standards accountability indicator(s): Evidence confirms financial reporting expectations were fulfilled.~~
~~(I) Was the school's OCAS data submitted to the State Department of Education, properly certified by the school leader, and accepted by the State Department of Education? Meets standard accountability indicator(s): Evidence confirms that the school submitted OCAS data to the State Department of Education, certified by the school leader, and accepted State Department of Education.~~
~~(J) Did the school timely submit the annual financial statement audit to the State Department of Education? Meets standard accountability indicator(s): Evidence confirms that the school timely submitted the annual financial statement audit to the State Department of Education.~~
~~(K) Did the State Department of Education require a corrective action plan as part of their follow-up to the annual financial statement audit submission? Meet standard accountability indicator(s): No corrective action plan was required by the State Department of Education in the response to the school.~~
~~(L) If a corrective action plan was required by the State Department of Education, did the plan sufficiently address the issues and was the plan accepted by the State Department of Education? Meets standard accountability indicator(s): The corrective action plan required by the State Department of Education sufficiently addressed the issues and was accepted by the State Department of Education.~~
~~(M) If a corrective action plan was required by the State Department of Education for the prior fiscal year, can it be confirmed that the corrective action measures were followed in the most recent fiscal year? Meets standard accountability indicator(s): The corrective action plan required by the State Department of Education for the prior fiscal year was followed by the school in the most recent fiscal year.~~
~~(N) Did the school have a negative general fund balance at the end of the most recent fiscal year? Meets standard accountability indicator(s): The school did not have a negative general fund balance at the end of the prior fiscal year.~~
~~(O) Did the Days Cash on Hand ratio fall below thirty (30) days during the fiscal year? Meets standard accountability indicator(s): Evidence supports that the school maintained a Days Cash on Hand ratio of thirty (30) days or more at the end of each fiscal quarter.~~
~~(P) Did the school fail to pay any commitments, warrants, or debts? Meets standard accountability indicator(s): Evidence supports the school paid all commitments, warrants, and debts.~~
~~(Q) Did the school maintain a general fund balance of greater than ten percent (10%) of the prior fiscal year's total expenditures? Meets standard accountability indicator(s): Evidence supports that the school maintained a general fund balance greater than ten percent (10%) of the prior fiscal year's total expenditures measured at the end of each fiscal quarter.~~
~~(R) Did the school maintain positive fund balances in all other fund types? Meets standard accountability indicator(s): Evidence supports that the school maintained a positive fund balance in all fund types.~~
~~(S) Is the school's enrollment (average daily membership) for the first nine (9) weeks greater than or equal to eighty-five percent (85%) of last year's enrollment? Meets standard accountability indicator(s): The first quarter statistical report indicates enrollment did not decline by more than fifteen percent (15%) in comparison to the end-of-year enrollment documented by the annual statistical report.~~

(T) Does the school's governing board review periodic financial statements including a statement of financial position (balance sheet), statement of activities (income statement), and statement of cash flows? Meets standard accountability indicator(s): Evidence supports that the governing board reviews the school's periodic financial statements at the public governing board meetings.
(U) Does the school's governing board review and approve changes to the budget as significant changes to revenues and expenditures occur? Meets standard accountability indicator(s): Evidence supports that the school's governing board reviews and approves changes to the budget at the public governing board meetings throughout the year as revenues and expenditures change significantly.
(V) Does the school's governing board review financial forecasting models prior to annual budget adoption? Meets standard accountability indicator(s): Evidence supports that the school's governing board participates in annual review of financial forecasting prior to budget adoption during a public governing board meeting.
(W) Does the school's governing board review the audited financial statements and address all findings? Meets standard accountability indicator(s): Evidence supports that the school's governing board reviews the audited financial statements and addresses all findings in a public governing board meeting.
(X) Does the school properly report its facilities' carrying values and applicable depreciation on its annual financial statements? Meets standard accountability indicator(s): The annual financial statements indicate proper values for facilities are represented.
(Y) Does the school maintain documentation of property and facility leases and purchases at fair market value? Meets standard accountability indicator(s): The school maintains documentation of leases and purchases at fair market value.

(3) Oklahoma performance measures will be used to assess the school's organizational performance including organizational structure, governance, record of compliance, attendance, recurrent enrollment, accreditation, and student support. Organizational performance accountability indicators and measurements in each category are listed below.

(A) Do the school's decisions align with its vision and mission? Meets standard accountability indicator(s): Evidence supports the school's decisions align with its vision and mission.
(B) Does the school follow appropriate procedures to ensure all students have equitable access to services and opportunities for success? Meets standard accountability indicator(s): Data confirms appropriate procedures to ensure student access and equity.
(C) Does the school have approved and appropriate policies and procedures that ensure student and staff safety and success, and does the school communicate those policies and procedures to students/families and staff? Meets standard accountability indicator(s): Evidence supports approved and appropriate policies and procedures are implemented and communicated.
(D) Does the school adhere to applicable laws and regulations? Meets standard accountability indicator(s): Evidence supports the school adheres to laws and regulations.
(E) Does the school adhere to the terms of the charter contract? Meets standard accountability indicator(s): Evidence supports the school adheres to the charter contract.
(F) Does a stable governing board exist? Meets standard accountability indicator(s): Evidence supports history of board stability exists.
(G) Does the governing board recruit, select, orient, and train members with skills and expertise to enable them to govern the school appropriately? Meets standard accountability indicator(s): Board agendas, and minutes, training records, and other documents support board member activities.
(H) Does the charter school comply with the Open Meeting Act and Open Records Act? Meets standard accountability indicator(s): Evidence supports the charter school consistently complies with requirements of the Open Meeting Act and Open Records Act.
(I) Does the charter school provide transparency through Statewide Charter School Board access to school records? Meets standard accountability indicator(s): The charter school has provided the Statewide Charter School Board with all requested school records.
(J) Does the educational management organization provide transparency through Statewide Charter School Board access to school records? Meets standard accountability indicator(s): The educational management organization has provided the Statewide Charter School Board with all requested school records.
(K) Did the school consistently meet the reporting expectations as required by the State Department of Education? Meets standard accountability indicator(s): Evidence confirms reporting expectations were fulfilled.

(L) Did the school consistently meet the reporting expectations as required by the Statewide Charter School Board? Meets standard accountability indicator(s): The school reported and submitted documentation on time on-time and accurately.
(M) Did the school receive accreditation from the State Department of Education? Meets standard accountability indicator(s): The school received accreditation with no unresolved deficiencies following Tiered School Oversight Tier II Investigation (777:10-3-4. Oversight and evaluation of charter schools and virtual charter schools as noted from the Statewide Charter School Board).
(N) Does the school meet the expectations for student attendance? Meets standard accountability indicator(s): Evidence supports the school met State expectations for student attendance.
(i) For charter schools, the attendance rate reported by the State Department of Education is equal or greater than the attendance rate of the local school district in which the charter school is located; or
(ii) For virtual charter schools, the attendance rate reported by the State Department of Education is equal or greater than the attendance rate reported by the attendance rate for the state of Oklahoma; or
(iii) The school's attendance rate reported by the State Department of Education increased five percent (5%) or greater compared to the prior school year.
(O) Does recurrent enrollment of students meet expectations? Meets standard accountability indicator(s): The school's student recurrent enrollment rate meets the expectations indicated by the methodology used for public schools in Oklahoma.
(P) Does the school provide support structures for students and families that are accessible such as teacher support, individualized learning plans, individualized career academic planning (ICAP), guidance/counseling program, online tutoring, and technical support? Meets standard accountability indicator(s): Students and families have access to multiple support structures.
(Q) Does the school and governing board engage in strategic planning that results in establishment of school goals and verifiable school improvement? Meets standard accountability indicator(s): Evidence supports that the school and governing board engage in strategic planning resulting in establishment of school goals and verifiable school improvement.

(4) Performance Framework Index will be calculated based on the following categories:
(A) Academic (A) Calculation - (Score) * (Weight) = A with a weight of 60%.
(B) Financial (F) Calculation - (Score) * (Weight) = F with a weight of 20%.
(C) Organizational (O) Calculation - (Score) * (Weight) = O with a weight of 20%.
(D) As set forth in 70 O.S. § 3-137, Performance Framework scores will guide reauthorization procedures.
(i) A Performance Framework Index (PFI) score of 75% or higher calculated over the course of the charter contract term will result in renewal of authorization for a five (5) year term should the governing board of the charter school choose to submit a letter requesting reauthorization.
(ii) A Performance Framework Index (PFI) score of 60-74% or higher calculated over the course of the charter contract term is expected. However, an application for renewal of authorization is required for consideration by the Statewide Virtual Charter School Board.
(iii) A Performance Framework Index (PFI) score of less than 60% calculated over the course of the charter contract term places the charter school at risk of non-approval of the renewal for authorization. An application for reauthorization is required for consideration by the Statewide Charter School Board.
(E) In the event data is not available, the Statewide Charter School Board will designate corresponding score with "Not Available." In the event data is not applicable, the Statewide Charter School Board will designate corresponding score with "Not Applicable."
(F) Schools with a score that does not meet or exceed the academic standards of the Performance Framework or present the Board substantial financial or legal concerns shall develop, implement, and complete a plan for improvement comprised of action items that reflect clear progress benchmarks to track performance over time with phased indicators to guide development.
(i) The plan for improvement shall include, but is not limited to a needs assessment, measurable goals, evidence-based practices and interventions, an implementation plan that includes task(s), person(s) responsible, and timeline(s), and the regular collection and analysis of data to track progress toward the set goals;

~~(ii) If the school cannot provide evidence of improvement or shows a multi-year decline in academic performance, financial or organizational stability, then it shall be subject to a continous plan of improvement subject to escalation through the tiered school oversight process; and~~

~~(iii) In the event a school does not comply with a required plan of improvement, the Board reserves the right to pursue school closure according to the provisions of this chapter when the Board's judgment concludes the school has not met progress goals.~~

(d) **Performance framework for designated alternative education sites.** The performance framework for charter school and virtual charter school alternative education sites establishes accountability criteria and assesses schools in the areas of academic, financial, and organizational capacities. Designated alternative education sites are those that conform to the program requirements set forth in 70 O.S. § 1210-568 and are designated as alternative education sites by the State Board of Education. In accordance with 70 O.S. § 3-136, Oklahoma performance measures will be used to assess the school's academic, fiscal, and organizational performance. In addition, the performance framework criteria will align with the exemplary practices established by the National Alternative Education Association.

~~(1) Oklahoma performance measures will be used to assess the school's academic performance, including overall achievement, overall growth, subgroup achievement, subgroup growth, and post-secondary readiness. Academic performance accountability indicators and measurements in each category and grade level are listed below. Sub-group measures will only be applicable if the school has a minimum of ten (10) students in the sub-group.~~

~~(A) Are students achieving proficiency on statewide assessments in reading/English language arts? Meets standard accountability indicator(s):~~

~~(i) The OSTP score of all schools designed as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or~~

~~(ii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.~~

~~(B) Are students achieving proficiency on statewide assessments in mathematics? Meets standard accountability indicator(s):~~

~~(i) The OSTP score of all schools designed as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or~~

~~(ii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.~~

~~(C) Are students enrolled in the school for two (2) or more consecutive academic years achieving proficiency on statewide assessments in reading/English language arts? Meets standard accountability indicator(s):~~

~~(i) The OSTP score of all schools designed as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or~~

~~(ii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.~~

~~(D) Are students enrolled in the school for two (2) or more consecutive academic years achieving proficiency on statewide assessments in mathematics? Meets standard accountability indicator(s):~~

~~(i) The OSTP score of all schools designed as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or~~

~~(ii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.~~

~~(E) Are students in the special education subgroup achieving proficiency on statewide assessments in reading/English language arts? Meets standard accountability indicator(s):~~

~~(i) The OSTP score of all schools designed as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or~~

~~(ii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.~~

~~(F) Are students in the special education subgroup achieving proficiency on statewide assessments in mathematics? Meets standard accountability indicator(s):~~

~~(i) The OSTP score of all schools designed as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or~~

~~(ii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.~~

~~(G) Are students in the special education subgroup enrolled for two (2) or more consecutive academic years achieving proficiency on statewide assessments in reading/English language arts? Meets standard accountability indicator(s):~~

~~(i) The OSTP score of all schools designed as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or~~

~~(ii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.~~

~~(H) Are students in the special education subgroup enrolled for two (2) or more consecutive academic years achieving proficiency on statewide assessments in mathematics? Meets standard accountability indicator(s):~~

~~(i) The OSTP score of all schools designed as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or~~

~~(ii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.~~

~~(I) Are students in the economically disadvantaged subgroup achieving proficiency on statewide assessments in reading/English language arts? Meets standard accountability indicator(s):~~

~~(i) The OSTP score of all schools designed as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or~~

~~(ii) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.~~

~~(J) Are students in the economically disadvantaged subgroup achieving proficiency on statewide assessments in mathematics? Meets standard accountability indicator(s):~~

~~(i) The OSTP score of all schools designed as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or~~

~~(ii) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.~~

~~(K) Are students in the economically disadvantaged subgroup enrolled for two (2) or more consecutive academic years achieving proficiency on statewide assessments in reading/English language arts? Meets standard accountability indicator(s):~~

~~(i) The OSTP score of all schools designed as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or~~

~~(ii) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.~~

~~(L) Are students in the economically disadvantaged subgroup enrolled for two (2) or more consecutive academic years achieving proficiency on statewide assessments in mathematics? Meets standard accountability indicator(s):~~

~~(i) The OSTP score of all schools designed as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or~~

~~(ii) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.~~

~~(M) Are students achieving growth on research-based nationally-normed internal assessments in reading/English language arts? Meets standard accountability indicator(s):~~

~~(i) The percentage of students in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given at each grade level; on or before September 15th of each year; or~~

~~(ii) The percentage of students achieving growth at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year.~~

~~(N) Are students achieving growth on research-based nationally-normed internal assessments in mathematics? Meets standard accountability indicator(s):~~

~~(i) The percentage of students in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or~~

~~(i) The percentage of students achieving growth at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year.~~

~~(O) Are students in the special education subgroup achieving growth on research-based nationally-normed internal assessments in reading/English language arts? Meets standard accountability indicator(s):~~

~~(i) The percentage of students in the special education subgroup in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or~~

~~(ii) The percentage of students in the special education subgroup achieving growth at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year.~~

~~(P) Are students in the special education subgroup achieving growth on research-based nationally-normed internal assessments in mathematics? Meets standard accountability indicator(s):~~

~~(i) The percentage of students in the special education subgroup in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or~~

~~(ii) The percentage of students in the special education subgroup achieving growth at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year.~~

~~(Q) Are students in the economically disadvantaged subgroup achieving growth on research-based nationally-normed internal assessments in reading/English language arts? Meets standard accountability indicator(s):~~

~~(i) The percentage of students in the economically disadvantaged subgroup in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or~~

~~(ii) The percentage of students in the economically disadvantaged subgroup achieving growth at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year.~~

~~(R) Are students in the economically disadvantaged subgroup achieving growth on research-based nationally-normed internal assessments in mathematics? Meets standard accountability indicator(s):~~

~~(i) The percentage of students in the economically disadvantaged subgroup in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or~~

~~(ii) The percentage of students in the economically disadvantaged subgroup achieving growth or above at each grade level on research-based nationally- normed internal assessment is improved by five percent (5%) or greater compared to the prior school year.~~

~~(S) Based on state expectations for student graduation within four years, does the school meet the expectations for student graduation? Meets standard accountability indicator(s):~~

~~(i) The school's most recent graduation rate is equal to or greater than the most recent graduation rate for the State of Oklahoma; or~~

~~(ii) The school's most recent graduation rate is equal to or greater than the most recent graduation rate for Oklahoma alternative schools;~~

~~(iii) The school's most recent graduation rate as reported by the State Department of Education, increased twenty percent (20%) or more from the baseline year; or~~

~~(iv) The school's most recent graduation rate increased five percent 5% or greater compared to the prior school year.~~

~~(T) Based on the extended-year adjusted graduation rate, does the school meet the expectations for student graduation? Meets standard accountability indicator(s): Evidence supports a majority of extended-year students graduating.~~

~~(U) Did the school meet the expectation for graduating eligible seniors (students within six (6) credits of graduation) during the most recent year? Meets standard accountability indicator(s):~~

~~(i) The percent of eligible seniors, students within six (6) credits of graduation, enrolled on the first day of the school year and graduating in the current school year is equal to or greater than the current graduation rate for the State of Oklahoma; or~~

~~(ii) The percentage of eligible seniors, students within six (6) credits of graduation, enrolled on the first day of the school year and graduating in the current school year is equal to or greater than the current graduation rate for alternative schools in Oklahoma.~~

~~(V) Do the school's students demonstrate College and Career Readiness? Meets standard accountability indicator(s):~~

~~(i) College: Achieved minimum required test score for entry without taking remediation:~~

~~(I) High School Transcript of a 2.0 (C average) or higher; or~~

~~(II) American College Testing (ACT); or~~

~~(III) Scholastic Aptitude Test (SAT); or~~

~~(IV) Other recognized college entrance exams such as Accuplacer or the Classical Learning Test; and~~

~~(V)College Board Advanced Placement exam score(s) of 3 or greater; and~~

~~(ii) Acceptance to a college or university or successful completion and submission of a college FAFSA form; and~~

~~(iii) Career:~~

~~(I) Accepted to the Military; or~~

~~(II) Evidence of sustainable employment; or~~

~~(III) Completed an authorizer or state approved Career and Technical Education Certificate.~~

(W) Are students completing courses required for grade advancement each year? Meets standard accountability indicator(s): The percentage of students earning at least six (6) credits per year is equal to or greater than forty percent (40%).
(X) Are students benefiting from postsecondary and workforce readiness activities, testing, and enrollment? Meets standard accountability indicator(s): Evidence supports that the percentage of students participating in one or more postsecondary and/or workforce readiness activity, testing, and/or enrollment is equal to or greater than forty percent (40%).
(Y) Are students demonstrating growth on nationally recognized social emotional standards? Meets standard accountability indicator(s): Evidence supports that the percentage of students demonstrating growth on nationally recognized social emotional standards is equal to or greater than forty percent (40%).
(Z) Are students attending individual, small group, and/or guidance counseling sessions? Meets standard accountability indicator(s): Evidence supports that the percentage of students participating in counseling session is equal to or greater than forty percent (40%).
(AA) Are students participating in displaying, creating, and/or publishing art opportunities? Meets standard accountability indicator(s): Evidence supports that the percentage of students participating, creating, and/or publishing art opportunities is equal to or greater than forty percent (40%).
(BB) Are students participating in extracurricular activities, work study, and/or service learning? Meets standard accountability indicator(s): Evidence supports that the percentage of students participating in extracurricular activities, work study, and/or service learning is equal to or greater than forty percent (40%).
(CC) Are students completing required individual career academic plan activities? Meets standard accountability indicator(s): Evidence supports that the percentage of students completing required individual career academic plan ICAP activities is equal to or greater than forty percent (40%).
(DD) Are students participating in life skill activities that extend beyond the curriculum, put relevant life skills into practice, and promote healthy living? Meets standard accountability indicator(s): Evidence supports that the percentage of students participating in life skills activities is equal to or greater than forty percent (40%).

(2) Oklahoma performance measures will be used to assess the school's fiscal viability. Financial performance accountability indicators and measurements in each category are listed below.

(A) Did the school's most recent annual financial statement audit have findings? Meets standard accountability indicator(s): There were no findings of significant deficiencies, material noncompliance, or known fraud on the school's most recent independent financial audit.
(B) Was the auditor's opinion on the school's annual financial statement audit modified or qualified? Meets standard accountability indicator(s): The audit opinion on the school's annual financial statement audit was unmodified/unqualified.
(C) Did the auditor's opinion letter contain a paragraph indicating any exception to the financial statements being presented fairly on the annual financial statement audit? Meets standard accountability indicator(s): The auditor's opinion letter did not contain a paragraph indicating any exception to the financial statements being presented fairly on the annual financial statement audit.
(D) Did the annual financial auditor issue a disclaimer of opinion on the annual financial statement audit? Meets standard accountability indicators: The auditor did not issue a disclaimer of opinion on the annual financial statement audit.
(E) Did the annual report on internal control over financial reporting disclose any material weakness(es) or significant deficiencies? Meets standard accountability indicator(s): There were no findings of significant deficiencies, material weaknesses or noncompliance on the annual report on internal control over financial reporting.
(F) Did the school consistently submit appropriate quarterly financial reports to the Board? Meets standard accountability indicator(s): Appropriate reports were submitted in the Oklahoma Cost Accounting System (OCAS) format, verified by the school treasurer, on time, and indicating financial stability of the school.
(G) Was the school subject to an audit by the State Auditor and Inspector and, if so, were there any findings? Meets standard accountability indicator(s): There were no findings of significant deficiencies, material noncompliance, or known fraud on the school's most recent audit by the State Auditor and Inspector.

~~(H) Did the school consistently meet financial reporting expectations as required by the State Department of Education and confirmed by the Office of Financial Accounting, Oklahoma Cost Accounting System (OCAS), and/or Single-Sign-On? Meets standard accountability indicator(s): Evidence confirms financial reporting expectations were fulfilled.~~
~~(I) Was the school's most recent fiscal year OCAS data submitted to the State Department of Education, properly certified by the school leader, and accepted by the State Department of Education? Meets standard accountability indicator(s): Evidence confirms the school submitted OCAS to the State Department of Education, certified by the school leader, and accepted by the State Department of Education.~~
~~(J) Did the school submit timely the annual financial statement audit to the State Department of Education? Meets standard accountability indicator(s): The school submitted timely the annual financial statement audit to the State Department of Education.~~
~~(K) Did the State Department of Education require a corrective action plan as part of their follow-up to the annual financial statement audit submission? Meets standard accountability indicator(s): No corrective action plan was required by the State Department of Education in the response to the school.~~
~~(L) If a corrective action plan was required by the State Department of Education, did the plan sufficiently address the issues and was the plan accepted? Meets standard accountability indicator(s): The corrective action plan required by the State Department of Education sufficiently addressed the issues and was accepted.~~
~~(M) If a corrective action plan was required by the State Department of Education for the prior fiscal year, can it be confirmed that the corrective action measures were followed? Meets standard accountability indicator(s): The corrective action plan required by the State Department of Education for the prior fiscal year was followed by the school.~~
~~(N) Did the school have a negative fund balance at the end of the fiscal year? Meets standard accountability indicator(s): The school did not have a negative general fund balance as of the end of the fiscal year.~~
~~(O) Did the Days Cash on Hand ratio fall below thirty (30) days during the fiscal year? Meets standard accountability indicator(s): Evidence supports that the school maintained a Days Cash on Hand ratio of thirty (30) days or more at the end of each fiscal quarter.~~
~~(P) Did the school fail to pay any commitments, warrants, or debts? Meets standard accountability indicator(s): Evidence supports the school paid all commitments, warrants, and debts.~~
~~(Q) Did the school maintain a fund balance of greater than ten percent (10%) of the prior fiscal year's total expenditures? Meets standard accountability indicator(s): Evidence supports that the school maintained a fund balance greater than ten percent (10%) of the prior fiscal year's total expenditures measured at the end of each fiscal quarter.~~
~~(R) Did the school maintain positive fund balances in all other fund types? Meets standard accountability indicator(s): Evidence supports that the school maintained a positive fund balance in all fund types.~~
~~(S) Is the school's enrollment (average daily membership) for the first nine (9) weeks greater than or equal to eighty-five percent (85%) of last year's enrollment? Meets standard accountability indicator(s): The first quarter statistical report indicates enrollment did not decline by more than fifteen percent (15%) in comparison to the end of year enrollment documented by the annual statistical report.~~
~~(T) Does the school's governing board review periodic financial statements including a statement of financial position (balance sheet), statement of activities (income statement), and statement of cash flows? Meets standard accountability indicator(s): Evidence supports that the governing board reviews the school's periodic financial statements at the public governing board meetings.~~
~~(U) Does the school's governing board review and approve changes to the budget as significant changes to revenues and expenditures occur? Meets standard accountability indicator(s): Evidence supports that the school's governing board reviews and approves changes to the budget at the public governing board meetings throughout the year as revenues and expenditures change significantly.~~
~~(V) Does the school's governing board review financial forecasting models prior to annual budget adoption? Meets standard accountability indicator(s): Evidence supports that the school's governing board participates in annual review of financial forecasting prior to budget adoption during a public governing board meeting.~~

(W) Does the school's governing board review the audited financial statements and address all findings? Meets standard accountability indicator(s): Evidence supports that the school's governing board reviews the audited financial statements and addresses all findings in a public governing board meeting.
(X) Does the school properly report its facilities' carrying values and applicable depreciation on its annual financial statements? Meets standard accountability indicator(s): The annual financial statements indicate proper values for facilities are represented.
(Y) Does the school maintain documentation of property and facilities leases and purchases at fair market value? Meets standard accountability indicator(s): The school maintains documentation of leases and purchases at fair market value.

(3) Oklahoma performance measures will be used to assess the school's organizational performance including organizational structure, governance, record of compliance, attendance, recurrent enrollment, accreditation, and student support. Organizational performance accountability indicators and measurements in each category are listed below.

(A) Do the school's decisions align with its vision and mission? Meets standard accountability indicator(s): Evidence supports the school's decisions align with its vision and mission.
(B) Does the school follow appropriate procedures to ensure all students have equitable access to services and opportunities for success? Meets standard accountability indicator(s): Data confirms appropriate procedures to ensure student access and equity.
(C) Does the school have approved and appropriate policies and procedures that ensure student and staff safety and success, and does the school communicate those policies and procedures to students/families and staff? Meets standard accountability indicator(s): Evidence supports approved and appropriate policies and procedures are implemented and communicated.
(D) Does the school adhere to applicable state and federal laws and regulations? Meets standard accountability indicator(s): Evidence supports the school adheres to state and federal laws and regulations.
(E) Does the school adhere to the terms of the charter contract? Meets standard accountability indicator(s): Evidence supports the school adheres to the charter contract.
(F) Does a stable governing board exist? Meets standard accountability indicator(s): Evidence supports history of board stability exists.
(G) Does the governing board recruit, select, orient, and train members with skills and expertise to enable them to govern the school appropriately? Meets standard accountability indicator(s): Board agendas, minutes, training records, and other documents support board member activities.
(H) Does the charter school comply with the Open Meeting Act and Open Records Act? Meets standard accountability indicator(s): Evidence supports the charter school consistently complies with requirements of the Open Meeting Act and Open Records Act.
(I) Does the charter school provide transparency through SCSB access to school records? Meets standard accountability indicator(s): The charter school has provided the Board with all requested school records.
(J) Does the educational management organization provide transparency through SCSB access to school records? Meets standard accountability indicator(s): The educational management organization has provided Board with all requested school records.
(K) Did the school consistently meet the reporting expectations as required by the State Department of Education? Meets standard accountability indicator(s): Evidence confirms reporting expectations were fulfilled.
(L) Did the school consistently meet the reporting expectations as required by the Statewide Charter School Board? Meets standard accountability indicator(s): The school reported and submitted documentation on time and accurately.
(M) Did the school receive accreditation from the State Department of Education? Meets standard accountability indicator(s): The school received accreditation with no unresolved deficiencies following Tiered School Oversight Tier II Investigation (777:10-3-4. Oversight and evaluation of charter schools and virtual charter schools noted from the Statewide Charter School Board).
(N) Does the school meet the expectations for student attendance? Meets standard accountability indicator(s):

(i) For charter schools, the attendance rate reported by the State Department of Education is equal or greater than the attendance rate of the local school district in which the charter school is located; or

~~(ii) For virtual charter schools, the attendance rate reported by the State Department of Education is equal or greater than the attendance rate reported by the attendance rate for the state of Oklahoma; or~~

~~(iii) The school's attendance rate reported by the State Department of Education increased five percent (5%) or greater compared to the prior school year.~~

~~(O) Does recurrent enrollment of students meet expectations? Meets standard accountability indicator(s): The school's student recurrent enrollment rate meets the expectations indicated by the methodology used for public schools in Oklahoma.~~

~~(P) Does the school provide support structures for students, such as teacher support, individualized learning plans, individualized career academic planning, guidance/counseling program, online tutoring, and technical support? Meets standard accountability indicator(s): Students have access to multiple support structures.~~

~~(Q) Does the school and governing board engage in strategic planning that results in establishment of school goals and verifiable school improvement? Meets standard accountability indicator(s): Evidence supports that the school and governing board engage in strategic planning resulting in establishment of school goals and verifiable school improvement.~~

~~(4) A Performance Framework Index will be calculated based on the following categories:~~

~~(A) Academic (A) Calculation - (Score) * (Weight) = A with a weight of 60%.~~

~~(B) Financial (F) Calculation - (Score) * (Weight) = F with a weight of 20%.~~

~~(C) Organizational (O) Calculation - (Score) * (Weight) = O with a weight of 20%.~~

~~(D) According to title 70, section 3-137 of the Oklahoma Statutes, Performance Framework scores will guide reauthorization procedures.~~

~~(i) A Performance Framework Index (PFI) score of 75% or higher calculated over the course of the charter contract term will result in renewal of authorization for a five (5) year term should the governing board of the charter school choose to submit a letter requesting reauthorization.~~

~~(ii) A Performance Framework Index (PFI) score of 60-74% or higher calculated over the course of the charter contract term is expected. However, an application for renewal of authorization is required for consideration by the Statewide Charter School Board.~~

~~(iii) A Performance Framework Index (PFI) score of less than 60% calculated over the course of the charter contract term places the charter school at risk of non- approval of the renewal for authorization. An application for reauthorization is required for consideration by the Statewide Charter School Board.~~

~~(E) In the event data is not available, the Statewide Charter School Board will designate corresponding score with "Not Available." In the event data is not applicable, the Statewide Charter School Board will designate corresponding score with "Not Applicable."~~

~~(F) Schools with a score that does not meet or exceed the academic standards of the Performance Framework or present the Board substantial financial or legal concerns shall develop, implement, and complete a plan for improvement comprised of action items that reflect clear progress benchmarks to track performance over time with phased indicators to guide development.~~

~~(i) The plan for improvement shall include, but is not limited to a needs assessment, measurable goals, evidence-based practices and interventions, an implementation plan that includes task(s), person(s) responsible, and timeline(s), and the regular collection and analysis of data to track progress toward the set goals;~~

~~(ii) If the school cannot provide evidence of improvement or shows a multi-year decline in academic performance, finacial or organizational stability, then it shall be subject to a continous plan of improvement subject to escalation through the tired school oversight process; and~~

~~(iii) In the event a school does not comply with a required plan of improvement, the Board reserves the right to pursue school closure according to the provisions of this chapter when the Board's judgement concludes the school has not met progress goals.~~

(e) **Submission of school data.** The Board will obtain documentation and evidence to assess whether the schools are meeting the expectations of the performance framework. In addition to site visits and read-only access to reporting systems, schools are required to submit annual school data to the Board through an online data collection system.

(1) Schools must submit the requested documentation according to the instructions for the submission by the due date indicated in the online data collection system:

(A) Educational Management contracts and amendments;
(B) Lease/purchase agreements;
(C) Annual budget;
(D) Audit documents (audit, response, corrective action);
(E) Annual evaluation of educational management organization(s) contracted with the governing body or school;
(F) Current inventory report;
(G) Quarterly financial statements;
(H) School calendar;
(I) Internal assessment plan;
(J) Current governing board rosters, including personal contact information;
(K) Enrollment counts;
(L) Accreditation documents including application, checklist, responses, and status letter;
(M) Annual and First Quarter Statistical Report summaries;
(N) Board meeting calendar;
(O) Board meeting agendas and all supporting board meeting documents submitted prior to the board meeting;
(P) Four (4) year cohort and extended-year graduation rate documents;
(Q) Estimate of Needs and Supplemental Estimate of Needs (if applicable);
(R) School, governing board, and/or educational management organization litigation documents;
(S) School organizational chart;
(T) School District Budgeting Act (SDBA) Budget Summary, public hearing documentation, published notice, and Budget Message (if applicable);
(U) Shared Services Agreements (if applicable);
(V) School governing board meeting recordings; and
(W) Other school documents as needed for effective school oversight.

(2) In the event submission through the online system is not possible, the school must hand-deliver documentation to the Board by the due date.

(3) Failure to submit the documentation is grounds for termination of the contract if not cured within thirty (30) calendar days of the deadline.

(4) Receipt of document submissions does not necessarily indicate approval of the content of the data.

(f) **School website compliance.** In order to aid in transparency, charter schools and virtual charter schools sponsored by the Statewide Charter School Board will be subject to website compliance checks at any time. Each school shall maintain a website in compliance with 70 O.S. § 5-135.4 and 74 O.S. § 24-3106.2 with the following information available:

(1) Governing board members (board member information, and office held if any);
(2) Schedule of governing board meetings as submitted to the school district's County Clerk;
(3) Board meeting agendas;
(4) Board meeting approved minutes;
(5) School accountability reports;
(6) Financial documents or a link to the Oklahoma Cost Accounting System (OCAS), in compliance with Oklahoma statute;
(7) Total compensation package of the superintendent;
(8) Attendance Policy, in compliance with Oklahoma law;
(9) Most recent audit in compliance with Oklahoma law; and
(10) Enrollment capacity.

(g) **School orientation.** Each charter school or virtual charter school shall develop a student orientation program that must be completed by each student prior to final enrollment in the school. The school shall maintain a record of completion of orientation by each student. The orientation shall contain, at a minimum, the following components:

(1) Enrollment requirements;
(2) Daily schedule and work expectations;
(3) School policies, including student engagement and attendance requirements;
(4) Student and Family Handbooks;
(5) Communication streams (website, school and teacher connection, school administration and governing board contact);
(6) Academic expectations;
(7) Assessment requirements;

(8) Social expectations;
(9) Technology management;
(10) Academic program management;
(11) Student support programs and services; and
(12) Programs specific to the school.

(h) **Annual audits.** Charter schools and virtual charter schools shall change audit firms, at a minimum, every five (5) years.

(i) **Compliance audits.** In addition to the annual financial audits, the charter schools and virtual charter schools authorized by the Board shall be subject to compliance audits conducted by the Board at any time during the charter contract term.

*[OAR Docket #26-693; filed 9-1-26]*

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**TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION**
**CHAPTER 20. PROGRAMS AND SERVICES**

*[OAR Docket #26-698]*

**RULEMAKING ACTION:**
EMERGENCY adoption
**RULES:**
Subchapter 3. Secondary, Full-Time and Short-Term Adult Careertech Programs
780:20-3-2. Programs: admissions, operations, enrollment, and length [AMENDED]
780:20-3-4. Instructors [AMENDED]
780:20-3-5. Career and Technology Student Organizations [AMENDED]
**AUTHORITY:**
70 O.S. §§ 14-103.2 and 11-103.6, as amended; Oklahoma State Board of Career and Technology Education
**COMMENT PERIOD:**
N/A
**PUBLIC HEARING:**
N/A
**ADOPTION:**
July 16, 2026
**EFFECTIVE:**
Immediately upon Governor's approval
**APPROVED BY GOVERNOR:**
August 28, 2026
**EXPIRATION:**
Effective through September 14, 2027 unless superseded by another rule or disapproved by the Legislature
**SUPERSEDED EMERGENCY ACTIONS:**
**SUPERSEDED RULES:**
N/A
**GUBERNATORIAL APPROVAL:**
N/A
**REGISTER PUBLICATION:**
N/A
**DOCKET NUMBER:**
N/A
**INCORPORATIONS BY REFERENCE:**
**INCORPORATED STANDARDS:**
N/A
**INCORPORATING RULES:**
N/A
**AVAILABILITY:**
N/A
**FINDING OF EMERGENCY:**

Without immediate adoption, technology centers, comprehensive schools, and other CareerTech providers would begin the school year without clear, consistent, and current regulatory guidance, resulting in inconsistent implementation of programs and administrative requirements. There is a compelling public interest in ensuring programs standards are consistently applied to Oklahoma students. Further, the proposed emergency rules remove refence to programs no longer offered, and further support ongoing efforts to further address Oklahoma's instructor shortage. Proposed emergency rules likewise allow certain programs to accept additional students who may be otherwise forced to maintain a waitlist position. Emergency implementation is necessary to allow for these changes to take effect prior to the upcoming school year. Emergency adoption is therefore necessary to protect the public welfare and ensure the orderly operation of CareerTech programs statewide.

**GIST/ANALYIS:**

The proposed emergency amendments to Chapter 20, Subchapter 3 update and clarify CareerTech program requirements, teacher certification eligibility, enrollment exception procedures, CareerTech Student Organization provisions, and program terminology. The amendments also remove obsolete provisions and make technical revisions to improve clarity, consistency, and statewide administration. Emergency adoption is necessary to ensure all CareerTech providers have current regulatory guidance in place before the beginning of the 2026–27 school year. Chapter 20, subchapter 3 also includes clean up edits and language revisions for consistency.

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

## SUBCHAPTER 3. SECONDARY, FULL-TIME AND SHORT-TERM ADULT CAREERTECH PROGRAMS

**780:20-3-2. Programs: admissions, operations, enrollment, and length [AMENDED]**

(a) **Nondiscrimination; admission guidelines.** Students shall be provided access to CareerTech programs and facilities without regard to race, color, national origin, sex, or disability.

(1) **Agricultural Education.** Agricultural Education programs ~~are designed for junior high and high school grades eight through twelve and~~ shall be provided by comprehensive school districts. The Department shall determine the grade levels that may be offered agricultural education programs. Only Department approved agricultural education courses may be taught in approved programs. School districts offering any courses to students below the eighth grade must apply for approval from the Department each year. Technology center school districts shall be prohibited from operating Agricultural Education programs or FFA chapters in any location. Each student enrolled in an agricultural education program shall participate in a supervised agricultural experience project. For each agricultural education program which is funded by the Oklahoma Department of Career and Technology Education, the local school district shall provide transportation services, for the agricultural education program and FFA program related duties and activities. (FFA is an integral part of the agricultural education program.)

(2) **Business, Marketing and Information Technology Education.** Business, Marketing and Information Technology Education programs are designed to prepare students in grades 6 through 12 and adults for pathways to careers in business, marketing and information technology.

(A) **Business, Marketing & Information Technology (BMITE)**. Business, Marketing & Information Technology programs are designed for students in grades 6 through 12 to gain hands-on experiential and problem-based learning to explore opportunities for careers, post-secondary transitions, and pathways in BMITE.

(B) **Occupational Business, Marketing, and Information Technology Education**. Occupational Business, Marketing and Information Technology programs are designed for students in grades 11-12 and/or adults for careers in specific BMITE occupations.

(C) **BMITE Student Organization.** An active BMITE student organization (CTSO) is an integral part of the BMITE education program. All BMITE comprehensive school (K-12) programs are required to participate in BPA and all comprehensive school (K-12) Marketing programs are required to participate in DECA, which aligns with the respective program area.

(D) **Pre-Requisite for Comprehensive School Programs**. Fundamentals of Technology is a required pre-requisite course for all programs taught at a comprehensive school prior to advancing to higher level Business and Information Technology courses.

(3) **Family and Consumer Sciences Education.**

(A) **Comprehensive Family and Consumer Sciences Education (FCS).** Family and Consumer Sciences programs are designed for students grades 6 through 12 to experience hands-on experiential and problem based learning to explore opportunities for careers, post-secondary transitions and pathways in family and consumer sciences related areas.

(B) **Occupational Family and Consumer Sciences Education.** Occupational FCS programs are designed to prepare students in grades 11 and 12 and/or adults for careers in specific family and consumer sciences occupations. Approved CTE program teacher contracts will align to school district contract dates.

(C) **FCS Student Organization.** An active Family, Career, and Community Leaders of America chapter is an integral part of the FCS education program. All approved comprehensive school (K-12) FCS programs are required to have an active FCCLA chapter.

(4) **Health ~~Careers~~ Science Education.**

(A) **CareerTech ~~health~~ Health ~~careers~~Science Education.** Health ~~Careers~~ Science Education programs are designed to prepare middle school students, high school students and adults for employment in a health career of their choice.

(B) **Requirements for applicants.** Applicants for admission to Health ~~Careers~~ Science Education programs must meet requirements as set by the individual program, state statutes, and any other requirements of the appropriate licensing or accrediting agency.

(C) **Health Student Organization**. All programs are required to participate in the Department approved student organization that aligns with their approved program area.

(5) **Science Technology Engineering and Mathematics (STEM).**

(A) **STEM Programs.** Science Technology Engineering and Mathematics programs are designed to prepare students grades 5-12 for hands-on and problem-based curriculum that allows students to explore opportunities for careers, post-secondary transitions and pathways in Science, Technology, Engineering and Mathematics (STEM). CareerTech program teacher's contract shall align with the school district contract dates.

(B) **STEM Academy Programs.** Science Technology Engineering and Mathematics academy programs in technology centers are designed for grades ten through twelve. If required by 70 O.S. 11-103.6, the program shall obtain approval from the State Department of Education.

(C) **STEM Student Organization.** An Active Technology Student Association (TSA)/CTSO is an integral part of the STEM education program. ~~An active TSA chapter includes but is not limited to the elections of an officer team, a program of work that is planned and executed yearly by the TSA chapter, chapter students attend TSA Fall Leadership Conference, and chapter students compete in TSA competitive events at the TSA State Leadership Conference. Full-time STEM instructors shall have no other extracurricular duties or responsibilities other than those required through the TSA student organization and normal school supervisory duties.~~ All comprehensive school (K-12) STEM teachers shall participate in the Technology Student Association (TSA) which aligns to their STEM approved program.

(6) **Trade and Industrial Education/TechConnect.**

(A) **Comprehensive School Programs.** Trade and Industrial Education/TechConnect programs in comprehensive schools are designed for students in grades 6 through 10 for hands-on experience and problem-based learning that allows students to explore opportunities for careers, post-secondary transitions and pathways in trade and industrial education. The state program administrator must approve exceptions.

(B) **Technology Center Programs.** Trade and Industrial Education programs in technology centers are designed for students in grades 11 and 12 and/or adults. In technology center programs, tenth-grade students, or over-age students in a grade lower than the eleventh, may be enrolled upon approval of the sending school.

(b) **Program operations.**

(1) **Recommendation for program approval.** The appropriate CareerTech program manager shall recommend approval of a program when criteria for the approval of new programs are met, and funds are available.

(2) **Program composition.** Programs shall offer hands-on experience or supervised occupational experiences in the laboratory or clinical setting as well as classroom instruction to provide opportunities for students to achieve career objectives.
(3) **Course titles.** CareerTech course offerings must be in agreement with the course titles listed in the current **Standards for Accreditation of Oklahoma Schools**, published by the State Department of Education. These same course titles (or abbreviated titles) should be the class titles entered on the student's transcript.
(4) **Units of credit.** The units of credit shall be determined by the number of periods the student is in class plus on-the-job training, clinical training, or internship served. (Refer to the **Standards for Accreditation of Oklahoma Schools**.)
(5) **Full-time programs.** A full-time program in a comprehensive school shall consist of five CareerTech instruction class periods and one planning period for a six-period day, and six CareerTech instruction class periods and one planning period for a seven-period day. Exceptions to this rule shall include the following:

(A) ~~**Two planning**~~ **Planning and supervisory periods.** Teachers who supervise students' agricultural experience programs shall have a minimum of two periods to plan, supervise, and coordinate the activities of student learners. For schools on non-traditional schedules, teachers shall have the equivalent of a minimum of 90 minutes per day for planning and supervision of students. It is recommended that the last hour of the school day be utilized as the supervisory period. Schools offering Agricultural Education courses the final period of the day must provide a written explanation to the program administrator.

(B) **Teaching of related courses.** Full-time program teachers of Marketing Education, Career Transitions Education, Science Technology Engineering and Mathematics, and TechConnect may be allowed to teach one related course, subject to the approval of the appropriate ODCTE state program manager.

~~(C) **Trade and Industrial Education/TechConnect.** Two three-hour block courses shall constitute a full-time program in Trade and Industrial Education in a Technology Center.~~

~~(D)~~(C) **Health Science Education.** Teachers of Science Careers may be allowed to teach one or two related courses with at least one conference period (if the school is on a standard six or seven-period teaching day), subject to the approval of the Health Science Education program administrator.

~~(E)~~(D) **Science Technology Engineering and Mathematics.** Teachers of Science Technology Engineering and Mathematics may be allowed to teach one related course, subject to approval of the STEM division program manager.

~~(6) **Adult Training and Development.** Adult Training and Development (short-term adult) programs in comprehensive schools may be organized under the supervision of the CareerTech teacher and must be occupationally specific. These programs are organized on request or as the need indicates. They may vary in length.~~

~~(7)~~(6) **Program operations by occupational division.**

(A) **Agricultural Education.**

(i) **Secondary programs.** The agricultural education instructor is a full-time, 12-month employee and shall teach only approved agricultural education courses. Agricultural education instructor shall have no other extra curricular duties or responsibilities other than those required through the FFA student organization and normal school supervisory duties. Coaching, administration, or other similar full-time duties will not be approved. In the case of a non-funded agriculture education program, the program must follow state policy and guidelines to remain in good standing and be able to utilize the CareerTech student organization, FFA.

(ii) **Summer program.** The agricultural education instructor shall formulate a summer program of work and a calendar of activities, which are to be submitted to the local education agency at the completion of the school year.

(iii) **Activities.** Summer activities shall include supervision of students' activities; educational field days and tours; in-service and professional development activities; and, working with adults, agricultural organizations, and industries.

(iv) **Summer leave.** Agricultural Education teachers are entitled to two weeks of summer leave. In lieu of these two weeks of vacation, three weeks each year may be allowed for professional improvement. Summer leave should be coordinated with the local administration. If there is a question in regard to summer leave, the program administrator should be contacted for approval.

(v) **Full-time adult programs.** Full-time adult Agricultural Business Management programs vary in length and are designated for and intended to meet the needs of adults engaged in agriculture and agricultural business operations.

(B) **Business, Marketing and Information Technology Education.**

(i) **Full-time programs in comprehensive schools.** A full-time program in comprehensive school shall consist of five instructional class periods (five credits) and one planning period for a six-period day or six instructional class periods (six credits) and one planning period for a seven-period day that is offered to students in grades 6 through 12. Block schedules, including trimesters, will be approved if they provide one full unit/credit per course and offer a full schedule of approved courses with one planning period. Instructors shall teach only approved business, marketing and information technology education courses that are aligned with an approved occupational outcome. State-approved syllabi identify the required length of courses - one-half or full unit of credit. All comprehensive programs are required to participate in the student organization that aligns with their approved program area (BPA – Business and IT programs; DECA – Marketing) and meet the minimum requirements associated with these student organizations as determined by the state program administrator.

(ii) **Full-time programs in technology centers.** A full-time program in a technology center shall consist of instruction for students in grades 10-12 and adults, have an occupational outcome, and include a work-based learning component.

(iii) **Technology/equipment.** Business, Marketing and Information Technology Education programs shall provide technology that is appropriate for the defined occupational objectives and is reflective of a modern business environment. A written program plan integrating curriculum, training materials, and technology shall be maintained to guide program development and maintain relevance to the marketplace.

(iv) **Part-time comprehensive school programs.** Comprehensive school Business, Marketing and Information Technology Education programs that are less than full-time will be funded as a half-time program and will be approved by permission of the state program administrator. A part-time program shall include a minimum of three approved business, marketing or information technology education courses with one planning period.

(v) **Unfunded programs.** Non-funded Business, Marketing and Information Technology Education programs must follow state policies and guidelines and maintain an active BPA or DECA student organization chapter in order to remain in good standing.

(C) **Comprehensive Family and Consumer Sciences Education.**

(i) **Full-time programs.** A full-time program shall consist of only approved family and consumer sciences classes with one planning period in the daily schedule. Each single teacher program shall offer at least two complete programs of study in a three-year period. A multi-teacher district shall offer one more program of study than the number of teachers per building. Coaching, administration, or other similar full-time duties must be approved by the state program manager in writing prior to implementation.

(ii) **Part-time programs.** Programs that are less than full-time will be funded as a half-time program and will be approved only through permission of the program administrator. A part-time program shall include a minimum of two approved family and consumer sciences classes and a conference period for a six period day and three approved family and consumer sciences classes and a conference period for a seven or eight period day.

(iii) **Unfunded programs.** In the case of an approved unfunded family and consumer sciences program, the program must follow state policy and guidelines and maintain an active Family, Career and Community Leaders of America chapter to remain in good standing.

(D) **Occupational Family and Consumer Sciences Education.**

(i) **Full-time occupational programs in comprehensive schools.** A full-time occupational family and consumer sciences education program in the comprehensive school will include two or more classes, two to three periods in length for 11th- and 12th-grade students.

(ii) **Full-time occupational programs in technology centers.** A full-time occupational family and consumer sciences education program in a technology center will include two classes, three periods in length for 11th- and 12th-grade students and adults.

(iii) **Length; order.** Two years of occupational training may be offered.

(E) **Health Science Education.**

(i) **Comprehensive Schools.** High schools vary in length and may be offered in one, two or three blocks of time.
(ii) **Technology Centers.** Programs vary in length and in hours per day according to accrediting bodies and program requirements. Secondary programs in technology centers may be one or two academic years in length and vary in hours per day.
(iii) **Unfunded programs.** Non-funded Health Science programs must follow state policies and guidelines and maintain an active health HOSA student organization chapter to remain in good standing.

(F) **Science, Technology, Engineering and Mathematics (STEM).**
(i) **Full-time program.** In a six-period day, instructor shall teach five approved CareerTech STEM courses and/or one approved related course. In a seven-period day, instructor shall teach six approved CareerTech STEM courses and/or one approved related course. In an eight-period day, instructor shall teach seven approved CareerTech STEM courses and/or one approved related course. Block schedules, including trimesters, will be approved if they provide one full unit/credit per course and offer a full schedule of approved courses with one planning period.
(ii) **Part-time comprehensive school programs.** Comprehensive school CareerTech STEM education programs that are less than full-time will be funded as a half-time program and will be approved only through the permission of the state program manager. A part-time program shall include a minimum of three approved CareerTech STEM education 8000 level courses.
(iii) **Unfunded programs.** Non-funded Science, Technology, Engineering and Math Education programs must follow state policies and guidelines and maintain an active CareerTech student organization chapter ~~in order~~ to remain in good standing.
(iv) **Technology Center.** A full-time program shall consist of two three/four-hour block courses in STEM Education.

(G) **Trade and Industrial Education.** TechConnect (grades 6-10): The appropriate approved courses need to be taught from one of the following career pathways: ~~Tech Connect Agriculture, Food and Natural Resources;~~ Tech Connect Architecture & Construction; ~~Tech Connect Arts; A/V Technology and Communications; Tech Connect Information Technology;~~ Tech Connect Law, Public Safety and Security; Tech Connect Manufacturing; Tech Connect Transportation, Distribution and Logistics; Tech Connect Diversified Programs.

(H) **Integrated Academics.** Academics taught in the technology center shall be delivered in the context of the program in which each student is enrolled. If academic instruction is offered for credit through the sending school, it shall be structured so as to meet current requirements. Students must meet, within the structure of the academic class, the attendance requirements of their comprehensive schools in order to receive academic credit.
(i) **Full-time programs in technology centers.** A full-time program in a technology center shall consist of instruction for students in grades 10-12 and adults, have an occupational outcome, and include a work-based learning component.
(ii) **Technology/equipment.** Programs shall provide technology that is appropriate for the defined occupational objectives. A written program plan integrating curriculum, training materials, and technology shall be maintained to guide program development and maintain relevance to the marketplace.
(iii) **Unfunded programs.** Non-funded programs must follow state policies and guidelines and maintain an active CareerTech student organization chapter to remain in good standing.

(c) **Enrollment for full-time programs.**
(1) **Guidelines compliance.** Program enrollments shall comply with the established guidelines of the appropriate occupational division. Exceptions to be above the maximum or below the minimum enrollment must have written approval by the appropriate program manager prior to the second week of class. Consideration shall be given to the availability of work stations, clinical experiences and individual student needs.
(2) **Enrollments specific to occupational divisions and programs.**
(A) **Agricultural Education.**
(i) **Student enrollment limits.** If a department has adequate space, equipment, and laboratory sites, a maximum of 25 students may be enrolled in each agricultural education class with the exception of lab classes, such as Horticulture and Ag Mechanics, and they shall be limited to 15 per class. Exceptions to these numbers must have written approval by the appropriate

program administrator.

(ii) **Maximum class enrollment.** The maximum enrollment in each agricultural mechanics and horticulture class shall be 15 students per class period.

(iii) **Course prerequisite.** Introduction to Agricultural Science is the prerequisite for all other agricultural education courses with the exception of seventh and eighth-grade Agricultural Orientation.

(iv) **Employment in Agribusiness.** The Agricultural Education course, Employment in Agribusiness, is considered a Cooperative Program in which students can earn scholastic credit if the course meets all requirements for cooperative programs. It must be taught and supervised by the agricultural education instructor. The work-site experience must be directly related to the curriculum offered in the program.

(B) **Business, Marketing and Information Technology Education.**

(i) **Programs in comprehensive schools.** Business, Marketing and Information Technology Education courses may enroll a maximum of 25 students at a ratio of one work station per student. A maximum of 25 students per teacher-coordinator shall be enrolled in a capstone course or internship course. Only two sections of internship will be allowed per program. Students enrolling in an internship program must have completed a minimum of 120 hours or be concurrently in an approved business, marketing, and information technology education program.

(ii) **Programs in technology centers.** Business, Marketing and Information Technology Education courses may enroll a maximum of 25 students at a ratio of one work station per student. Consideration should be given to the size of the facility and access to appropriate training stations.

(C) **Family and Consumer Sciences Education.**

(i) **Comprehensive Family and Consumer Sciences programs.** If a department has adequate space, equipment and laboratory sites, maximum enrollment for the following courses shall be:

(I) Non-laboratory courses-30 students

(II) Laboratory courses-24 students

(III) Work-based learning - The School and Community Partnership course is a work-based course in which students gain work-site experience and elective credit. The work-site experience must relate directly to an Oklahoma family and consumer sciences career cluster. Enrollment in this course is limited to 24 students.

(ii) **Occupational Family and Consumer Sciences Education.** A minimum of 10 and a maximum of 20 students shall be enrolled in each section of occupational family and consumer sciences education.

(D) **Health Science Education.**

(i) **Comprehensive Schools.** A minimum of ten and a maximum of eighteen students, per instructor, shall be enrolled in each course/section of a comprehensive school health careers education program.

(ii) **Technology Centers.**

(I) **Full time high school health science education programs.** A minimum of ten and a maximum of eighteen students per instructor shall be enrolled in a Health Science Education program. Those programs utilizing student-centered learning as the primary method of instruction shall have a maximum of fifteen students per instructor. Technology center program enrollment may also be limited by state and/or national accrediting bodies, by equipment, classroom and/or laboratory facilities and by clinical site availability. If the program is typically an adult program (such as LPN) then the enrollment shall be the same as the adult program.

(II) **Full-time adult-only health science programs.** A minimum of eight and a maximum of twelve students per instructor shall be enrolled in a full-time adult-only Health Careers Education program. Technology center program enrollment may also be limited by state and/or national accrediting bodies, by equipment, classroom and/or laboratory facilities and by clinical site availability.

(III) **Blended adult and high school health science programs.** A minimum of ten and a maximum of fifteen students per instructor shall be enrolled in a Health Science Education Program.

(E) **Science, Technology, Engineering and Mathematics. Student Enrollment Limits.** The maximum enrollment for each period of a STEM program shall be 24 students. Consideration should be given to the size of the facility.

(F) **Trade and Industrial Education and TechConnect.**

(i) **Maximum enrollment.** The maximum enrollment for each Trade and Industrial Education, TechConnect program section shall be 20 students, with the exceptions of cosmetology, which may have a maximum of 22 students~~., and Industrial Cooperative Education (ICE) programs, which may have 50 students per career transitions teacher.~~ Consideration should be given to the size of the facility~~.~~ and number of training stations, appropriate quality and quantity of tools, and equipment and supplies.

~~(ii) **Alternate program enrollment.** The Trade and Industrial Education Division shall establish a reduced maximum enrollment for any program not meeting adequate size or layout of teaching facilities, number of training stations, appropriate quality and quantity of tools, and equipment and supplies. Individual student needs, student safety and supervision shall also be considered when determining maximum student enrollment.~~

~~(iii)~~(ii) **Inclusion of on-the-job students.** Students involved in on-the-job training shall be included in the maximum enrollment for the program unless each school has an on-the-job training coordinator.

(d) **Length of programs.** CareerTech programs shall be 10 or 12 calendar months as approved by the appropriate program manager. Exceptions must be approved by the Department.

**780:20-3-4. Instructors [AMENDED]**

(a) **Certification on file.**

(1) **Standard Teaching Certification**. All CareerTech secondary teachers shall have (on file in the local education agency) an appropriate teaching certificate issued by the Certification Section of the State Department of Education.

(2) **Technology Center Standard Teaching Certification.** Technology Center Standard Certification for Teachers and Instructors in Technology Centers School Districts, not otherwise certified under paragraphs 210 O.A.C. 20-9-91 (1-4). Consistent with the provisions of 70 O.S. 2011, § 6-189, as amended, to be eligible for consideration for a technology center standard teaching certificate under this provision, an applicant must submit documentation to the Oklahoma Department of Career and Technology Education verifying that the individual has received an associate's college degree (2-year degree) or above, an industry recognized credential for an occupation that includes the subject matter to be taught at the technology center, and appropriate professional development.

(3) **Technology Center Industry Specialist Certification**. A Technology Center Industry Specialist Certification is for instructors, or program teaching assistants as defined by the Department, in technology center school districts not otherwise certified under subparagraphs (1) or (2) in this subsection. To be eligible for a Technology Center Industry Specialist Certification, a person must:

(A) Hold a high school diploma or high school equivalency;

(B) Have at least four thousand (4,000) hours of industry related experience in the subject matter the person is to be certified to instruct at a technology center school district;

(C) Hold an industry recognized credential, approved by ODCTE, in the subject matter the person is to be certified in; and

(D)Complete an individualized professional development plan as approved by the Department.

(4) **Issuance of Technology Center Certificates**. The State Board of Education, upon recommendation of the Oklahoma Department of Career and Technology Education, may issue a technology center standard teaching certificate or a technology center industry specialist certificate to an applicant who submits a completed application for certification containing the requirements listed herein along with the applicable certification fee, and has on file with the State Department of Education a current criminal history record check. The applicant shall be responsible for the costs of the criminal history record The technology center standard teaching certificate shall be valid only for the subject area(s) aligned to the applicant's degree, credential and/or work experience. The technology center industry specialist certificate shall be valid only for the subject matter aligned to the application's industry related experience and industry recognized credential. For purposes of this

provision, the term "industry recognized credential" shall have its ordinary and usual meaning and shall reflect industry-based skills, standards and certifications.

(b) **Administrative responsibility.** It shall be the responsibility of school administration to assure that a CareerTech teacher applicant meets CareerTech certification requirements before placing the applicant under contract. Certification requirements are found on the Department and Oklahoma State Department of Education websites.

(1) **Occupational division approval.** All CareerTech teachers must have the CareerTech certification application approved by the CareerTech certification specialist.

(2) **Occupational division renewal of certification.** All CareerTech teachers must complete the specific occupational division's requirements for CareerTech certification renewal and be approved by Oklahoma Department of CareerTech certifications specialist.

(c) **Health Science Education.**

(1) **Faculty requirements.** Faculty shall hold current credentials as a licensed, certified and/or registered health care professional and must meet the requirements of the local education agency, Health Science Education Division, and the respective accrediting agency.

(2) **Clinical experience.** Faculty must have a minimum of two years' work experience in a clinical setting within the last five years prior to their first teaching experience. The Health Science Education Program Manager must approve any variations.

(d) **Science Technology Engineering and Mathematics (STEM). Faculty requirements for Teachers Teaching Math and/or Science Academic Courses.** Must meet the requirements of the Oklahoma State Department of Education for that specific academic course/area. All related courses must meet the Oklahoma State Department of Education and/or ODCTE requirements for the course/area.

(e) **Professional development.** New instructors shall participate in preservice professional development activities as required by the appropriate divisions. All secondary and full-time adult CareerTech instructors and staff shall participate in professional in-service as required by the appropriate divisions.

(f) **Salaries Paid by Third Parties.** If the instructor's or teacher's salary is being paid by a third-party, a Memorandum of Understanding (MOU) must be completed between the third-party and teh school board. Notice of the Memorandum of Understanding (MOU) shall be provided to the instructor or teacher.

(g) **Adjunct Teachers for CareerTech K-12 Programs.**

(1) **Qualifications**. To be eligible to be an adjunct teacher for an approved CareerTech K-12 Program, a person must:

(A) be twenty-one (21) years old or older; and

(B) have at least two (2) years of industry or occupational experience in the subject area the adjunct teacher would be hired to teach; and

(C) successfully pass a background check.

(2) **Hiring Adjunct Teachers.**

(A) To be eligible to hire an adjunct teacher for an approved CareerTech K-12 Program, the school district superintendent must attest to the Department it could not locate a viable candidate to hire as a fulltime teacher for that academic year and that it will continue to search for a fulltime teacher for the following academic year.

(B) After the attestation is submitted to the Department, the school district may start the process to hire an adjunct teacher. The employment of persons to serve as adjunct teachers shall be approved by the local school board. Once a person is approved by the local school board to be hired as an adjunct teacher, the person's name and qualifications shall be submitted to the Department for final approval. Final approval by the Department shall permit the person to be an adjunct teacher for one academic year.

(C) The employment of persons to serve as adjunct teachers shall be approved annually by the local school board and the Department.

(3) **Professional Development**. To remain eligible to be an adjunct teacher, the person must complete:

(A) the CareerTech New Teacher Academy within two (2) years of being hired; and

(B) any annual professional development required by CareerTech.

**780:20-3-5. Career and Technology Student Organizations [AMENDED]**

(a) **Student organizations as an integral part of the CareerTech program.** The Oklahoma Department of Career and Technology Education is the responsible entity for governance and administration of the career and technology student organizations and therefore each CareerTech occupational division has the authority to develop and enforce policy of the student organizations consistent with CareerTech program design and operation. All CareerTech programs shall establish

and maintain an active student organization as outlined and assessed by CareerTech occupational divisions. Full-time CareerTech instructors shall have no additional extracurricular duties or responsibilities that impede the ability to provide an active CareerTech student organization as determined by the Department.

(b) **Membership in appropriate organization.** Each student who participates in student organization activities shall be a member of the student organization designed for the occupational program in which the student is enrolled.

(c) **Organizations.**Department approved ~~Career~~career and technology student organizations shall include:

(1) DECA: ~~(Business, Marketing and Information Technology Education)~~ The mission of DECA is to prepare emerging leaders and entrepreneurs for careers in marketing, finance, hospitality and management in high schools and colleges around the globe.

(2) BPA: ~~(Business, Marketing and Information Technology Education and STEM),~~ The mission of Business Professionals of America is to develop and empower student leaders to discover their passion and change the world by creating unmatched opportunities in learning, professional growth and service.

(3) FFA: ~~(Agricultural Education)~~ The mission of FFA is to make a positive difference in the lives of students by developing their potential for premier leadership, personal growth and career success through agricultural education.

(4) FCCLA: ~~(Family and Consumer Sciences Education),~~ The mission of Family, Career and Community Leaders of America is to promote personal growth and leadership development through Family and Consumer Sciences education. Focusing on the multiple roles of family member, wage earner and community leader, members develop skills for life through character development, creative and critical thinking, interpersonal communication, practical knowledge, and career preparation.

(5) HOSA: ~~(Health Careers Education and STEM)~~ The mission of HOSA is to empower future health professionals to become leaders in the global health community through education, collaboration, and experience.

(6) TSA: ~~(STEM, Business Information Technology Education, Health Careers Education, Trade and Industrial Education),~~ The mission of the Technology Students Association is to enhance personal development, leadership, and career opportunities in STEM, whereby members apply and integrate these concepts through intracurricular activities, competitions, and related programs.

(7) SkillsUSA: ~~(Trade and Industrial Education and STEM)~~ The mission of SkillsUSA is to empower students to become skilled professionals, career-ready leaders and responsible community members.

(d) **Accountability; loss of program funding.** The school and the career and technology student organization chapter will be held accountable for the actions of the student organization members and the advisor participating in any career and technology student organization activity. Failure to comply with the official rules of such activities may, after an opportunity to present reasons why said action should not occur, result in the loss of the state funding for that CareerTech program.

(e) **FFA Membership Eligibility.** Any student in Grades ~~8~~7-12 must be regularly enrolled in a year long course of study in Agricultural Education at school in order to be eligible to participate in any FFA activity. For the purpose of this section; at school is defined as physically present and supervised in a classroom by a certified agricultural education instructor. Exceptions are granted to students who attend a school with block schedule and who, therefore, may have completed a year-long course of study in Agricultural Education in one semester. Annual local, state, and national FFA dues must also be paid in order to be eligible to participate in any FFA activity.

*[OAR Docket #26-698; filed 9-2-26]*

# Executive Orders

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

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

## TITLE 1. EXECUTIVE ORDERS

**1:2026-31.**

### EXECUTIVE ORDER 2026-31

WHEREAS, the Constitution of the State of Oklahoma is the foundation of Oklahoma state government and establishes the rights of the people, the structure of state government, and the powers and duties of public officers;

WHEREAS, the framers of the Oklahoma Constitution placed sovereignty with the people of Oklahoma and declared in Article II, § 1 that "[a]ll political power is inherent in the people.";

WHEREAS, Article II, § 1 further provides that government is instituted for the protection, security, benefit, and general welfare of the people, and that the people "have the right to alter or reform the same whenever the public good may require it.";

WHEREAS, the framers' commitment to popular self-government is reflected in the people of Oklahoma retaining the right to vote on public officials across all three branches of state government;

WHEREAS, that commitment is reflected in the Legislative branch, where members of the Oklahoma Senate and Oklahoma House of Representatives are elected by the people pursuant to Article V, §§ 9A, 10A;

WHEREAS, that commitment is reflected in the Executive branch,[1] where the Governor, Lieutenant Governor, State Auditor and Inspector, Attorney General, State Treasurer, Commissioner of Labor, Superintendent of Public Instruction, Insurance Commissioner, and Corporation Commissioners are elected by the people pursuant to Article VI, §§ 1, 4, and 23, and Article IX, § 15;

WHEREAS, that commitment also extends to the Judicial branch, where District Judges and Associate District Judges are elected by the voters pursuant to Article VII, § 9,[2] and where Justices of the Supreme Court and Judges of the Court of Criminal Appeals and Court of Civil Appeals stand for retention by the people pursuant to Article VII-B of the Oklahoma Constitution;[3]

WHEREAS, the Oklahoma Constitution not only reserves the right of the people to elect their public officials, but also reserves the power to legislate directly by passing laws and amending the Constitution;

WHEREAS, the founders understood that the people's reserved powers of self-government could be frustrated if their exercise depended entirely upon legislative action, and therefore placed additional safeguards in the Constitution allowing the people to exercise legislative power directly and independently of the Legislature;

WHEREAS, Article V, § 1[4] expressly reserves to the people "the power to propose laws and amendments to the Constitution and to enact or reject the same at the polls ***independent of the Legislature***" (emphasis added);

WHEREAS, Article V, § 1 further reserves to the people the power "to approve or reject at the polls ***any act*** of the Legislature" (emphasis added);

WHEREAS, paramount among the people's independently reserved powers of self-government is the right to determine whether "the public good may require"[5] the alteration or reform of their government through the calling a constitutional convention, through which the people may consider whether to amend, revise, or create a new Constitution for the State of Oklahoma;

WHEREAS, Article XXIV, § 2 provides that "[n]o convention shall be called by the Legislature to propose alterations, revisions, or amendments to this Constitution, or to propose a new Constitution, unless the law providing for such convention shall first be approved by the people on a referendum vote at a regular or special election.";

WHEREAS, Article XXIV, § 2 also provides that "any amendments, alterations, revisions, or new Constitution, proposed by such convention, shall be submitted to the electors of the State" and approved by the people before becoming effective, thereby preserving the people's authority both at the beginning and at the conclusion of the constitutional convention process;

WHEREAS, to ensure that the people would periodically have the opportunity to decide for themselves whether to invoke the process, our founders imposed an affirmative constitutional command that "the question of such proposed convention ***shall be submitted*** to the people at least once in every twenty years." OKLA. CONST. art. XXIV, § 2 (emphasis added);

WHEREAS, Article XXIV, § 2 imposes a mandatory constitutional obligation that cannot be nullified by governmental inaction, and the people's constitutional right to periodic consideration of whether to convene a constitutional convention cannot be defeated by the failure of any branch or officer of government to perform a duty imposed by the Constitution;

WHEREAS, the command that the convention question "shall be submitted to the people at least once in every twenty years" is self-executing to the extent necessary to give effect to that mandatory constitutional obligation and preserve the right secured to the people, notwithstanding the authority of the Legislature to prescribe by law the manner in which the convention process is carried out;

WHEREAS, legal scholarship has recognized Oklahoma as among the states whose constitutions impose a mandatory duty to submit the constitutional convention state question to the people at prescribed intervals;[6]

WHEREAS, Robert L. Williams served as a delegate to the Oklahoma Constitutional Convention and played a prominent role in drafting the Oklahoma Constitution; following statehood, he was elected to the Oklahoma Supreme Court and became its first Chief Justice; and he later served as the third Governor of the State of Oklahoma from January 11, 1915, to January 13, 1919;[7]

WHEREAS, in his authoritative commentary on the Oklahoma Constitution, Williams described Article XXIV, § 2 as "self-executing" with respect to submission of the constitutional convention question, explaining that "it is the duty of the Secretary of State, without any additional legislation, to submit this question every 20 years to the electors of the state";[8]

WHEREAS, scholars have described mandatory constitutional convention questions as a mechanism designed to preserve the people's right to reform their government by ensuring that the question is periodically placed before the people rather than left solely to the discretion of existing governmental institutions that might interfere with the process, either through action or inaction;[9]

WHEREAS, the mandatory submission of the constitutional convention question reflects the framers' judgment that the people of Oklahoma should have a regular and direct opportunity to determine whether the public good requires convening a constitutional convention to consider alterations or revisions to their constitution;

WHEREAS, the submission of the constitutional convention question neither calls a convention, nor adopts any amendment, revision, or new Constitution, but merely places before the people the threshold question that Article XXIV, § 2 expressly commands "shall be submitted";

WHEREAS, because the people retain the final authority to approve or reject any proposal resulting from a constitutional convention, the process established by Article XXIV, § 2 preserves popular sovereignty at each stage of constitutional revision;

WHEREAS, the constitutional convention question required by Article XXIV, § 2 was last submitted to the people on March 17, 1970, more than fifty-six years ago;

WHEREAS, in 1994, the people of Oklahoma rejected State Question No. 660, which would have removed from Article XXIV, § 2 the requirement that the constitutional convention question be submitted to them at least once every twenty years, thereby preserving their constitutional right to answer that question at least once every twenty years;

WHEREAS, Article VI, § 8 of the Oklahoma Constitution imposes a nondiscretionary duty upon the Governor to "cause the laws of the State to be faithfully executed," imposing upon the Governor an affirmative constitutional duty to ensure that mandatory provisions of Oklahoma law are given effect;[10]

WHEREAS, where the Constitution expressly reserves a right to the people and commands that the State provide an opportunity for its exercise, that constitutional right cannot be rendered ineffective by governmental inaction, and the Governor's duty to faithfully execute the laws requires him to take such lawful action within his constitutional authority as is necessary to give effect to that command, and because the preservation of constitutional rights is a shared obligation of all three branches of government, each branch bears a corresponding duty to ensure that the people's reserved right is not nullified in practice and that the opportunity to exercise that right is meaningfully preserved;

WHEREAS, because Article XXIV, § 2 reserves to the people the ultimate authority to determine whether to call a constitutional convention, it is appropriate for the State to study Oklahoma's constitutional convention history, the convention practices of other states, and the procedures necessary to ensure that the people's constitutional rights are respected and preserved; and

WHEREAS, a temporary advisory commission with representation from all three branches of state government will assist the Governor and Legislature by studying these issues and making recommendations regarding the constitutional, legal, historical, and practical considerations involved in any future constitutional convention process.

NOW THEREFORE, I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the authority vested in me by §§ 1, 2, and 8 of Article VI of the Oklahoma Constitution and to the fullest extent of Oklahoma law, do hereby direct and order as follows:

**Submission of Constitutional Convention Question**

1. Pursuant to my Executive Proclamation issued this day, August 25, 2026, the Secretary of State is hereby directed, to the fullest extent authorized by law, to take all actions necessary and appropriate to submit to the people at the election scheduled for April 6, 2027, the question whether the Legislature shall call a constitutional convention authorized to propose alterations, revisions, or amendments to the Oklahoma Constitution, or to propose a new Constitution for the State of Oklahoma.

**Oklahoma Constitutional Convention Commission**

1. Creation of Commission

    a. There is hereby created the Oklahoma Constitutional Convention Commission ("Commission")

2. Membership of the Commission

    a. The Commission shall consist of nine (9) members who shall be appointed as follows:

        i. Five members appointed by the Governor;

        ii. Two members appointed by the Speaker of the Oklahoma House of Representatives; and

        iii. Two members appointed by the President Pro Tempore of the Oklahoma Senate.

    b. The Governor shall designate the chair of the Commission.

c. Any vacancy on the Commission shall be filled in the same manner as the original appointments.

3. Purpose and Duties of the Commission

a. The Commission shall conduct a comprehensive study of the legal, historical, procedural, and practical issues associated with calling, organizing, and conducting a constitutional convention in Oklahoma.

b. The purpose of the Commission is to develop recommendations for a lawful, representative, transparent, orderly, and fiscally responsible framework under which a constitutional convention could be organized and conducted if the people approve the question submitted pursuant to Article XXIV, Section 2 of the Oklahoma Constitution and the Legislature thereafter calls a convention.

c. In carrying out its purpose, the Commission shall study and make recommendations concerning:

i. The history of Oklahoma's 1906–1907 Constitutional Convention, the adoption and development of Article XXIV of the Oklahoma Constitution, prior submissions of the constitutional convention question to the people, and subsequent constitutional reform efforts in Oklahoma;

ii. The meaning and operation of Article XXIV, Section 2 of the Oklahoma Constitution, including the legal effect of an affirmative vote, the respective responsibilities of the people, the Legislature, and other state officers and institutions, and the actions required before a convention may be called or conducted;

iii. The laws, procedures, and safeguards employed by other states in calling, organizing, conducting, and completing constitutional conventions, including both successful conventions and convention proposals that were rejected or failed to produce ratified changes, as deemed relevant by the Commission;

iv. The number, qualifications, method of selection, apportionment, terms, vacancies, oaths, compensation, removal, and other conditions of service of convention delegates;

v. The organization and administration of a convention, including its time and place of convening, duration, officers, committees, rules of procedure, staffing, facilities, budgeting, procurement, recordkeeping, and adjournment;

vi. Requirements and safeguards relating to public transparency, financial disclosures, conflicts of interest, ethics, lobbying, and preservation of convention records;

vii. The legal and practical considerations governing whether a convention may or should be general or limited in scope, how any limitation could be established and enforced, and the manner in which convention proposals should be organized and presented to the people;

viii. The procedures by which any alteration, revision, amendment, or new Constitution proposed by a convention would be submitted to the electors, including the timing and form of submission, whether proposals should be submitted separately or together, preparation of ballot titles and explanatory materials, and transition provisions applicable following voter approval;

ix. The anticipated calendar, administrative requirements, and public costs associated with organizing and conducting a convention and submitting its proposals to the people;

x. Proposed legislation necessary or appropriate to implement an affirmative vote, including a proposed contingent enabling act governing the organization and conduct of a convention;

xi. A permanent process for ensuring that the constitutional convention question is submitted to the people at least once in every twenty years as required by Article XXIV, Section 2 of the Oklahoma Constitution; and

xii. Any other item the Commission deems necessary to carry forth the provisions of Article XXIV, Section 2 or related matters.

d. The Commission may establish working groups or advisory committees and may request research, information, and technical assistance from state agencies, institutions of higher education, and other public or private entities, subject to applicable law and the availability of resources. All state agencies, officials, and employees shall cooperate fully and expeditiously with requests of the Commission.

4. Quorum and Voting

a. A majority of appointed members of the Commission shall constitute a quorum.

5. Final Report

a. The Commission shall submit a final written report to the Governor, the Chief Justice of the Oklahoma Supreme Court, the Speaker of the Oklahoma House of Representatives, and the President Pro Tempore of the Oklahoma Senate no later than December 31, 2026.

b. The Commissions final report shall be made available to the public promptly upon its submission.

c. The final report may include findings, recommendations, proposed procedures, proposed statutory language, historical analysis, comparative analysis of other states, and any other information the Commission determines is relevant or necessary to carry out this Order.

6. Administrative Support

a. The Office of the Secretary of State, the Office of Management and Enterprise Services, and any other state agency subsequently designated by the Governor shall provide administrative and logistical support to the Commission.

7. Termination

a. The Commission shall terminate thirty (30) days after submission of its final report, unless extended by further executive order.

8. Compensation

a. Members of the Commission shall serve without compensation.

**General Provisions**

1. If any provision of this Executive Order, or the application of any provisions to any person or circumstance, is held to be invalid, the remainder of this Executive Order and the applicability of its other provisions to any persons or circumstances shall not be affected thereby.

2. This Executive Order shall be distributed to the Speaker of the House of Representatives, the President pro Tempore of the Senate, all cabinet secretaries, chief advisors, and all agency heads.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 25th day of August, 2026.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA
J. Kevin Stitt

ATTEST:
Benjamin Lepak
Secretary of State

[1] At statehood, even the Secretary of State, Chief Mine Inspector, and Commissioner of Charities and Corrections were elected statewide. See OKLA. CONST. art. VI, §§ 4, 25, 27 (1907). The Secretary of State remained elected for 72 years, until State Question 511 converted the office to a gubernatorial appointment effective in 1979; the Chief Mine Inspector likewise remained elected until 1979 before the office was ultimately abolished by State Question 594 in 1986; and the Commissioner of Charities and Corrections remained elected until the office was abolished pursuant to State Question 509, approved in 1975 and effective in 1979. See Search State Questions, OKLA. SEC'Y OF STATE, https://www.sos.ok.gov/gov/questions.aspx (last visited Aug. 20, 2026).

[2] The people have reserved the right to elect District Judges since the founding of Oklahoma. See OKLA. CONST. art. VII, § 9 (1907).

[3] Notably, the founding fathers' commitment to popular sovereignty was so great that the original constitution provided for the direct election of all Supreme Court Justices and even the Clerk of the Supreme Court. OKLA. CONST. art. VII, §§ 3, 7 (1907).

[4] This provision has remained unchanged since statehood.

[5] OKLA. CONST. art. II, §1.

[6] Robert J. Martineau, The Mandatory Referendum on Calling a State Constitutional Convention: Enforcing the People's Right to Reform Their Government, 31 OHIO ST. L.J. 421, 422–23, 422 n.7 (1970).

[7] See L. David Norris, Williams, Robert Lee (1868–1948), OKLA. HIST. SOC'Y: THE ENCYCLOPEDIA OF OKLA. HIST. & CULTURE, https://www.okhistory.org/publications/enc/entry?entry=WI017 (last updated July 29, 2024); Gov. Robert Lee Williams, NAT'L GOVERNORS ASS'N, https://www.nga.org/governor/robert-lee-williams/ (last visited Aug. 20, 2026).

[8] ROBERT L. WILLIAMS, THE CONSTITUTION OF OKLAHOMA AND ENABLING ACT ANNOTATED WITH REFERENCES TO THE CONSTITUTION, STATUTES AND DECISIONS 307 (Co-operative Publ'g Co. 1941).

[9] Robert J. Martineau, The Mandatory Referendum on Calling a State Constitutional Convention: Enforcing the People's Right to Reform Their Government, 31 Ohio St. L.J. 425 (1970).

[10] At least one author has suggested that if the legislature abdicates its duty as it relates to provisions of a constitutional convention, the Governor, pursuant to his duty to cause the laws to be faithfully executed, is obligated to do so. See Stubbs, Constitution-Making in Georgia, 6 GA. Bar J. 207, 212 (1944).

*[OAR Docket #26-687; filed 8-26-26]*

## TITLE 1. EXECUTIVE ORDERS

**1:2026-32.**

### EXECUTIVE ORDER 2026-32

I, J. Kevin Stitt, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 9:00 a.m. on Wednesday, August 26th, 2026, until 5.00 p.m. on Friday, August 28th, 2026, to honor the life, and legacy of Dolly Parton.

Dolly Parton's life represented the very best of the American Dream. She came from humble beginnings, worked hard, and use her success to serve others. Her Imagination Library program provided books to thousands of Oklahoma children, encouraging them to read with their families and imagine all the opportunities available to them. She showed generations of Americans that no matter where you start, with faith, freedom, determination, and opportunity, you can build a better life.

Dolly Parton made an impact on Oklahoma and the world, and we join her friends, family, and fans in mourning her passing.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, on this 26th day of August, 2026.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA
J. Kevin Stitt

ATTEST:
Benjamin Lepak
Secretary of State

*[OAR Docket #26-688; filed 8-26-26]*

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**TITLE 1. EXECUTIVE ORDERS**

**1:2026-33.**

**EXECUTIVE ORDER 2026-33**

I, J. Kevin Stitt, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 9:00 a.m. on Tuesday, September 1st, 2026, until 5.00 p.m. on Friday, September 4th, 2026, to honor the life and service of U.S. Fish and Wildlife Service Federal Wildlife Officer David Taylor.

Officer Taylor died while helping evacuate residents threatened by the Railroad South Fire near Indiahoma. He went door to door alongside local emergency crews to help families evacuate from the fast-moving wildfire. His actions reflect extraordinary courage, selflessness and devotion to protecting others.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, on this 31st day of August, 2026.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA
J. Kevin Stitt

ATTEST:
Benjamin Lepak
Secretary of State

*[OAR Docket #26-691; filed 8-31-26]*

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**TITLE 1. EXECUTIVE ORDERS**

**1:2026-34.**

**EXECUTIVE ORDER 2026-34**

I, J. Kevin Stitt, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 9:00 a.m. on Wednesday, September 9th, 2026, until 5:00 p.m. on Friday, September 11th, 2026, to honor the life and service of Wellston firefighter Joe Flake.

Mr. Taylor lost his life responding to a wildfire in Lincoln County. After retiring from a career as a truck driver, Flake joined the Wellston Fire Department to continue serving his community. His commitment to helping his neighbors and his willingness to answer the call reflect the very best of Oklahoma.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, on this 8th day of September, 2026.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA
J. Kevin Stitt

ATTEST:
Benjamin Lepak
Secretary of State

*[OAR Docket #26-719; filed 9-8-26]*