



JANET BARRESI
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
STATE OF OKLAHOMA

MEMORANDUM

TO: The Honorable Members of the State Board of Education

FROM: Janet C. Barresi *JCB*

DATE: June 28, 2012

SUBJECT: Revocation of School Bus Drivers Certificate and Number of Billy Don Nobles

The attached Complaint seeks the revocation of the Oklahoma School Bus Driving Certificate with Certificate number [REDACTED] 8785 of Billy Don Nobles based upon violation of the State Board of Education's rules 210:30-5-1 and Oklahoma Statutes 47 O.S. § 751. The State Department of Education requests that action be taken on this request.

Attachment

BEFORE THE STATE BOARD OF EDUCATION

STATE OF OKLAHOMA, ex. rel.)
STATE BOARD OF EDUCATION,)
)
Complainant)
)
vs.)
)
BILLY DON NOBLES,)
)
Respondent)

COMPLAINT

COMES NOW, Trent Gibson, an employee of the State Department of Education, being first duly sworn and states as follows:

1. That I, Trent Gibson, an employee of the State Department of Education, did in the course of my employment as Director for School Transportation receive information regarding Billy Don Nobles as follows:
2. That Billy Don Nobles holds a valid Oklahoma School Bus Driving Certificate with Certificate number ██████████ 8785.
3. That Billy Don Nobles' Oklahoma School Bus Driving Certificate expires on June 30, 2013.
4. That on or about the 27th day of July, 2010, Billy Don Nobles' driver's license was revoked in accordance to Oklahoma statute 47 O.S. § 754 for having an alcohol concentration eight-hundredths (0.08) or more and was operating or was in actual physical control of a motor vehicle while under the influence of alcohol.
5. That Title 70 O. S. § 3-104(6) provides:

"The control of the State Department of Education and the supervision of the public school system of Oklahoma shall be vested in the State Board of Education and, subject to limitations otherwise provided by law, the State Board of Education shall: ... Have authority in matters pertaining to the licensure and certification of persons for instructional, supervisory and administrative positions and services in the public schools of the state...and shall formulate rules governing the issuance and revocation of certificates of ... school bus drivers... "

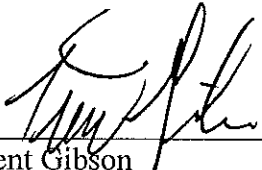
6. The State Board of Education's rules in 210:30-5-1 provide:

"No certificate shall be issued to any person who within the preceding three years has had a license suspended or revoked, canceled or withdrawn pursuant to the Implied Consent Laws at 47 O.S. § 751 et seq. Has a conviction for a violation of

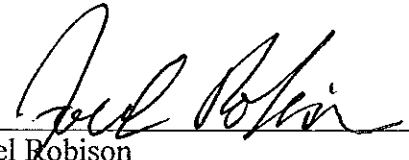
47 O.S. 11-902 which includes driving, operating or being in actual physical control of a vehicle while under the influence of alcohol or any intoxicating drug, has been convicted or plead guilty to a violation of 47 O.S. § 761, operating a motor vehicle while impaired by consumption of alcohol. Has been convicted of any municipal violation of driving under the influence of alcohol or drugs or operating a motor vehicle while impaired or being in actual physical control of a motor vehicle while impaired. Has had four or more traffic violations. (excluding parking violations).”

7. Oklahoma State Department of Education has obtained sufficient information and evidence of violation of rule 210:30-5-1 and cause exists to revoke the Oklahoma School Bus Driving Certificate of Billy Don Nobles.

Wherefore, the Complainant prays that a hearing be held to determine the truth of the allegations set out above and upon proof of the veracity of said Complaint, that the State Board of Education revoke the Oklahoma School Bus Driving Certificate of Billy don Nobles.



Trent Gibson
State Director for Student Transportation
State Board of Education



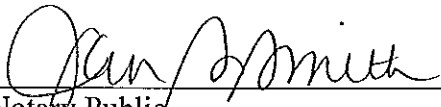
Joel Robison
Chief of Staff
State Board of Education

Subscribed and sworn to me on the 24th day of May, 2012.

My Commission Expires:
9-7-2014

My Commission Number:
10007405





Notary Public



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Title 70. Schools

Oklahoma Statutes Citationized

Title 70. Schools

Chapter 1 - School Code of 1971

Article Article III - State Department of Education

Section 3-104 - State Board of Education - Powers and Duties

Cite as: 70 O.S. § 3-104 (OSCN 2012)

The supervision of the public school system of Oklahoma shall be vested in the State Board of Education and, subject to limitations otherwise provided by law, the State Board of Education shall:

1. Adopt policies and make rules for the operation of the public school system of the state;
2. Appoint, prescribe the duties and fix the compensation of a secretary, an attorney and all other personnel necessary for the proper performance of the functions of the State Board of Education. The secretary shall not be a member of the Board;
3. Submit to the Governor a departmental budget based upon major functions of the Department as prepared by the State Superintendent of Public Instruction and supported by detailed data on needs and proposed operations as partially determined by the budgetary needs of local school districts filed with the State Board of Education for the ensuing fiscal year. Appropriations therefor shall be made in lump-sum form for each major item in the budget as follows:
 - a. State Aid to schools,
 - b. the supervision of all other functions of general and special education including general control, free textbooks, school lunch, Indian education and all other functions of the Board and an amount sufficient to adequately staff and administer these services, and
 - c. the Board shall determine the details by which the budget and the appropriations are administered. Annually, the Board shall make preparations to consolidate all of the functions of the Department in such a way that the budget can be based on two items, administration and aid to schools. A maximum amount for administration shall be designated as a part of the total appropriation;
4. On the first day of December preceding each regular session of the Legislature, prepare and deliver to the Governor and the Legislature a report for the year ending June 30 immediately preceding the regular session of the Legislature. The report shall contain:
 - a. detailed statistics and other information concerning enrollment, attendance, expenditures including State Aid, and other pertinent data for all public schools in this state,
 - b. reports from each and every division within the State Department of Education as submitted by the State Superintendent of Public Instruction and any other division, department, institution or other agency under the supervision of the Board,
 - c. recommendations for the improvement of the public school system of the state,
 - d. a statement of the receipts and expenditures of the State Board of Education for the past year, and

e. a statement of plans and recommendations for the management and improvement of public schools and such other information relating to the educational interests of the state as may be deemed necessary and desirable;

5. Provide for the formulation and adoption of curricula, courses of study and other instructional aids necessary for the adequate instruction of pupils in the public schools;

6. Have authority in matters pertaining to the licensure and certification of persons for instructional, supervisory and administrative positions and services in the public schools of the state subject to the provisions of Section 6-184 of this title, and shall formulate rules governing the issuance and revocation of certificates for superintendents of schools, principals, supervisors, librarians, clerical employees, school nurses, school bus drivers, visiting teachers, classroom teachers and for other personnel performing instructional, administrative and supervisory services, but not including members of boards of education and other employees who do not work directly with pupils, and may charge and collect reasonable fees for the issuance of such certificates:

a. the State Department of Education shall not issue a certificate to and shall revoke the certificate of any person who has been convicted, whether upon a verdict or plea of guilty or upon a plea of nolo contendere, or received a suspended sentence or any probationary term for a crime or an attempt to commit a crime provided for in Section 843.5 of Title 21 of the Oklahoma Statutes if the offense involved sexual abuse or sexual exploitation as those terms are defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, Sections 741, 843.1, if the offense included sexual abuse or sexual exploitation, 865 et seq., 885, 888, 891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes or who enters this state and who has been convicted, received a suspended sentence or received a deferred judgement for a crime or attempted crime which, if committed or attempted in this state, would be a crime or an attempt to commit a crime provided for in any of said laws,

b. all funds collected by the State Department of Education for the issuance of certificates to instructional, supervisory and administrative personnel in the public schools of the state shall be deposited in the "Teachers' Certificate Fund" in the State Treasury and may be expended by the State Board of Education to finance the activities of the State Department of Education necessary to administer the program, for consultative services, publication costs, actual and necessary travel expenses as provided in the State Travel Reimbursement Act incurred by persons performing research work, and other expenses found necessary by the State Board of Education for the improvement of the preparation and certification of teachers in Oklahoma. Provided, any unobligated balance in the Teachers' Certificate Fund in excess of Ten Thousand Dollars (\$10,000.00) on June 30 of any fiscal year shall be transferred to the General Revenue Fund of the State of Oklahoma. Until July 1, 1997, the State Board of Education shall have authority for approval of teacher education programs. The State Board of Education shall also have authority for the administration of teacher residency and professional development, subject to the provisions of the Oklahoma Teacher Preparation Act;

7. Promulgate rules governing the classification, inspection, supervision and accrediting of all public nursery, kindergarten, elementary and secondary schools and on-site educational services provided by public school districts or state-accredited private schools in partial hospitalization programs, day treatment programs, and day hospital programs as defined in this act for persons between the ages of three (3) and twenty-one (21) years of age in the state. However, no school shall be denied accreditation solely on the basis of average daily attendance.

Any school district which maintains an elementary school and faces the necessity of relocating its school facilities because of construction of a lake, either by state or federal authority, which will inundate the school facilities, shall be entitled to receive probationary accreditation from the State Board of Education for a period of five (5) years after the effective date of this act and any school district, otherwise qualified, shall be entitled to receive probationary accreditation from the State Board of Education for a period of two (2) consecutive years to attain the minimum average daily attendance. The Head Start and public nurseries or kindergartens operated from Community Action Program funds shall not be subjected to the accrediting rules of the State Board of Education. Neither will the State Board of Education make rules affecting the operation of the public nurseries and kindergartens operated from federal funds secured through Community Action Programs even though they may be operating in the public schools of the state. However, any of the Head Start or public nurseries or kindergartens operated under federal regulations may make application for accrediting from the State Board of Education but will be accredited only if application for the approval of the programs is made. The status of no school district shall be changed which will reduce it to a lower classification until due notice has been given to the proper authorities thereof and an opportunity given to correct the conditions which otherwise would be the cause of such reduction.

Private and parochial schools may be accredited and classified in like manner as public schools or, if an accrediting

association is approved by the State Board of Education, by procedures established by the State Board of Education to accept accreditation by such accrediting association, if application is made to the State Board of Education for such accrediting;

8. Be the legal agent of the State of Oklahoma to accept, in its discretion, the provisions of any Act of Congress appropriating or apportioning funds which are now, or may hereafter be, provided for use in connection with any phase of the system of public education in Oklahoma. It shall prescribe such rules as it finds necessary to provide for the proper distribution of such funds in accordance with the state and federal laws;

9. Be and is specifically hereby designated as the agency of this state to cooperate and deal with any officer, board or authority of the United States Government under any law of the United States which may require or recommend cooperation with any state board having charge of the administration of public schools unless otherwise provided by law;

10. Be and is hereby designated as the "State Educational Agency" referred to in Public Law 396 of the 79th Congress of the United States, which law states that said act may be cited as the "National School Lunch Act", and said State Board of Education is hereby authorized and directed to accept the terms and provisions of said act and to enter into such agreements, not in conflict with the Constitution of Oklahoma or the Constitution and Statutes of the United States, as may be necessary or appropriate to secure for the State of Oklahoma the benefits of the school lunch program established and referred to in said act;

11. Have authority to secure and administer the benefits of the National School Lunch Act, Public Law 396 of the 79th Congress of the United States, in the State of Oklahoma and is hereby authorized to employ or appoint and fix the compensation of such additional officers or employees and to incur such expenses as may be necessary for the accomplishment of the above purpose, administer the distribution of any state funds appropriated by the Legislature required as federal matching to reimburse on children's meals;

12. Accept and provide for the administration of any land, money, buildings, gifts, donation or other things of value which may be offered or bequeathed to the schools under the supervision or control of said Board;

13. Have authority to require persons having administrative control of all school districts in Oklahoma to make such regular and special reports regarding the activities of the schools in said districts as the Board may deem needful for the proper exercise of its duties and functions. Such authority shall include the right of the State Board of Education to withhold all state funds under its control, to withhold official recognition, including accrediting, until such required reports have been filed and accepted in the office of said Board and to revoke the certificates of persons failing or refusing to make such reports;

14. Have general supervision of the school lunch program. The State Board of Education may sponsor workshops for personnel and participants in the school lunch program and may develop, print and distribute free of charge or sell any materials, books and bulletins to be used in such school lunch programs. There is hereby created in the State Treasury a revolving fund for the Board, to be designated the School Lunch Workshop Revolving Fund. The fund shall consist of all fees derived from or on behalf of any participant in any such workshop sponsored by the State Board of Education, or from the sale of any materials, books and bulletins, and such funds shall be disbursed for expenses of such workshops and for developing, printing and distributing of such materials, books and bulletins relating to the school lunch program. The fund shall be administered in accordance with the Revolving Fund Procedures Act;

15. Prescribe all forms for school district and county officers to report to the State Board of Education where required. The State Board of Education shall also prescribe a list of appropriation accounts by which the funds of school districts shall be budgeted, accounted for and expended; and it shall be the duty of the State Auditor and Inspector in prescribing all budgeting, accounting and reporting forms for school funds to conform to such lists;

16. Provide for the establishment of a uniform system of pupil and personnel accounting, records and reports;

17. Have authority to provide for the health and safety of school children and school personnel while under the jurisdiction of school authorities;

18. Provide for the supervision of the transportation of pupils;

19. Have authority, upon request of the local school board, to act in behalf of the public schools of the state in the purchase of transportation equipment;

20. Have authority and is hereby required to perform all duties necessary to the administration of the public school system in Oklahoma as specified in the Oklahoma School Code; and, in addition thereto, those duties not specifically mentioned herein if not delegated by law to any other agency or official;

21. Administer the State Public Common School Building Equalization Fund established by Section 32 of Article X of the Oklahoma Constitution. Any royalties, bonuses, rentals or other monies derived from oil and gas and all other mineral leases on lands that have been or may be granted by the United States to the state for the use and benefit of the common schools, or lands that are or may be held by the Commissioners of the Land Office for the use and benefit of the common schools, the proceeds of the sale of easements, improvements and sand and gravel on any such lands, any monies as may be appropriated or designated by the Legislature, other than ad valorem taxes, any other funds identified by the State Department of Education, which may include, but not be limited to, grants-in-aid from the federal government for building purposes, the proceeds of all property that shall fall to the state by escheat, penalties for unlawful holding of real estate by corporations, and capital gains on assets of the permanent school funds, shall be deposited in the State Public Common School Building Equalization Fund. The fund shall be used to aid school districts in acquiring buildings, subject to the limitations fixed by Section 32 of Article X of the Oklahoma Constitution. It is hereby declared that the term "acquiring buildings" as used in Section 32 of Article X of the Oklahoma Constitution shall mean acquiring or improving school sites, constructing, repairing, remodeling or equipping buildings, or acquiring school furniture, fixtures, or equipment. If sufficient monies are available in the fund, the Board shall solicit proposals for grants from school districts and shall determine the process for consideration of proposals. Grants shall be awarded only to school districts which have a total assessed property valuation per average daily membership that is less than the state average total assessed property valuation per average daily membership and, at the time of application, the district has voted the five-mill building fund levy authorized in Section 10 of Article X of the Oklahoma Constitution, and has voted indebtedness through the issuance of new bonds for at least eighty-five percent (85%) within the last three (3) years of the maximum allowable pursuant to the provisions of Section 26 of Article X of the Oklahoma Constitution as shown on the school district budget filed with the State Board of Equalization for the current school year and certifications by the Attorney General prior to April 1 of the school year. The amount of each grant awarded by the Board each year shall not exceed One Million Dollars (\$1,000,000.00). The Board shall give priority consideration to school districts which have a total assessed property valuation per average daily membership that is equal to or less than twenty-five percent (25%) of the state average total assessed property valuation per average daily membership. The Board is authorized to prorate grants awarded if monies are not sufficient in the fund to award grants to qualified districts. The State Board of Education shall prescribe rules for making grants of aid from, and for otherwise administering, the fund pursuant to the provisions of this paragraph, and may employ and fix the duties and compensation of technicians, aides, clerks, stenographers, attorneys and other personnel deemed necessary to carry out the provisions of this paragraph. The cost of administering the fund shall be paid from monies appropriated to the State Board of Education for the operation of the State Department of Education;

22. Recognize that the Director of the Oklahoma Department of Corrections shall be the administrative authority for the schools which are maintained in the state reformatories and shall appoint the principals and teachers in such schools. Provided, that rules of the State Board of Education for the classification, inspection and accreditation of public schools shall be applicable to such schools; and such schools shall comply with standards set by the State Board of Education;

23. Have authority to administer a revolving fund which is hereby created in the State Treasury, to be designated the Statistical Services Revolving Fund. The fund shall consist of all monies received from the various school districts of the state, the United States Government, and other sources for the purpose of furnishing or financing statistical services and for any other purpose as designated by the Legislature. The State Board of Education is hereby authorized to enter into agreements with school districts, municipalities, the United States Government, foundations and other agencies or individuals for services, programs or research projects. The Statistical Services Revolving Fund shall be administered in accordance with the Revolving Fund Procedures Act, Section 155 et seq. of Title 62 of the Oklahoma Statutes; and

24. Have authority to review preliminary plans for new construction and major alteration of public school buildings where structural changes are proposed. No bids shall be let for the construction or major alteration of any public school building until preliminary plans and specifications for such construction or alteration have been submitted to and reviewed by the State Department of Education. The period of time during which such review is conducted by the State Department of Education shall not exceed thirty (30) days. The State Department of Education shall advise each local school district regarding said review of preliminary plans and specifications. Provided, nothing in this subsection

shall be construed as repealing any ordinance or building code of any city, town or county.

Historical Data

Added by Laws 1971, HB 1155, c. 281, § 3-104, emerg. eff. July 2, 1971; Amended by Laws 1972, SB 385, c. 241, § 1, emerg. eff. April 7, 1972; Amended by Laws 1973, HB 1219, c. 17, § 1, emerg. eff. March 27, 1973; Amended by Laws 1973, SB 115, c. 46, § 6, emerg. eff. July 1, 1973; Amended by Laws 1974, HB 1649, c. 146, § 1; Amended by Laws 1975, HB 1227, c. 344, § 1; Amended by Laws 1978, SB 498, c. 85, § 1, eff. January 8, 1979; Amended by Laws 1982, c. 369, § 1, eff. October 1, 1982; Amended by Laws 1984, SB 368, c. 296, § 42, emerg. eff. July 1, 1984; Amended by Laws 1985, HB 1276, c. 13, § 1, eff. November 1, 1985; Amended by Laws 1986, HB 2032, c. 105, § 2, emerg. eff. April 5, 1986; Amended by Laws 1991, HB 1683, c. 240, § 1, eff. September 1, 1991; Amended by Laws 1993, c. 239, § 21 (repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994); Amended by Laws 1993, HB 1383, c. 361, § 1, emerg. eff. June 11, 1993; Amended by Laws 1994, HB 2299, c. 2, § 26, emerg. eff. March 2, 1994; Amended by Laws 1994, SB 1188, c. 378, § 1, emerg. eff. July 1, 1994; Amended by Laws 1994, SB 1155, c. 344, § 1 (repealed by Laws 1995, HB 1012, c. 1, § 40, emerg. eff. March 2, 1995); Amended by Laws 1995, HB 1012, c. 1, § 25, emerg. eff. March 2, 1995; Amended by Laws 1995, SB 479, c. 226, § 1, emerg. eff. July 1, 1995; Amended by Laws 1995, HB 1549, c. 322, § 23, emerg. eff. July 1, 1995; Amended by Laws 1998, HB 3213, c. 246, § 32, eff. November 1, 1998 ([superseded document available](#)); Amended by Laws 1999, HB 1390, c. 336, § 5, eff. November 1, 1999 ([superseded document available](#)); Amended by Laws 2009, HB 2029, c. 234, § 155, emerg. eff. May 21, 2009 (repealed by Laws 2010, SB 2113, c. 2, § 74, emerg. eff. March 3, 2010) ([superseded document available](#)); Amended by Laws 2009, SB 1169, c. 448, § 1, eff. November 1, 2009 ([superseded document available](#)); Amended by Laws 2010, SB 2113, c. 2, § 73, emerg. eff. March 3, 2010 ([superseded document available](#)); Amended by Laws 2011, HB 2139, c. 31, § 4 ([superseded document available](#)).

Citationizer[®] Summary of Documents Citing This Document

Cite Name	Level
Oklahoma Attorney General's Opinions	
Cite	Name Level
2006 OK AG 27,	Question Submitted by: The Honorable Bill Nations, State Representative, District 44 Cited
1981 OK AG 11,	Question Submitted by: The Honorable Helen Arnold, Oklahoma House of Representatives Cited
1981 OK AG 118,	Question Submitted by: The Honorable Bill Lancaster, Oklahoma House of Representatives Cited
1983 OK AG 133,	Question Submitted by: The Honorable Lonnie L. Abbott, Oklahoma House of Representatives, The Honorable Leslie Fisher, Ed.D., State Superintendent, Department of Education Cited
1983 OK AG 5,	Question Submitted by: The Honorable Steve Sill, Oklahoma House of Representatives Cited
1984 OK AG 138,	Question Submitted by: The Honorable Don Johnson, Oklahoma House of Representatives Discussed
1984 OK AG 14,	Question Submitted by: The Honorable George Nigh, Governor of Oklahoma Discussed at Length
1984 OK AG 164,	Question Submitted by: Dr. John M. Folks, State Superintendent, Oklahoma State Department of Education Discussed at Length
1991 OK AG 3,	Question Submitted by: Ms. Sandy Garrett, State Superintendent of Public Instruction Discussed
1995 OK AG 38,	Question Submitted by: The Honorable Don McCorkell, Oklahoma House of Representatives, District 72 Cited
1996 OK AG 73,	Question Submitted by: The Honorable Sandy Garrett, State Superintendent of Public Instruction Discussed at Length
1997 OK AG 89,	Question Submitted by: The Honorable Al Lindley, State Representative, District 93 Cited
1999 OK AG 36,	Question Submitted by: The Honorable Sandy Garrett, State Superintendent of Public Instruction Cited

Cite Name	Level	
<u>1999 OK AG 64,</u>	<u>Question Submitted by: The Honorable Sandy Garrett , State Superintendent of Public Education</u>	Discussed
Oklahoma Court of Civil Appeals Cases		
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<u>1989 OK CIV APP 84, 789 P.2d 251, 61 OBJ 861,</u>	<u>State ex rel. Pate v. Independent School Dist. No. 67 of LeFlore County, Okl.</u>	Cited
<u>1992 OK CIV APP 153, 842 P.2d 767, 64 OBJ 42,</u>	<u>Patrick v. State ex rel. State Bd. of Educ.</u>	Discussed
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<u>1989 OK 92, 776 P.2d 553, 60 OBJ 155,</u>	<u>Jet-Nash School Dist. No. 14 of Alfalfa County v. Cherokee School Dist. No. 146 of Alfalfa County</u>	Discussed
<u>1975 OK 154, 543 P.2d 1370,</u>	<u>MARTIN v. HARRAH INDEPENDENT SCHOOL DISTRICT</u>	Cited
<u>1980 OK 91, 613 P.2d 466,</u>	<u>State ex rel. Thompson v. Ekberg</u>	Discussed
<u>1985 OK 54, 711 P.2d 77, 56 OBJ 1554,</u>	<u>State ex rel. May v. Seneca-Cayuga Tribe of Oklahoma</u>	Cited
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<u>10 O.S. 7102,</u>	<u>Repealed by Laws 2009, HB 2028, c. 233, § 194, emerg. eff. May 21, 2009</u>	Cited
<u>10 O.S. 7115,</u>	<u>Renumbered as 21 O.S. § 843.5 by Laws 2009, HB 2028, c. 233, § 207, emerg. eff. May 21, 2009</u>	Cited
Title 21. Crimes and Punishments		
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<u>21 O.S. 843.1,</u>	<u>Abuse, Neglect, or Financial Exploitation by Caretaker</u>	Cited
<u>21 O.S. 885,</u>	<u>Incest - Penalty</u>	Cited
<u>21 O.S. 888,</u>	<u>Forcible Sodomy</u>	Cited
<u>21 O.S. 891,</u>	<u>Maliciously, Forcibly or Fraudulently Taking or Enticing Away Children - Punishment</u>	Cited
<u>21 O.S. 1021,</u>	<u>Indecent Exposure - Indecent Exhibitions - Obscene or Indecent Writings, Pictures, Etc. - Solicitation of Minors</u>	Cited
<u>21 O.S. 1021.2,</u>	<u>Minors - Obscene or Indecent Writings, Pictures, Etc.</u>	Cited
<u>21 O.S. 1021.3,</u>	<u>Guardians - Parents - Custodians - Consent to Participation of Minors in Obscene Writings, Pictures, Etc.</u>	Cited
<u>21 O.S. 1040.13a,</u>	<u>Soliciting Sexual Conduct or Communication with Minor by use of Technology - Penalty - Jurisdiction</u>	Cited
<u>21 O.S. 1040.51,</u>	<u>Repealed by Laws 2000, HB 2104, c. 208, § 24, eff. November 1, 2000</u>	Cited
<u>21 O.S. 1087,</u>	<u>Offering or Transporting Child for Purpose of Prostitution - Penalty</u>	Cited
<u>21 O.S. 1088,</u>	<u>Child Prostitution - Unlawful Detainment in Prostitution House - Penalty</u>	Cited
<u>21 O.S. 1111.1,</u>	<u>Rape by Instrumentation - Consent</u>	Cited
<u>21 O.S. 1123,</u>	<u>Lewd or Indecent Proposals or Acts to Child Under 16</u>	Cited
Title 62. Public Finance		
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<u>62 O.S. 155,</u>	<u>State Boards, Commissions and Departments - Revolving Funds Created</u>	Cited
Title 70. Schools		
Cite	Name	Level

Cite Name

70 O.S. 6-184.

Level

Oklahoma Commission for Teacher Preparation, State Board of Education, Cited
Oklahoma State Regents for Higher Education, and State Board of
Vocational and Technical Education - Duties - Authority



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Title 47. Motor Vehicles

Oklahoma Statutes Citationized**Title 47. Motor Vehicles****Chapter 67 - Chemical Tests****Section 754 - Surrender or Seizure of License - Receipt as Temporary License - Revocation or Denial of Driving Privilege - Hearing**

Cite as: O.S. §. ____

A. Any arrested person who is under twenty-one (21) years of age and has any measurable quantity of alcohol in the person's blood or breath, or any person twenty-one (21) years of age or older whose alcohol concentration is eight-hundredths (0.08) or more as shown by a breath test administered according to the provisions of this title, or any arrested person who has refused to submit to a breath or blood test, shall immediately surrender his or her driver license, permit or other evidence of driving privilege to the arresting law enforcement officer. The officer shall seize any driver license, permit, or other evidence of driving privilege surrendered by or found on the arrested person during a search.

B. If the evidence of driving privilege surrendered to or seized by the officer has not expired and otherwise appears valid, the officer shall issue to the arrested person a dated receipt for that driver license, permit, or other evidence of driving privilege on a form prescribed by the Department of Public Safety. This receipt shall be recognized as a driver license and shall authorize the arrested person to operate a motor vehicle for a period not to exceed thirty (30) days. The receipt form shall contain and constitute a notice of revocation of driving privilege by the Department effective in thirty (30) days. The evidence of driving privilege and a copy of the receipt form issued to the arrested person shall be attached to the sworn report of the officer and shall be submitted by mail or in person to the Department within seventy-two (72) hours of the issuance of the receipt. The failure of the officer to timely file this report shall not affect the authority of the Department to revoke the driving privilege of the arrested person.

C. Upon receipt of a written blood or breath test report reflecting that the arrested person, if under twenty-one (21) years of age, had any measurable quantity of alcohol in the person's blood or breath, or, if the arrested person is twenty-one (21) years of age or older, a blood or breath alcohol concentration of eight-hundredths (0.08) or more, accompanied by a sworn report from a law enforcement officer that the officer had reasonable grounds to believe the arrested person had been operating or was in actual physical control of a motor vehicle while under the influence of alcohol as prohibited by law, the Department shall revoke or deny the driving privilege of the arrested person for a period as provided by Section 6-205.1 of this title. Revocation or denial of the driving privilege of the arrested person shall become effective thirty (30) days after the arrested person is given written notice thereof by the officer as provided in this section or by the Department as provided in Section 2-116 of this title.

D. Upon the written request of a person whose driving privilege has been revoked or denied by notice given in accordance with this section or Section 2-116 of this title, the Department shall grant the person an opportunity to be heard if the request is received by the Department within fifteen (15) days after the notice. The sworn report of the officer, together with the results of any test or tests, shall be deemed true, absent any facial deficiency, should the requesting person fail to appear at the scheduled hearing. A timely request shall stay the order of the Department until the disposition of the hearing unless the person is under cancellation, denial, suspension or revocation for some other reason. The Department may issue a temporary driving permit pending disposition of the hearing, if the person is otherwise eligible. If the hearing request is not timely filed, the revocation or denial shall be sustained.

E. 1. At any hearing held relevant to this section, a report of the findings of the laboratory of the Oklahoma State Bureau of Investigation, the medical examiner's report of investigation or autopsy report, or a laboratory report from a forensic laboratory operated by the State of Oklahoma or any political subdivision thereof, which has been made

available to the person by the Commissioner or an authorized representative at least five (5) days prior to the hearing, with reference to all or part of the evidence submitted, when certified as correct by the persons making the report shall be received as evidence of the facts and findings stated, if relevant and otherwise admissible in evidence. If the report is deemed relevant by either party, the court shall admit the report without the testimony of the person making the report, unless the court, pursuant to this subsection, orders the person to appear.

2. When any alleged controlled dangerous substance has been submitted to the laboratory of the OSBI for analysis, and the analysis shows that the submitted material is a controlled dangerous substance, the distribution of which constitutes a felony under the laws of this state, no portion of the substance shall be released to any other person or laboratory absent an order of a district court. The defendant shall additionally be required to submit to the court a procedure for transfer and analysis of the subject material to ensure the integrity of the sample and to prevent the material from being used in any illegal manner.

3. The court, upon motion of either party, shall order the attendance of any person preparing a report submitted as evidence in the hearing when it appears there is a substantial likelihood that material evidence not contained in the report may be produced by the testimony of any person having prepared a report. The hearing shall be held and, if sustained, an order issued not less than five (5) days prior to the time when the testimony shall be required.

4. If within five (5) days prior to the hearing or during a hearing, a motion is made pursuant to this section requiring a person having prepared a report to testify, the court may hear a report or other evidence but shall continue the hearing until such time notice of the motion and hearing is given to the person making the report, the motion is heard, and, if sustained, the testimony ordered can be given.

F. The hearing before the Commissioner of Public Safety or a designated hearing officer shall be conducted in the county of arrest or may be conducted by telephone conference call. The hearing may be recorded and its scope shall cover the issues of whether the officer had reasonable grounds to believe the person had been operating or was in actual physical control of a vehicle upon the public roads, highways, streets, turnpikes or other public place of this state while under the influence of alcohol, any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance as prohibited by law, and whether the person was placed under arrest.

1. If the revocation or denial is based upon a breath or blood test result and a sworn report from a law enforcement officer, the scope of the hearing shall also cover the issues as to whether:

- a. if timely requested by the person, the person was not denied a breath or blood test,
- b. the specimen was obtained from the person within two (2) hours of the arrest of the person,
- c. the person, if under twenty-one (21) years of age, was advised that driving privileges would be revoked or denied if the test result reflected the presence of any measurable quantity of alcohol,
- d. the person, if twenty-one (21) years of age or older, was advised that driving privileges would be revoked or denied if the test result reflected an alcohol concentration of eight-hundredths (0.08) or more, and
- e. the test result in fact reflects the alcohol concentration.

2. If the revocation or denial is based upon the refusal of the person to submit to a breath or blood test, reflected in a sworn report by a law enforcement officer, the scope of the hearing shall also include whether:

- a. the person refused to submit to the test or tests, and
- b. the person was informed that driving privileges would be revoked or denied if the person refused to submit to the test or tests.

G. After the hearing, the Commissioner of Public Safety or a designated hearing officer shall order the revocation or denial either rescinded or sustained.

Historical Data

Added by Laws 1967, SB 28, c. 86, § 4, eff. January 1, 1969; Amended by Laws 1975, SB 264, c. 119, § 3, emerg. eff.

May 13, 1975; Amended by Laws 1982, HB 1677, c. 273, § 7, eff. October 1, 1982; Amended by Laws 1982, HB 1699, c. 294, § 5, emerg. eff. July 1, 1982; Amended by Laws 1986, HB 1633, c. 279, § 24, emerg. eff. July 1, 1986; Amended by Laws 1988, SB 556, c. 242, § 11, eff. November 1, 1988; Amended by Laws 1993, HB 1717, c. 238, § 7, emerg. eff. May 26, 1993; Amended by Laws 1994, SB 741, c. 387, § 7, emerg. eff. July 1, 1995; Amended by Laws 1995, SB 127, c. 313, § 5, emerg. eff. July 1, 1995; Amended by Laws 1996, SB 1230, c. 309, § 7, eff. November 1, 1996; Amended by Laws 1997, HB 1436, c. 2, § 9, emerg. eff. February 26, 1997 (superseded document available); Amended by Laws 1999, SB 695, c. 106, § 8, emerg. eff. April 19, 1999 (superseded document available); Amended by Laws 2001, SB 397, c. 437, § 24, eff. July 1, 2001 (superseded document available); Amended by Laws 2004, HB 2265, c. 418, § 22, emerg. eff. July 1, 2004 (superseded document available); Amended by Laws 2005, HB 1993, c. 394, § 16, emerg. eff. June 6, 2005 (superseded document available).

Citationizer[®] Summary of Documents Citing This Document

Cite Name	Level
Oklahoma Court of Criminal Appeals Cases	
Cite	Name
<u>2012 OK CR 3,</u>	<u>STATE v. HOOLEY</u>
	Cited
Oklahoma Court of Civil Appeals Cases	
Cite	Name
<u>2005 OK CV APP 82, 123 P.3d 31,</u>	<u>HALEY v. STATE ex rel. DEPT. OF PUBLIC SAFETY</u>
	Discussed
<u>2005 OK CV APP 84, 122 P.3d 879,</u>	<u>WOLFE v. STATE ex rel. DEPT. OF PUBLIC SAFETY</u>
	Discussed at Length
<u>2006 OK CV APP 8, 129 P.3d 177,</u>	<u>SIMIC v. STATE ex rel. DEPT. OF PUBLIC SAFETY</u>
	Cited
<u>2006 OK CV APP 25, 131 P.3d 145,</u>	<u>HOLLIS v. STATE ex rel. DEPT. OF PUBLIC SAFETY</u>
	Discussed
<u>2007 OK CV APP 56, 164 P.3d 250,</u>	<u>DERRICK v. STATE ex rel. DEPT. OF PUBLIC SAFETY</u>
	Cited
<u>2007 OK CV APP 89, 168 P.3d 258,</u>	<u>CLAWSON v. STATE ex rel. DEPT. OF PUBLIC SAFETY</u>
	Discussed
<u>2007 OK CV APP 99, 172 P.3d 231,</u>	<u>STATE ex rel. DEPT. OF PUBLIC SAFETY v. KELLEY</u>
	Discussed
<u>2010 OK CV APP 11, 229 P.3d 584,</u>	<u>MARTINEZ v. STATE ex rel. DEPT. OF PUBLIC SAFETY</u>
	Discussed at Length
Oklahoma Supreme Court Cases	
Cite	Name
<u>2005 OK 83, 125 P.3d 672,</u>	<u>CHARLSON v. STATE ex rel. DEPT. OF PUBLIC SAFETY</u>
	Cited
<u>2008 OK 31, 183 P.3d 996,</u>	<u>HOLLIS v. STATE ex rel. DEPT. OF PUBLIC SAFETY</u>
	Discussed
<u>2010 OK 50, 243 P.3d 1171,</u>	<u>JOBE v. STATE ex rel. DEPT. OF PUBLIC SAFETY</u>
	Discussed at Length

Citationizer: Table of Authority

Cite Name	Level
Title 47. Motor Vehicles	
Cite	Name
<u>47 O.S. 754,</u>	<u>Modification of Revocation or Denial in Cases of Extreme and Unusual Hardship</u>
	Cited
<u>47 O.S. 754,</u>	<u>Surrender or Seizure of License - Receipt as Temporary License - Revocation or Denial of Driving Privilege - Hearing</u>
	Cited
<u>47 O.S. 754,</u>	<u>Surrender of Seizure of License - Receipt as Temporary License - Revocation or Denial of Driving Privilege - Hearing</u>
	Cited

(6) An LEA that restores or replaces a minimum school facility shall give appropriate consideration to excellence of architecture and design.

(7) An LEA that restores or replaces a minimum school facility shall ensure that all facilities constructed with assistance under this program provide appropriate access and use by handicapped persons.

(e) **Additional eligible expenses.** The replacement of building contents, debris removal and cleanup, leasing of school facilities, payment for additional work performed by the district and utilities shall be eligible expenses.

(f) **Evaluation criteria.**

(1) The State Department of Education School Plant Services section will evaluate each application based on the parameters established in the application. These parameters are:

(A) Certification of loss

(B) Certification of insurance Reimbursement

(C) Certification of Federal Reimbursement or assistance.

(D) Certification of any Local Funds or assistance.

(E) Amount of Loss not recovered by other means in excess of \$1,000.00 with no district to receive more than \$40,000.

(2) After evaluation of the applications, the School Plant Services staff shall submit the applications to the State Board of Education for appropriate action.

(3) In the event of insufficient appropriation to meet the anticipated funding requirements, all applications shall be adjusted to a proportional share of the amount of the appropriations established by the Legislature.

210:30-3-3. Mobile classrooms

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

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

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

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

210:30-3-4. Space criteria [RESERVED]

SUBCHAPTER 5. TRANSPORTATION

Section

210:30-5-1. District operation and management

210:30-5-2. Procedures for resolution of transportation disputes

[Authority: 70 O.S., §§ 3-104 and 9-105]

210:30-5-1. District operation and management

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

(b) **Students.**

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

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

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

(4) The local school district is responsible for providing transportation for an eligible special education student when transportation has been identified as "related service" necessary to enable the student to receive the educational services outlined in his/her Individualized Education Program (IEP).

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

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

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

(1) **Boundaries.**

- (A) A change in transportation area made after July 1, will not become effective until the next July 1, unless all boards of education affected agree to the proposed change.
- (B) An elementary area that has been assigned to a high school transportation area may be changed to another high school transportation area by mutual agreement, in writing, by the three (3) boards of education affected and the approval of the State Board of Education.
- (C) A part or all of an elementary school district that is isolated from the remainder of the school district's transportation area because of topography or previous annexations to another high school district, may be changed from one high school district's transportation area to another high school district's transportation area if the State Board of Education determines the change should be made on the basis of good administration.
- (D) When a dependent school district is surrounded by an independent school district, that district must be designated as the transportation area for the high school students.
- (E) An independent school district's transportation route may extend into a dependent school district's territory to pick up students whose grade is not offered in the dependent district.
- (F) Upon mutual agreement of two (2) school districts, a school district may cross a portion of another district provided the doors of the school bus are kept closed.
- (2) **Petition for changing boundary lines.**
- (A) Seventy percent (70%) of the legal voters residing in a district who have children eligible to attend a public school (grades K through 12) or who have children under the age of five (5) may petition the State Board of Education for an election to change any part or all of a district from one transportation area to another.
- (B) The State Board of Education will approve a convenient date for an election, supply ballots, and send a representative to assist with the election.
- (C) If fifty-one percent (51%) of all such legal voters in the district vote for the change, the election makes a good recommendation to the State Board of Education.
- (3) **Changing areas, high school districts discontinued.** High school districts and/or elementary school districts that must be placed in one or more high school transportation area or areas because a high school has been discontinued may be placed in a transportation area or areas on the following basis:
- (A) All or part of District "A" may be placed in the transportation area of high school District "B", whose transportation area is not adjacent to District "A", provided high school District "C", which has transportation area that separates District "A" from District "B" transportation area, appears to be in jeopardy of being discontinued itself, and provided the number of people in District "A", who want to be placed in the transportation area of District "B", justifies such an arrangement. People in District "A" requesting these arrangements to enable them to annex to District "B" will be given much more consideration than those desiring to transfer only.
- (B) No portion of a school district that is adjacent to a high school district's transportation area, but is separated from the high school area by a natural barrier, will be placed in the high school district's transportation area unless or until there is a road connecting the two (2) areas that is maintained in a manner that will justify the operation of a school bus over the road across the barrier.
- (e) **School bus.**
- (1) **Equipment.**
- (A) Transportation equipment used to transport ten (10) or more public school children at one time shall meet all the minimum standards required for Types A, B, C, and D buses.
- (B) Vehicles having a seating capacity of fewer than (10) passengers, excluding the operator, are not required to meet the State minimum standards for school buses.
- (2) **School bus inspections.**
- (A) A driver shall perform a daily pre-trip safety inspection of the vehicle. The inspection shall include brakes, lights, tires, exhaust system, gauges, windshield wipers, steering and fuel. The driver shall make a daily written report describing the condition of the bus and listing any deficiencies. This report is to remain on file with the local Chief Administrative Officer or designee for a period of ninety (90) days.
- (B) A school district shall have each school bus mechanically inspected annually by an inspector approved by the Oklahoma State Department of Education.
- (C) At least twice during each school year, each pupil who is transported in a school vehicle shall be instructed in safe riding practices, and participate in emergency evacuation drills. This instruction should be conducted during the first two weeks of each semester.
- (3) **School bus inspector qualifications.**
- (A) Any person licensed to inspect school buses by the Department of Public Safety under the Motor Vehicle Laws of Oklahoma prior to July 1, 2001, may be qualified to perform annual school bus inspections.
- (B) Any person not meeting the qualifications as prescribed in (A) may be qualified to perform the annual school bus inspection by submitting proof to the Oklahoma State Department of Education that they meet the following qualifications:
- (i) Two years experience as an automotive technician and certification by the Association for Automotive Service Excellence (ASE), or

- (ii) Any person qualified to perform inspections under the Federal Motor Carrier Safety Act, appendix G.
- (iii) Any person successfully completing an Inspector's Training Course approved by the Oklahoma State Department of Education.
- (4) Standards and school bus specifications.
 - (A) The NATIONAL MINIMUM STANDARDS FOR SCHOOL BUSES applies to school bus construction and equipment. The Oklahoma State Board of Education has accepted the various methods bus manufacturers use to meet the requirements of these standards and all requirements under the Federal Motor Vehicle Safety Standards. (P.L. 89-563) The responsibility for compliance with Federal and State bus specifications rests with dealers and manufacturers.
 - (B) State Standards in addition to Federal Requirements also apply as follows:
 - (i) No school district may purchase any used or previously owned school bus unless the seller certifies prior to the sale, that the bus meets all safety standards and specifications for the date of manufacture of the used bus. Any school district that purchases a used or previously owned bus without the certification regarding compliance with standards shall forfeit their state transportation aid. The seller of any used or previously owned school bus shall certify to the local board of education that any such transportation equipment meets all Oklahoma and National Standards required for the date of its manufacture.
 - (ii) Church buses used for the purpose of transporting children to and from schools accredited by the State Department of Education shall be painted national school bus yellow.
 - (C) School districts that convert or have converted school buses to Liquefied Petroleum Gas (LPG) shall comply with safety standards prescribed by the National Fire Protection Association, Standard No. 58 (NFPA-58) and the Oklahoma Liquefied Petroleum Gas Administration. In order to insure safe installation and proper maintenance of equipment, all personnel must also meet the following existing requirements of the Oklahoma Liquefied Petroleum Gas Administration: "No person, firm, corporation, association, or other entity shall engage in the manufacturing, assembling, fabrication, installing, or selling of any system, container, or apparatus to be used in this State in or for the transportation, storing, dispensing, or utilization of LPG, nor shall any transporter, distributor, or retailer of LPG store, dispense and/or transport over the highways of this State any LPG for use in this State in any system, container, apparatus, or appliance without having first obtained a permit to do so as provided..."
- (f) Special education.
 - (1) Loading responsibility. The local school district is responsible for the special education child from the time the student is loaded at the "home curb" until returned and unloaded at the "home curb". The parent or their designee is responsible for "door-to-curb", "curb-to-door", and "street crossing" of the child to the designated loading and unloading point.
 - (2) Extended boundaries. Based upon mutual agreement between two participating school districts, a school district offering special education classes may extend its transportation program to include the transportation of students qualifying for special education in an adjacent school district which does not offer special education classes.
 - (g) School bus driver certification.
 - (1) General criteria.
 - (A) No board of education shall have authority to enter into any written contract with a school bus driver who does not hold a valid certificate issued by the State Board of Education authorizing said bus driver to operate a school bus.
 - (B) The State Board of Education requires all public school bus drivers to complete a school bus drivers training course approved by the State Department of Education to obtain a standard certificate.
 - (C) All school bus drivers must have not less than 20-40 vision (Snellen) in each eye and not less than 20-40 vision (Snellen) with both eyes and a minimum field of vision of 70 degrees horizontal median vision in each eye.
 - (D) Any person with diabetes requiring insulin by injection shall not be eligible for a school bus certificate.
 - (E) The use of tobacco by a school bus driver is not permitted during the operation of the bus while hauling pupils. The use of any intoxicating or non-intoxicating alcoholic beverage by the driver eight (8) hours prior to or during the operation of a school bus is strictly prohibited. The use of any controlled dangerous substance seventy-two (72) hours prior to or during the operation of a school bus is strictly prohibited. The possession of any controlled dangerous substance on a school bus is strictly prohibited.
 - (F) All school bus drivers shall have an annual health certificate signed by a physician licensed by this state filed in the office of the local Chief Administrative Officer or designee attesting that such physician has examined the applicant and that the applicant has no sign or symptoms of ill health, and is otherwise, from the observation of such physician, physically and mentally capable of safely operating a school bus. As an alternative to the annual physical examination requirements for school bus drivers, school districts may adopt a policy that utilizes a biannual physical examination, provided the examination is in compliance with the physical qualifications and examination requirements of the Federal Motor Carrier Safety Act, Subpart E 391.41 to 391.50.

- (G) Substitute and activity school bus drivers shall meet all the requirements prescribed for regular bus drivers.
- (H) At a minimum, the Chief Administrative Officer or designee shall conduct an annual driving record check of all school bus drivers, including substitute and activity drivers. The Oklahoma State Department of Education shall be immediately notified of any violation(s) that make a school bus driver ineligible to hold an Oklahoma School Bus Driver's Certificate.
- (2) **Certificate requirements.**
- (A) The Chief Administrative Officer or designee shall certify to the State Department of Education that each applicant submitted for Standard Five-Year Certification:
- (i) Is at least 18 years of age.
 - (ii) Has successfully completed a special school bus drivers' course approved by the State Department of Education.
 - (iii) Holds a valid Commercial Drivers license (CDL) appropriate for the type of vehicle driven with the proper endorsements required by the Department of Public Safety.
 - (iv) Has not been convicted, plead guilty, or nolo contendere to a felony during the last ten years.
 - (v) Has passed a driving record check, and no certificate shall be issued to any person who, within the preceding three years:
 - (I) Has had a license suspended or revoked, canceled or withdrawn pursuant to the Implied Consent Laws at 47 O.S. §751 et seq.
 - (II) Has a conviction for a violation of 47 O.S. §11-902 which includes driving, operating or being in actual physical control of a vehicle while under the influence of alcohol or any intoxicating drug.
 - (III) Has been convicted or plead guilty to a violation of 47 O.S. §761, operating a motor vehicle while impaired by consumption of alcohol.
 - (IV) Has been convicted of any municipal violation of driving under the influence of alcohol or drugs or operating a motor vehicle while impaired or being in actual physical control of a motor vehicle while impaired.
 - (V) Has had four or more traffic violations. (excluding parking violations)
- (B) The Chief Administrative Officer or designee shall certify to the State Department of Education that the applicant for an Emergency One-Year School Bus Driver Certificate (Not Renewable).
- (i) Is at least 18 years of age.
 - (ii) Holds a valid Commercial Drivers License with the proper endorsements required by the Department of Public Safety.
- (C) Requirements for Renewal of the Standard Five-Year Certificate include:

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

[Source: Amended at 9 Ok Reg 2357, eff 6-25-92; Amended at 14 Ok Reg 3354, eff 5-5-97 (emergency); Amended at 15 Ok Reg 2300, eff 6-11-98; Amended at 19 Ok Reg 3041, eff 8-22-02 (emergency); Amended at 20 Ok Reg 825, eff 5-15-03; Amended at 21 Ok Reg 2713, eff 7-11-04; Amended at 24 Ok Reg 1225, eff 5-25-07; Amended at 25 Ok Reg 1505, eff 4-11-08 (emergency); Amended at 26 Ok Reg 54, eff 8-21-08 (emergency); Amended at 26 Ok Reg 1468, eff 6-11-09]

210:30-5-2. Procedures for resolution of transportation disputes

Pursuant to 70 O.S. 1991, § 9-105, state aid shall be withheld from any school district in the state that fails or refuses to comply with the law or rules of the State Board of Education regarding transportation. The following hearing procedures will be utilized in hearings to determine the validity of transportation complaints.

- (1) Upon receipt of a written complaint and hearing request alleging specific violations of law or State Board of Education rules regarding school transportation, the State Superintendent shall appoint an Administrative Law Judge (ALJ) to conduct a hearing to determine the validity of the complaint.
- (2) Within five (5) days of appointment, the ALJ shall notify the school districts who are parties to the complaint in writing of the time, date and location of the hearing.
- (3) Each school district that is a party to the complaint will be given an opportunity to present the following:
 - (A) Evidence supporting the allegations in the complaint, and
 - (B) Defenses to the allegations contained in the complaint.
- (4) Evidence may be received in written form or by oral testimony of witnesses.
- (5) Hearings will be electronically recorded.
- (6) The ALJ shall, upon receiving the evidence, determine whether the allegations contained in the complaint are true and shall make findings and conclusions. If the ALJ determines, by a preponderance of the evidence, that there has been a violation of law or rule, he/she shall recommend withholding of state aid from the district found to be in violation.