

ENGROSSED HOUSE
BILL NO. 1507

BY: BENSON of the HOUSE

and

DICKERSON of the SENATE

AN ACT RELATING TO SCHOOLS; AMENDING 70 O.S. 1981,
SECTION 4-104, WHICH RELATES TO POWERS AND DUTIES
OF COUNTY SUPERINTENDENT OF SCHOOLS; QUALIFYING
PROVISION WITH REFERENCE TO COUNTY SUPERINTENDENTS
PRESENTLY SERVING; AMENDING 70 O.S. 1981, SECTION
5-101, WHICH RELATES TO DESIGNATION OF SCHOOL
DISTRICTS; PROVIDING THAT SUPERVISION OF DEPENDENT
SCHOOL DISTRICTS SHALL BE BY ELEMENTARY
SUPERINTENDENT IN CERTAIN COUNTIES; AMENDING
SECTION 68, CHAPTER 2, O.S.L. SUPP. 1989 (70 O.S.
SUPP. 1990, SECTION 6-101.3), WHICH RELATES TO
DEFINITIONS; ADDING ELEMENTARY SUPERINTENDENT TO
DEFINITION OF ADMINISTRATOR; AMENDING SECTION 69,
CHAPTER 2, O.S.L. SUPP. 1989 (70 O.S. SUPP. 1990,
SECTION 6-101.4), WHICH RELATES TO POWERS AND
DUTIES OF DISTRICT SUPERINTENDENTS; PROVIDING THAT
CERTAIN POWERS AND DUTIES BE EXERCISED BY
ELEMENTARY SUPERINTENDENTS IN DEPENDENT DISTRICTS;
AMENDING 70 O.S. 1981, SECTION 6-108, WHICH RELATES
TO CERTIFICATES OF QUALIFICATION; REQUIRING STATE
BOARD OF EDUCATION TO PROVIDE FOR CERTIFICATION OF
ELEMENTARY SUPERINTENDENTS; REQUIRING CERTIFICATION
TO INCLUDE CERTAIN EMPLOYMENT; PROVIDING AN
EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 70 O.S. 1981, Section 4-104, is amended to read as follows:

Section 4-104. ~~The~~ In counties which have a county superintendent of schools presently serving, the county superintendent of schools shall have general administrative direction and supervision of the schools of all dependent districts in the county, and shall cooperate with the superintendent of schools of the independent district and shall assist with Federal Administration Programs when requested to do so. Provided, if a dependent school district lies in more than one county, the county superintendent of schools of that county represented in such district having the largest amount of territory embraced within the boundaries of such district shall have the general administrative direction and supervision of the schools of such district. In addition to the foregoing powers and duties, the county superintendent of schools shall:

1. Approve all contracts of teachers and other personnel under his supervision and keep on file in his office a copy of each such contract for the entire term the contract is in force; provided he shall not approve the contract of any person unless and until such person has a proper certificate issued by the State Board of Education valid for the term of such contract to perform the services he has contracted to perform;

2. Have and keep a permanent file in which he shall record all pertinent information relative to teachers' certificates and other certificates issued by the State Board of Education to personnel under his supervision;

3. Visit, or his deputies shall visit, all the schools under his supervision as often as is necessary but not less than twice during each school term and shall advise with the teachers thereof relative to the classification of pupils, methods of instruction, the condition and upkeep of the school building or buildings, equipment, and grounds. He shall at least once each year make a written report to the State Board of Education on the condition of the schools in his county and list his recommendations for improvement. He, and such of his deputies and supervisors as he may direct to do so, may also visit schools in independent school districts of the county, and confer with teachers, officials and other personnel of such independent school districts, with the view of coordinating the systems, programs, curricula and activities of all of the schools and school districts of the county, and they shall be paid their necessary travel expenses in so doing. He shall be authorized to furnish and provide the teachers and clerks of boards of education of the dependent school districts of his county with sufficient teachers' registers, teachers' class registers, teachers' report forms, pupils' report cards, grade cards, diplomas, awards, clerks' registers, school warrant books, minute books, claim blanks, report forms, and other stationery for the needs of the district, and the county superintendent of schools shall have power and authority to purchase such supplies in the open market and pay for the same from county funds appropriated for the operation of the office of county superintendent of schools, and to require the use of such forms in all dependent districts of his county, which forms shall be those approved by the State Board of Education. Provided, that nothing in this paragraph shall prohibit the board of education of an independent school district from authorizing the county superintendent of schools to purchase supplies for such independent school district, if such supplies are paid for by the district;

4. Keep a complete record of his official acts and the registers of all teachers and principals employed under his supervision;

5. Require of all teachers and principals under his supervision the filing of complete and accurate reports at the end of each attendance period and at the end of each school year. These reports shall be kept on file in the office of the county superintendent of schools and shall be the basis of all statistical reports required by the State Board of Education;

6. Make an annual statistical and financial report of all schools under his supervision and file such report with the State Board of Education at the time requested and on blank forms prescribed by the State Board of Education. A copy of each such report shall be kept in a bound book and shall constitute permanent records in the office of the county superintendent of schools;

7. Make apportionments of public funds to which the school districts of his county are entitled when not otherwise provided by law;

8. On or before the first day of January of each year, furnish the county clerk and county assessor of his county a description of the boundary of each and every school district or part of a district in the county;

9. Notify the Oklahoma Tax Commission and the county assessor, county clerk and county treasurer of his county of any and all changes in the boundaries of a school district lying wholly or in part in his county; and

10. Perform all other duties which are not or may hereafter be prescribed by law or by regulations of the State Board of Education.

SECTION 2. AMENDATORY 70 O.S. 1981, Section 5-101, is amended to read as follows:

Section 5-101. All school districts in Oklahoma, now in existence or which may hereafter be created, shall be designated

only as independent, dependent or area vocational-technical school districts. Independent school districts and area vocational-technical school districts shall be under the supervision and the administration of the respective boards of education thereof. Dependent school districts shall be under the supervision of the county superintendent of schools in counties which still have county superintendents and shall be under the supervision of an elementary superintendent in counties which no longer have a county superintendent and under the administration of the respective district boards of education.

SECTION 3. AMENDATORY Section 68, Chapter 2, O.S.L. Supp. 1989 (70 O.S. Supp. 1990, Section 6-101.3), is amended to read as follows:

Section 6-101.3 As used in Section 6-101 et seq. of Title 70 of the Oklahoma Statutes:

1. "Administrator" means a duly certified person who devotes a majority of time to service as a superintendent, elementary superintendent, principal, supervisor, vice principal or in any other administrative or supervisory capacity in the school district;
2. "Dismissal" means the discontinuance of the teaching service of an administrator or teacher during the term of a written contract, as provided by law;
3. "Nonreemployment" means the nonrenewal of an administrator's or teacher's contract upon expiration of the contract;
4. "Career teacher" means a teacher who has completed three (3) or more consecutive complete school years in such capacity in one school district under a written teaching contract;
5. "Hearing" means the hearing before a local board of education after a recommendation for dismissal or nonreemployment of a teacher has been made but before any final action is taken on said recommendation, held for the purpose of affording such teacher all rights guaranteed by the United States Constitution and the

Constitution of Oklahoma under such circumstances and for enabling the board to determine whether to approve or disapprove the recommendation;

6. "Probationary teacher" means a teacher who has completed fewer than three (3) consecutive complete school years in such capacity in one school district under a written teaching contract;

7. "Suspension" or "suspended" means the temporary discontinuance of an administrator's or teacher's services, as provided by law;

8. "Teacher" means a duly certified or licensed person who is employed to serve as a counselor, librarian or school nurse or in any instructional capacity; an administrator shall be considered a teacher only with regard to service in an instructional, nonadministrative capacity.

SECTION 4. AMENDATORY Section 69, Chapter 2, O.S.L. Supp. 1989 (70 O.S. Supp. 1990, Section 6-101.4), is amended to read as follows:

Section 6-101.4 The powers and duties set forth in Section 6-101 et seq. of Title 70 of the Oklahoma Statutes for the superintendent of a school district shall be exercised by the ~~county superintendent of schools~~ elementary superintendent in dependent school districts.

SECTION 5. AMENDATORY 70 O.S. 1981, Section 6-108, is amended to read as follows:

Section 6-108. It shall be unlawful for any person to serve, or to contract or agree to serve, as superintendent, elementary superintendent, principal, supervisor, librarian, school nurse, classroom teacher or other instructional, supervisory or administrative employee of a school district unless such person holds a valid certificate of qualification issued in accordance with the rules and regulations of the State Board of Education to perform the services he performs or contracts or agrees to perform. The

State Board of Education shall provide for the certification of elementary superintendents which shall include recognition given to elementary superintendents for time employed as a principal of a dependent school.

SECTION 6. This act shall become effective July 1, 1991.

SECTION 7. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 4th day of March, 1991.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1991.

President of the Senate