

ENROLLED SENATE
BILL NO. 63

BY: SHEDRICK of the SENATE

and

THOMPSON of the HOUSE

AN ACT RELATING TO SCHOOLS; AMENDING 70 O.S. 1981, SECTION 5-113.1, AS LAST AMENDED BY SECTION 3, CHAPTER 299, O.S.L. 1989, AND SECTION 4, CHAPTER 102, O.S.L. 1989, AS LAST AMENDED BY SECTION 75, CHAPTER 263, O.S.L. 1990 (70 O.S. SUPP. 1990, SECTIONS 5-113.1 AND 13-124), AND AMENDING SECTION 4 OF ENROLLED SENATE BILL NO. 158 OF THE 1ST SESSION OF THE 43RD OKLAHOMA LEGISLATURE, WHICH RELATE TO NEPOTISM, GENERAL ADMINISTRATION OF PROGRAMS AND ACTIVITIES RECEIVING FEDERAL AND STATE FUNDS, THE EDUCATIONAL PROFESSIONAL STANDARDS BOARD; PROHIBITING REAPPOINTMENT TO BOARD OF EDUCATION IN CERTAIN CIRCUMSTANCES; AUTHORIZING STATE DEPARTMENT OF EDUCATION TO MONITOR AND ENFORCE CERTAIN OBLIGATIONS; PROVIDING FOR CONSENT FOR SERVICES FOR THE EARLY INTERVENTION PROGRAM; DEFINING PARENT AND SURROGATE PARENT FOR THE OKLAHOMA EARLY INTERVENTION ACT; DECLARING LEGISLATIVE INTENT RELATING TO TASK FORCE 2000 DUTIES; PROVIDING FOR STUDY OF POSSIBLE CONFLICTS ARISING FROM DUAL OFFICE HOLDING BY CERTAIN OFFICERS; PROVIDING FOR STUDY OF EARLY CHILDHOOD TEACHER CERTIFICATION; MODIFYING THE MEMBERSHIP OF THE EDUCATIONAL PROFESSIONAL STANDARDS BOARD; PROVIDING FOR CODIFICATION; PROVIDING FOR NONCODIFICATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 70 O.S. 1981, Section 5-113.1, as last amended by Section 3, Chapter 299, O.S.L. 1989 (70 O.S. Supp. 1990, Section 5-113.1), is amended to read as follows:

Section 5-113.1 A. Except as otherwise provided herein, no teacher or other employee of any school district may be employed if that teacher or employee is related to a member of the board of education within the third degree of consanguinity or affinity; provided, a teacher or employee already under contract to or otherwise employed by the school district at the time a member of the board of education to whom such teacher or employee is so related assumes office shall be eligible to continue the employment; provided further, a teacher or employee already under contract to or otherwise employed by the school district or a board member already serving at the time the relationship is established may continue in said employment or service. No member of the board of education who has resigned from the board before his or her term has expired may be reappointed to the board to complete the remainder of his or her term if a teacher or employee related to the resigned member of the board within the third degree of consanguinity or affinity was put under contract or otherwise employed by the school district after the board member resigned. The State Board of Education may exempt a teacher or other employee of a school district from the provisions of this subsection upon written request from a local board of education.

No member of a board of education who is related to a teacher or other employee of the district within the third degree of consanguinity or affinity shall attend or participate in any regular or executive session of the board held to consider any personnel matter or litigation relating to said teacher or employee. Nothing herein shall be construed to make any person ineligible to become a candidate for the board of education.

B. Any member of a board of education who violates the provisions of this section shall be subject to the penalties prescribed by Sections 485 and 486 of Title 21 of the Oklahoma Statutes.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 13-123.1 of Title 70, unless there is created a duplication in numbering, reads as follows:

Parents or surrogate parents may consent to the delivery of services for the early intervention program for their eligible children.

For purposes of the Oklahoma Early Intervention Act the terms "parent" and "surrogate parent" shall have the meaning that said terms have in Title 34, Code of Federal Regulations, Part 300, Sections 10 and 514 which implement the Individuals with Disabilities Education Act (IDEA).

SECTION 3. AMENDATORY Section 4, Chapter 102, O.S.L. 1989, as last amended by Section 75, Chapter 263, O.S.L. 1990 (70 O.S. Supp. 1990, Section 13-124), is amended to read as follows:

Section 13-124. A. The State Department of Education is hereby designated as the lead agency for general administration, supervision and monitoring of programs and activities receiving federal funds under Part H of P.L. 99-457 and state funds appropriated for early intervention services. To ensure compliance with Part H of P.L. 99-457 and its implementing regulations, the State Department of Education is authorized to monitor and enforce

any obligations imposed on agencies participating under Part H of P.L. 99-457.

B. In accordance with Part H of P.L. 99-457, the Oklahoma Commission on Children and Youth shall administer the Interagency Coordinating Council for Early Childhood Intervention which shall advise and assist the lead agency in fulfillment of its responsibilities.

C. The State Department of Education, the Oklahoma State Department of Health, the Department of Human Services, the Department of Mental Health and Substance Abuse Services and other publicly funded services shall continue to provide all services within their respective statutory and constitutional responsibilities to the eligible population except as otherwise provided in Section 13-101 of Title 70 of the Oklahoma Statutes. State and local interagency agreements will delineate responsibility for local and regional procedural safeguards, provision of service and related issues. Funds provided for implementation of the Oklahoma Early Intervention Act shall not be used to satisfy a financial commitment for services which would have been paid for or provided by another public or private source, but shall be utilized solely for the enactment of P.L. 99-457 and the Oklahoma Early Intervention Act. Such funds may be used whenever considered necessary to prevent delay in the receipt of appropriate early intervention services by the infant or toddler or family in a timely fashion. Funds provided for implementation of the Oklahoma Early Intervention Act may be used to pay the provider of services pending reimbursement from the agency which has the ultimate responsibility.

D. Pursuant to the requirements of Part H of P.L. 99-457, all financial resources from federal, state, local and private sources shall be coordinated to fund early intervention services. In order to determine the most effective utilization and achieve coordination, a joint funding plan shall be submitted to the Governor, the Speaker of the House of Representatives, and the Senate President Pro Tempore by the State Department of Education, the Oklahoma State Department of Health, the Department of Human Services and the Department of Mental Health and Substance Abuse Services on or before October 1, 1989 and on or before September 1 each year thereafter. The individual components of such plan as they relate to individual agencies shall be incorporated annually into each affected agency's budget request in accordance with the provisions of Section 41.29 of Title 62 of the Oklahoma Statutes. Such plan shall include, but not be limited to:

1. utilization of State Aid funds appropriated to the State Board of Education for the purpose of providing early intervention services or provided pursuant to the State Aid Formula for special education services to handicapped children;

2. publicly funded personnel and programs in the State Department of Education, the Oklahoma State Department of Health, the Department of Human Services and the Department of Mental Health and Substance Abuse Services who are currently serving the eligible population;

3. feasibility of utilization of federal Title V funds;

4. utilization of new state funds as may be appropriated by the Legislature for fiscal year 1990 for the purpose of early intervention, and of additional new funds needed to fully implement early intervention services in accordance with the State of Oklahoma's implementation of P.L. 99-457;

5. amendments to expansion of the Medicaid State Plan to include early intervention services for eligible children utilizing state funds designated for early intervention for the purpose of matching federal funds;

6. feasibility of application for federal funds appropriated pursuant to P.L. 89-313; and

7. utilization of funds received under Part H of P.L. 99-457.

E. The State Department of Education, the Oklahoma State Department of Health, the Department of Human Services and the Department of Mental Health and Substance Abuse Services shall be authorized to transfer funds enumerated in subsection D of this section to the Oklahoma Early Intervention Revolving Fund created in Section 74 of this act to the extent that transfers of such funds are authorized by and directed to the fund by the joint funding plan of the Oklahoma Early Intervention Act or by state or federal law.

F. Monies appropriated to an affected agency and monies identified in the joint funding plan for the purpose of providing early intervention services shall be used by the agency exclusively for the purpose of providing early intervention services.

SECTION 4. It is the intent of the Legislature that Task Force 2000 study the possible conflicts, if any, arising from the Secretary of Education overseeing the Office of Accountability in the event the Secretary of Education is also the State Superintendent of Public Instruction. Task Force 2000 is to report to the President Pro Tempore of the Senate, the Speaker of the House of Representatives and the Governor by January 6, 1992.

SECTION 5. It is the intent of the Legislature that Task Force 2000 examine the early childhood education program requirements of Section 11-103.7 of Title 70 of the Oklahoma Statutes as they apply to teacher certification. Task Force 2000 is to report to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Governor by January 6, 1992.

SECTION 6. AMENDATORY Section 4 of Enrolled Senate Bill No. 158 of the 1st Session of the 43rd Oklahoma Legislature, is amended to read as follows:

Section 4. A. The Professional Standards Board, created pursuant to Section 6-123 of Title 70 of the Oklahoma Statutes is hereby abolished. On and after July 1, 1991, any place in the statutes specifying the Professional Standards Board shall mean the Educational Professional Standards Board.

B. There is hereby created until July 1, 1997, in accordance with the Oklahoma Sunset Law, a board to be known as the Educational Professional Standards Board for the State of Oklahoma, which shall be composed of the following members: The State Superintendent of Public Instruction or a designee, the Chancellor of Higher Education or a designee, the Director of Vocational and Technical Education or a designee, six classroom teachers, one superintendent of a public school district, one secondary school principal, one elementary school principal, three higher education representatives, and five noneducator members, at least three of whom must be parents or legal guardians of children enrolled in the public schools of this state.

SECTION 7. The provisions of Sections 4 and 5 of this act shall not be codified in the Oklahoma Statutes.

SECTION 8. 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.