

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1508

BY: BENSON

AS INTRODUCED

AN ACT RELATING TO SCHOOLS; AMENDING SECTION 13, CHAPTER 2, O.S.L. SUPP. 1989, 70 O.S 1981, SECTION 5-103, 5-105, 5-107A, AS LAST AMENDED BY SECTION 1, CHAPTER 257, O.S.L. 1990, 6-101, AS AMENDED BY SECTION 67, CHAPTER 2, O.S.L. SUPP. 1989, SECTION 69, CHAPTER 2, O.S.L. SUPP. 1989, 6-102.2, AS LAST AMENDED BY SECTION 71, CHAPTER 2, O.S.L. SUPP. 1989, AND AS RENUMBERED BY SECTION 117, CHAPTER 2, O.S.L. SUPP. 1989, 7-101, AS LAST AMENDED BY SECTION 7, CHAPTER 257, O.S.L. 1990, SECTION 11, CHAPTER 2, O.S.L. SUPP. 1989, AS AMENDED BY SECTION 10, CHAPTER 257, O.S.L. 1990, 8-101, AS AMENDED BY SECTION 1, CHAPTER 250, O.S.L. 1989, 8-102, AS AMENDED BY SECTION 88, CHAPTER 2, O.S.L. SUPP. 1989, SECTION 92, CHAPTER 2, O.S.L. SUPP. 1989, 9-105, 10-101, AS AMENDED BY SECTION 1, CHAPTER 178, O.S.L. 1989, 10-102, AS AMENDED BY SECTION 2, CHAPTER 178, O.S.L. 1989, 11-103, AS LAST AMENDED BY SECTION 3, CHAPTER 2, O.S.L. SUPP. 1989, 14-103, AS AMENDED BY SECTION 53, CHAPTER 2, O.S.L. SUPP. 1989, 14-108, AS LAST AMENDED BY SECTION 152, CHAPTER 263, O.S.L. 1990, 16-111, AS LAST AMENDED BY SECTION 1, CHAPTER 380, O.S.L. 1989, AND 17-101, AS LAST AMENDED BY SECTION 26, CHAPTER 340, O.S.L.

1990 (70 O.S. SUPP. 1990, SECTIONS 3-104.5, 5-107A, 6-101, 6-101.4, 6-101.10, 7-101, 7-206, 8-101, 8-102, 8-112, 10-101, 10-102, 11-103, 14-103, 14-108, 16-111 AND 17-101), WHICH RELATE TO DEPENDENT SCHOOL DISTRICTS; CHANGING THE NAME OF DEPENDENT SCHOOL DISTRICTS TO ELEMENTARY SCHOOL DISTRICTS; REPEALING 70 O.S. 1981, SECTION 18-119, WHICH RELATES TO EXTENSION OF THE SCHOOL YEAR; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY Section 13, Chapter 2, O.S.L. Supp. 1989 (70 O.S. Supp. 1990, Section 3-104.5), is amended to read as follows:

Section 3-104.5 A. The board of education of every ~~dependent elementary school district~~ and independent school district that has not filed notification with the State Board of Education by November 1, 1990, of intent to annex or consolidate shall submit a Plan of Educational Development and Improvement to the State Board of Education by May 1, 1991. Said plan shall be submitted in compliance with rules which shall be promulgated by the State Board by April 1, 1990, for the purpose of obtaining information the State Board will need to determine whether such district can be expected to make satisfactory progress toward meeting the requirements of this act with resources available and reasonably anticipated. To the greatest possible extent, said rules shall be written to enable districts to make use of materials prepared for submittal of the districts' four-year plans pursuant to Section 3-104.2 of Title 70 of the Oklahoma Statutes and of other plans or reports required by statutes or State Board regulations. Nothing herein shall be

construed as prohibiting subsequent rule changes made pursuant to the requirements of the Oklahoma Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes.

B. The State Board shall approve each such plan submitted within three (3) months of receipt of the plan. If the board rejects the plan, it shall assist the district in revising its plan or reconsidering the decision not to file notification of intent to consolidate or annex. Approval shall mean that the State Board has no reasonable doubt that the district will achieve and maintain full compliance with all the provisions of this act on schedule. Plans approved shall be implemented by the local board.

SECTION 2. AMENDATORY 70 O.S. 1981, Section 5-103, is amended to read as follows:

Section 5-103. ~~Dependent~~ Elementary school districts shall offer grades kindergarten through eight and are those which have not met the minimum standards for, and have not been designated as, independent school districts by the State Board of Education. On and after July 1, 1991, every place in the Oklahoma Statutes which refers to "dependent school district" shall mean "elementary school district".

SECTION 3. AMENDATORY 70 O.S. 1981, Section 5-105, is amended to read as follows:

Section 5-105. Every school district shall be a body corporate and shall possess the usual powers of a corporation for public purposes by the name and style of "Independent (or ~~Dependent Elementary~~, if it is a ~~dependent elementary~~ school district) School District Number \_\_\_\_\_ (such a number as may be designated by the county superintendent of schools) of \_\_\_\_\_ (the name of the county in which the district is located, or if lying in more than one county the name of the county whose county superintendent of schools has jurisdiction) County, Oklahoma," and in that name may sue and be sued and be

capable of contracting and being contracted with and holding such real and personal estate as it may come into possession of or by will or otherwise and as authorized by law. The supervision of a school district lying in more than one county shall remain with the county that had such supervision as of July 1, 1958, except that upon a majority vote of the school district electors voting at the annual school district election or at a special school district election called for such purpose, the supervision of the school district lying in more than one county may be changed to the county superintendent of schools of any one of the counties represented in said district. Said change shall be effective upon the first day of July next succeeding the date of such meeting. It shall be the duty of the clerk of the board of education of said school district to notify the State Superintendent of Public Instruction, and the county superintendent of schools of each of the counties represented in said school district, that such change has been made, within ten (10) days after said meeting; but failure to make such notification shall not prevent such change from going into effect at the time hereinabove provided.

SECTION 4. AMENDATORY 70 O.S. 1981, Section 5-107A, as last amended by Section 1, Chapter 257, O.S.L. 1990 (70 O.S. Supp. 1990, Section 5-107A), is amended to read as follows:

Section 5-107A. The following provisions and the provisions of Sections 13A-101 through 13A-111 of Title 26 of the Oklahoma Statutes shall govern the election of members of the board of education for a school district:

A. The number and term of each board of education shall be as follows:

District	Members	Term (Years)
<del>Dependent</del> <u>Elementary</u>	3	3
Independent		

- |    |   |   |   |
|----|---|---|---|
| 1. | districts having a<br>five-member board<br>on January 1, 1989   | 5 | 5 |
| 2. | districts having a<br>seven-member board<br>on January 1, 1989,<br>or forming a seven-<br>member board pursuant<br>to Sections 7-101 and<br>7-105 of this title | 7 | 4 |
| 3. | districts having a<br>nine-member board<br>on January 1, 1989   | 9 | 3 |

B. In all school districts, the members of the board of education shall be elected as follows:

1. Within six (6) months following the publication of the Federal Decennial Census by the United States Bureau of Census, it shall be the duty of the board of education to divide the territory of the school district into election districts. Such election districts shall be compact, contiguous and shall be as equal in population as may be practicable with not more than a ten percent (10%) variance between the most populous and least populous election districts. In making such division the board may use population reports of the United States Bureau of Census, utility records, school membership records and any other current data which is competent to aid in determining the population of the school district and the location of such population, but shall not use voter registration records. School districts having fewer than one thousand (1,000) students in average daily ~~attendance~~ membership during the preceding school year may choose not to establish election districts and may nominate and elect all board members at large. ~~Dependent~~ Elementary school districts shall have board

members elected at large. If there is located in an independent school district a city having four or more wards and an outlying area, and such outlying area comprises no more than twenty percent (20%) of the population of such independent school district, then such independent school district may adopt such wards and outlying area in lieu of the election districts hereinbefore mentioned, and at least one member of the board of education of such independent school district shall be a member of each ward. The board of education of a five-member board may choose to establish four (4) election districts as provided for in this paragraph and designate the fifth seat as an at large seat for which any member of the school district is eligible; and

2. One member of the board of education shall be elected by the electors of the school district to represent each such election district. Provided, however, that in any school district wherein the electors of each election district, rather than the electors of the entire school district, elected board members to represent that election district prior to January 1, 1988, that district shall continue to elect board members in that manner.

If during the term of office to which he were elected a member shall cease to be a resident of such election district for which he was elected, his office shall become vacant and such vacancy shall be filled as provided in Section 13A-110 of Title 26 of the Oklahoma Statutes; and

3. In school districts having more than thirty thousand (30,000) children in average daily ~~attendance~~ membership, the following provision and the provisions of Sections 13A-101 through 13A-111 of Title 26 of the Oklahoma Statutes shall control as to election of the members of the school district's board of education:

- a. There shall be held a nomination election wherein the electors of each election district in which a term is expiring or in which a vacancy exists shall select two

(2) nominees from among the candidates for board member to represent such district,

- b. If, in the nominating election, one candidate has a majority of all votes cast, then a general election is not required. If no candidate receives a majority of all votes cast, then the two candidates receiving the greatest number of votes shall become the nominees for such election district in the general election, and
- c. At the general election, all of the electors of such election district shall select one of the two nominees for each such election district as the member of the board of education representing such election district.

C. The offices of members of the board of education shall be designated by consecutive numbers and shall correspond with election districts when applicable.

D. The terms of office of the members of a five-member board of education shall commence on the first Monday in July of the year indicated:

Office No. 1	1991
Office No. 2	1992
Office No. 3	1993
Office No. 4	1994
Office No. 5	1995

The terms of office of the members of a seven-member board of education shall be staggered, with one member being elected in 1991, two members being elected in 1992, two members being elected in 1993 and two members being elected in 1994 and shall commence on the first regular meeting in July; provided, in districts needing to elect two members in 1991 to maintain a full complement of board members, two members shall be elected in 1991, one for a full term and one for a one-year term, as determined by the local board. If a

seven-member board is formed upon consolidation pursuant to Section 7-105 of this title, the formation agreement shall specify initial short terms as necessary to extend until the beginning of the regular terms for seven-member boards established herein.

The terms of office of the members of a nine-member board of education shall be staggered, with three members being elected in 1991, three members being elected in 1992 and three members being elected in 1993, and shall commence on the first regular meeting in July.

One member of a three-member board of education shall be elected each year, and the terms of office shall commence on the first regular meeting in July.

E. The term of office of each board member elected after May 31, 1990, in any ~~dependent~~ elementary or independent school district shall commence on the first regular meeting in July following the election of the member. Board members elected prior to June 1, 1990, may remain in office until their successor is elected and seated pursuant to Sections 13A-101 through 13A-111 of Title 26 of the Oklahoma Statutes. The remaining term of any member who completes the term for which the member was elected but not wishing to serve until the successor of the member takes office on the first regular meeting in July following the election of the successor, shall be filled by appointment by the remaining members of the board of education.

SECTION 5. AMENDATORY 70 O.S. 1981, Section 6-101, as amended by Section 67, Chapter 2, O.S.L. Supp. 1989 (70 O.S. Supp. 1990, Section 6-101), is amended to read as follows:

Section 6-101. A. Except as provided in subsection E of this section, no person shall be permitted to teach in any school district of the state without a written contract, except as provided herein for substitute teachers and except teachers of classes in adult education. The board of education of each school district,

wherein school is expected to be conducted for the ensuing year, shall employ and contract in writing with qualified teachers for and in the name of the district. One copy of the contract shall be filed with the clerk of the board of education and one copy shall be retained by the teacher, and if the contract is with a ~~dependent~~ elementary school district one copy shall be filed with the county superintendent of schools.

B. Except as otherwise provided by law, no board of education shall have authority to enter into any written contract with a teacher who does not hold a valid certificate issued or recognized by the State Board of Education authorizing said teacher to teach the grades or subject matter for which the teacher is employed. Any board of education paying or authorizing the payment of the salary of any teacher not holding a certificate, as required herein, shall be adjudged to be guilty of a fraudulent expenditure of public funds and members voting for such payment shall be held jointly responsible for the return of the amount of any public monies thus expended, upon suit brought by the district attorney or by any interested citizen in the district where such funds have been expended.

C. It shall be the duty of the county superintendent of schools and the district superintendent of schools under whose supervision teachers have been contracted to teach to certify to the treasurer of the contracting district the names of the teachers holding valid certificates with whom contracts have been made and the names of substitute teachers employed in accordance with law. Said treasurer shall not register any warrant issued in payment of salary to any teacher whose name is not included in such list and shall be liable on his official bond for the amount of any warrant registered in violation of the provisions of this section.

D. Whenever any person shall enter into a contract with any school district in Oklahoma to teach in such school district the

contract shall be binding on the teacher and on the board of education until the teacher legally has been discharged from his teaching position or released by the board of education from his contract. Until such teacher has been thus discharged or released, the teacher shall not have authority to enter into a contract with any other board of education in Oklahoma for the same time covered by his original contract. If upon written complaint by the board of education in a district any teacher is reported to have failed to obey the terms of the contract previously made and to have entered into a contract with another board of education without having been released from the former contract, the teacher, upon being found guilty of said charge at a hearing held before the State Board of Education, shall have such teacher's certificate suspended for the remainder of the term for which said contract was made.

E. A board of education shall have authority to enter into written contracts with teachers for the ensuing fiscal year prior to the beginning of such year. If, prior to April 10, a board of education has not entered into a written contract with a regularly employed teacher or notified the teacher in writing by registered or certified mail that a recommendation has been made not to reemploy the teacher for the ensuing fiscal year, and if, by April 25, such teacher has not notified the board of education in writing by registered or certified mail that such teacher does not desire to be reemployed in such school district for the ensuing year, such teacher shall be considered as employed on a continuing contract basis and on the same salary schedule used for other teachers in the school district for the ensuing fiscal year, and such employment and continuing contract shall be binding on the teacher and on the school district.

F. No school district or any member of the board of education of a district shall be liable for the payment of compensation to a teacher or administrator under the provisions of any contract for

the ensuing year, if it becomes necessary to close the school because of insufficient attendance, disorganization, annexation, consolidation, or by dispensing with the school according to law, provided, such cause is known or action is taken prior to July 1 of such ensuing year.

G. No school district or any member of a board of education shall be liable for the payment of compensation to any teacher or administrator for the unexpired term of any contract if the school building to which the teacher or administrator has been assigned is destroyed by accident, storm, fire, or otherwise and it becomes necessary to close the school because of inability to secure a suitable building or buildings for continuation of school. Teachers and administrators shall be entitled to pay for any time lost when school is closed on account of epidemics or otherwise when an order for such closing has been issued by a health officer authorized by law to issue the order.

SECTION 6. 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 in ~~dependent~~ elementary school districts.

SECTION 7. AMENDATORY 70 O.S. 1981, Section 6-102.2, as last amended by Section 71, Chapter 2, O.S.L. Supp. 1989, and as renumbered by Section 117, Chapter 2, O.S.L. Supp. 1989 (70 O.S. Supp. 1990, Section 6-101.10), is amended to read as follows:

Section 6-101.10 Each board of education shall maintain and annually review, following consultation with or involvement of representatives selected by local teachers, a written policy of evaluation for all teachers and administrators. In those school districts in which there exists a professional negotiations

agreement made in accordance with Sections 509.1 et seq. of this title, the procedure for evaluating members of the negotiations unit and any standards of performance and conduct proposed for adoption beyond those established by the State Board of Education shall be negotiable items. Nothing in this act shall be construed to annul, modify or to preclude the renewal or continuing of any existing agreement heretofore entered into between any school district and any organizational representative of its employees. Every policy so adopted shall:

1. Be based upon a set of minimum criteria developed by the State Board of Education;

2. Be prescribed in writing at the time of adoption and at all times when amendments thereto are adopted. The original policy and all amendments to the policy shall be promptly made available to all persons subject to the policy;

3. Provide that all evaluations be made in writing and that evaluation documents and responses thereto be maintained in a personnel file for each evaluated person;

4. Provide that every probationary teacher be evaluated at least two times per school year, once prior to November 15 and once prior to February 10 of each year;

5. Provide that every teacher be evaluated once every year, except as otherwise provided by law; and

6. Provide that, except for superintendents of independent school districts and superintendents of area school districts, who shall be evaluated by the local school board, and except for both principals and teaching principals of ~~dependent~~ elementary school districts, who shall be evaluated by the local board of education with the assistance of the county superintendent, all certified personnel, including administrators, shall be evaluated by certified administrative personnel designated by the local school board.

All county superintendents and all personnel designated by the local board to conduct the personnel evaluations shall be required to participate in training conducted by the State Department of Education prior to conducting such evaluations.

The State Department of Education shall develop and conduct workshops pursuant to statewide criteria which train such administrative personnel in conducting evaluations.

The State Board of Education shall monitor compliance with the provisions of this section by local school districts.

Refusal by a local school district to comply with the provisions of this section shall be grounds for withholding State Aid funds until such compliance occurs.

SECTION 8. AMENDATORY 70 O.S. 1981, Section 7-101, as last amended by Section 7, Chapter 257, O.S.L. 1990 (70 O.S. Supp. 1990, Section 7-101), is amended to read as follows:

Section 7-101. A. The territory comprising all or part of a school district may be annexed to an adjacent school district, or to a school district in the same transportation area authorized to furnish transportation, or to two or more such districts, when approved at an annexation election called by the county superintendent of schools, but except as provided in subsection B of this section, an annexation election may not be held unless the boards of education of the affected districts concur therein. Provided, that such concurrence of the boards of education affected shall not be required in cases of mandatory annexation by the State Board of Education:

1. In pursuance of a petition for annexation signed by a majority of the school district electors in the territory proposed to be annexed, hereinafter referred to as the area affected, as provided in this section; or

2. In pursuance of a resolution adopted by the board of education of the district in which the area affected is situated.

B. An annexation election shall be called by the county or state superintendent of schools without the concurrence of the board of education of the school district which is proposed to be annexed, upon the filing of a petition with the county or state superintendent of schools for annexation that is signed by a majority of the school district electors in the school district proposed to be annexed. The county or state superintendent of schools shall certify that the petition meets the requirements of this subsection. The petition shall contain such information as the county or state superintendent of schools may require.

C. Annexation elections held pursuant to this section shall be conducted pursuant to the following procedures:

1. Such election shall be held within sixty (60) days after the county superintendent of schools receives such petition, at some public place in the school district in which the area affected is situated, between the hours of 7 a.m. and 7 p.m., and notice thereof shall be given by the county superintendent of schools in the same manner as notice of special elections of the school district electors of school districts is given, provided, that the county superintendent of schools shall not be required to call an election for the purpose of annexing a part of a school district more than once during any twelve-month period. Such elections shall be conducted by the county election board.

2. The annexation shall be approved by a majority of the school district electors voting at such election:

- a. Of an entire school district; or
- b. If a majority of the members of a board of education of a school district losing the territory concur with the petitioners, or resolution, only the legal voters of the area so affected shall be eligible to vote at such election.

Provided that, if the area proposed to be annexed constitutes less than two percent (2%) of the total area of the school district in which such area is located, and there are no qualified electors residing in such area, no election shall be held. In such instance the board of education of the school district wherein the area proposed to be annexed is located and the board of education of the school district to which such area is proposed to be annexed shall each adopt a resolution approving such annexation and shall transmit certified copies of both resolutions to the county superintendent of schools who shall, within five (5) days after receiving copies of such resolutions, make an order declaring the annexation as approved in the resolutions. Copies of the annexation order shall be transmitted to the State Board of Education, Oklahoma Tax Commission, county clerk, county treasurer, county assessor and to the boards of education of the school districts involved.

3. The annexation shall be approved by a majority of the school district electors of the area affected, voting at such election, if the area affected is an area within a school district in which, as a result of condemnation proceedings by the federal government, a majority of the pupils of said area have attended school, for at least one school term, in the adjoining district to which the petition requests annexation.

4. If the annexation of an entire district is approved, as hereinbefore provided, the county superintendent of schools shall, within five (5) days after such election, issue an order declaring the annexation as requested in the petition or resolution for annexation to the State Board of Education, Oklahoma Tax Commission, county clerk, county treasurer and county assessor in each county in which any of the territory of the disorganized district lies, but the annexation shall not become effective until the time for filing an appeal, as hereinafter provided, has expired. In the event a majority of the electors voting at such election do not vote for the

annexation, the county superintendent of schools shall, within five (5) days after such election, issue an order denying the annexation to the State Board of Education, Oklahoma Tax Commission, county clerk, county treasurer and county assessor in each county in which any of the territory of the disorganized district lies. Within ten (10) days after the order of the county superintendent of schools is issued, twenty-five percent (25%) of the school district electors who were eligible to vote at the annexation election may appeal to the district court of the county in which the territory proposed to be annexed, or the largest part thereof if such territory lies in more than one county, is situated, and thereafter all proceedings shall be stayed until the district court has rendered judgment. The proceedings shall be given precedence over all other civil matters. In the event the court issues a final order upholding a partial annexation, the effective date of said partial annexation shall be July 1 following the final order. All pending annexation proceedings are hereby exempted from this act. The State Board of Education shall be required to change the boundary lines as described in the declaration after all litigation has expired.

5. Upon the effective date of the annexation of an entire school district to one or more school districts, the board of education of the school district whose territory was annexed shall be declared abolished by the county superintendent of schools. If a school district to which the territory was annexed currently has a five-member board of education, that school district board of education shall have the option of forming a seven-member board of education pursuant to the provisions of Section 5-107A of this title upon the effective date of the annexation.

6. If an independent district annexes to a ~~dependent~~ elementary district not maintaining a high school, both boards of education are abolished. The Governor shall appoint three members of the newly

formed district to the board of education and these members shall appoint the remaining two members.

7. If the territory proposed to be annexed is situated in more than one county, the petition or resolution shall be filed with the county superintendent of schools of the county in which the largest part of such territory lies, and he shall call the annexation election and perform the other duties required herein of the county superintendent of schools.

SECTION 9. AMENDATORY Section 11, Chapter 2, O.S.L. Supp. 1989, as amended by Section 10, Chapter 257, O.S.L. 1990 (70 O.S. Supp. 1990, Section 7-206), is amended to read as follows:

Section 7-206. ~~Dependent~~ Elementary school districts which desire to consolidate with or annex the entire territory comprising the school district to an independent school district or districts in the transportation area of their choice pursuant to the Oklahoma School Consolidation and Annexation Act shall be authorized to enter into contracts with the independent school district or districts whom they consolidate with or annex to, which provide for up to a three-year moratorium on school site closings within the consolidated or annexed ~~dependent~~ elementary district.

SECTION 10. AMENDATORY 70 O.S. 1981, Section 8-101, as amended by Section 1, Chapter 250, O.S.L. 1989 (70 O.S. Supp. 1990, Section 8-101), is amended to read as follows:

Section 8-101. A. Any child residing in a school district that does not offer the grade which such child is entitled to pursue shall be entitled to be transferred to any school district inside or outside of the transportation area in which such student resides which offers the grade which he is entitled to pursue, hereinafter "receiving district," and if the district of residence is a ~~dependent~~ elementary school district as defined in Section 5-103 of this title, to have paid from the funds of the district in which he resides to the receiving district a ~~dependent~~ elementary transfer

fee. Nothing in this section shall be construed as preventing the approval of any other kind of transfer for which such student is eligible as elsewhere provided by law.

B. The ~~dependent~~ elementary transfer fee required by subsection A of this section shall be paid during the fiscal year following each fiscal year in which the transfer student is in attendance in the receiving district. The ~~dependent~~ elementary transfer fee shall be the receiving district's general fund ad valorem revenue for the fiscal year preceding the year of attendance divided by the receiving district's average daily ~~attendance (ADA)~~ membership (ADM) for that preceding year. Said general fund ad valorem revenue shall include receipts in said year from prior year assessments but shall not include apportionment pursuant to subsection (b) of Section 9 of Article X of the Oklahoma Constitution.

C. The ~~dependent~~ elementary transfer fees required by this section shall be reported in the annual estimates of needs of both the receiving district and the district of residence and shall be reflected in both districts' budgets. Each receiving district shall be required to report in its annual attendance report to the State Board of Education the total number of all such transferred pupils and the name and school district number of the district from which they are transferred.

D. The due and outstanding obligation of any school district to pay any transfer fee required by this section for the attendance of a student in the year prior to the effective date of this act is hereby canceled.

SECTION 11. AMENDATORY 70 O.S. 1981, Section 8-102, as amended by Section 88, Chapter 2, O.S.L. Supp. 1989 (70 O.S. Supp. 1990, Section 8-102), is amended to read as follows:

Section 8-102. A. The county superintendent of schools shall grant an application for transfer of a child from the district in which the child resides to another school district furnishing

instruction in the grade the child is entitled to pursue if such transfer has the approval of the boards of education of the sending and receiving districts. A student granted a transfer may continue to attend the school to which he transferred with the approval of the receiving district only, and any brother or sister of such student may attend such school with the approval of the receiving district only, provided that this provision shall not apply to:

1. emergency transfers;
2. students transferred for the purpose of attending classes in special education;
3. graduating seniors in counties having a population of four hundred fifty thousand (450,000) or above who were previously legally enrolled in the school district to which such student wishes to transfer;
4. students who have transferred to the district for an early childhood education program; or
5. students with catastrophic medical problems.

Provided, however, if the grade such child is entitled to pursue is not offered in the district where such child resides, the transfer must be approved.

B. A child may be transferred by the State Board of Education to a school district in another state, if the board of education of the school district in which the child resides determines that the best interests of the child will be best served by such transfer and if applicable, such a determination shall also be made by the board of education of the independent school district in whose transportation area the child resides for transfers from a ~~dependent~~ elementary school district where the grade such child is entitled to pursue is not offered.

C. No child shall be transferred under the provisions of this section to a school district other than the one designated in the application for transfer of such child.

D. When a child has been transferred and later changes residence to another school district in the State of Oklahoma, the child shall be entitled to attend school in the district to which he shall have previously been transferred during the school year for which the transfer was made; and if such change of residence is to the district to which the child was transferred, upon affidavit of the parent, custodial parent, or guardian of the child, or of the school board of the transferring district, disclosing removal of residence from the transferring district, a transfer previously made may be canceled, and the appropriation made therefor relieved of such encumbrance to the extent not earned. Provided, that if any child changes residence from a district offering the grade which such child is entitled to pursue, to another district during the school year for which he was transferred, he shall be entitled to attend school in either the receiving district or the district of prior residence for the remainder of the current year. Provided, further, that when the transfer of a child has been finally approved or becomes final under the provisions of Section 8-103 of this title, such child shall not be entitled to attend school in the district from which he was transferred, even though he continues to live therein during the school year for which the transfer was made, except in case of a cancellation of the transfer.

SECTION 12. AMENDATORY Section 92, Chapter 2, O.S.L. Supp. 1989 (70 O.S. Supp. 1990, Section 8-112), is amended to read as follows:

Section 8-112. A. Except as provided in Section 8-101 of this title and subsection C of this section, on and after July 1, 1990, no school district shall be required to pay and no school district shall charge any other school district a fee for the transfer of a student. Specifically, transfer fees shall not be permitted for transfers between ~~dependent~~ elementary school districts, for transfers between independent school districts, for transfers from

an independent school district to a ~~dependent~~ elementary school district or where the transfer is from a ~~dependent~~ elementary school district to an independent school district only insofar as transfers of pupils where the grade which such pupil is entitled to pursue is offered by the ~~dependent~~ elementary school district.

B. No transfer fee required or permitted by Section 8-108 of this title shall be charged for student transfers for the 1989-1990 school year. If any such fees have been charged or paid, the State Department of Education may adjust, upon request of the district who has paid or been charged any such fee, the budgets of the school districts regarding such transfer fees if such adjustment is necessary.

C. Nothing herein shall prevent the payment or charging of any other fee for the transfer of a student as required by law. School districts shall not be permitted to contract to waive transfer fees with regard to special education pupil transfers or transfer fees required by Section 8-101 of this title.

D. The State Board of Education shall establish the necessary and appropriate application forms sufficient to enable school districts to accomplish transfers and to comply with the provisions of Sections 8-101 through 8-110 of this title. Upon establishment of such forms, the State Board of Education shall notify each school district and each county superintendent or acting county superintendent of schools of the content thereof.

SECTION 13. AMENDATORY 70 O.S. 1981, Section 9-105, is amended to read as follows:

Section 9-105. It is hereby made the duty of the State Board of Education to determine and fix definite boundaries of the area in which each school district shall provide transportation for each school. When a ~~dependent~~ elementary school district is surrounded by another independent school district, that district must be designated as the transportation area for the high school students.

The State Board of Education is also authorized to establish definite routes in each transportation area, and it shall be the further duty of said Board to make rules and regulations as to the manner in which said area and routes may be established or changed. State funds payable to a district shall be withheld for a failure or refusal to confine its transportation to the area and routes designated by the State Board of Education or to comply with the rules and regulations of the State Board of Education. Provided that state funds payable to a school district shall not be withheld where, based upon the mutual agreement of the two participating school districts, a school district offering special education classes extends 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, for the purpose of offering its special education classes to said students. The State Board of Education shall promulgate such rules and regulations as are necessary to allow said transportation of special education students to an adjacent school district.

SECTION 14. AMENDATORY 70 O.S. 1981, Section 10-101, as amended by Section 1, Chapter 178, O.S.L. 1989 (70 O.S. Supp. 1990, Section 10-101), is amended to read as follows:

Section 10-101. Except as provided in Section 3 of this act, the board of education of each independent school district shall appoint, or may employ, and fix the compensation of an attendance officer and such assistants as may be necessary, who shall serve under the authority and supervision of the board of education and the district superintendent of schools. Provided, that the same person may be appointed or employed as an attendance officer or assistant for two or more independent school districts, or for one or more independent school districts and the ~~dependent~~ elementary school districts of one or more counties.

SECTION 15. AMENDATORY 70 O.S. 1981, Section 10-102, as amended by Section 2, Chapter 178, O.S.L. 1989 (70 O.S. Supp. 1990, Section 10-102), is amended to read as follows:

Section 10-102. Except as provided in Section 3 of this act, the county superintendent of schools of each county shall appoint or may employ an attendance officer and such assistants as may be necessary to serve the ~~dependent~~ elementary school districts of the county, and in any county in which there are no ~~dependent~~ elementary school districts, an attendance officer shall not be appointed or employed. The compensation of such officer and assistants shall be fixed by the county superintendent of schools, with the approval of the board of county commissioners, and shall be payable from county funds; provided, however, that if sufficient county funds are not available for such purpose, the board of education of any ~~dependent~~ elementary school district may pay or help pay such compensation from school district funds. Provided, further, that the board of education of any ~~dependent~~ elementary school district may appoint or employ and pay or help pay from district funds the compensation of the attendance officer or assistants to serve such school district, who may also serve in a similar capacity for another school district.

SECTION 16. AMENDATORY 70 O.S. 1981, Section 11-103, as last amended by Section 3, Chapter 2, O.S.L. Supp. 1989 (70 O.S. Supp. 1990, Section 11-103), is amended to read as follows:

Section 11-103. A. Courses of instruction approved by the State Board of Education for use in school years prior to 1993-94 shall be those courses that are necessary to ensure:

1. The teaching of the necessary basic skills of learning and communication, including reading, English, writing, the use of numbers and science; and

2. The teaching of citizenship in the United States, in the State of Oklahoma, and in other countries, through the study of the

United States Constitution, the amendments thereto, and the ideals, history, and government of the United States, other countries of the world, and the State of Oklahoma and through the study of the principles of democracy as they apply in the lives of citizens. In study of the United States Constitution, a written copy of the document itself shall be utilized.

The public school districts of this state shall ensure that each child enrolled therein is provided with adequate instruction in the basic skills as set out in paragraphs 1 and 2 of this subsection. Each local board of education shall annually evaluate the district's curriculum in order to determine whether each child in the district is receiving adequate basic skill instruction as set out in paragraphs 1 and 2 of this subsection. The evaluation process shall provide for parental involvement. Effective July 1, 1990, each district shall submit its annual evaluation of the district's curriculum to the State Board of Education. The State Board shall make this information available to the Oklahoma Curriculum Committee and, beginning with the 1996-97 school year, shall utilize such information in its periodic evaluation of curriculum.

B. Courses approved by the State Board of Education for instruction of pupils in the public schools of the state for use in school years prior to 1993-94 may include courses that are approved by a local board of education and are necessary to ensure:

1. The teaching of health through the study of proper diet, the effects of alcoholic beverages, narcotics and other substances on the human system and through the study of such other subjects as will promote healthful living and help to establish proper health habits in the lives of school children;

2. The teaching of safety through training in the driving and operation of motor vehicles and such other devices of transportation as may be desirable and other aspects of safety which will promote

the reduction of accidents and encourage habits of safe living among school children;

3. The teaching of physical education to all physically able students during the entire school year from first through sixth grade, through physical education, a weekly minimum of seventy-five (75) minutes per student, exclusive of recess activity, supervised play, intramurals, interschool athletics or other extracurricular activities; provided, any student participating as a member of any school athletic team shall be excused from physical education classes; provided further, that certified physical education instructors shall not be required to administer the programs required for grades one through six. An elective program of instructional physical education designed to provide a minimum of one hundred fifty (150) minutes per week per student shall be provided for all students in the seventh grade through the twelfth grade. The State Board of Education shall prescribe qualifications for physical education instructors. Provided, however, that the State Department of Education shall be empowered to exempt all or a portion of this requirement if an undue hardship would result to the school district. Provided, further, that any student who has exceptional talent in music may, with the approval of the superintendent of schools in independent districts or with the approval of the county superintendent in ~~dependent~~ elementary districts, substitute a course in music for the above-required physical education course;

4. The teaching of the conservation of natural resources of the state and the nation that are necessary and desirable to sustain life and contribute to the comfort and welfare of the people now living and those who will live here in the future, such as soil, water, forests, minerals, oils, gas, all forms of wildlife, both plant and animal, and such other natural resources as may be considered desirable to study;

5. The teaching of vocational education, by the study of the various aspects of agriculture, through courses and farm youth organizations, such as FFA and 4-H clubs, homemaking and home economics, trades and industries, distributive education, mechanical and industrial arts and such other aspects of vocational education as will promote occupational competence among school children and adults as potential and actual citizens of the state and nation; and

6. The teaching of such other aspects of human living and citizenship as will achieve the legitimate objectives and purposes of public education.

SECTION 17. AMENDATORY 70 O.S. 1981, Section 14-103, as amended by Section 53, Chapter 2, O.S.L. Supp. 1989 (70 O.S. Supp. 1990, Section 14-103), is amended to read as follows:

Section 14-103. The State Board of Vocational and Technical Education shall have the following powers and duties:

1. Have the supervision of the Department of Vocational and Technical Education of the State Board of Vocational and Technical Education, which department shall keep its principal offices at Stillwater, and appoint and fix the compensation and duties of the Director and other personnel of such Department.

2. Have the supervision of the vocational and technical schools and colleges of Oklahoma, except Oklahoma State University of Technical Training at Okmulgee and the Oklahoma State University Technical Institutes at Oklahoma City and Stillwater, which, however, shall be eligible to participate in federal programs administered by the State Board of Vocational and Technical Education as hereinafter provided.

3. Cooperate with, and enter into agreements with, and administer programs of, and receive federal funds from, the United States Department of Education and other federal agencies in matters relating to vocational and technical education and manpower training, and be the sole state agency for such purposes.

4. Provide for the formulation and adoption of curricula, courses of study, and other instructional aids necessary for the adequate instruction of students in the vocational and technical schools and colleges of this state. It is the intent of the Legislature that instructional models for vocational students should include higher standards of academic work with increased emphasis on communication, computation and applied science.

5. Develop a plan to provide adequate vocational offerings accessible to all students having the ability to benefit.

6. Purchase or otherwise acquire equipment, materials, supplies and other property, real or personal, as may be necessary for the operation of the vocational and technical schools of this state, and provide for the maximum utilization of such property through a coordinated and cooperative use thereof.

7. Enter into such agreements and contracts with the State Board of Education, boards of trustees of community junior colleges, boards of education of independent and ~~dependent~~ elementary school districts, boards of education of area school districts for vocational and/or technical schools, private educational or training institutions, public or private industry, and boards of directors of community action programs, as may be necessary or feasible for the furtherance of vocational and technical training within this state.

8. Cooperate and enter into agreements with the Oklahoma State Regents for Higher Education.

9. Cooperate with the State Department of Education in developing hands-on career exploration activities for students in grades 6 through 10, integrating academic competencies into vocational instruction, and ensuring counseling of all students in order to minimize the number of students graduating from high school without having completed either a vocational-technical program or college preparation.

10. Develop and periodically update a plan to allow teacher training and the purchase and installation of technological equipment necessary to modernize vocational educational programs.

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

12. Enter into cooperative arrangements with one or more other states for the conduct and administration of programs, services and activities.

SECTION 18. AMENDATORY 70 O.S. 1981, Section 14-108, as last amended by Section 152, Chapter 263, O.S.L. 1990 (70 O.S. Supp. 1990, Section 14-108), is amended to read as follows:

Section 14-108. A. The State Board of Vocational and Technical Education shall prescribe criteria and procedures for establishing area vocational-technical school districts and the government thereof, as provided by Section 9B, Article X, Oklahoma Constitution, and such districts so established shall be operated in accordance with rules and regulations of the State Board of Vocational and Technical Education, except as otherwise provided in this title.

B. An area vocational-technical school district shall be a body corporate and shall possess the usual powers of a corporation for public purposes. Its official name shall be designated by the State Board of Vocational and Technical Education, in which name it may sue and be sued, and be capable of contracting and being contracted with, and holding real and personal estate. Its governing board shall be a board of education consisting of not less than five (5) nor more than seven (7) members elected in a manner prescribed by the State Board of Vocational and Technical Education. Such board of education shall have the same powers and duties that boards of education of independent school districts have. It may require

nonresident students to pay reasonable tuition fees, which may be paid for a student by the independent or ~~dependent~~ elementary school district in which the student resides.

C. An election to vote on the question of making a levy of not to exceed five (5) mills on the dollar valuation of the taxable property in an area school district under the provisions of Section 9B, Article X, Oklahoma Constitution, shall be called by the board of education and conducted by the county election board of such district in the same manner that elections for emergency levies in school districts under the provisions of Section 9(d), Article X, Oklahoma Constitution, are called and conducted. When such levy is approved by a majority of the electors of the area school district voting on the question at such election, the levy shall be made each fiscal year thereafter until repealed by a majority of the electors of the district voting on the question at an election called for such purpose; and elections on a levy for a building fund for an area school district under the provisions of Section 10, Article X, Oklahoma Constitution, shall be called by the board of education of such district and conducted by the county election board in the same manner that elections for similar levies are called and conducted in independent school districts.

D. Annual estimates of needs of area school districts shall be made and approved in the same manner that those of independent school districts are made and approved. Provided, that the State Board of Vocational and Technical Education shall prescribe a list of appropriation accounts by which the funds of area school districts shall be budgeted, accounted for and expended. Any such estimate of needs may include an estimate of federal funds as probable income from sources other than ad valorem tax of the district and other than any excise or other tax assessed by legislative enactment and distributed in lieu of ad valorem taxes. If an area school district lies in more than one county, the

district's estimate of needs shall be filed with and approved by the county excise board of the county designated by the school district board of education.

E. Territory may be annexed to or detached from an area school district, in accordance with rules and regulations prescribed by the State Board of Vocational and Technical Education. If the State Board of Vocational and Technical Education requires the submission of a petition in order for an election to be called for the purpose of annexation or deannexation of territory to an area school district, such petition shall not be required to bear a number of school district electors' signatures which exceed fifty percent (50%) of the number of school district electors who voted in the last school board election in the territory proposed to be annexed or deannexed. Provided, the period of time from which the petition is initiated to its time of filing with the State Board shall not exceed ninety (90) days.

F. Schools of area school districts shall be subject to classification, inspection and accreditation by the State Board of Education.

G. The area vocational and technical school board of education may designate a county treasurer to serve as treasurer of the school district or may appoint an independent treasurer.

H. Within four (4) years after the creation of an area school district, such area school district may, at its discretion, permit a teacher to transfer tenure and/or any or all accrued benefits upon employment by the area school district, if the teacher at the time of hiring is employed as a teacher by an independent or ~~dependent~~ elementary school district which is all or partly within the boundaries of the area school district or is employed as a teacher in a skills center within the boundaries of the area school district.

I. For the 1990-91 school year the formula used to distribute state equalization funds to area vocational-technical schools shall be the same formula that was used to distribute equalization funds in the 1989-90 school year. Provided, for the 1990-91 school year any area vocational-technical school given special designation by the State Board of Vocational and Technical Education prior to January 1, 1990, for funding purposes due to location, partially or entirely, within the boundary of a college area vocational-technical district shall participate in the state equalization formula. Provided further, such designated district's participation shall be limited to funds used in the state equalization formula program for the 1990-91 school year above the level of funds used in the 1989-90 school year.

SECTION 19. AMENDATORY 70 O.S. 1981, Section 16-111, as last amended by Section 1, Chapter 380, O.S.L. 1989 (70 O.S. Supp. 1990, Section 16-111), is amended to read as follows:

Section 16-111. A. The superintendent of schools of each independent school district shall appoint a local textbook committee consisting of not fewer than three nor more than nine members. Each committee shall have one lay member, with the remainder of the members being teachers employed in the public schools of the district, a majority of whom shall be classroom teachers. The superintendent of schools or a designee who shall be a principal or a curriculum specialist shall serve as chairman of such local textbook committee.

B. The county superintendent of schools or acting county superintendent of schools of each county shall upon receipt of a request in writing from the school boards of a majority of the ~~dependent~~ elementary school districts in the county appoint a local textbook committee to serve the ~~dependent~~ elementary school districts in the county. Such local textbook committee shall consist of not fewer than three nor more than nine members. Each committee

shall have one lay member, with the remainder of the members being teachers employed in the ~~dependent~~ elementary school districts of the county, a majority of whom shall be classroom teachers. The county superintendent of schools shall serve as chairman of such local textbook committee.

C. The publisher of a textbook selected by the State Textbook Committee shall deposit with the publisher's Oklahoma depository sufficient copies of each approved textbook so that each local textbook committee may examine any or all new adoptions. Upon receiving a written request therefor from a local textbook committee, the State Board of Education shall instruct the proper depository to furnish to the local textbook committee a reasonable number of examination copies of each textbook selected by the State Textbook Committee, in the subjects taught or to be taught in schools under their jurisdiction. The cost of each advanced copy shall be charged against the value of textbooks allowed any school district retaining or using the same; provided, that any such advance copy in new condition may be returned to the control of the publisher's Oklahoma depository, within five (5) months after receipt thereof, if there is no longer a need therefor, for credit of the value previously charged against said district. The publisher may, at his discretion, upon the written request of any duly appointed local textbook committee, furnish to such local textbook committee examination copies of such textbook, the teacher edition of such textbook, if one is published, and any teaching aids used with such textbook, free of charge.

D. On or before a date to be fixed by the State Board of Education, each local textbook committee shall adopt textbooks from the multiple list selected by the State Textbook Committee in such manner as shall be prescribed by the State Board of Education. Each local textbook committee shall serve without compensation and shall cease to exist when local adoptions have been completed and shall be

replaced by another local textbook committee appointed in the same manner as herein provided.

E. On or before a date to be fixed by the State Board of Education, the superintendent of schools of each independent school district and the county superintendent of schools of each county shall submit to the State Board of Education a requisition for all of the textbooks adopted by the local textbook committee that will be needed for the ensuing year in the school or schools for which such adoptions were made, and immediately upon receipt of such requisitions it shall be the duty of the State Board of Education to make requisitions on the proper depository or depositories for such textbooks. Provided, that the State Board of Education may, for good cause, permit supplemental requisitions to be submitted, and may fill such requisitions after the date specified. Any local adopting unit may requisition any textbooks placed on the official multiple textbook list, if such requisition does not exceed the allocation for each school district as provided herein.

SECTION 20. AMENDATORY 70 O.S. 1981, Section 17-101, as last amended by Section 26, Chapter 340, O.S.L. 1990 (70 O.S. Supp. 1990, Section 17-101), is amended to read as follows:

Section 17-101. The following words and phrases as used in this act, unless a different meaning is clearly required by the context, shall have the following meanings:

(1) "Retirement system" shall mean the Teachers' Retirement System of Oklahoma, as defined in Section 17-102 of this title.

(2) "Public school" shall mean a school district, a state college or university, the State Board of Education, the State Board of Vocational Education and any other state educational entity conducted within the state supported wholly or partly by public funds and operating under the authority and supervision of a legally constituted board or agency having authority and responsibility for any function of public education.

(3) "Classified personnel" shall mean any teacher, principal, superintendent, county superintendent, supervisor, administrator, librarian, certified or registered nurse, college professor, or college president whose salary is paid wholly or in part from public funds. An employee of any state department, board, board of regents or board of trustees, who is in a supervisory or an administrative position, the function of which is primarily devoted to public education, shall be considered classified personnel under the meaning of this act, at the discretion of the Board of Trustees of the Teachers' Retirement System. The term "teacher" shall also include instructors and counselors employed by the Department of Corrections and holding valid teaching certificates issued by the State Department of Education. Provided, that a person employed by the Department of Corrections as an instructor or counselor shall have been actively engaged in the teaching profession for a period of not less than three (3) years prior to employment to be eligible to participate in the Oklahoma Teachers' Retirement System. The Department of Corrections shall contribute the employer's share to the Oklahoma Teachers' Retirement System.

(4) "Nonclassified optional personnel" shall include cooks, janitors, maintenance personnel not in a supervisory capacity, bus drivers, noncertified or nonregistered nurses, noncertified librarians, and clerical employees of the public schools, state colleges, universities or any state department, board, board of regents or board of trustees, the functions of which are primarily devoted to public education and whose salaries are paid wholly or in part from public funds.

(5) "Employer" shall mean the state and any of its designated agents or agencies with responsibility and authority for public education, such as boards of education of ~~dependent~~ elementary and independent school districts, boards of regents, boards of control

or any other agency of and within the state by which a person may be employed for service in public education.

(6) "Member" shall mean any teacher or other employee included in the membership of the system as provided in Section 17-103 of this title.

(7) "Board of Trustees" shall mean the board provided for in Section 17-106 of this title to administer the retirement system.

(8) "Service" shall mean service as a classified or nonclassified optional employee in the public school system, or any other service devoted primarily to public education in the state.

(9) "Prior service" shall mean service rendered prior to July 1, 1943.

(10) "Membership service" shall mean service as a member of the classified or nonclassified personnel as defined in paragraphs (3) and (4) of this section.

(11) "Creditable service" shall mean membership service plus any prior service authorized under this title.

(12) "Annuitant" shall mean any person in receipt of a retirement allowance as provided in this title.

(13) "Accumulated contributions" shall mean the sum of all amounts deducted from the compensation of a member and credited to his individual account in the Teacher Savings Fund, together with interest as of June 30, 1968.

(14) "Earnable compensation" shall mean the full rate of the compensation that would be payable to a member if he worked the full normal working time.

(15) "Average salary" shall mean the average of the salaries for the three (3) years on which the highest contributions to the Teachers' Retirement System was paid not to exceed the maximum contribution level specified in subsection B of Section 17-116.2 of this title. Provided, no member shall retire with an average salary in excess of Twenty-five Thousand Dollars (\$25,000.00) unless the

member has made the required election and paid the required contributions on such salary in excess of Twenty-five Thousand Dollars (\$25,000.00).

(16) "Annuity" shall mean payments for life derived from the "accumulated contributions" of a member. All annuities shall be payable in equal monthly installments.

(17) "Pension" shall mean payments for life derived from money provided by the employer. All pensions shall be payable in equal monthly installments.

(18) "Monthly retirement allowance" is one-twelfth (1/12) of the annual retirement allowance which shall be payable monthly.

(19) "Retirement Benefit Fund" shall mean the fund from which all retirement benefits shall be paid based on such mortality tables as shall be adopted by the Board of Trustees.

(20) "Actuary" shall mean a person especially skilled through training and experience in financial calculation respecting the expectancy and duration of life.

(21) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality and other tables as shall be adopted by the Board of Trustees.

(22) The masculine pronoun, whenever used, shall include the feminine.

(23) "Actuarially determined cost" shall mean the single sum which is actuarially equivalent in value to a specified pension amount as determined on the basis of mortality and interest assumptions adopted by the Board of Trustees.

(24) "Normal retirement age" means age sixty-two (62) or the age at which the sum of a member's age and number of years of creditable service total eighty (80), whichever occurs first.

(25) "Regular annual compensation" means base salary plus fringe benefits. For purposes of this definition, "fringe benefits" means any additional financial payments including, but not limited

to, annuities, pension plans, insurance policies or any other financial compensation.

(26) "Teacher" means classified personnel and nonclassified optional personnel.

(27) "Active classroom teacher" means a person employed by a school district to teach students specifically identified classes for specifically identified subjects during the course of a semester, and who holds a valid certificate or license issued by and in accordance with the rules and regulations of the State Board of Education.

SECTION 21. REPEALER 70 O.S. 1981, Section 18-119, is hereby repealed.

SECTION 22. This act shall become effective July 1, 1991.

SECTION 23. 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.

43-1-5478 MCD