

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 836

BY: RUBOTTOM

AS INTRODUCED

AN ACT RELATING TO SCHOOLS; AMENDING 70 O.S. 1991, SECTIONS 3-104.4, 8-103, 16-111.1 AND 16-121, WHICH RELATE TO ACCREDITATION STANDARDS FOR PUBLIC SCHOOLS, STUDENT TRANSFERS, SUPPLEMENTARY TEXTBOOKS AND MATERIALS, AND FREE TEXTBOOKS; MODIFYING GROUNDS FOR STATE BOARD OF EDUCATION TO GRANT OR DENY APPEAL OF STUDENT TRANSFER DECISION; PROVIDING FOR CERTAIN CONSTRUCTION OF STATUTE; REQUIRING CERTAIN NOTICE TO STUDENTS AND PARENTS; CLARIFYING RIGHT TO REFUSE CERTAIN SERVICES; ALLOWING CERTAIN SCHOOL DISTRICTS TO USE STATE TEXTBOOK FUNDS TO PURCHASE CERTAIN TEXTBOOKS AND MATERIALS NOT ADOPTED BY STATE TEXTBOOK COMMITTEE; DELETING OBSOLETE LANGUAGE; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 3-104.4, is amended to read as follows:

Section 3-104.4 A. ~~On or before February 1, 1991, the~~ The State Board of Education shall ~~adopt~~ promulgate rules adopting standards for the accreditation of the public schools in this state according to the requirements of this act, to be effective as set forth in this act. The accreditation standards shall incorporate the curricular standards established pursuant to Section ~~6~~ 11-103.6

of this ~~act~~ title for implementation with the 1993-94 school year; provided, no school shall be denied accreditation or have accreditation withdrawn prior to the 1997-98 school year solely for failure to fully implement the curricular standards. The accreditation standards shall equal or exceed the accreditation standards for schools promulgated by the North Central Association of Colleges and Schools to the extent that such standards are consistent with an outcome-oriented approach to accreditation and to the extent the standards do not conflict with state statute. The accreditation adopted by the State Board shall encompass accreditation for elementary schools, middle schools, junior high schools, and high schools. Such accreditation standards shall be made available for public inspection at the offices of the State Department of Education.

B. Standards for accreditation adopted by the State Board of Education shall include standards relating to the provision of school counselors to the public school children of this state. ~~Beginning July 1, 1990, the~~ The State Board of Education shall require each local school district to provide information regarding the number of counselors serving each school site, the duties of all such counselors including all administrative duties, the number of students served by each counselor, and information regarding the number of counselors employed per elementary school, middle school, junior high school and high school. Provided that nothing in this section shall be construed as requiring students to submit to psychological counseling, psychological testing, or psychological treatment and procedures. All standards relating to psychological counseling, testing, treatment, and other procedures shall include provisions for giving prior notice to students and parents that the school recommends and will provide such services and that the student has a right to refuse such services.

C. Except as otherwise provided by subsection A of this section with regard to curricular standards, as a condition of receiving state accreditation pursuant to this act:

1. High schools shall meet the accreditation standards not later than June 30, 1995; and

2. Elementary, middle and junior high schools shall meet the accreditation standards not later than June 30, 1999.

Schools shall thereafter continue to meet the accreditation standards as a condition of continued accreditation. Nothing herein shall be construed as preventing changes to the ~~adopted standards~~ rules promulgated by the State Board of Education to adopt standards pursuant to the Oklahoma Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes.

D. If one or more school sites fails to receive accreditation as required pursuant to this section by the dates set forth in subsection C of this section or subsequently loses such accreditation, the State Board of Education shall close the school and reassign the students to accredited schools within the district or shall annex the district to one or more other districts in which the students can be educated in accredited schools.

E. State Board accreditation regulations shall provide for warnings and for assistance to schools and school districts whenever there is reason to believe a school is in danger of losing its state accreditation.

F. The State Board shall provide assistance to districts in considering the possibility of meeting accreditation requirements through the use of nontraditional means of instruction. The State Board shall also assist districts in forming cooperatives and making arrangements for the use of satellite instruction or other instructional technologies to the extent that use of such instructional means meets accreditation standards.

SECTION 2. AMENDATORY 70 O.S. 1991, Section 8-103, is amended to read as follows:

Section 8-103. A. In order that any child may be transferred, an application form specified by the State Board of Education must be completed by the parents, custodial parent or guardian of the child. The application shall be obtained from and filed with the county superintendent of schools or acting county superintendent of schools for transfers to school districts in the State of Oklahoma and with the State Board of Education for transfers to school districts in another state. Applications shall be filed no later than May 15 of the school year preceding the school year for which the transfer is desired. The county superintendent of schools shall notify, not later than May 25, the clerk of the board of education of the school district from which the transfer is sought and the clerk of the board of education of the district to which the transfer is sought. The notices of the application for transfer shall provide that on or before June 5, the board of education of either district affected by the proposed transfer shall have an opportunity to show cause, if any, why the transfer should or should not be granted. The county superintendent of schools shall, not later than June 15, notify in writing, the clerk of each board of education affected, the parents or guardian of the child and the State Board of Education as to whether or not the transfer has been granted.

B. The board of education of either school district or the parents or guardian of the child may appeal the decision of the county superintendent of schools or acting county superintendent by submitting, within thirty (30) days of receipt of notice of the decision of the county superintendent or acting county superintendent, a written request to the State Board of Education for a hearing. Such hearing shall be held within ten (10) days of the receipt by the Board of the request, wherein the Board shall

determine whether the transfer shall be approved or denied; ~~provided, the State Board of Education shall have no authority to approve or deny a transfer or modify a transfer decision for any reason other than to correct an action taken in violation of or noncompliance with the provisions of Section 8-101 et seq. of this title.~~ The State Board of Education may approve a request on any grounds consistent with a quality education for the transferring student. Such decision shall be final and shall supercede the decision of the county superintendent of schools.

C. The board of education of either district or the parent or guardian of the child may appeal in writing, the decision of the State Board of Education to any court of competent jurisdiction.

SECTION 3. AMENDATORY 70 O.S. 1991, Section 16-111.1, is amended to read as follows:

Section 16-111.1 Satisfactory proof that a school district has issued to every child in said school district a complete set of ~~currently adopted~~ basic textbooks for his grade, ~~as established by the State Department of Education,~~ for his the child's personal use, shall constitute compliance with Section 16-121 of ~~Title 70, of the Oklahoma Statutes~~ this title. The State Board of Education may authorize a school district, for the purpose of instruction, to ~~select and use and to~~ use state textbook monies to purchase not to exceed twenty percent (20%) of state textbook monies for ~~supplementary~~ textbooks and other instructional materials other than those selected and listed by the State Textbook Committee; provided, however, that such ~~supplementary~~ textbooks and other instructional materials shall be selected by the classroom teacher for whose class the books or materials will be used and the principal at the school where the books or materials will be used and approved by the ~~State Department of Education~~ district board of education. ~~Textbooks which have previously been rejected for state adoption by the State Textbook Committee shall not be approved for purchase under this~~

~~section unless subsequently approved by the State Textbook Committee.~~ For the purpose of purchasing such ~~supplementary~~ textbooks and other instructional materials, the State Superintendent of Public Instruction shall make available to each school district requesting to use all or a portion of their allocated textbook funds in this manner, the amount of money ~~approved for such purposes by the State Board of Education~~ requested by the district board of education. These funds are to be deposited with the treasurer of such district and accounted for in the same manner as other public school monies. The State Superintendent of Public Instruction shall require each such school district to submit to him a complete accounting of all such supplemental textbooks and other instructional materials purchased with state textbook funds, together with the vendor and unit price of each item. Use of these funds for any purpose other than the purchase of ~~supplemental~~ textbooks and other instructional materials shall subject that school district to the withholding of future textbook allocations in an amount equal to the sum of the previously misused allocations.

SECTION 4. AMENDATORY 70 O.S. 1991, Section 16-121, is amended to read as follows:

Section 16-121. A. All textbooks adopted, purchased and distributed to school districts shall be furnished free of cost to the school children of such districts and shall be owned by such districts and each district shall mark each textbook with an appropriate number or other identification as deemed necessary to maintain proper records thereof. Every child shall be issued a complete set of textbooks for his grade, for his personal use, and the State Board of Education shall maintain a replacement program so that each child shall have, at all times, textbooks that are in satisfactory condition, and so that worn-out textbooks or textbooks that are in an unsanitary condition will not be used. All such textbooks shall be requisitioned, and no money allocated for the

purchase of such textbooks shall be sent directly to a school district. The State Board of Education shall issue purchase orders for books to the Oklahoma depository of the publisher of the books, immediately upon receipt of requisitions therefor which are not in excess of the allocations for the district for the current or ensuing fiscal year. Nothing herein shall prevent the purchase, ~~from local school district funds,~~ of any adopted textbook or any ~~additional and supplementary~~ other textbooks or other materials if the board of education of any school district deems it necessary to make such purchases pursuant to Section 16-111.1 of this title in order to establish and maintain the highest standards of excellence of its schools. Provided, that the chairman and secretary of the State Textbook Committee, on the advice and approval of the Attorney General, are hereby authorized and directed, with the consent of any holders of state textbook contracts, to change said contracts to conform to the provisions of this article. Provided, further, that all officially selected textbooks bearing the state stamp as previously required by law may be purchased by the State Board of Education even though the said stamp has not been removed.

Provided, further, that all officially selected textbooks which have been purchased by the State Board of Education are hereby made the property of the school district now in possession of said textbooks.

B. 1. Each school child who has been issued a set of textbooks pursuant to this section, and the parents or legal guardian of such child shall be responsible to the school district for the return of or payment for such textbook issued to the child which is not returned to the school.

2. The State Board of Education is authorized to promulgate rules and regulations requiring the return of or payment for any textbook used by a school child which is not returned to the school. Such rules and regulations shall provide for certain exceptions to such policies. Local boards shall include considerations for the

inability to pay for the textbook, and reasons for the nonreturn of the textbook. A local school board is authorized to withhold transcripts, or other records of the school relating to any school child who fails to return a textbook or make payment for the textbook if not returned. For the purpose of this subsection, the term "transcript" shall include any record of a grade or grades given to a student by a teacher.

3. The provisions of this subsection shall not authorize the State Board of Education to prevent any school child from actually receiving a grade he is otherwise entitled to for completion of a course of study, from graduating upon completion of the requirements, or from obtaining any records or information supplied to the school or otherwise owned by the child.

SECTION 5. 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.

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