

ENROLLED HOUSE
BILL NO. 1927

By: Hager, Smith (Dale),
Weaver and Stites of the
House

and

Harrison and Williams
(Penny) of the Senate

An Act relating to schools; amending 70 O.S. 1991, Sections 3-116, 8-103, as amended by Section 35, Chapter 239, O.S.L. 1993, 10-101, 10-102.1, 35e, and 1210.531, as amended by Section 1, Chapter 248, O.S.L. 1992 (70 O.S. Supp. 1993, Sections 8-103 and 1210.531), which relate to the Education Oversight Board, transfers, attendance officers, school dropout reporting requirements, and the Oklahoma Educational Indicators Program; clarifying statutory references; modifying terms of certain board members; deleting certain filing requirements; deleting reference to county superintendent; clarifying requirements and options related to attendance officers; modifying dropout reporting requirements; modifying age of school dropout; adding student gain and loss rates as an educational indicator; deleting certain reporting requirements related to employment of graduates; amending Section 9B of Article X of the Oklahoma Constitution, which relates to area school districts; modifying voting requirements for local incentive levy; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 3-116, is amended to read as follows:

Section 3-116. A. There is hereby created the Education Oversight Board. The membership of the Education Oversight Board shall consist of:

1. The Chairperson of the Education Committee of the Oklahoma House of Representatives;
2. The Chairperson of the Education Committee of the Senate;
3. One member, who is not a legislator, appointed by the Governor;
4. One member, who is not a legislator, appointed by the Speaker of the Oklahoma House of Representatives; and
5. One member, who is not a legislator, appointed by the President Pro Tempore of the Senate.

The two Education Committee Chairpersons shall serve as members of the Board as long as each holds that position in such chairperson's respective house. The terms of the appointed members shall be staggered. The initial term of the member appointed by the Governor shall expire on June 30, 1996. The initial term of the member appointed by the President Pro Tempore of the Senate shall expire on June 30, 1995. The initial term of the member appointed

by the Speaker of the House of Representatives shall expire on June 30, 1994. After expiration of the initial terms, the terms of the three appointed members shall ~~serve four-year terms~~ be three (3) years and shall begin on July 1 of the year the preceding term expires. No more than one appointed member ~~shall be appointed from~~ may reside in any one Congressional District, county, city or town. ~~The initial appointments shall be made on or before thirty (30) days after the effective date of this section.~~ If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.

B. A chairperson and vice-chairperson shall be elected annually from the membership of the Board. A quorum which shall consist of three members must be present for the transaction of any business. Members shall be reimbursed for travel in the performance of their official duties in accordance with the State Travel Reimbursement Act.

C. The Education Oversight Board shall have oversight over implementation of this act and shall govern the operation of the Office of Accountability created in Section ~~42~~ 3-118 of this ~~act~~ title. The Secretary of Education shall be the chief executive officer of the Office of Accountability.

SECTION 2. AMENDATORY 70 O.S. 1991, Section 8-103, as amended by Section 35, Chapter 239, O.S.L. 1993 (70 O.S. Supp. 1993, Section 8-103), is amended to read as follows:

Section 8-103. A. In order that any child may be transferred an application for transfer shall be approved by the board of education of both the resident and receiving school district as provided for in this section. 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 superintendent of the receiving ~~and resident~~ school district 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 February 1 of the school year preceding the school year for which the transfer is desired. The board of education of the receiving school district shall approve or deny the application for transfer, and if approved, the superintendent of the receiving school district shall notify, in writing, not later than March 1, the clerk of the board of education of the resident school district of the board's decision on the application for transfer. On or before April 10, the board of education of the resident school district shall approve or deny the application for transfer and shall notify, in writing, the superintendent of the receiving district whether the transfer application was approved or denied. If the resident school district denies the transfer application it shall send written notice of the denial to the receiving school district by certified mail. If the resident school district fails to notify the receiving school district by the due date, the application shall be deemed approved by the receiving school district. The superintendent of the receiving school district shall, not later than May 1, send written notice to the clerk of the board of education of the resident school district and the parents or guardian of the child confirming whether or not the transfer has been granted for each application submitted.

B. On or before August 1, it shall be the duty of the superintendent of the receiving school district to file with the State Board of Education a statement showing the names of the students granted transfers to the school district, the resident

school district of the transferred students and their respective grade level.

C. The parent or guardian of a child making application for transfer may appeal the decision of the board of education of either the resident or receiving school district regarding the transfer of the child to the district court of the county where the child resides.

SECTION 3. AMENDATORY 70 O.S. 1991, Section 10-101, is amended to read as follows:

Section 10-101. Except as provided in Section ~~3~~ 10-102.1 of this ~~act~~ title, 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 elementary school districts of one or more counties.~~

SECTION 4. AMENDATORY 70 O.S. 1991, Section 10-102.1, is amended to read as follows:

Section 10-102.1 The board of education of each ~~independent~~ school district ~~or the county superintendent of schools for each dependent school district~~ may enter into an agreement with the municipal police department serving the school district which provides that some or all of the duties of an attendance officer for the school district shall be performed by a certified police officer of the municipality. The agreement may further provide that the compensation and necessary traveling expenses of such attendance officer shall be payable from municipal funds.

SECTION 5. AMENDATORY 70 O.S. 1991, Section 35e, is amended to read as follows:

Section 35e. A. It shall be the duty of the superintendent, principal or head teacher of each public or private middle, junior high and high school accredited by the State Department of Education in the State of Oklahoma to notify the State Department of Education ~~monthly~~ quarterly as scheduled by the Department of the name, address, race and age of any pupil dropping out from such school during the preceding ~~month~~ quarter. Such report shall be made on forms prescribed and furnished by the State Department of Education.

B. The Oklahoma State Board of Education shall cause these statistics of school dropouts to be tabulated by grade and school district. Information of school dropouts shall be made available to the State Department of Vocational and Technical Education, the Oklahoma Indian Affairs Commission, the Bureau of Indian Affairs and the Department of Health, Education and Welfare.

C. The State Department of Education shall make an annual report to the Legislature prior to the convening of each regular session thereof of information received and tabulated pursuant to this section.

D. For the purposes of this section, school dropout means any student who is under the age of ~~eighteen (18)~~ nineteen (19) and has not graduated from high school and is not attending any public or private school or is otherwise receiving an education pursuant to law for the full term the schools of the school district in which he resides are in session.

SECTION 6. AMENDATORY 70 O.S. 1991, Section 1210.531, as amended by Section 1, Chapter 248, O.S.L. 1992 (70 O.S. Supp. 1993, Section 1210.531), is amended to read as follows:

Section 1210.531 A. The State Board of Education shall establish an Oklahoma Educational Indicators Program. The purpose of the Program shall be to develop and implement a system of measures whereby the performance of public schools and school districts is assessed and reported without undue reliance upon any single type of indicator, and whereby the public, including students and parents, may be made aware of the proper meaning and use of any tests administered under the Oklahoma School Testing Program Act, relative accomplishments of the public schools, and of progress being achieved. The Board shall involve representatives of various organizations of school teachers and of school administrators in the development of the Program. The Program shall be so designed that use of standardized definitions and measures and opportunities for coordination with national reports, including those of the National Assessment of Educational Progress, are maximized.

B. The Oklahoma Educational Indicators Program shall present information for comparisons of graduation rates, dropout rates, pupil-teacher ratios, student enrollment gain and loss rates, and test results in the contexts of socioeconomic status and the finances of school districts. Information shall be provided individually for all public schools and school districts in a format that facilitates comparisons. As the necessary data becomes available, comparisons shall also be provided individually for all schools and school districts on a historical basis. Reports of first-grade readiness assessments and of all tests administered pursuant to the Oklahoma School Testing Program Act, Section 1210.505 et seq. of Title 70 of the Oklahoma Statutes, shall be a part of the Oklahoma Educational Indicators Program and shall be provided for each grade and each test subject or section. The State Board of Education shall seek to develop and incorporate additional indicators of comparative standing and accomplishment.

C. Additionally, the State Board of Education, with the cooperation of the Oklahoma State Regents for Higher Education, and the State Board of Vocational and Technical Education, ~~and the Oklahoma Employment Security Commission,~~ shall develop procedures for obtaining and reporting data to the high schools and to the general public ~~regarding the employment of graduates of each of Oklahoma's high schools and~~ regarding the performance of each high school's graduates in Oklahoma's institutions of higher education and in postsecondary vocational-technical education. The State Board of Education shall include such data in the report of the Oklahoma Educational Indicators Program.

D. By February 1 of each year the State Board of Education shall publish a summary report to the people of Oklahoma of the information provided by the Oklahoma Educational Indicators Program. Immediately following the publication of the summary report each year, all data gathered pursuant to the Oklahoma Educational Indicators Program shall be made available for public inspection at the offices of the State Board or State Department of Education; provided, confidentiality of individual student records shall be preserved as required by law.

SECTION 7. AMENDATORY Section 9B of Article X of the Oklahoma Constitution, as amended by Section 1, Chapter 149, O.S.L. 1993, is amended to read as follows:

Section 9B. A. Area school districts for vocational and technical schools may be established and a levy of not to exceed five (5) mills on the dollar valuation of the taxable property in any area school district so established may be made annually, for the district, when the levy is approved by a majority of the electors of the area school district, voting on the question at an

election called for that purpose. The levy shall be in addition to all other levies authorized by this Constitution, and when approved, shall be made each fiscal year thereafter until repealed by a majority of the electors of the area school district, voting on the question at an election called for that purpose. Any area school district so established shall be considered as a school district for the purposes of Sections 10 and 26 of this Article. The administrative control and direction of the area school district shall be vested in a school board which shall be constituted and empowered as provided for by law for school boards of independent school districts. Provisions of other subsections of this section notwithstanding, in any case where a college area vocational-technical school district recognized pursuant to Section 4423 of Title 70 of the Oklahoma Statutes and established by vote of the people after December 31, 1968, overlaps and includes territory which is included within the district of an area vocational-technical school established as prescribed by the State Board of Vocational and Technical Education pursuant to Section 14-108 of Title 70 of the Oklahoma Statutes, only the levies made by the college area vocational-technical school district shall be applied to said overlap territory, and revenues from the overlap area collected pursuant to any incentive levy so made shall be apportioned one-half to the college area vocational-technical school district making the levy and one-half to the overlapped area vocational-technical school district. In any case where a college area vocational-technical school district recognized pursuant to Section 4420.1 of Title 70 of the Oklahoma Statutes overlaps and includes territory which is included within the district of an area vocational-technical school established as prescribed by the State Board of Vocational and Technical Education pursuant to Section 14-108 of Title 70 of the Oklahoma Statutes, said overlap territory shall be subject to all levies of both kinds of districts that are approved by a majority of the electors.

B. In addition to any other levies authorized by this section, an area school district may make a local incentive levy for the benefit of the area school district in an amount not to exceed five (5) mills on the dollar valuation of the taxable property in the area school district when approved by a majority of those registered voters of the area school district voting on the question at an election called for that purpose. This Except as otherwise provided, this levy, when approved, shall be made each fiscal year thereafter until repealed by a majority of the electors of the area school district voting on the question at an election called for that purpose. An area school district which has previously failed to approve a local incentive levy at two consecutive elections held between January 1, 1994 and May 31, 1994 may make a local incentive levy for the benefit of the area school district only if approved by a majority of the registered voters of the area school district voting on said question at such an election for each fiscal year. If a majority of voters approve the local incentive levy for three (3) consecutive years, the levy approved on the third year shall be made each fiscal year thereafter until repealed by a majority of the electors of the area school district voting on the question at an election called for that purpose.

C. Upon the establishment of area school districts, such districts are authorized to become indebted separate and apart from the indebtedness of any school district included in the area school district up to five percent (5%) of the net valuation of taxable property within the area school district for capital improvements, including purchasing sites and constructing, purchasing, improving,

and equipping real property and buildings when the indebtedness is approved by a majority of the electors of the area school district voting on the question in an election called for that purpose.

D. Until otherwise provided for by law, area school districts and the government thereof shall be established in accordance with criteria and procedures prescribed by the State Board of Vocational and Technical Education.

E. The Legislature may alter, amend, delete, or add to the provisions of this section by law.

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.

Passed the House of Representatives the 17th day of May, 1994.

Speaker of the House of
Representatives

Passed the Senate the 18th day of May, 1994.

President of the Senate