

SHORT TITLE: Schools; modifying powers and duties of State Board of Education; effective date; emergency.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 893

By: Pierce

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 1991, Sections 1-105, 1-114, as last amended by Section 1, Chapter 333, O.S.L. 1993, 1-117, as amended by Section 6, Chapter 324, O.S.L. 1992, 3-104, as amended by Section 1, Chapter 361, O.S.L. 1993, 3-109, as amended by Section 2, Chapter 361, O.S.L. 1993, 5-102, 5-117, as last amended by Section 3, Chapter 361, O.S.L. 1993, 5-131, 5-145, 6-155, as amended by Section 10, Chapter 324, O.S.L. 1992, 8-106, as last amended by Section 37, Chapter 239, O.S.L. 1993, 18-109.5, 18-110, 18-201, as amended by Section 5, Chapter 111, O.S.L. 1992, 23-104, 24-119, 24-138 and 1210.103, Section 1, Chapter 120, O.S.L. 1993, Section 3, Chapter 186, O.S.L. 1992 (70 O.S. Supp. 1993, Sections 1-114, 1-117, 3-104, 3-109, 5-117, 5-117b, 6-155, 8-106, 11-108.2 and 18-201), which relate to the State Department of Education, State Board of Education, State Superintendent of Public Instruction, free attendance, public school general funds, Curriculum Materials Revolving Fund, independent school districts, powers and duties of district board of education, educational courses, public school foundations, entry-year assistance program for teachers, secondary educational community services activities, definitions of weights for State Aid

purposes, adjustments and limitations of State Aid, computation of State Aid, Oklahoma Educational Television Authority, ethnic history courses, duty to report students under influence of certain substances, computation of average daily attendance, and interlocal cooperative agreements; modifying powers and duties of State Board of Education and of State Department of Education; vesting district board of education with exclusive authority over certain public school functions; restricting authority of State Board of Education regarding certain kindergarten and early childhood education classes; removing certain prohibitions on use of public school general funds; removing authority of State Board of Education to accredit public and parochial schools; removing authority of State Board of Education to approve building plans; abolishing certain fund; removing authority of State Board of Education to approve certain agreements; removing authority of State Board of Education over curricula and qualifications of teachers for public schools; modifying requirements for teacher certification; removing authority of State Board of Education to annex certain districts; removing authority of State Board of Education to approve certain youth community service program credits; removing authority of State Board of Education to approve school year variations; removing certain weight for State Aid calculation; removing requirement that certain report be filed with State Board of Education; repealing 70 O.S. 1991, Sections 1-107, 1-109, as

amended by Section 4, Chapter 324, O.S.L. 1992, 1-109.1, 1-111, as amended by Section 5, Chapter 324, O.S.L. 1992, 1-112, 1-116.1, 3-104.2, as amended by Section 7, Chapter 324, O.S.L. 1992, 3-104.3, 3-104.4, 3-104.5, 3-115, 3-118, 4-105, 4-106, 4-107, 5-110, as amended by Section 2, Chapter 254, O.S.L. 1992, 5-110.1, 5-110.2, 5-117.2, 5-117.4, 5-141.2, 6-101.10, as amended by Section 29, Chapter 239, O.S.L. 1993, 6-101.11, 6-101.13, 6-101.14, 6-101.20, 6-101.21, 6-101.22, 6-101.23, 6-101.24, as amended by Section 1, Chapter 34, O.S.L. 1992, 6-101.25, 6-101.26, 6-101.27, 6-101.28, 6-101.29, as amended by Section 2, Chapter 34, O.S.L. 1992, 6-101.30, 6-101.40, as last amended by Section 8, Chapter 360, O.S.L. 1993, 6-101.43, as amended by Section 3, Chapter 215, O.S.L. 1993, 6-101.44, 6-101.45, 6-101.46, as amended by Section 4, Chapter 215, O.S.L. 1993, 6-101.47, 6-104, 6-104.5, 6-105, 6-106, 6-113.1, 6-127, 6-150, 6-151, 6-157, 6-158, as amended by Section 1, Chapter 388, O.S.L. 1992, 6-158.1, 7-101.1, 10-105.2, 10-105.3, as last amended by Section 17, Chapter 373, O.S.L. 1993, 11-103, as amended by Section 39, Chapter 239, O.S.L. 1993, 11-103.1, 11-103.2, 11-103.3, 11-103.6, 11-103.6a, 11-103.7, 11-103.10, as amended by Section 355, Chapter 145, O.S.L. 1993, 16-101, as last amended by Section 1, Chapter 229, O.S.L. 1993, 16-101.1, 16-102, 16-102.1, 16-103, 16-104, 16-106, 16-107 and 16-108, as amended by Sections 2, 3, 4, 5, 6, 7, 8 and 9, Chapter 229, O.S.L. 1993, 16-109, 16-110 and 16-111, as last amended by Sections 9 and 10, Chapter 360, O.S.L. 1993, 16-

111.1 and 16-113, as amended by Sections 12 and 13, Chapter 229, O.S.L. 1993, 16-114, 16-115, as last amended by Section 11, Chapter 360, O.S.L. 1993, 16-117, 16-118, 16-119 and 16-121, as amended by Sections 15, 16, 17 and 18, Chapter 229, O.S.L. 1993, 24-113, 24-140, 1210.282, as last amended by Section 30, Chapter 116, O.S.L. 1993, 1210.541, as last amended by Section 13, Chapter 257, O.S.L. 1993, and 1210.551a, Sections 1, 2, 3, 4, 5, 6, 7, 8 and 9, Chapter 257, O.S.L. 1993, and Section 8, Chapter 324, O.S.L. 1992 (70 O.S. Supp. 1993, Sections 109, 1-111, 3-104.2, 5-110, 5-141.3, 6-101.10, 6-101.24, 6-101.29, 6-101.40, 6-101.43, 6-101.46, 6-158, 10-105.3, 11-103, 11-103.10, 16-101, 16-101.1, 16-102, 16-102.1, 16-103, 16-104, 16-106, 16-107, 16-108, 16-110, 16-111, 16-111.1, 16-113, 16-115, 16-117, 16-118, 16-119, 16-121, 1210.282, 1210.541, 1210.571, 1210.572, 1210.573, 1210.574, 1210.575, 1210.576, 1210.577, 1210.578, and 1210.579), which relate to educational services, length of school year, optional extended school year program, length of school day, Saturday school, principals, school improvement plans, accreditation standards, Secretary of Education, plan of educational development and improvement, school facility improvement program, deputy county superintendents, county superintendents, district board of education member workshops, authority of State Board of Education related to certain contracts, four-year school improvement plans, incentive pay plans, evaluation and dismissal of teachers, administrators, and support employees,

payment of salaries, materials related to control and discipline of children, teacher's assistants, staff development plans, certification and qualifications of teachers, mandatory annexation or consolidation of schools, outreach agreements, parent education programs, curriculum in public schools, American Sign Language, Academic Scholar Program, Acquired Immune Deficiency Syndrome prevention education, early childhood education, environmental education materials, textbooks and textbook adoption, State Board of Education rules related to Bill of Rights Day, administrative leadership skills development, kindergarten readiness screening program, high challenge schools, Oklahoma School Deregulation Committee, and Public Developmental Research Schools; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 1-105, is amended to read as follows:

Section 1-105. A. The State Department of Education is that department of the state government in which are placed the agencies ~~created or authorized by the Constitution and Legislature are placed~~ and that are charged with ~~the responsibility of determining the policies and directing the~~ certain responsibilities related to administration and supervision of the public school system of the state as provided by the Constitution of the State of Oklahoma or delegated by the Legislature. These agencies are the State Board of

~~Education, and the State Superintendent of Public Instruction and such divisions and positions as may be established by law and by the State Board of Education.~~

B. The State Board of Education is that agency in the State Department of Education which shall be the governing board of said Department and, within the confines of the powers and duties prescribed for it by law, the public school system of the state.

C. The State Superintendent of Public Instruction is the official provided for in Article VI, Section 1, of the Constitution of Oklahoma who shall be the executive officer of the State Board of Education.

D. The powers and duties of the State Board of Education and the State Department of Education are hereby limited to those powers and duties expressly delegated to said Board and Department by the Legislature. Except as otherwise provided by law, the district boards of education are vested with exclusive authority over matters not expressly delegated to the State Board of Education or the State Department of Education. The district boards of education are hereby expressly vested with exclusive authority over matters pertaining to budget and expenditures from the general fund; curriculum; textbooks; length of school year and school day; class schedules; standards of performance and conduct for teachers, support employees, administrators, and other school employees; employee evaluation, disciplinary, and dismissal procedures; employee leave policies; qualifications and payment of substitute teachers; methods and schedules of payment of employees; interdistrict transfers; and student disciplinary actions.

SECTION 2. AMENDATORY 70 O.S. 1991, Section 1-114, as last amended by Section 1, Chapter 333, O.S.L. 1993 (70 O.S. Supp. 1993, Section 1-114), is amended to read as follows:

Section 1-114. A. All children between the ages of five (5) years on or before September 1, and twenty-one (21) years on or

before September 1, shall be entitled to attend school free of charge in the district in which they reside. Provided that children who have reached the age of five (5) years on or before September 1 of the school year may be admitted to kindergarten classes approved by the State Board of Education. Beginning with the 1990-91 school year, all children who are at least four (4) years of age on or before September 1 and who have not attended a public school kindergarten shall be entitled to attend early childhood programs at any public school in the state where such programs are offered; provided no child shall be required to attend any early childhood education program. Children who meet the qualifications for federally sponsored Head Start programs shall be entitled to attend free of charge and shall be given priority for acceptance into the early childhood programs over children who do not meet the qualifications for the federally sponsored Head Start programs. Those children who do not meet the qualifications for a federally sponsored Head Start program shall be accepted into a program based on the date of receipt of application and upon payment of a sliding scale tuition which shall be set by the local board of education of the district where the child has applied to attend. For purposes of calculation of State Aid, no child in an early childhood education program who does not meet the qualifications for federally sponsored Head Start programs shall be included in the average daily membership of the district providing the program. For those early childhood program students who qualify to be included in the average daily membership of the school district for State Aid funding, the weight shall be limited to the early childhood grade weight, as provided in Section 18-201 of this title, for purposes of reimbursement for early childhood programs. Except as otherwise provided by law, no child shall be enrolled in the first grade unless he or she will have reached the age of six (6) years on or before September 1 of the school year. Children who have not

reached the age of five (5) years on or before September 1 may be admitted to nursery or early childhood education classes ~~approved by the State Board of Education and~~ conducted by the school district in which the child resides. A child accepted for enrollment in an early childhood education program outside of the district of residence shall be eligible for transfer to a district where such program is offered. Provided, however, any receiving district may object to a proposed transfer on the grounds that said district does not have the physical facilities or the teaching personnel to accommodate the kindergarten student, early childhood education student or students proposed to be transferred. Children who are underage ~~not in attendance in a kindergarten or nursery or early childhood education class approved by the State Board of Education~~ may be admitted to the schools of such district if class size of such schools permit ~~and if the child is found to be ready for enrollment in kindergarten through appropriate readiness screening, as provided for in Section 1210.282 of this title, and if the enrollment of the child is approved by a psychometrist.~~ Those underage children who qualify and are admitted in a kindergarten class of a school district shall be included in the average daily membership of the school district for State Aid funding, as provided for in Section 18-201 of this title. No such nonresident and nontransferred pupil shall be allowed to attend school in any school district unless there shall have been paid in advance yearly or by semester as determined by the local board of education, to such district, before such attendance during any period, a tuition fee equal to the per capita cost of education for a similar period in such district during the preceding year. Provided, tuition shall not be required for attendance in the first grade if an underage child was authorized pursuant to this section to attend ~~an accredited~~ kindergarten in the same school district, and such first grade attendance shall be a legal attendance. If the State Board of

Education discovers that such attendance has been allowed without prior payment of the tuition fee in advance as herein required, no further payment of any State Aid Funds shall be made to the district until such district has shown to the satisfaction of the State Board of Education that all such tuition fees have been paid or that such tuition pupil will no longer be allowed to attend school until the required tuition fee has been paid.

B. Any parent, guardian, person or institution having care and custody of a child who pays ad valorem tax on real property in any other school district other than that in which he resides may, with the approval of the receiving board, enroll the child in any school district in which ad valorem tax is paid and receive a credit on the nonresident tuition fee equal to the amount of the ad valorem tax paid for school district purposes in the school district in which the child is enrolled. Provided, the credit shall not exceed the total amount required for the tuition payment.

SECTION 3. AMENDATORY 70 O.S. 1991, Section 1-117, as amended by Section 6, Chapter 324, O.S.L. 1992 (70 O.S. Supp. 1993, Section 1-117), is amended to read as follows:

Section 1-117. A. The general fund of any school district is hereby defined as a current expense fund and shall consist of all revenue or monies that can legally be expended within a certain specified fiscal year, but shall not be considered as including any money derived from a special building fund levy made in accordance with the provisions of Article X, Section 10, of the Oklahoma Constitution, nor shall it include any monies derived from the sale of bonds issued under the provisions of Article X, Section 26, of the Oklahoma Constitution. All monies derived from the proceeds of the school levies made pursuant to the provisions of Article X, Section 9 of the Oklahoma Constitution shall be placed in the general fund provided by this section. ~~Expenditures from the general fund shall be noncapital in nature. Except as provided for~~

~~in subsection J of this section, a district shall not be authorized to make capital expenditures as defined by this section from the general fund.~~

~~B. For the purposes of this section, a capital expenditure shall be an expenditure which results in the acquisition of fixed assets or additions to fixed assets. Capital expenditures shall include, but shall not be limited to, purchases of land or existing buildings, purchases of real property, improvements of grounds and sites for construction purposes, all expenditures for construction of buildings unless authorized by the State Board of Education or the State Board of Vocational and Technical Education upon application to the appropriate state board pursuant to subsection E of this section, additions to buildings, remodeling of buildings if such remodeling involves changes to roof structures or load-bearing walls, professional services, salaries and expenses of architects and engineers hired or assigned to capital projects except for such services, salaries and expenses as are applicable in preparation for a bond issue, expenditures for the initial installation and extension of service systems and built-in heat or air equipment to existing buildings, expenditures for the replacement of a building which has been destroyed, installments and lease payments on property, excluding interest, that have a terminal date and result in the acquisition of property, and expenditures for preliminary studies made prior to the time that authority to proceed with a construction project is given if authority is received within the same fiscal year that the expenditure was made.~~

~~C. Noncapital expenditures shall include, but shall not be limited to expenditures for maintenance, repair and replacement of property and equipment, initial or additional purchases of furniture and equipment, direct expenses for maintenance of plant, including grounds, salaries for maintenance of plant, including salaries for the upkeep of grounds, and repair and replacement of building~~

~~structures which do not add to existing facilities and which do not involve changes in roof structures or load-bearing walls and which are not classified as a capital expenditure by this section.~~

~~D.~~ The State Board of Education shall ~~adopt and amend~~ promulgate regulations regarding the classification, definition and financial administration of funds, accounts and expenditures in accordance with the requirements of this section.

~~E.~~ A school district shall be authorized to make capital expenditures from the general fund to defray the cost of rebuilding a school building only if a school building or facility has been destroyed by a fire or natural disaster, such as flood, tornado or other act of God, or by an act of a public enemy of the United States or this state and monies received by the district through insurance coverage, federal reimbursement, contributions and allocation from the State Board of Education from the State Public Common School Building Equalization Fund are insufficient to rebuild the facility. Capital expenditures from the general fund pursuant to this subsection shall be limited to an amount necessary to defray the cost of rebuilding the facility which exceeds monies received by the school district through insurance, federal reimbursement, contributions and state allocations.

~~F.~~ C. Schools which receive gifts or donations or state-appropriated monies for the purpose of capital expenditures or projects shall place such monies in the building fund, as provided by Section 1-118 of this title, and not in the general fund.

~~G.~~ D. School districts which receive monies from rental, sale, or lease of buildings, impact aid monies, or grants, gifts or donations for capital purposes, whether from state, federal, or other sources, may place such monies in the building fund authorized by Section 1-118 of this title or the general fund authorized by this section.

~~H. Any construction of a building included as a capital expenditure from the general fund of a school district which is authorized and has had a contractual agreement concerning such construction executed prior to July 1, 1991, may be proceeded with and completed as authorized prior to July 1, 1991, as a capital expenditure from such general fund.~~

~~I. School districts receiving revenues authorized by Section 9B of Article X of the Oklahoma Constitution shall be authorized to make capital expenditures from the general revenue fund no greater than the amount levied by the incentive millage.~~

~~J. Upon the approval of the State Board of Education, a school district shall be authorized to make capital expenditures as defined in this section from its general fund if:~~

~~1. A bond issue has been rejected at an election by the school district electors voting on that question within the current school year, as certified by the secretary of the county election board; or~~

~~2. The school district has voted indebtedness at any time within the preceding three (3) school years through the issuance of bonds or through approval by voters of issuance of new bonds for more than eighty-five percent (85%) of the maximum allowable pursuant to the provisions of Section 26 of Article X of the Oklahoma Constitution as shown on the school district budget filed with the State Board of Equalization for the current school year and certifications by the Attorney General prior to April 1 of the current school year.~~

~~By November 1, 1992, the State Board of Education shall establish the rules and regulations to administer the provisions of this subsection which shall include, but not be limited to, specification of a maximum amount of general fund monies to be used for capital expenditures, the purposes for which such funds may be expended and the period of time in which such funds shall be encumbered.~~

SECTION 4. AMENDATORY 70 O.S. 1991, Section 3-104, as amended by Section 1, Chapter 361, O.S.L. 1993 (70 O.S. Supp. 1993, Section 3-104), is amended to read as follows:

Section 3-104. The control of the State Department of Education and, within the confines of the powers and duties prescribed by law, the supervision of the public school system of Oklahoma shall be vested in the State Board of Education and, subject to limitations otherwise provided by law, the State Board of Education shall:

1. Establish and prescribe the duties of an executive officer who shall be the State Superintendent of Public Instruction and whose duties shall include the responsibility to give advice and make recommendations to the Board on ~~all~~ matters pertaining to the policies and administration of the State Department of Education and the public school system;

2. Adopt policies and make rules for the operation of the State Department of Education and the public school system of the state within the confines of the powers and duties of the Board as prescribed by law;

3. Organize and have control of the administrative and supervisory agencies, divisions, personnel and their appointment and salaries and other operations necessary to carry out the powers, duties and functions of the Board and its executive officer;

4. Have authority to require the coordination of all divisions of the State Department of Education through its executive officer, delegate general supervision of all employees to its executive officer, require all recommendations to be presented through its executive officer, require its executive officer to be responsible for interpretation of the Board's policy, require any employee of the Board to present any specific matter directly to the Board;

5. Appoint, prescribe the duties and fix the compensation of a secretary, an attorney and all other personnel necessary for the

proper performance of the functions of the State Board of Education.
The secretary shall not be a member of the Board;

6. Submit to the Governor a departmental budget based upon major functions of the Department supported by detailed data on needs and proposed operations as partially determined by the budgetary needs of local school districts filed with the State Board of Education for the ensuing fiscal year. Appropriations therefor shall be made in lump-sum form for each major item in the budget as follows:

- a. state aid to schools,
- b. the supervision of all other functions of general and special education within the powers and duties of the Board as prescribed by law including ~~general control~~, free textbooks, school lunch, Indian education and all other functions of the Board and an amount sufficient to adequately staff and administer these services, and
- c. the Board shall determine the details by which the budget and the appropriations are administered.
Annually, the Board shall make preparations to consolidate all of the functions of the Department in such a way that the budget can be based on two items, administration and aid to schools. A maximum amount for administration shall be designated as a part of the total appropriation;

7. On the first day of December preceding each regular session of the Legislature, prepare and deliver to the Governor and the Legislature a report for the year ending June 30 immediately preceding said regular session of the Legislature. Said report shall contain:

- a. detailed statistical and other information concerning enrollment, attendance, expenditures including State

Aid, and other pertinent data for all public schools in this state,

- b. reports from each and every division, department, institution or other agency under the supervision of the Board,
- c. recommendations for the improvement of the public school system of the state,
- d. a statement of the receipts and expenditures of the State Board of Education for the past year, and
- e. a statement of plans and recommendations for the management and improvement of public schools and such other information relating to the educational interests of the state as may be deemed necessary and desirable;

~~8. Provide for the formulation and adoption of curricula, courses of study and other instructional aids necessary for the adequate instruction of pupils in the public schools;~~

~~9.~~ Have full and exclusive authority in all matters pertaining to standards of qualifications and the certification of persons for instructional, supervisory and administrative positions and services in the public schools of the state, and shall ~~formulate~~ promulgate rules governing the issuance and revocation of certificates for district superintendents of schools, principals, supervisors, librarians, clerical employees, school nurses, school bus drivers, visiting teachers, classroom teachers and for other personnel performing instructional, administrative and supervisory services, but not including members of boards of education and other employees who do not work directly with pupils, and may charge and collect reasonable fees for the issuance of such certificates. All funds collected by the State Department of Education for the issuance of certificates to instructional, supervisory and administrative personnel in the public schools of the state shall be deposited in

the "Teachers' Certificate Fund" in the State Treasury and may be expended by the State Board of Education to reimburse the activities of the Educational Professional Standards Board for actual and necessary travel expenses as provided in the State Travel Reimbursement Act in attending meetings of the Board, its committees and subcommittees, for consultative services, publication costs, actual and necessary travel expenses as provided in the State Travel Reimbursement Act incurred by persons performing research work, and other expenses found necessary by the State Board of Education for the improvement of the preparation and certification of teachers in Oklahoma. Provided, that the requirements for a certificate for district superintendent of schools and principal shall include not less than a standard master's degree, such other professional education and requirements as may be fixed by the State Board of Education and a minimum of two (2) years' successful teaching, supervisory or administrative experience in public schools. Provided, further, that certificates may be revoked by the State Board of Education for willful violation of any rule of the State Board of Education or of any federal or state law or other proper cause but only after sufficient hearing has been given before the State Board of Education, provided that teaching in a Head Start program or programs shall be used for renewal of a standard teaching certificate;

~~10. Promulgate rules governing the classification, inspection, supervision and accrediting of all public nursery, kindergarten, elementary and secondary schools in the state. However, no school shall be denied accreditation solely on the basis of average daily attendance.~~

~~Any school district which maintains an elementary school and faces the necessity of relocating its school facilities because of construction of a lake, either by state or federal authority, which will inundate the school facilities, shall be entitled to receive~~

~~probationary accreditation from the State Board of Education for a period of five (5) years after the effective date of this act and any school district, otherwise qualified, shall be entitled to receive probationary accreditation from the State Board of Education for a period of two (2) consecutive years to attain the minimum average daily attendance. The Head Start and public nurseries or kindergartens operated from Community Action Program funds shall not be subjected to the accrediting rules of the State Board of Education. Neither will the State Board of Education make rules affecting the operation of the public nurseries and kindergartens operated from federal funds secured through Community Action Programs even though they may be operating in the public schools of the state. However, any of the Head Start or public nurseries or kindergartens operated under federal regulations may make application for accrediting from the State Board of Education but will be accredited only if application for the approval of the programs is made. The status of no school district shall be changed which will reduce it to a lower classification until due notice has been given to the proper authorities thereof and an opportunity given to correct the conditions which otherwise would be the cause of such reduction.~~

~~Private and parochial schools may be accredited and classified in like manner as public schools, if application is made to the State Board of Education for such accrediting. No private, parochial or other nonpublic school may be accredited unless the members of the faculty hold state certificates as required of teachers in public schools and unless the standards of said schools comply in every respect with those prescribed for public schools;~~

~~11. 9. Be the legal agent of the State of Oklahoma to accept, in its discretion, the provisions of any Act of Congress appropriating or apportioning funds which are now, or may hereafter be, provided for use in connection with any phase of the system of~~

public education in Oklahoma. It shall prescribe such rules as it finds necessary to provide for the proper distribution of such funds in accordance with the state and federal laws;

~~12.~~ 10. Be and is specifically hereby designated as the agency of this state to cooperate and deal with any officer, board or authority of the United States Government under any law of the United States which may require or recommend cooperation with any state board having charge of the administration of public schools unless otherwise provided by law;

~~13.~~ 11. Be and is hereby designated as the "State Educational Agency" referred to in Public Law 396 of the 79th Congress of the United States, which law states that said act may be cited as the "National School Lunch Act", and said State Board of Education is hereby authorized and directed to accept the terms and provisions of said act and to enter into such agreements, not in conflict with the Constitution of Oklahoma or the Constitution and Statutes of the United States, as may be necessary or appropriate to secure for the State of Oklahoma the benefits of the school lunch program established and referred to in said act;

~~14.~~ 12. Have authority to secure and administer the benefits of the National School Lunch Act, Public Law 396 of the 79th Congress of the United States, in the State of Oklahoma and is hereby authorized to employ or appoint and fix the compensation of such additional officers or employees and to incur such expenses as may be necessary for the accomplishment of the above purpose, administer the distribution of any state funds appropriated by the Legislature required as federal matching to reimburse on children's meals;

~~15.~~ 13. Accept and provide for the administration of any land, money, buildings, gifts, donation or other things of value which may be offered or bequeathed to the schools under the supervision or control of said Board;

~~16.~~ 14. Have authority to require persons having administrative control of all school districts in Oklahoma to make such regular and special reports regarding the activities of the schools in said districts as the Board may deem needful ~~for the proper exercise of its duties and functions~~ to carry out those duties expressly delegated to it by law. Such authority shall include the right of the State Board of Education to withhold all state funds under its control, ~~to withhold official recognition, including accrediting,~~ until such required reports have been filed and accepted in the office of said Board and to revoke the certificates of persons failing or refusing to make such reports;

~~17.~~ 15. Have general supervision of the school lunch program. The State Board of Education may sponsor workshops for personnel and participants in the school lunch program and may develop, print and distribute free of charge or sell any materials, books and bulletins to be used in such school lunch programs. There is hereby created in the State Treasury a revolving fund for the Board, to be designated the School Lunch Workshop Revolving Fund. The fund shall consist of all fees derived from or on behalf of any participant in any such workshop sponsored by the State Board of Education, or from the sale of any materials, books and bulletins, and such funds shall be disbursed for expenses of such workshops and for developing, printing and distributing of such materials, books and bulletins relating to the school lunch program. The fund shall be administered in accordance with the Revolving Fund Procedures Act;

~~18.~~ 16. Prescribe all forms for school district and county officers to report to the State Board of Education where required. The State Board of Education shall also prescribe a list of appropriation accounts by which the funds of school districts shall be budgeted, accounted for and expended; and it shall be the duty of the State Auditor and Inspector in prescribing all budgeting,

accounting and reporting forms for school funds to conform to such lists;

~~19.~~ 17. Provide for the establishment of a uniform system of pupil and personnel accounting, records and reports;

~~20.~~ ~~Have authority to provide for the health and safety of school children and school personnel while under the jurisdiction of school authorities;~~

~~21.~~ 18. Provide for the supervision of the transportation of pupils;

~~22.~~ 19. Have authority, upon request of the local school board, to act in behalf of the public schools of the state in the purchase of transportation equipment;

~~23.~~ ~~Have authority and is hereby required to perform all duties necessary to the administration of the public school system in Oklahoma as specified in the Oklahoma School Code; and, in addition thereto, those duties not specifically mentioned herein if not delegated by law to any other agency or official;~~

~~24.~~ 20. Administer the State Public Common School Building Equalization Fund established by Section 32 of Article X of the Oklahoma Constitution. Any royalties, bonuses, rentals or other monies derived from oil and gas and all other mineral leases on lands that have been or may be granted by the United States to the state for the use and benefit of the common schools, or lands that are or may be held by the Commissioners of the Land Office for the use and benefit of the common schools, the proceeds of the sale of easements, improvements and sand and gravel on any such lands, the proceeds of all property that shall fall to the state by escheat, penalties for unlawful holding of real estate by corporations, and capital gains on assets of the permanent school funds, shall be deposited in such State Public Common School Building Equalization Fund, which shall be used to aid school districts in acquiring buildings under rules prescribed by the State Board of Education, as

the administering agency, subject to the limitations fixed by Section 32 of Article X of the Oklahoma Constitution. The State Board of Education shall prescribe rules for making grants of aid from, and for otherwise administering, such fund, and may employ and fix the duties and compensation of technicians, aides, clerks, stenographers, attorneys and other personnel deemed necessary to perform its duties; and the cost of administering such fund shall be paid from funds currently available for the operation of the State Department of Education. It shall be the duty of the State Board of Education, the Commissioners of the Land Office and all other public agencies, officers and employees to observe and comply with the provisions of this paragraph, in all respects; and they shall not be held liable for any amount, penalty or punishment for having done so, unless and until they are directed to do otherwise by a court of competent jurisdiction;

~~25.~~ 21. Recognize that the Director of the Oklahoma Department of Corrections shall be the administrative authority for the schools which are maintained in the state reformatories and shall appoint the principals and teachers in such schools. Provided, that rules of the State Board of Education for the classification, inspection and accreditation of public schools shall be applicable to such schools; and such schools shall comply with standards set by the State Board of Education; and

~~26.~~ 22. Have authority to administer a revolving fund which is hereby created in the State Treasury, to be designated the Statistical Services Revolving Fund. The fund shall consist of all monies received from the various school districts of the state, the United States Government, and other sources for the purpose of furnishing or financing statistical services and for any other purpose as designated by the Legislature. The State Board of Education is hereby authorized to enter into agreements with school districts, municipalities, the United States Government, foundations

and other agencies or individuals for services, programs or research projects. The Statistical Services Revolving Fund shall be administered in accordance with the Revolving Fund Procedures Act, Section 155 et seq. of Title 62 of the Oklahoma Statutes; and

~~27. Have authority to review preliminary plans for new construction and major alteration of public school buildings where structural changes are proposed. No bids shall be let for the construction or major alteration of any public school building until preliminary plans and specifications for such construction or alteration have been submitted to and reviewed by the State Department of Education. The period of time during which such review is conducted by the State Department of Education shall not exceed thirty (30) days. The State Department of Education shall advise each local school district regarding said review of preliminary plans and specifications. Provided, nothing in this subsection shall be construed as repealing any ordinance or building code of any city, town or county.~~

SECTION 5. AMENDATORY 70 O.S. 1991, Section 3-109, as amended by Section 2, Chapter 361, O.S.L. 1993 (70 O.S. Supp. 1993, Section 3-109), is amended to read as follows:

~~Section 3-109. There is hereby created in the State Treasury a revolving fund for the State Board of Education, to be designated the "Curriculum Materials Revolving Fund". The fund shall consist of curriculum guides fees paid to the Board pursuant to law. The revolving fund shall be a continuing fund not subject to fiscal year limitations and shall be under the control and management of the administrative authority of the State Board of Education. Expenditures from said fund shall be made for the purpose of maintaining the curriculum guides process and for any other purpose as designated by the Legislature. Warrants for expenditure shall be drawn by the State Treasurer on claims by an authorized employee of the State Board of Education and approved by the Director of State~~

~~Finance~~ The Curriculum Materials Revolving Fund is hereby abolished.
Any monies remaining in the fund on the effective date of this act
shall be placed in the common school fund.

SECTION 6. AMENDATORY 70 O.S. 1991, Section 5-102, is amended to read as follows:

Section 5-102. All independent school districts in Oklahoma shall be those which shall have maintained during the previous year a school offering high school subjects ~~fully accredited by the State Board of Education.~~

~~A reasonable deviation from any of the requirements enumerated herein shall not operate to prohibit the State Board of Education from designating any district as independent if the other requirements are sufficiently superior to the minimum standards required herein, but standards therefor shall be reduced to writing and a copy thereof sent to all districts maintaining high schools in Oklahoma at least one (1) year prior to the time the requirements become effective. Until the effective date thereof, the requirements hereinabove enumerated shall remain in full force and effect. As a basis for attaining the status of independent school district, high schools shall be inspected by a member of the division of secondary education of the State Board of Education or such other representative as the State Board of Education shall designate, and all of the standards prescribed by the State Board of Education shall be carefully checked in the presence of the district superintendent of schools or board of education of the district. A written report shall be made and mailed to the district superintendent of schools and board of education within thirty (30) days after the time of such inspection. Such report shall indicate if the high school meets the requirements and, if not, a statement shall be made as to what must be done in order to comply therewith.~~

After any school district has become independent, it shall remain so until removed from independent status by the State Board

of Education, which, however, shall not remove any school district from independent status until it is satisfied that ~~the minimum standards for independent school districts are not being maintained~~ the district is not offering high school subjects. Any order of the State Board of Education removing a school district from independent status shall not become effective until the close of the fiscal year in which such order is made, and any order removing a school district from independent status which has heretofore been made by the State Board of Education, regardless of notice or effective date thereof, is hereby validated. A reasonable variation from year to year in the minimum number of teachers required shall not affect the status of any independent school district.

SECTION 7. AMENDATORY 70 O.S. 1991, Section 5-117, as last amended by Section 3, Chapter 361, O.S.L. 1993 (70 O.S. Supp. 1993, Section 5-117), is amended to read as follows:

Section 5-117. A. The board of education of each school district shall have power to:

1. Elect its own officers;
2. Make rules, ~~not inconsistent with the law or rules of the State Board of Education,~~ governing the board and the school system of the district except with regard to matters expressly delegated to the State Board of Education;
3. Maintain and operate a complete public school system of such character as the board of education shall deem best suited to the needs of the school district;
4. Designate the schools to be attended by the children of the district;
5. Provide and operate, when deemed advisable, cafeterias or other eating accommodations, thrift banks or other facilities for the teaching and practice of thrift and economy, bookstores, print shops, and vocational and other shops;

6. Provide informational material concerning school bond elections and millage elections, including but not limited to all pertinent financial information relative to the bond issue, a statement of revenue sources necessary to retire proposed bonds, a statement of current bonded indebtedness of the school district, and a statement of proposed use of funds to be generated by the proposed bond issue. The informational material shall not contain the words "vote yes" or "vote no" or any similar words or statement any place on such informational material;

7. Purchase, construct or rent, and operate and maintain, classrooms, libraries, auditoriums, gymnasiums, stadiums, recreation places and playgrounds, teacherages, school bus garages, laboratories, administration buildings, and other schoolhouses and school buildings, and acquire sites and equipment therefor;

8. Have school district property insured;

9. Acquire property by condemnation proceedings in the same manner as land is condemned for railroad purposes. School district funds may be used to erect buildings on leased land on which other buildings have been erected prior to April 3, 1969, or on land which is leased from a governmental entity;

10. Lease real or personal property to the state or any political subdivision thereof for nominal cash consideration for so long as the use of the property by the lessee substantially benefits, in whole or in part, the same public served by the school district;

11. Dispose of personal or real property no longer needed by the district by sale, exchange, lease, lease-purchase, sale and partial lease back, or otherwise. Real property shall be conveyed pursuant to a public sale, public bid, or private sale, provided however, unless otherwise prohibited by law, the board of education of a consolidated or annexed school district may convey real property to a local political subdivision without consideration.

Prior to the sale of any real property, the board of education shall have the real property appraised. The appraisal shall be confidential until the real property is sold. When the real property is sold the board of education shall make the appraisal available for public inspection. Prior to the conveyance of any real property by private sale, the board of education shall have offered the real property for sale by public sale or public bid. Any conveyance of real property by private sale to a nonprofit organization, association, or corporation to be used for public purposes, unless for exchange, shall contain a reversionary clause which returns the real property to the board of education upon the cessation of the use without profit or for public purposes by the purchaser or the assigns of the purchaser;

12. Purchase necessary property, equipment, furniture, and supplies necessary to maintain and operate an adequate school system;

13. Incur all expenses, within the limitations provided for by law, necessary to perform all powers granted by the provisions of this section;

14. Contract with and fix the duties and compensation of physicians, dentists, optometrists, nurses, attorneys, superintendents, principals, teachers, bus drivers, janitors, and other necessary employees of the district and pay their necessary itemized and documented travel expenses, and pay necessary itemized and documented travel expenses of members of the board of education;

15. Pay necessary itemized and documented travel expenses and other related expenses of prospective employees for sponsored visits to the school district;

16. Provide for employees' leaves of absence without pay;

17. Exercise sole control over all the schools and property of the district, subject to other provisions of the Oklahoma School Code; and

18. Allow district-owned school buses to be used for transportation of students from other districts or educational institutions while within the district on educational tours. This shall not restrict the authority of the board to authorize any other use of such buses which may now be permitted by law or rule of the State Board of Education.

B. The board of education of any school district may rent, on a monthly basis, equipment and furniture, if such items are necessary for the operation of the school, and pay the rental charges for said usage during any fiscal year, or portion thereof, out of appropriations made and approved for current expense purposes during said fiscal year. Any such rental contract extending beyond June 30 of such fiscal year shall be void unless it contains provisions for mutual ratification of renewal pursuant to the conditions provided for in this subsection. It is the intent of this subsection to authorize boards of education to enter into lease contracts but not to incur any obligation against the school district in excess of the income and revenue provided for such purposes for the fiscal year in which such lease contract is operative. Any lease agreement entered into by any board of education shall state the purchase price of equipment or furniture so leased. The lease shall not be extended so as to cause payment of more than the original purchase price of said equipment or furniture, plus interest not to exceed the legal rate. When said purchase price plus interest has been paid, the property shall belong to the lessee and the lessor shall deliver a deed or bill of sale to said property to the lessee. When any equipment or furniture has been leased or rented during any fiscal year pursuant to the provisions of any contract which permits continuance of such rental for the remainder of such fiscal year, the renting or leasing thereof must be continued for the remainder of said fiscal year unless the board of education renting or leasing the same certifies by proper resolution entered in the minutes of

said board of education that the continuance of such rental is unnecessary and contrary to the public interest.

C. The boards of education of two or more school districts may enter into cooperative agreements and maintain joint programs including but not limited to, courses of instruction for handicapped children, courses of instruction in music and other subjects, practical instruction for trades and vocations, practical instruction in driver training courses, and health programs including visual care by persons legally licensed for such purpose, without favoritism as to either profession. The revenues necessary to operate a joint program approved in cooperative agreements, whether from federal, state or local sources, including the individual contributions of participating school districts, shall be deposited into a fund separate from all other appropriated funds. The beginning fund balance each year, combined with all actual revenues, including collected and estimated revenues, must be appropriated before being expended. Purchase orders shall be issued against available appropriations and, once goods or services have been received, either payable or nonpayable warrants shall be issued in payment of all purchase orders. The fund shall be reported as a separate appropriated fund in all the financial reports of the school district which is chosen by the other school districts to keep the accounting records of the joint program.

D. Any school district may operate or maintain a school or schools on any military reservation which is within the boundaries of the school district or which is adjacent to the school district, and provide the instruction in the school or schools to children of personnel on the military reservation and, in doing so, shall conform to all federal laws and requirements.

E. The board of education of each school district shall adopt and maintain on file in the office of the superintendent of schools

appropriate personnel policy and sick leave guide. The guide shall be made available to the public.

SECTION 8. AMENDATORY Section 1, Chapter 120, O.S.L. 1993 (70 O.S. Supp. 1993, Section 5-117b), is amended to read as follows:

Section 5-117b. A. The boards of education of any two or more school districts may enter into an interlocal cooperative agreement for the purpose of jointly and comparatively performing any of the services, duties, functions, activities, obligations or responsibilities which are authorized or required by law to be performed by school districts of this state. As used in this section, "interlocal cooperative agreement" means an agreement which is entered into by the boards of education of two or more school districts pursuant to the provisions of this section. This section shall not prohibit school districts from entering into cooperative agreements authorized under Section 5-117 of this title or interfere with existing cooperative agreements between school districts. If the boards of education of any two or more school districts enter into an interlocal cooperative agreement the following conditions may apply:

1. An interlocal cooperative agreement shall establish a board of directors which shall be responsible for administering the joint or cooperative undertaking. The agreement shall specify the organization, terms, and composition of, and manner of appointment to, the board of directors and shall make provision for restructuring or terminating the board upon partial or complete termination of the agreement. The board of directors shall be selected by the board of education of each contracting school district and may include but not be limited to a board member, administrator or teacher from each contracting school district. Vacancies in the membership of the board of directors shall be

filled within thirty (30) days from the date of the vacancy in the manner specified in the agreement;

~~2. An interlocal cooperative agreement which is optional to school districts and shall be effective only after it is approved by the State Board of Education and the~~ The board of directors may be designated as a local education agency for some or all state and federal application, reporting and auditing procedures. An interlocal cooperative board of directors that has been designated as a local education agency shall comply with state and federal law and the regulations of the State Board of Education;

~~3. An interlocal cooperative agreement shall be subject to change or termination by a recommendation of the State Board of Education;~~

~~4.~~ The duration of an interlocal cooperative agreement for joint or cooperative action in performing any of the services, duties, functions, activities, obligations or responsibilities, other than the provision of special education services, which are authorized or required by law of school districts in this state, shall be for a term of at least one (1) year. Notice of intent of a school district to withdraw from the cooperative agreement must be given no later than March 15 for the ensuing school year;

~~5.~~ 4. An interlocal cooperative agreement shall specify the method or methods to be employed for disposing of property upon partial or complete termination of the agreement;

~~6.~~ 5. Within the limitations provided by law, an interlocal cooperative agreement may be changed or modified by majority consent of the interlocal cooperative board of directors;

~~7.~~ 6. Except as otherwise specifically provided in this section, any powers, privileges or authority exercised or capable of being exercised by any school district of this state, or by any board of education thereof, may be jointly exercised pursuant to the provisions of an interlocal cooperative agreement. No powers,

privileges or authority with respect to the levy and collection of taxes or the application for or receipt of State Aid formula money, or the issuance of bonds shall be created or effectuated for joint exercise pursuant to the provisions of an interlocal cooperative agreement; and

8. 7. Payments from the general fund of each school district which enters into any interlocal cooperative agreement for the purpose of financing the joint or cooperative undertaking provided for by the agreement shall be operating expenses.

B. Nothing contained in this section shall be construed to abrogate, interfere with, impair, qualify or affect in any manner the exercise and enjoyment of all the powers, privileges and authority conferred upon school districts and boards of education by law, except that boards of education and school districts are required to comply with the provisions of this section when entering into an interlocal cooperative agreement that meets the definition of an interlocal cooperative agreement.

SECTION 9. AMENDATORY 70 O.S. 1991, Section 5-131, is amended to read as follows:

Section 5-131. The board of education of every school district in this state is hereby authorized to provide educational courses for all persons and said board is authorized to provide necessary buildings, equipment, and other facilities for such persons. Such educational courses may include grades one to twelve, inclusive, for persons between the ages of six (6) and twenty-one (21) years and may also include nursery and kindergarten classes, junior college grades, vocational and technical instruction, adult and part-time classes and other special classes. ~~The curricula and qualifications of teachers shall be determined by the State Board of Education except as otherwise provided herein.~~ Provided, any district offering educational courses shall charge tuition fees for such courses unless the school district has funds available to pay the

cost thereof which are not needed to maintain the common school program.

SECTION 10. AMENDATORY 70 O.S. 1991, Section 5-145, is amended to read as follows:

Section 5-145. A. Local school boards of education should be encouraged to explore the potential benefits of local foundations and public school/business partnerships as supplements to basic programs publicly funded.

B. No local foundation, as defined in subsection C of this section, shall make, and no public school, public school personnel, or school district shall accept, any gift, grant or donation of real or personal property from any local foundation unless the local foundation complies with the requirements of this section and with such other requirements for such organization as are required by Title 18 of the Oklahoma Statutes.

C. As used in this section, "local foundation" means any company, trust, corporation or association:

1. That solicits money or property in the name of any public school district, public school or public school organization; and

2. Which is exempt from federal income taxes or is verifiably and in good faith in the process of obtaining federal tax exemption status pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code. If the local foundation is in the process of obtaining exemption status in accordance with this paragraph, the local foundation may make gifts, grants or donations pursuant to this section provided it has advised the local board of education of the status of any application for tax exemption and continues to provide the board such information each year thereafter.

Any local foundation which has been denied such exemption or ceases to qualify for such exemption by the Internal Revenue Service shall not be authorized to function pursuant to this section.

D. Student organizations or club projects whose revenue may be deposited in a school activity fund or account pursuant to Section 5-129 of Title 70 of the Oklahoma Statutes shall not be considered "local foundations".

E. Only school districts, public schools, school personnel and students or direct functions of a school district may be the beneficiaries of any awards, grants or other benefits of a local foundation.

F. The board of education of any school district in this state may refuse to accept any donation of real or personal property offered by or through a local foundation and shall have the final authority to accept or refuse to accept any grant or award offered by a local foundation for the benefit of the school district.

G. In order to assure the fairness, objectivity, and integrity of its operations, and that its purposes and policies are consistent with the goals of the ~~State Board of Education~~ district, the board of education of the local school district may consider the process used in selecting recipients of benefits or merit awards by any local foundation in deciding whether to accept or reject the gift, grant or donation.

H. No employee of the district shall be a voting member of a local foundation board which is established in that school district. Members of the board of education may serve on the board of a local foundation, but shall not constitute a majority of the members of the board of directors of the foundation. No other elected official of state or local government shall be compensated by the local foundation. The total number of ex officio local foundation members shall be less than the number of voting members of the local foundations. No ex officio member of the local foundation board or employee of the school district shall be compensated by the local foundation for service as an ex officio member of the local foundation.

I. Any local foundation which makes a gift, grant or donation to any school district, public school, or school personnel of this state, regardless of when established, shall make all of its financial records and documents available to auditors who are performing audits of the school district. Such financial records and documents, other than the list of contributors, shall be open for public inspection upon written request by any person.

J. No public funds shall be deposited in any account owned or controlled by a local foundation.

SECTION 11. AMENDATORY 70 O.S. 1991, Section 6-155, as amended by Section 10, Chapter 324, O.S.L. 1992 (70 O.S. Supp. 1993, Section 6-155), is amended to read as follows:

Section 6-155. A. ~~On or before May 31, 1981, the~~ The Department shall develop an Entry-year Assistance Program which shall be approved by the Board. Such program shall be developed in consultation with the teacher education institutions and the local boards of education. Such program shall include, but not be limited to:

1. Guidelines for entry-year teacher positions in the local school districts and assignments thereto;

2. Requirements and guidelines for selection and appointment of teacher consultants which must include any requirements specified in this act;

3. Guidelines for the appointment and functions of an entry-year assistance committee; and

4. An appropriate in-service program for the entry-year teacher.

B. Except as otherwise provided in this act, no person shall be certified to teach in the ~~accredited~~ public schools of this state, unless such person:

1. Has completed one (1) school year of teaching service as an entry-year teacher in the Entry-year Assistance Program as set out in this act;

2. Has been recommended for certification by the appointed entry-year assistance committee after completion of not less than one or more than two school years of entry-year teaching service; and

3. Has received a passing grade on the curriculum examination as prescribed by the Board.

C. Any person who has been issued a license to teach by the Board may be employed in ~~an accredited~~ a public school as an entry-year teacher upon appointment by the local school board.

D. Upon placement of a licensed teacher in an entry-year teacher position, the local board shall appoint the entry-year assistance committee members, as prescribed in this act, who shall have the following duties:

1. Meet with the entry-year teacher as may be required by the Board;

2. Work with the entry-year teacher to assist in all matters concerning classroom management and in-service training for that teacher;

3. Provide for meaningful parental input as one criterion in evaluating the entry-year teacher's performance;

4. Upon completion of one (1) school year of entry-year assistance, make recommendations to the Board and the preparing institution of higher education as to whether the entry-year teacher should be issued a certificate or whether such entry-year teacher shall be required to serve as an entry-year teacher for one (1) additional school year. In the event an entry-year teacher serves a second year, the recommendation of the entry-year assistance committee to the Board and the institution of higher education after

the second year shall be for either certification or noncertification.

Upon recommendation from the entry-year assistance committee for noncertification or an additional year in the Entry-year Assistance Program, such entry-year assistance committee shall, upon request of the entry-year teacher, supply a list to said entry-year teacher of the reasons for such recommendation. Said list of reasons shall remain confidential, except as otherwise provided by the entry-year teacher.

In the event an entry-year teacher is required to serve an additional year in the Entry-year Assistance Program, such entry-year teacher shall not be required to be under the supervision of the same entry-year assistance committee, or any member of the committee, which supervised the entry-year teacher during the initial year in the Program; and

5. In the event the committee recommendation to the Board and the institution of higher education is for certification, an entry-year assistance committee shall also recommend a staff development program for the entry-year teacher, designed to strengthen the entry-year teacher's teaching skills in any area identified by the committee.

All entry-level years shall count toward salary, fringe benefit adjustments, tenure and retirement.

E. The State Board of Education along with the teacher education institutions and the local boards of education, as specified by the State Board of Education, and the State Regents for Higher Education shall study and make recommendations in a report to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Governor by January 1, 1993, on the Entry-year Assistance Program. The report shall include but not be limited to the following:

1. The cost associated with the program;

2. The instructional effectiveness of the entry-year teacher and teacher consultants programs;

3. The effectiveness of the program since implementation of the mandates of House Bill No. 1017 of the First Extraordinary Session of the 42nd Oklahoma Legislature; and

4. The statistical information concerning the number of persons successfully completing, dropping and failing such program.

The Board shall review any such program and provide an update of the report every three (3) years thereafter.

SECTION 12. AMENDATORY 70 O.S. 1991, Section 8-106, as last amended by Section 37, Chapter 239, O.S.L. 1993 (70 O.S. Supp. 1993, Section 8-106), is amended to read as follows:

Section 8-106. A. Upon a majority vote of the electors in a school district voting at the annual school district election or at a special school district election called for such purpose and held not later than June 30, either a high school or a grade school, or both, shall be dispensed with for the ensuing year. An election for such purpose shall also be held upon petition for an election, signed by forty percent (40%) of the school district electors. To calculate the sufficiency of the number of signatures on a petition, the forty percent (40%) figure shall be applied to the highest number of voters voting in a regular school election in the school district in the preceding five (5) years as determined by the secretary of the county election board. The secretary of the county election board shall certify the sufficiency of the number of signatures on the petition. The election shall be conducted by the county election board in accordance with Sections 13A-101 through 13A-111 of Title 26 of the Oklahoma Statutes. The secretary of the county election board shall notify the State Board of Education of the results of every election held to dispense with school.

B. All of the pupils who would be entitled to attend school in the grades dispensed with shall be transferred to another school

district or districts maintaining courses of instruction which such pupils are entitled to pursue. The parent or guardian of each child to be transferred shall be required to file an application for the transfer of the child or children with the State Department of Education, within ten (10) days after the results of the election are declared. The procedures for such transfers shall be determined by the State Board of Education.

C. Any school district which dispenses with its entire school district for the ensuing year, as provided herein, shall be mandatorily annexed on July 1 by the State Board of Education to another school district or other districts to which pupils of such dispensed school district have been transferred. Provided, if a school district does not officially dispense with its school and fails to open or maintain a school for such ensuing year, the State Board of Education, except in cases where reasons over which the district had no control causes a normal delay in the opening or maintenance of such school, shall at its next regular meeting, annex such school district to another school district or other districts to which pupils have been transferred. ~~Provided further that if a school district does not have an average daily attendance that meets the State Board of Education regulations for accrediting purposes and does not dispense with its school by June 30, the State Board of Education shall annex such district to the high school transportation area in which the district is situated at the first regular or special meeting in July.~~

SECTION 13. AMENDATORY Section 3, Chapter 186, O.S.L. 1992 (70 O.S. Supp. 1993, Section 11-108.2), is amended to read as follows:

Section 11-108.2 School districts may establish as part of the curriculum a youth community service program for secondary students which includes youth community service activities integrated with study and reflection on the experiences gained through youth

community service activities. ~~A student may receive elective credit for participating in a youth community service program as long as the outcomes of the program reflect the competencies outlined in the Oklahoma Learner Outcomes adopted by the State Board of Education.~~
The district board of education shall determine whether students will receive elective credit for participating in a youth community service program. A student may perform youth community service activities for educational credit only under the sponsorship of an organization approved by the State Department of Education. Youth community service activities shall not be used to displace any employees or reduce the number of hours for which any employee is paid.

SECTION 14. AMENDATORY 70 O.S. 1991, Section 18-109.5, is amended to read as follows:

Section 18-109.5 A. Prior to July 1, 1990, as used in Sections 18-109.3 and 18-109.4 of this title, and on and after July 1, 1990, as used in Section ~~108 of this act~~ 18-201 of this title:

1. "Vision impaired" means a visual impairment which, even with correction, adversely affects a child's educational performance;

2. "Children with learning disabilities" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, written or spoken, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia;

3. "Hearing impaired" means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance;

4. "Economically disadvantaged" means all children who qualify for free or reduced lunches. Provided, for the school year 1981-82,

economically disadvantaged shall mean children who qualify and participate in a program for free or reduced lunches;

5. "Educable mentally handicapped" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the development period, which adversely affects a child's educational performance;

6. "Emotionally disturbed" means emotional problems preventing adjustment in regular class including:

- a. an inability to learn which cannot be explained by intellectual, sensory or health factors,
- b. an inability to build or maintain satisfactory interpersonal relationships with peers and teachers,
- c. inappropriate types of behavior or feelings under normal circumstances,
- d. a general pervasive mood of unhappiness or depression, or
- e. a tendency to develop physical symptoms or fears associated with personal or school problems;

The term includes children who are schizophrenic. The term does not include children who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed;

7. "Gifted" means identified students as outlined in Section 1210.301 of ~~Title 70 of the Oklahoma Statutes~~ this title;

8. "Multiple handicapped" means concomitant impairments, such as mentally retarded/blind, mentally retarded/orthopedically impaired, and other combinations, the combination of which causes such severe educational problems that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf/blind children;

9. "Physically handicapped" means a severe orthopedic impairment or an autistic condition which is manifested by severe

communication and other developmental and educational problems; or having limited strength, vitality or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes, which adversely affects a child's educational performance.

The term includes impairments caused by congenital anomaly, and impairments from other causes;

10. "Speech impaired" means a communication disorder, such as stuttering, impaired articulation, language impairment, or voice impairment, which adversely affects a child's educational performance;

11. "Trainable mentally handicapped" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the development period, which adversely affects a child's educational performance;

12. "Deaf/Blind" means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for deaf or blind children;

13. "Bilingual" means those students who have limited English speaking abilities or who come from homes where English is not the dominant language as reported on the prior year application for accrediting; and

14. "Special Education Summer Program" means those summer school programs which school districts may provide for children who are severely or profoundly multiple-handicapped if their individualized education program states the need for a continuing educational experience to prevent loss of educational achievement or basic life skills. Any school district receiving funds for such

special education summer programs shall provide services as provided in Section 13-101 of this title. Provided, during the 1982-83 school year the State Department of Education shall obtain data related to the number of children who would qualify for summer school special education programs and the number of children who are being served in summer school special education programs; ~~and~~

~~15. "Optional Extended School Year Program" means the program defined in Section 18 of this act.~~

B. The State Board of Education is hereby authorized to modify and redefine by regulation the definitions set out in this section whenever such modification is required to receive federal assistance therefor.

SECTION 15. AMENDATORY 70 O.S. 1991, Section 18-110, is amended to read as follows:

Section 18-110. A. If any district, or a part of a district, becomes a part of another district by consolidation, annexation, or otherwise, the following procedure shall be followed, except as otherwise provided by law, in calculating aid to the new district or districts so formed:

1. If the action occurs after budgets have been approved by the county excise board and the tax levies approved, the State Aid for the current year shall be calculated for each district as it existed prior to the annexation and prorated to the annexing district or districts on the basis of average daily attendance.

2. If the action occurs prior to approval of the school district budgets by the county excise board, the annexed district shall be merged with the annexing district or districts and State Aid shall be calculated according to the formula provided by this title.

B. Any school district that does not maintain school for a full ~~term pursuant to Section 1-109 of this title~~ one hundred eighty (180) days shall have its State Aid reduced proportionately ~~unless~~

~~it has received written approval to maintain school for less than a full term from the State Board of Education. The State Board of Education shall not approve any request to maintain school for less than a full term unless such request meets the requirements of Section 1-109 of this title.~~

C. 1. If a school district operates a school located in a state institution for pupils of school age, the attendance of such children shall be included in the attendance of such school district for the purpose of calculating State Aid of the district.

2. If a school district operates a school located in a state institution for the pupils of school age residing in such institution, the attendance of such children shall be included in the attendance of such school district for the purpose of calculating State Aid of the district. Provided, such attendance shall not be used for apportioning other miscellaneous revenue; and such school district State Aid shall be paid in the amount of the Foundation Program Aid and Incentive Aid of such school as provided in this title.

D. If a public school district in this state provides educational services to a child who resides in a public or private residential child care or treatment facility, the providing district shall receive from the district in which the child has residence a fee in the amount of the per capita cost of the providing district for current expenditures for the education of such resident. The amount of the expenditures shall be determined based upon the cost of teachers, equipment, material, and other direct educational costs associated with the education of such child prorated by the number of days the child has been enrolled in the providing district.

Immediately upon beginning to provide such services, the providing district shall send to the district of residence as defined in paragraph 6 of subsection A of Section 1-113 of this title, and to the Finance Division of the State Department of

Education, an enrollment form which shall include an estimate of the number of school days such services are to be provided to said child and an itemized estimate of the cost per day of providing said services. The district of residence shall acknowledge receipt of the enrollment form within ten (10) days, notifying both the providing district and the Finance Division. If a dispute is anticipated, the providing district and the district of residence shall begin discussion of points in dispute. Immediately upon cessation of the provision of said services, the providing district shall send to the district of residence and to the Finance Division a final attendance report and an itemized claim for payment. Within sixty (60) days of receipt of the claim, the district of residence shall deliver payment to the providing district and both districts shall immediately notify the Finance Division that payment has been made; provided, any unsettled disputes as to the appropriateness of the charges shall be referred within said sixty-day period to the Finance Division for resolution. Only upon verification that the payment has been received by the providing district shall the Finance Division credit to the district of residence the average daily attendance (ADA) of the child for the days the child received services from the providing district. Further, if payment still has not been made within sixty (60) days from the time of resolution of the dispute by the Finance Division or one hundred twenty (120) days from the date of receipt of the original claim, whichever is later, the Finance Division shall settle the matter by withholding the entire amount of the claim from State Aid or other payments otherwise due the district of residence and transmitting such amount to the providing district.

E. Upon determination by the Finance Division of the State Department of Education that a legal residence for a child placed in a public or private residential child care or treatment facility cannot be identified, the district in which the facility is located

shall be the district of residence and the average daily attendance of such child shall be credited to such district.

F. If any school district shall fail, neglect or refuse, for any reason whatsoever, to provide special education for a handicapped exceptional child, certified as such by competent authorities and residing in such district, as directed in Section 13-101 of this title, the following is hereby authorized:

1. Such child shall be entitled, upon petition by the child's parent or guardian, without consent or approval of the school district not providing special education, to transfer to any adjacent or nearby school district which will accept the handicapped exceptional child and provide the special education which such child is entitled to receive. The school district in which a child transferring under this section resides shall pay to the district receiving and educating such child, as tuition, a special education transfer fee as provided in paragraph 2 of this subsection. Provided the average daily attendance of such child shall be credited to the home district of such transferee.

2. The special education transfer fee shall be the per capita cost of the receiving district for current expenditures for the special education of such handicapped exceptional child based upon the cost of teachers, equipment, material, and special costs associated with the special education class.

3. It shall be the duty of the school district from which such handicapped exceptional child transfers to appropriate and pay such special education transfer fee to the district which receives and educates such child. If a school district owing such special education transfer fees shall fail, neglect or refuse for any reason whatsoever to appropriate and pay such special education transfer fees, then the school district entitled to receive such fees shall certify such fact to the Finance Division of the State Department of Education. Upon receipt of such certification, the Finance Division

shall deduct the amount of the special education fee from any State Foundation Program or Incentive Aid otherwise due the sending district and transmit such amount to the receiving district.

4. The sending school district shall also be obligated to pay the special education transfer fee whenever it has transferred a student to another school district for purposes other than to acquire special education, but where the student is subsequently found to require such special education, is determined to be eligible by the Special Education Division of the State Department of Education, and is placed in an appropriate special education program by the receiving school district. For purposes of this paragraph, the special education transfer fee shall be as provided by paragraph 2 of this subsection, prorated by the receiving school district according to the number of days the student has been enrolled in the special education program.

SECTION 16. AMENDATORY 70 O.S. 1991, Section 18-201, as amended by Section 5, Chapter 111, O.S.L. 1992 (70 O.S. Supp. 1993, Section 18-201), is amended to read as follows:

Section 18-201. A. On and after July 1, 1990, the weighted average daily membership of a school district for calculation of Foundation Aid purposes pursuant to Section 18-200 of this title shall be the sum of the weighted pupil grade level calculation, the weighted pupil category calculation and the weighted district calculation. The weighted average daily membership of a school district for calculation of Salary Incentive Aid purposes pursuant to Section 18-200 of this title shall be the sum of the weighted pupil grade level calculation, the weighted pupil category calculation, the weighted district calculation, and the weighted teacher experience and degree calculation.

B. The weighted calculations provided for in subsection A of this section shall be determined as follows:

1. The weighted pupil grade level calculation shall be determined by taking the highest average daily membership of the preceding two (2) years of a school district and assigning weights to the pupils according to grade attended as follows:

GRADE LEVEL	WEIGHT
a. Early childhood programs	.5
b. Kindergarten	1.3
c. First and second grade	1.351
d. Third grade	1.051
e. Fourth through sixth grade	1.0
f. Seventh through twelfth grade	1.2

Multiply the membership of each grade by the weight assigned to such grade and add the totals together to determine the weighted pupil grade level calculation for a school district. Determination of the pupils eligible for the early childhood program weight shall be pursuant to the provisions of Section 1-114 of this title. No child for whom tuition is paid pursuant to the provisions of Section 1-114 of this title may be included in the average daily membership of the district providing the early childhood program.

2. The weighted pupil category calculation shall be determined by assigning a weight to the pupil category as follows:

CATEGORY	WEIGHT
a. Vision Impaired	3.8
b. Learning Disabilities	.4
c. Hearing Impaired	2.9
d. Deaf and Blind	3.8
e. Educable Mentally Handicapped	1.3
f. Emotionally Disturbed	2.5
g. Gifted	.34
h. Multiple Handicapped	2.4

i. Physically Handicapped	1.2
j. Speech Impaired	.05
k. Trainable Mentally Handicapped	1.3
l. Bilingual	.25
m. Special Education Summer Program	1.2
n. Economically Disadvantaged	.25
o. Optional Extended School Year Program	

~~As determined by
the State Board
of Education~~

Multiply the number of pupils approved in the preceding school year in each category by the weight assigned to such category and add the totals together to determine the weighted pupil category calculation for a school district.

3. The weighted district calculation shall be determined by determining the calculations for each school district for both the small school district formula and the district sparsity - isolation formula, applying whichever is the greater of the calculations of the two formulas and then applying the restrictions pursuant to subparagraph c of this paragraph.

- a. Small school district formula: $529 \text{ minus total average daily membership divided by } 529 \text{ times } .2 \text{ times total average daily membership.}$

The small school district formula calculation shall apply only to school districts whose highest average daily membership of the preceding two (2) years is less than 529 pupils. School districts which are consolidated or annexed after August 19, 1991, pursuant to the Oklahoma School Consolidation and Annexation Act shall have the weighted district size calculation for the two (2) school years following the fiscal year in which such consolidation

occurred calculated to be the sum of the individual consolidated districts computed as if the consolidation had not taken place. Thereafter, any such district which is consolidated pursuant to the Oklahoma School Consolidation and Annexation Act shall not qualify for the weighted district calculation unless the district can satisfy the specifications herein. Subject to the provisions of subparagraph c of this paragraph, the resulting number shall be counted as additional students for the purpose of calculating State Aid.

b. District sparsity - isolation formula:

The district sparsity - isolation formula calculation shall apply only to school districts:

- (1) whose total area in square miles is greater than the average number of square miles for all school districts in this state; and
- (2) whose areal density is less than one-fourth (1/4) of the state average areal density. Areal density shall be determined by dividing the school district's average daily membership by the school district's total area in square miles.

The district sparsity - isolation formula calculation shall be calculated as follows:

The school district student cost factor multiplied by the school district area factor. The resulting product shall be multiplied by the school district's average daily membership. Subject to the provisions of subparagraph c of this paragraph, the resulting number shall be counted as additional students for the purpose of calculating State Aid.

The school district student cost factor shall be calculated as follows:

The school district's average daily membership shall be categorized into the following grade level groups and applied to the appropriate formulas as computed below:

Grade Level Group

Grades K-5 Divide 74 by the sum of the Grade Level ADM plus 23, add .85 to the quotient, then multiply the sum by the Grade Level ADM.

Grades 6-8 Divide 122 by the sum of the Grade Level ADM plus 133, add .85 to the quotient, then multiply the sum by the Grade Level ADM.

Grades 9-12 Divide 292 by the sum of the Grade Level ADM plus 128, add .78 to the quotient, then multiply the sum by the Grade Level ADM.

The sum of the grade level group's average daily membership shall be divided by the school district's average daily membership. The number one (1.0) shall be subtracted from the resulting quotient.

The school district area cost factor shall be calculated as follows:

Subtract the state average district area from the district area, then divide the remainder by the state average district area;

however, the district area cost factor shall not exceed one (1.0).

The State Board of Education shall define geographical barriers whose location in a school district would inhibit the district from consolidation or annexation. The Board shall make available an application process, review applications, and for districts the

Board deems necessary allow additional square miles to be used for the purposes of calculations used for the weighted district sparsity - isolation formula. Provided that the additional square miles allowed for geographical barriers shall not exceed thirty percent (30%) of the district's actual size.

c. State Aid funds which a district is calculated to receive as a result of the weighted district calculation shall be restricted as follows:

(1) If after the weighted district calculation is applied, the district's projected per pupil revenue exceeds one hundred fifty percent (150%) of the projected state average per pupil revenue then the district's State Aid shall be reduced by an amount that will restrict the district's projected per pupil revenue to one hundred fifty percent (150%) of the projected state average per pupil revenue. Provided, in applying the restriction provided in this division, the district's State Aid shall not be reduced by an amount greater than by the amount of State Aid which was generated by the weighted district calculation.

Projected per pupil revenue shall be determined by dividing the highest of the district's preceding two years average daily membership (ADM) as weighted by the pupil grade level, the pupil category, the district and the teacher experience degree index calculations for projected State Aid into the district's projected total revenues including projected funds for the current State Aid Formula, net assessed valuation for the preceding calendar year times thirty-nine (39) mills, county revenues of the

second preceding year, other state appropriations for the preceding year and the collections for the second preceding year of state apportionment, motor vehicle revenue, gross production tax and R.E.A. tax. The district's projected total revenues shall exclude the following collections for the second preceding year: federal revenue, insurance loss payments, reimbursements, recovery of overpayments and refunds, unused reserves, prior expenditures recovered, prior year surpluses, and other local miscellaneous revenues.

4. The weighted teacher experience and degree calculation shall be determined in accordance with the teacher experience and degree index. The State Department of Education shall determine an index for each state teacher by using data supplied in the school district's teacher personnel reports of the preceding year and utilizing the index as follows:

TEACHER EXPERIENCE - DEGREE INDEX			
EXPERIENCE	BACHELOR'S	MASTER'S	DOCTOR'S
	DEGREE	DEGREE	DEGREE
0 - 2	.7	.9	1.1
3 - 5	.8	1.0	1.2
6 - 8	.9	1.1	1.3
9 - 11	1.0	1.2	1.4
12 - 15	1.1	1.3	1.5
Over 15	1.2	1.4	1.6

The school district teacher index for each school district shall be determined by subtracting the weighted average state teacher from the weighted average district teacher. Multiply the school district teacher index if greater than zero by .7 and then multiply that product by the sum of the district's weighted pupil grade level calculation provided in paragraph 1 of this subsection and the

weighted pupil category calculation provided in subparagraph n of paragraph 2 of this subsection to determine the weighted teacher experience and degree calculation.

SECTION 17. AMENDATORY 70 O.S. 1991, Section 23-104, is amended to read as follows:

Section 23-104. As used in this article, unless the context indicates otherwise:

1. "State Department of Education" means that department of the state government in which are placed the agencies ~~created or authorized by the Constitution and Legislature~~ that are charged with ~~the responsibility of determining the policies and directing the~~ certain responsibilities related to administration and supervision of the common school system of the state as provided by the Constitution of the State of Oklahoma or delegated by the Legislature. These agencies are the State Board of Education, ~~and the State Superintendent of Public Instruction, and such divisions and positions as may be established by law or by the State Board of Education.~~

2. "State Board of Education" means that agency in the State Department of Education which is the governing board of said Department and, within the confines of the powers and duties prescribed for it by law, of the common school system of the state.

3. "State Superintendent of Public Instruction" means the elected official provided for in Article VI, Section 1 of the Constitution of Oklahoma, who is the executive officer of the State Board of Education.

4. "Oklahoma State Regents for Higher Education" means that body created by Article XIII-A of the Constitution of Oklahoma to coordinate the affairs of all institutions of higher learning supported by taxation in the State of Oklahoma.

5. "Common schools of Oklahoma" means all private schools and all schools supported by public taxation, and including elementary

and secondary schools, the first two (2) years of junior college, night school, adult and other special classes, and vocational instruction.

6. "Institutions of higher learning" means all private institutions and all the state universities and colleges which are supported by public taxation or otherwise authorized by laws in effect or enacted hereinafter.

7. "Authority" means the Oklahoma Educational Television Authority created by Section 23-105 of this ~~article~~ title, or, if said Authority shall be abolished, the board, body, or commission succeeding to the principal functions of said Authority, or to whom the power is given by law.

8. "Facilities" means channels, all equipment, and properties, including the construction and operation thereof at any given point together with all rights, easements, leases, and interests which may be acquired by the Authority for such construction and operation which may be deemed necessary for the accomplishment of the purposes set forth in Section 23-101 of this article.

9. "Cost" as applied to the facilities means the cost of construction including the acquisition of all land, rights-of-way, property, rights, easements, and interest acquired by the Authority for such construction; all machinery and equipment, financing charges, interest prior to and during construction; engineering and legal expenses, plans, specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to determining the feasibility or practicability of constructing any such facilities; administrative expense, and such other expense as may be necessary or incident to the construction of the facilities; and the financing of such construction and the placing of the facilities in operation.

10. "Owner" means all individuals, copartnerships, associations, or corporations having any title or interest in any

property, rights, easements, and interest authorized to be acquired by this article.

11. "Oklahoma Educational Television Network" means the educational television channels allocated to the state by the Federal Communications Commission and maintained and operated by the Oklahoma Educational Television Authority.

12. "Executive Director" means the Executive Director of the Oklahoma Educational Television Authority, authorized by the provisions of Section ~~3~~ 23-106.1 of this ~~act~~ title.

SECTION 18. AMENDATORY 70 O.S. 1991, Section 24-119, is amended to read as follows:

Section 24-119. ~~The State Board of Education~~ Each district board of education shall ~~adopt necessary rules and regulations providing~~ provide coverage in the district's curriculum of the outstanding historical events which recognize the contributions made by African Americans, Hispanic Americans, Native Americans and other ethnic groups to Oklahoma's rich cultural history and heritage as the board deems appropriate.

SECTION 19. AMENDATORY 70 O.S. 1991, Section 24-138, is amended to read as follows:

Section 24-138. A. Whenever it appears to any public school teacher that a student may be under the influence of nonintoxicating beverages as defined in Section 163.2 of Title 37 of the Oklahoma Statutes, alcoholic beverages as defined in Section 506 of Title 37 of the Oklahoma Statutes or a controlled dangerous substance, as defined in Section 2-101 of Title 63 of the Oklahoma Statutes, that teacher shall report the matter, upon recognition, to the school principal or his designee. The principal or designee shall immediately notify the superintendent of schools or designee and a parent or legal guardian of the student of the matter.

No officer or employee of any public school district or member of any school board shall be subject to any civil liability for any

statement, report, or action taken in assisting or referring for assistance to any medical treatment, social service agency or facility or any substance abuse prevention and treatment program any student reasonably believed to be abusing or incapacitated by the use of nonintoxicating beverages, alcoholic beverages or a controlled dangerous substance unless such assistance or referral was made in bad faith or with malicious purpose. No such officer or employee of any public school district, member of any school board, school or school district shall be responsible for any treatment costs incurred by a student as a result of any such assistance or referral to any medical treatment, social service agency or facility, or substance abuse prevention and treatment program.

B. Every school district shall have and deliver to each classroom teacher a written policy that such teachers shall follow if they have a student who appears to be under the influence of nonintoxicating beverages, alcoholic beverages or a controlled dangerous substance in their classroom. The written policy shall be developed by the local superintendent of schools and adopted by the local board of education. The provisions of subsection A of this section shall be the minimum requirements of such written policy. ~~The written policy shall be filed with the office of the State Superintendent of Public Instruction within ninety (90) days of the effective date of this act. If such filing is not timely made, the public schools in such school district shall lose their accreditation until the written policy is filed.~~

SECTION 20. AMENDATORY 70 O.S. 1991, Section 1210.103, is amended to read as follows:

Section 1210.103 All children who have attained the age of five (5) years by September 1 of the school year and who are attending ~~an~~ a accredited kindergarten program operated by the school district for which no tuition is charged shall be included in the computation of average daily attendance for the purpose of

(a) computing and paying Foundation Program Aid and Incentive Aid under Sections 7 and 8, Chapter 397, 1965 Session Laws, as amended (70 O.S.1968 Supp., Sections 18-7A and 18-8A);

(b) apportioning revenues under 47 O.S. 1961, Section 22.2; and
(c) apportioning revenues under subsection (d) of Section 1004 of Article 10 of Section 2, Chapter 365, 1963 Session Laws (68 O.S.1968 Supp., Section 1004, (d)).

Each day during which a child attends such a kindergarten for two and one-half (2 1/2) hours or more shall be counted as one-half (1/2) day of average daily attendance.

SECTION 21. REPEALER 70 O.S. 1991, Sections 1-107, 1-109, as amended by Section 4, Chapter 324, O.S.L. 1992 (70 O.S. Supp. 1993, Section 1-109), 1-109.1, 1-111, as amended by Section 5, Chapter 324, O.S.L. 1992 (70 O.S. Supp. 1993, Section 1-111), 1-112, 1-116.1, 3-104.2, as amended by Section 7, Chapter 324, O.S.L. 1992 (70 O.S. Supp. 1993, Section 3-104.2), 3-104.3, 3-104.4, 3-104.5, 3-115, 3-118, 4-105, 4-106, 4-107, 5-110, as amended by Section 2, Chapter 254, O.S.L. 1992 (70 O.S. Supp. 1993, Section 5-110), 5-110.1, 5-110.2, 5-117.2, 5-117.4, 5-141.2, 6-101.10, as amended by Section 29, Chapter 239, O.S.L. 1993 (70 O.S. Supp. 1993, Section 6-101.10), 6-101.11, 6-101.13, 6-101.14, 6-101.20, 6-101.21, 6-101.22, 6-101.23, 6-101.24, as amended by Section 1, Chapter 34, O.S.L. 1992 (70 O.S. Supp. 1993, Section 6-101.24), 6-101.25, 6-101.26, 6-101.27, 6-101.28, 6-101.29, as amended by Section 2, Chapter 34, O.S.L. 1992 (70 O.S. Supp. 1993, Section 6-101.29), 6-101.30, 6-101.40, as last amended by Section 8, Chapter 360, O.S.L. 1993 (70 O.S. Supp. 1993, Section 6-101.40), 6-101.43, as amended by Section 3, Chapter 215, O.S.L. 1993 (70 O.S. Supp. 1993, Section 6-101.43), 6-101.44, 6-101.45, 6-101.46, as amended by Section 4, Chapter 215, O.S.L. 1993 (70 O.S. Supp. 1993, Section 6-101.46), 6-101.47, 6-104, 6-104.5, 6-105, 6-106, 6-113.1, 6-127, 6-150, 6-151, 6-157, 6-158, as amended by Section 1, Chapter 388, O.S.L. 1992 (70 O.S. Supp.

1993, Section 6-158), 6-158.1, 7-101.1, 10-105.2, 10-105.3, as last amended by Section 17, Chapter 373, O.S.L. 1992 (70 O.S. Supp. 1993, Section 10-105.3), 11-103, as amended by Section 39, Chapter 239, O.S.L. 1993 (70 O.S. Supp. 1993, Section 11-103), 11-103.1, 11-103.2, 11-103.3, 11-103.6, 11-103.6a, 11-103.7, 11-103.10, as amended by Section 355, Chapter 145, O.S.L. 1993 (70 O.S. Supp. 1993, Section 11-103.10), 16-101, as last amended by Section 1, Chapter 229, O.S.L. 1993 (70 O.S. Supp. 1993, Section 16-101), 16-101.1, 16-102, 16-102.1, 16-103, 16-104, 16-106, 16-107 and 16-108, as amended by Sections 2, 3, 4, 5, 6, 7, 8 and 9, Chapter 229, O.S.L. 1993 (70 O.S. Supp. 1993, Sections 16-101.1, 16-102, 16-102.1, 16-103, 16-104, 16-106, 16-107 and 16-108), 16-109, 16-110 and 16-111, as last amended by Sections 9 and 10, Chapter 360, O.S.L. 1993 (70 O.S. Supp. 1993, Sections 16-110 and 16-111), 16-111.1 and 16-113, as amended by Sections 12 and 13, Chapter 229, O.S.L. 1993 (70 O.S. Supp. 1993, Sections 16-111.1 and 16-113), 16-114, 16-115, as last amended by Section 11, Chapter 360, O.S.L. 1993 (70 O.S. Supp. 1993, Section 16-115), 16-117, 16-118, 16-119 and 16-121, as amended by Sections 15, 16, 17 and 18, Chapter 229, O.S.L. 1993 (70 O.S. Supp. 1993, Sections 16-117, 16-118, 16-119 and 16-121), 24-113, 24-140, 1210.282, as last amended by Section 30, Chapter 116, O.S.L. 1993 (70 O.S. Supp. 1993, Section 1210.282), 1210.541, as last amended by Section 13, Chapter 257, O.S.L. 1993 (70 O.S. Supp. 1993, Section 1210.541), and 1210.551a, Sections 1, 2, 3, 4, 5, 6, 7, 8 and 9, Chapter 257, O.S.L. 1993 (70 O.S. Supp. 1993, Sections 1210.571, 1210.572, 1210.573, 1210.574, 1210.575, 1210.576, 1210.577, 1210.578 and 1210.579), and Section 8, Chapter 324, O.S.L. 1992 (70 O.S. Supp. 1993, Section 5-141.3), are hereby repealed.

SECTION 22. This act shall become effective July 1, 1994.

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.

44-2-1425

SB