

SHORT TITLE: Constitutional amendment; modifying governance of public schools; providing for scholarships to public and private schools.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE JOINT
RESOLUTION NO. 32

By: Rubottom of the Senate

and

Gray of the House

AS INTRODUCED

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 1 of Article XIII of the Constitution of the State of Oklahoma, a proposed amendment to the Constitution of the State of Oklahoma by adding new sections to Article XIII to be designated as Sections 9, 10, 11, 11a, 12, 13, 14, 15, 16 and 17, and a proposed amendment to the Constitution of the State of Oklahoma by repealing Sections 5, 6 and 7 of Article XIII, which relate to establishment and maintenance of public schools; altering composition of State Board of Education; providing certain definitions; creating County Board of Regents to govern schools in each county; stating powers of County Board of Regents; creating position of school manager to govern each public school; stating qualifications of school manager and grounds for dismissal; providing for students attending private schools to receive scholarships from public funds; providing for transportation reimbursement; requiring public schools to meet certain scholastic criteria; stating criteria related to testing; requiring that students achieve mastery of certain core subjects; allowing parents to select which public school their child shall attend; requiring annual audit of public schools by state auditor through contracts with accounting firms; requiring State Auditor to report evidence of wrongdoing to district attorney; directing Legislature to implement amendments within three years of passage; prohibiting certain condition of employment in public schools; providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
2ND SESSION OF THE 44TH OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law,

the following proposed amendment to Section 1 of Article XIII of the Constitution of the State of Oklahoma, to read as follows:

Section 1. (a) The Legislature shall establish and maintain a system of free public schools wherein all the children of the State may be educated.

(b) For purposes of this article:

(1) "School manager" means a person who serves as the chief executive officer of a public school. Each school manager shall possess at least a baccalaureate degree from an accredited senior college or university. He or she shall have full authority to direct and administer such school;

(2) "Public school" means a teaching establishment administered by a school manager appointed by a County Board Regent. It is a structure which is a main teaching facility together with ancillary buildings, clustered in its immediate vicinity and which may or may not include all grades kindergarten through twelve;

(3) "K-12" means school grades kindergarten through twelve;

(4) "Private school" means any school teaching students funded from the K-12 account through parents or guardians which is not a public school and which maintains an average monthly enrollment of at least fifteen (15) students; and

(5) "County Board of Regents" means a board consisting of three (3) members, each of whom will be elected from an area which is coterminous with that of a county commissioner's district. Board members shall be elected from a non-partisan ballot at regularly scheduled biennial state-wide elections. If no candidate receives a majority of votes cast in a primary election, the two candidates receiving the highest number of votes in each district shall stand for election in the general election. Election of all regents shall occur every two (2) years. Regents shall serve without remuneration. Services necessary to lawful functions of the boards shall be provided at the discretion of the county commissioners.

County Boards of Regents shall have no authority over any school or its personnel other than as set out herein. In addition to other duties, the County Board of Regents shall be trustees for public school real properties in the county, holding title to and overseeing the management of all such properties. Funds from real property sold, leased or rented shall be deposited in the county building fund of each County Board of Regents.

(c) There shall be a State Board of Education consisting of one member from each congressional district in the state and the State Superintendent of Schools. Each member of a congressional district shall be selected by a public blind drawing by the Secretary of State from the names of all members of County Boards of Regents whose county seat lies within the boundaries of the congressional district, with the exception that no county shall have more than one member on the State Board of Education.

(d) The Legislature shall pass such laws required to establish and maintain public schools, allow parents to choose which public school their child shall attend, and afford financial assistance to parents of students choosing to attend a school other than a public school under the mandates and limitations set out herein. In carrying out these mandates, parents or guardians shall be afforded maximum autonomy in selecting the educational situations for their children, and each public school shall not be limited except as set out herein in the variety of systems of governance which each school may devise.

(e) Parents or guardians who choose scholarships for their children or wards to attend private schools are the legal owners of such scholarships, and as owners, may designate private schools as agents for processing of applications for and collection of funds due them under this measure. All funds for scholarships shall be distributed monthly to each public school and to parents or guardians of children or wards attending private schools from the

assets in the State Treasurer's K-12 account on a per student enrollment basis. The number of students and the grades they occupy shall be obtained from attested sworn information of school managers or from private school administrators when acting as agents of parents or guardians.

SECTION 2. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Article XIII of the Constitution of the State of Oklahoma by adding new Sections 9, 10, 11, 11a, 12, 13, 14, 15, 16 and 17 to read as follows:

Section 9. (a) Public schools shall be created so that each teaching establishment, including but not limited to grade schools, high schools, and junior high schools, shall be governed by a school manager who shall not be legally affiliated with another teaching establishment or responsible to another chief administrative officer of any school or any educational hierarchy. He or she shall be appointed by a County Board Regent in whose district the school is located.

(b) The Legislature shall develop a system which requires schools to achieve a scholastic norm in core subjects. The Legislature shall require schools which are below the norm to make reasonable advances annually to reach such norm. School managers failing to secure such advances shall be dismissed automatically unless within forty-five (45) days of the announcement of his or her failure to meet such standards fifty-one percent (51%) of the parents who signed the children's enrollment forms (only one parent per form) sign a petition for the school manager's retention and present it to the County Board Regent serving the district in which the school is located.

(c) In addition to automatic dismissal as provided in subsection (b) of this section, school managers shall be dismissed if:

(1) Two County Board Regents, one of whom must represent the district in which the school manager serves, vote to dismiss; or

(2) Fifty-one percent (51%) of the parents or guardians who signed children's enrollment forms (only one parent per form) sign a petition for the school manager's removal and present it to the County Board Regent serving the district in which the school is located; or

(3) The school manager is convicted of a felony under any state or federal law unless within ten (10) days of conviction, two regents, one of whom is the appointing regent, vote to retain him or her.

Section 10. Academically, the determination of the success or failure of a public school shall be on the basis of annual testing in core subjects. There shall be three (3) core subjects in kindergarten through grade three, and four (4) core subjects in grades four through twelve. Core subjects shall be: mathematics in its various forms, English language skills (literature, reading, oral, grammatical and written), geography, history, and biological and physical sciences.

These core subjects shall be distributed among the grades by the State Board of Education, and each described by a syllabus which is sufficient to enable school managers and private school administrators to structure study to prepare students for core subject examinations, and for tests to be crafted which will properly examine for the subject matter. Tests for each core subject shall be structured by the test designer so that the material examined will not seek out personal attitudes of the student as to religion, moral and lifestyle convictions or political viewpoints. Neither shall the tests permit such judgment by the person who grades the tests, nor shall such tests examine for knowledge of theories of the origin of the biological and physical universe. No opinions, value judgments or doctrinaire (political

or religious) views will be a part of a correct answer. The choice of tests shall be on the basis that they contain material which accurately examines students for material they should be able to master at their grade levels. The passing score of a test shall be one that demonstrates comprehension of the subject and shall not be determined by a norming process. It shall be a misdemeanor for any person or persons to attempt in any manner to subvert the objectives of these tests.

Section 11. Each public school must enroll all students except expelled students who are residents in the attendance area that was extant during the school year that this amendment was adopted for a period of twelve (12) years, after which time former attendance areas are abolished and that public school must enroll students whose residence is nearest such school on a straight-line basis. During the initial twelve years this amendment is in effect, the County Board of Regents by unanimous consent may alter the initial attendance areas if so dictated by economic or population changes. After the initial twelve years, the County Board of Regents, by unanimous consent, may deviate from the aforementioned straight line rule because of compelling geographic or economic reasons. A school manager shall not refuse to enroll a student with disabilities who lives in the attendance area of the school or any other student who has not been expelled.

Section 11a. Any reimbursement for a student's transportation to a public school outside his or her attendance area may be negotiated between parent and school manager not to exceed fifteen percent (15%) of a scholarship.

Section 12. Each public school may enroll any student and collect public money for teaching any student who desires to enroll if the school manager determines the school has the facilities to teach the student including those expelled from other schools.

Section 13. Each public school manager shall prepare a manual which shall be open for public inspection. The manual shall reveal the salary obtained by the school manager, must include a nondiscrimination clause, and must require that only teachers in core subjects possess a baccalaureate degree from an accredited college or university. It may contain but is not required to contain a wide variety of additional information such as teaching philosophy, punishment criteria, policies relating to sports and other extracurricular activities, salaries and additional qualifications of teachers, other professionals, and nonprofessionals, and the methods by which the school shall be administered.

Section 14. Each public school shall be audited on a random basis by the State Auditor to the extent that personnel permits; public schools shall be audited annually by accounting firms under contract approved by the State Auditor. Costs of audits shall be absorbed by the public school, and the results of each audit shall be published in summary in the newspaper having the largest circulation in the community in which the school is located. Each audit shall be provided to the County Board Regent who is the appointing authority for the school manager involved. The State Auditor shall furnish evidence of wrongdoing, if any is found, to the district attorney in whose jurisdiction the school is situated.

Section 15. No private school shall have its autonomy disturbed by any law except to the extent that such law shall have general application to all citizens of the State of Oklahoma, or as mandated by the Constitution of the State of Oklahoma. Student's education on scholarships in private schools under this article must be submitted to testing in the same core subjects as those administered in public schools.

No student may be issued a diploma of graduation for a public school until he or she has passed all core courses in which

enrolled. Others finishing school shall be issued documentation of scholastic achievements. Students issued documentation of scholastic achievement or dropouts may, for the purpose of obtaining such diploma, re-enter school under this provision at any time to age twenty-two (22), and receive scholarships provided that he or she is enrolled in four core courses unless fewer courses are required for graduation.

Public funding of any student not attending a public school shall continue in proportion to the tests passed in core subjects the previous year. Parents of students who for the first year are not attending a public school may post bond in an amount equal to public money scheduled for payment to first-year students. The bond will be forfeited to the extent first-year students fail to meet the success rate in passing core subjects that is achieved by grade level (i.e., kindergarten through twelfth grades) in the public schools statewide. Parents or guardians choosing not to post bond may apply for reimbursement from state funds retroactively to the extent that new students met the requirements for first-year bonded students. No private school or parent or guardian shall be compelled to accept public funds.

Section 16. The Legislature shall prepare the necessary legislation to provide for the liquidation of all existing school district debts and obligations except that secured by bond issues; provide for voluntary participation in the State Teachers Retirement System by teachers of core subjects in private schools, and pass additional law only as necessary to ensure the implementation of this measure within three (3) years of its adoption by the people.

Section 17. No person in the public school system shall be required as a condition of employment to join or pay dues to any organization.

SECTION 3. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law,

the following proposed amendment to Article XIII of the Constitution of the State of Oklahoma by repealing Sections 5, 6 and 7.

SECTION 4. The Ballot Title for the proposed Constitutional amendments as set forth in SECTIONS 1, 2 and 3 of this resolution shall be in the following form:

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure would amend Article Thirteen of the State Constitution. It would add new Sections 9, 10, 11, 11a, 12, 13, 14, 15, 16, and 17. It would create a new State Board of Education. It would create an elected County Board of Regents to manage school property and hire a school manager. Scholarships would be provided for students attending public and private schools. Students receiving scholarships must meet standards in core subjects. Student test scores in public schools will be reviewed each year. Parents could enroll their children in the school of the parent's choice. Each public school must be audited each year. No person would be required to join or pay dues to a group to be hired in a public school. It would remove Sections 5, 6, and 7. It would do away with the state textbook system for schools. It would do away with the rule that schools must teach farm, plant, and animal sciences and homemaking.

SHALL THESE AMENDMENTS BE APPROVED BY THE PEOPLE?

____/ YES, FOR THE AMENDMENTS
____/ NO, AGAINST THE AMENDMENTS

SECTION 5. The President Pro Tempore of the Senate shall, immediately after the passage of this resolution, prepare and file one copy thereof, including the Ballot Title set forth in SECTION 4 hereof, with the Secretary of State and one copy with the Attorney General.

44-2-1462

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