

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)
2ND CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1100

By: Williams (Don), Williams
(Penny), Long (Ed) and
Shedrick of the Senate

and

Anthony, Begley, Boyd
(Betty), Hager and Tyler
of the House

2ND CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 1991, Section 1-114, as last amended by Section 1, Chapter 220, O.S.L. 1994 (70 O.S. Supp. 1995, Section 1-114), which relates to school age children; modifying certain eligibility requirements; specifying certain date; amending 70 O.S. 1991, Section 3-104, as last amended by Section 23, Chapter 322, O.S.L. 1995 (70 O.S. Supp. 1995, Section 3-104), which relates to power and duties of the State Board of Education; limiting authority to adopt certain policies and rules; removing certain reporting requirement of Board; deleting obsolete language; deleting authority to administer certain things of value; limiting authority of Board to require certain reports from school districts; limiting powers and duties of Board; reserving certain powers and duties to local districts; deleting authority of Board to review certain plans for construction; requiring certain internal review of rules; providing for date of completion; authorizing deletion of certain rules; prohibiting amendment or deletion of certain rules; amending 70 O.S. 1991, Section 5-107A, as last amended by Section 5, Chapter 360, O.S.L. 1994 (70 O.S. Supp. 1995, Section 5-107A), which relates to school boards; allowing certain boards of education to enlarge its board; requiring certain regulation of petition; requiring certain certification by secretary of the county election board; stating time and place of election; requiring board to reapportion the district; requiring certain election to be in accordance with certain procedures; amending Sections 13, 14 and 15, Chapter 322, O.S.L. 1995 (70 O.S. Supp. 1995, Sections 6-192, 6-193 and 6-194), which relate to professional development for teachers; expanding how certain professional development procedure; expanding how certain funds may be expended; expanding certain programs which may be adopted by the local board of education; providing certain stipend for certain teachers; requiring certain proof of teacher's attendance and completion of program; requiring State Board of Education to award certain grants; providing for expenditure of grant monies; providing for certain stipend for certain teachers; authorizing State Board of Education to award certain scholarships; stating purpose of scholarships; requiring

priority be given to certain school districts; providing for awarding of scholarships based on allocation of certain funds; authorizing State Board of Education to promulgate certain rules; amending 70 O.S. 1991, Section 11-103.7, as amended by Section 2, Chapter 205, O.S.L. 1994 (70 O.S. Supp. 1995, Section 11-103.7), which relates to early childhood education programs; requiring certain early childhood programs to be offered in cooperation with certain Head Start classes; prohibiting certain early childhood programs to supplant or relocate off of school property, certain Head Start classes; amending 70 O.S. 1991, Sections 18-114.7, as last amended by Section 1 of Enrolled Senate Bill No. 740 of the 2nd Session of the 45th Oklahoma Legislature, and 18-201, as last amended by Section 1, Chapter 359, O.S.L. 1994 (70 O.S. Supp. 1995, Section 18-201), which relate to teacher salaries and state aid; adding steps to minimum teacher salary schedule; increasing pupil weight for early childhood programs; adding pupil weight for underage kindergarten beginning in the 1997-1998 school year; requiring the Oklahoma School of Science and Mathematics to solicit proposals and award grants for certain pilot projects; requiring the Oklahoma School of Science and Mathematics to determine certain criteria; providing certain criteria; requiring certain proposals to be considered on a statewide competitive basis; requiring certain notification; requiring Board to promulgate rules establishing Advanced Placement Incentive Program; stating purpose; stating components of program; providing definitions; authorizing certain awards; defining certain awards; requiring certain reimbursement forms to be mailed out to each school district; repealing 70 O.S. 1991, Section 3-104.5 and Sections 6, 7 and 8, Chapter 305, O.S.L. 1995 (70 O.S. Supp. 1995, Sections 3-121, 3-122 and 3-123), which relate to Plan of Education Development and Improvement, apportionment of certain funds, funding for certain children and the Oklahoma Education 2000 Challenge; repealing Section 1, Chapter 253, O.S.L. 1992, as amended by Section 24, Chapter 239, O.S.L. 1993 (70 O.S. Supp. 1995, Section 4-201), which relates to maintenance of certain records; repealing 70 O.S. 1991, Section 5-117.2, Section 3, Chapter 205, O.S.L. 1992, and 70 O.S. 1991, Sections 5-118, 5-119, as amended by Section 6, Chapter 254, O.S.L. 1992, 5-120, 5-121, 5-122, 5-129.2, 5-131 and 5-132 (70 O.S. Supp. 1995, Sections 5-117a and 5-119), which relate to State Board of Education, local boards of education, school board members and students of legal age; repealing 70 O.S. 1991, Sections 6-101.2, as amended by Section 1, Chapter 295, O.S.L. 1995, 6-101.4, 6-101.21, and 70 O.S. 1991, Sections 6-105A, 6-107, as amended by Section 11, Chapter 257, O.S.L. 1993 and 6-113.1 (70 O.S. Supp. 1995, Sections 6-101.2 and 6-107), which relate to teacher's contracts, powers and duties of superintendent, standards of performance, construction of certain agreements and salary; repealing 70 O.S. 1991, Sections 7-201, 7-202, as amended by Section 12, Chapter 324, O.S.L. 1992, 7-203, as last amended by Section 4, Chapter 361, O.S.L. 1993, 7-204, as amended by Section 1, Chapter 281, O.S.L. 1992 and 7-205 (70 O.S. Supp. 1995, Sections 7-202, 7-203 and 7-204), which relate to the Oklahoma School Consolidation and Annexation Act; repealing 70 O.S. 1991, Sections 8-101 and 8-112, as amended by Section 38, Chapter 239, O.S.L. 1993 (70 O.S. Supp. 1995, Section 8-112), which

relate to transfers; repealing 70 O.S. 1991, Sections 9-102, 9-107, 9-108, as amended by Section 70, Chapter 290, O.S.L. 1994, 9-109, as last amended by Section 1, Chapter 176, O.S.L. 1995, 9-112, 9-113, 9-114, 9-115, 9-116, 9-117 and 9-118 (70 O.S. Supp. 1995, Sections 9-108 and 9-109), which relate to transportation, rules of the road, transportation equipment and operation instruction for bus drivers; repealing 70 O.S. 1991, Sections 10-101 and 10-102.1, as amended by Sections 3 and 4, Chapter 232, O.S.L. 1994, Section 3, Chapter 132, O.S.L. 1994, and 70 O.S. 1991, Sections 10-105.2, 10-107 and 10-108 (70 O.S. Supp. 1995, Sections 10-101, 10-102.1 and 10-103.2), which relate to attendance officers, student information referrals, outreach agreements, rules and travel expenses; repealing 70 O.S. 1991, Sections 11-103.2, 11-103.10, as amended by Section 355, Chapter 145, O.S.L. 1993, 11-104, 11-105, Sections 1, 2, 3, 4 and 5, Chapter 186, O.S.L. 1992 and Section 13, Chapter 305, O.S.L. 1995 (70 O.S. Supp. 1995, Sections 11-103.10, 11-108, 11-108.1, 11-108.2, 11-108.3, 11-108.4 and 11-110), which relate to curriculum, Academic Scholar Program, military and athletic training, Oklahoma Youth Community Services Act and coursework inventory; repealing 70 O.S. 1991, Sections 12-101, 12-102, 12-103, 12-104, 12-105, 12-107 and 12-108, which relate to special services to children with disabilities; repealing 70 O.S. 1991, Section 16-111.1, as amended by Section 12, Chapter 229, O.S.L. 1993 (70 O.S. Supp. 1995, Section 16-111.1), which relates to funding of supplemental textbooks and materials; repealing 70 O.S. 1991, Sections 19-113, 19-114, as last amended by Section 5, Chapter 320, O.S.L. 1995, 19-115, 19-116, 19-117, 19-118, 19-120, 19-121 and Section 17, Chapter 305, O.S.L. 1995 (70 O.S. Supp. 1995, Sections 19-114 and 19-122), which relate to driver's education, establishment of course, rules, eligible persons, annual report, cost of program, eligibility for certain allowance and allocation of funds; repealing 70 O.S. 1991, Section 1, Chapter 210, O.S.L. 1995, 70 O.S. 1991, Section 1, Chapter 41, O.S.L. 1992, 70 O.S. 1991, Sections 24-105, 24-110, 24-112, 24-113, 24-114, as amended by Section 50, Chapter 239, O.S.L. 1993, 24-115, 24-117, 24-118, 24-119, 24-130, 24-140 and Section 2, Chapter 194, O.S.L. 1992 (70 O.S. Supp. 1995, Sections 24-101.2, 24-104.1, 24-114 and 24-150), which relate to possession of certain firearms, soliciting, fraternities, sororities and secret societies, Oklahoma Statehood Day, Bill of Rights Day programs, certain rules, pupil records, storm and fallout shelters, safety goggles, respirators, ethnic and racial history coverage, Jim Thorpe Day, certain leadership programs and sports competition; repealing 70 O.S. 1991, Section 821.51, which relates to boxing; repealing 70 O.S. 1991, Sections 1210.181, 1210.182, 1210.199, 1210.203, 1210.221, 1210.222, 1210.223, 1210.224, 1210.225, 1210.227, 1210.228, 1210.229-1, 1210.229-2, as amended by Section 4, Chapter 170, O.S.L. 1992, 1210.229-3, as amended by Section 56, Chapter 274, O.S.L. 1995, 1210.229-5, Sections 71 and 72, Chapter 290, O.S.L. 1994, 70 O.S. 1991, Sections 1210.251, 1210.252, 1210.253, 1210.254, 1210.255, 1210.257 and 1210.258, Sections 1210.551, 1210.551a, 1210.552 and 1210.553, Sections 1, 2, 3, 4, 5, 6, 7, 8 and 9, Chapter 257, O.S.L. 1993, and 70 O.S. 1991, Sections 1210.591, 1210.801, 1210.802 and 1210.803 (70 O.S. Supp. 1995, Sections 1210.229-2, 1210.229-3,

1210.231, 1210.232, 1210.571, 1210.572, 1210.573, 1210.574, 1210.575, 1210.576, 1210.577, 1210.578 and 1210.579), which relate to respirators, eye protective devices, cardiopulmonary resuscitation instruction, segregation, Drug Abuse Education Act of 1972, Oklahoma Alcohol and Drug Abuse Prevention and Life Skills Education Act, student visits to correctional institutions, Economic Education Act of 1974, certain pilot projects, Oklahoma School Deregulation Committee, pilot projects for the coordination of certain education services to certain families, before-school and after-school programs, Developmental Research School Act and Task Force 2000: Creating Twenty-First Century Schools; providing for codification; providing effective dates; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 1-114, as last amended by Section 1, Chapter 220, O.S.L. 1994 (70 O.S. Supp. 1995, 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.

B. All children who are at least four (4) years of age but not more than five (5) 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. The following paragraphs shall govern admission to and eligibility for early childhood programs:

1. Children who are at least four (4) years of age but not more than five (5) years of age on or before September 1 who meet the qualifications for federally sponsored Head Start programs and beginning with the 1997-98 school year, meet the qualifications for free or reduced lunch, pursuant to 42 U.S.C.A. Section 1751 et seq., shall be entitled to attend early childhood programs in their district of residence 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 and beginning with the 1997-98 school year, do not meet the qualifications for free or reduced lunch. Children who are at least four (4) years of age but not more than five (5) years of age on or before September 1 who do not meet the qualifications for a federally sponsored Head Start program and beginning with the 1997-98 school year, do not meet the qualifications for free or reduced lunch, shall be accepted into an early childhood program in their district of residence as long as the district has the physical facilities and teaching personnel to accommodate the child. Admission of children who are not Head Start-eligible and beginning with the 1997-98 school year, who are not eligible for free or reduced lunch, shall be based on the date of receipt of application and upon payment of a sliding scale tuition which shall be set by the district board of education. For purposes of calculation of State Aid, children in an early childhood education program who meet the qualifications for federally sponsored Head Start programs and beginning with the 1997-98 school year, meet the qualifications for free or reduced lunch, 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.

2. A child who has not reached the age of five (5) years on or before September 1 and who resides in a district which does not offer an early childhood program shall be eligible for transfer to a district where an early childhood program is offered if the district that offers the early childhood program agrees to the transfer. A district offering early childhood programs may refuse to accept a nonresident child if the district does not have the physical facilities or teaching personnel to accommodate the child in an early childhood education class. If the child requesting the transfer has not reached the age of four (4) years on or before September 1, the district may refuse to accept the

nonresident child if the district determines the child is not ready for an early childhood program. Children who are accepted in a program outside their district of residence as provided in this paragraph and who are Head Start-eligible and beginning with the 1997-98 school year, who are eligible for free or reduced lunch, shall be entitled to attend the early childhood program free of charge and shall be included in the average daily membership of the district providing the program for State Aid funding subject to the weight limitations as set forth in paragraph 1 of this subsection. Children eligible for transfer as provided in this paragraph who are not Head Start-eligible and beginning with the 1997-98 school year, who are not eligible for free or reduced lunch, shall pay tuition on a sliding scale set by the district offering the program.

C. Underage children, defined as children who have reached the age of four (4) years but have not reached the age of five (5) years on or before September 1 of the school year, may be admitted to kindergarten subject to the provisions of the following paragraphs:

1. Underage children may be admitted to kindergarten classes in the district of the child's residence if class size of the district permits. An underage child who is a resident of the district shall not be required to pay tuition. Underage resident children who are admitted to kindergarten classes shall be included in the average daily membership of the district for State Aid funding, as provided in Section 18-201 of this title.

2. Underage children may be admitted to kindergarten classes in a district other than the district of the child's residence if the class size of the district permits and the district of residence and the nonresident district agree to the transfer. If a transfer is agreed upon, the underage child shall be included in the average daily membership of the receiving district for State Aid funding, as provided in Section 18-201 of this title. If the districts do not agree to a transfer, the child shall not be allowed to attend kindergarten classes in the nonresident district

unless a tuition fee is paid as set forth in subsection E of this section.

3. Prior to admittance in kindergarten classes a school district may through appropriate screening determine if the underage child is ready for enrollment in kindergarten classes.

D. 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 six (6) years on or before September 1 of the school year, who were admitted to a kindergarten class as underage children, who have satisfactorily completed kindergarten and who have been recommended for promotion to first grade shall be permitted to enroll in first grade. Underage children who are enrolled in first grade shall be included in the average daily membership of the school district for State Aid funding, as provided in Section 18-201 of this title.

E. No nonresident and nontransferred pupil shall be allowed to attend school in any school district unless a tuition fee equal to the per capita cost of education for a similar period in such district during the preceding year has been paid to the receiving district in advance yearly or by semester as determined by the district board of education of the receiving district. If the State Board of Education discovers that such attendance has been allowed without prior payment of the tuition fee in advance as 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.

F. 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 2. AMENDATORY 70 O.S. 1991, Section 3-104, as last amended by Section 23, Chapter 322, O.S.L. 1995 (70 O.S. Supp. 1995, Section 3-104), is amended to read as follows:

Section 3-104. The control of the State Department of Education and the supervision of the public school system of ~~Oklahoma~~ this state 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 as specified in the Oklahoma School Code, Section 1-101 et seq. of this title;

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 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 statistics 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, and
- 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 authority in matters pertaining to the licensure and certification of persons for instructional, supervisory and administrative positions and services in the public schools of the state subject to the provisions of Section ~~5~~ 6-184 of this ~~act~~ title, and shall formulate rules governing the issuance and revocation of certificates for 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 finance the activities of the State Department of Education necessary to administer the program, for consultative services, publication costs, actual and necessary travel expenses as provided in the State Travel Reimbursement Act, Req. No. 3036Page 10

Sections 500.1 et seq. of Title 74 of the Oklahoma Statutes,
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~~ this state. Provided, any unobligated balance in the
Teachers' Certificate Fund in excess of Ten Thousand Dollars
(\$10,000.00) on June 30 of any fiscal year shall be transferred to
the General Revenue Fund of ~~the State of Oklahoma~~ this state.
Until July 1, 1997, the State Board of Education shall have
authority for approval of teacher education programs. The State
Board of Education shall also have authority for the
administration of teacher residency and professional development,
subject to the provisions of the Oklahoma Teacher Preparation Act,
Section 6-180 et seq. of this title;

10. Promulgate rules governing the classification,
inspection, supervision and accrediting of all public nursery,
kindergarten, elementary and secondary schools and on-site
educational services provided by public school districts or state-
accredited private schools in partial hospitalization programs,
day treatment programs, and day hospital programs as defined in
this act for persons between the ages of three (3) and twenty-one
(21) years of age 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
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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 or, if an accrediting association is approved by the State Board of Education, by procedures established by the State Board of Education to accept accreditation by such accrediting association, if application is made to the State Board of Education for such accrediting;

11. 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. 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. 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", 42 U.S.C.A., Section 1751 et seq.,

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. 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. 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.~~ 15. 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 as specified in the Oklahoma School Code, Section 1-101 et seq. of this title. 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.~~ 16. 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
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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, Section 155 et seq, of Title 62 of the Oklahoma Statutes;

~~18.~~ 17. 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.~~ 18. Provide for the establishment of a uniform system of pupil and personnel accounting, records and reports;

~~20.~~ 19. Have authority to provide for the health and safety of school children and school personnel while under the jurisdiction of school authorities;

~~21.~~ 20. Provide for the supervision of the transportation of pupils;

~~22.~~ 21. 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.~~ 22. 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, Section 1-101 of this title. An educational function not specifically delegated to the State Department of Education or the State Board of Education is reserved and shall be performed by the local

~~districts; and, in addition thereto, those duties not specifically mentioned herein if not delegated by law to any other agency or official;~~

~~24.~~ 23. 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.~~ 24. 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.~~ 25. 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 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-104.8 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. By July 1, 1997, the State Board of Education shall conduct an internal review of its rules to determine whether each rule has been promulgated pursuant to current state or federal law. The review shall be conducted as if the provisions of Section 17 of this act were in effect. Any rule determined by the Board to be obsolete shall be deleted. Such deletions shall be made without submission of such deletions for legislative review pursuant to Section 308 of Title 75 of the Oklahoma Statutes and gubernatorial review pursuant to Section 303.1 of Title 75 of the Oklahoma Statutes. Prior to deletion of a rule, the State Board shall publish in The Oklahoma Register a notice of intent to remove the rule, including a summary of the rule. In addition, notice of the deletion shall be submitted to the Governor, President Pro Tempore of the Senate and Speaker of the House of Representatives, for informational purposes.

B. The provisions of this section shall not authorize the Board to amend or delete any rule which affects any private rights or procedures available to the public.

SECTION 4. AMENDATORY 70 O.S. 1991, Section 5-107A, as last amended by Section 5, Chapter 360, O.S.L. 1994 (70 O.S. Supp. 1995, Section 5-107A), is amended to read as follows:

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

A. For purposes of this section, temporary positions added to a board of education pursuant to Section 7-101 or 7-105 of this title shall not be considered in determining the size of the board. The number and term of each board of education shall be as follows:

District	Members	Term (Years)
Elementary	3	3
Independent		
1. districts having a five-member board	5	5
2. districts having a		

seven-member board 7 4

3. districts having a
nine-member board
unless an election is
conducted pursuant to
subsection C of this
section 9 3

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

1. a. Between August 1 and December 31 of the year following the submission by the United States Department of Commerce to the President of the United States of the official Federal Decennial Census, the board of education shall reapportion the territory of the school district into board districts. Beginning with the reapportionment following the 1990 Federal Decennial Census, all boundaries of board districts shall follow clearly visible, definable and observable physical boundaries which are based upon criteria established and recognized by the Bureau of the Census of the United States Department of Commerce for purposes of defining census blocks for its decennial census and shall follow, as much as is possible, precinct boundaries. Board districts shall be compact, contiguous and shall be as equal in population as practical with not more than a ten percent (10%) variance between the most populous and least populous board districts.
- b. School districts having fewer than one thousand (1,000) students in average daily membership during the preceding school year may choose not to establish board districts and may nominate and elect all board members at large.
- c. Elementary school districts shall have board members elected at large.

d. A city located in an independent school district having four or more wards and an outlying area with such outlying area comprising no more than twenty percent (20%) of the population of such independent school district, then such independent school district may adopt such wards and outlying area in lieu of the board districts provided for in subparagraph a of this paragraph, and at least one member of the board of education of such independent school district shall be a member of each ward; and

2. One member of the board of education shall be elected by the electors of the school district to represent each such board district. Provided, however, that in any school district where the electors of each board district, rather than the electors of the entire school district, elect board members to represent that board district, that district shall elect board members in that manner.

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

3. In a school district having more than ten thousand (10,000) children in average daily membership, the following provision and the provisions of Section 13A-101 et seq. of Title 26 of the Oklahoma Statutes shall control as to election of the members of the school district's board of education:

- a. There shall be held an election in which the electors of each board district in which a term is expiring or in which a vacancy exists shall select two candidates from among the candidates for board member to represent the board district,
- b. If, in the election, one candidate has a majority of all votes cast, then a run-off election is not required. If no candidate receives a majority of all votes cast, then the two candidates receiving

the greatest number of votes shall become the candidates for the board district in the general election, and

- c. At the run-off election, all of the electors of the board district shall select one of the two candidates as the member of the board of education representing the board district.

C. Any five-member board shall have the option of enlarging its board to a seven- or nine-member board either after approval of a board resolution or a vote of the electors of the school district to take such action pursuant to Section 13A-109 of Title 26 of the Oklahoma Statutes. The election pursuant to a vote of the electors of the school district shall be called upon the submission of a petition requesting the election signed by ten percent (10%) of the school district electors in the school district, the percentage being applied to the highest number of voters voting in a regular school district election in the district in the preceding five (5) years as determined by the secretary of the county election board, who shall certify the question is put before the voters of the district, such election shall be held along with and at the same time and place as the next school election if all requirements of Section 13A-101 et seq. of Title 26 of the Oklahoma Statutes for such election are met.

After such resolution or election, the board shall reapportion the district. Election of the resulting board members shall be carried out according to procedures stated in this section and Section 13A-101 et seq. of Title 26 of the Oklahoma Statutes.

~~C.~~ D. Any nine-member board shall have the option of reducing its board to a seven- or five-member board either after approval of a board resolution or a vote of the electors of the school district to take such action pursuant to Section 13A-109 of Title 26 of the Oklahoma Statutes. The election pursuant to a vote of the electors of the school district shall be called upon the submission of a petition requesting the election signed by ten percent (10%) of the school district electors in the school

district, the percentage being applied to the highest number of voters voting in a regular school district election in the district in the preceding five (5) years as determined by the secretary of the county election board, who shall certify the adequacy of the number of signatures on the petition. If the question is put before the voters of the district, such election shall be held along with and at the same time and place as the next school election if all requirements of Section 13A-101 et seq. of Title 26 of the Oklahoma Statutes for such election are met.

After such resolution or election, the board shall reapportion the district, determining by resolution or by lot which board member offices shall be abolished at the end of the current board member's term and which shall become one of the offices of the new board.

Election of the resulting board members shall be carried out according to procedures stated in this section and Section 13A-101 et seq. of Title 26 of the Oklahoma Statutes.

School board members currently serving in offices abolished pursuant to this subsection shall continue serving until the end of their current terms as at-large members.

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

~~E.~~ F. Except for those members elected prior to July 1, 1992, the terms of office of the members of a five-member board of education shall commence on the first regular, special or emergency school board meeting after the date of the annual school election and after the member has been certified as elected:

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

The terms of office of the members of a seven-member board of education shall be staggered, with one member being elected in

1991, two members being elected in 1992, two members being elected in 1993 and two members being elected in 1994 and shall commence on the first regular, special or emergency school board meeting after the date of the annual school election and after the member has been certified as elected; provided, in districts needing to elect two members in 1991 to maintain a full complement of board members, two members shall be elected in 1991, one for a full term and one for a one-year term, as determined by the local board. If a seven-member board is formed upon consolidation pursuant to Section 7-105 of this title, or upon annexation pursuant to Section 7-101 of this title, the formation agreement shall specify initial short terms as necessary to extend until the beginning of the regular terms for seven-member boards established herein.

The terms of office of the members of a nine-member board of education shall be staggered, with three members being elected in 1991, three members being elected in 1992, three members being elected in 1993, and three in each year thereafter, and shall commence on the first regular, special or emergency school board meeting after the date of the annual school election and after the member has been certified as elected. Upon reduction of a nine-member board pursuant to subsection ~~E~~ D of this section, the terms of the five-member or seven-member board shall be staggered pursuant to this subsection.

One member of a three-member board of education shall be elected each year, and the terms of office shall commence on the first regular, special or emergency school board meeting after the member has been certified as elected.

~~F~~ G. The term of office of each board member elected after July 1, 1992, shall commence on the first regular, special or emergency school board meeting after the date of the annual school election and after the member has been certified as elected.

Board members elected prior to July 1, 1992, may remain in office until their successor is elected and seated pursuant to Sections 13A-101 through 13A-111 of Title 26 of the Oklahoma Statutes. The remaining term of any member who completes the term for which the member was elected but not wishing to serve until the successor of

the member takes office on the first regular, special or emergency school board meeting after the successor has been certified as elected, shall be filled by appointment by the remaining members of the board of education.

SECTION 5. AMENDATORY Section 13, Chapter 322, O.S.L. 1995 (70 O.S. Supp. 1995, Section 6-192), is amended to read as follows:

Section 6-192. It is hereby declared to be the intent of the Legislature to establish a professional development procedure whereby all teachers in the state continue their education beyond initial licensing and certification by the state to ensure that the children of the state are taught by professional educators, fully prepared in their areas of expertise. Furthermore, such professional development procedure shall provide alternative means of education, including one or more of the following: In-service programs, higher education courses, professional development programs approved by the Oklahoma Commission for Teacher Preparation, or other alternative means of education designed to help teachers enrich their professional abilities.

SECTION 6. AMENDATORY Section 14, Chapter 322, O.S.L. 1995 (70 O.S. Supp. 1995, Section 6-193), is amended to read as follows:

Section 6-193. Each school district shall receive an appropriate amount of funds for the exclusive purpose of professional development. These funds shall be expended for professional development programs within guidelines adopted by the State Board of Education, which shall include, but not be limited to, programs approved by the Oklahoma Commission for Teacher Preparation. All funds provided to local school districts shall be provided by and subject to the approval of plans submitted to the State Board of Education by each local school district no later than May 10 of each year. Such funds shall be deposited in a special account within the general fund of the local school district. A list of all expenditures made from such account shall be provided to the professional development committee upon request of the committee chairperson.

SECTION 7. AMENDATORY Section 15, Chapter 322, O.S.L. 1995 (70 O.S. Supp. 1995, Section 6-194), is amended to read as follows:

Section 6-194. A. The local boards of education of this state shall establish professional development programs for the certified and licensed teachers and administrators of the district. Such programs shall be adopted by each local board of education based upon recommendations of a professional development committee appointed by the board of education for the district. ~~By September 1, 1995, the~~ The State Board of Education shall disseminate to each local professional development committee a copy of the in-service professional development competencies included in the Report on Educator Preparation and Professional Development issued in December 1994 by the Oklahoma Commission for Teacher Preparation for review and consideration and, if approved by the local professional development committee, to be included in part or in whole in the local professional development plan of the school district. The professional development centers funded through the State Board of Education shall provide technical assistance to any local school district which desires to incorporate any such competencies into its local professional development plan. Each local professional development committee shall include classroom teachers, administrators and parents, guardians or custodians of children in the local school district and shall consult with a higher education faculty. A majority of the members of the professional development committee shall be composed of classroom teachers. The teacher members shall be selected from a list of names submitted by the bargaining agent, where one exists. In the absence of a bargaining agent, the teachers will elect a list of names to be submitted to the local board of education. The programs adopted may include, but not be limited to:

1. In-service training programs; ~~and~~
2. Higher education courses; and
3. Professional development programs approved by the Oklahoma

Commission for Teacher Preparation.

Each adopted program shall include a component on outreach to parents, guardians or custodians of students and multicultural education, which all personnel defined as teachers in Section 1-116 of Title 70 of the Oklahoma Statutes shall be required to complete on a periodic basis. Such programs shall be submitted for approval to the Board.

Teachers and administrators who have completed professional development courses in their field of instruction or in courses related to obtaining additional professional qualifications and who complete such courses and receive a grade which is equivalent to at least a 3.0 on a 4.0 grading scale may be reimbursed by the school district for one-half (1/2) of the general enrollment fees incurred at any institution within The Oklahoma State System for Higher Education. If the teacher or administrator incurs costs pursuant to this section at a private institution of higher education, the person may be reimbursed by the school district for an amount equal to one-half (1/2) of the general enrollment fees incurred at an institution of The Oklahoma State System of Higher Education of comparable type. No school district shall receive state funds for professional development until such time as the local board of education's program has been approved by the Board.

Teachers who have completed professional development programs approved by the Oklahoma Commission for Teacher Preparation shall receive a stipend based on the amount of funds allocated to the State Department of Education for such purpose. No school district shall receive state funds for teacher stipends until such time as proof of the teacher's attendance and completion of the program has been determined by the State Department of Education.

B. Each licensed or certified teacher in this state shall be required by the local board of education to meet the professional development requirements established by the board, or established through the negotiation process. Failure of any teacher to meet local board of education professional development requirements may be grounds for nonrenewal of such teacher's contract by the local board of education. Such failure may also be grounds for nonconsideration of salary increments affecting the teacher.

C. The professional development plan shall be submitted to the State Board of Education as provided in Section 3-104.2 et seq. of Title 70 of the Oklahoma Statutes.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-194.1 of Title 70 of the Oklahoma Statutes, unless there is created a duplication in numbering, reads as follows:

The State Board of Education shall award grants for professional development programs approved by the Oklahoma Commission for Teacher Preparation in the areas of arts and humanities. Grant monies shall be used to provide arts and humanities institutes for teachers of public school grades kindergarten through twelve. Teachers who attend and complete an arts and humanities institute shall receive a stipend, in accordance with subsection A of Section 6-194 of Title 70 of the Oklahoma Statutes. Such grants shall be awarded on a statewide competitive basis.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-194.2 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Beginning with the 1996-97 school year, the State Board of Education shall award scholarships, on a first-come first-serve basis, to public school districts who wish to have teachers and administrators from certain school sites attend Northeastern State University Great Expectations Summer Institutes for Teachers. Provided, any school district applying for a scholarship for teachers and administrators from a school site which is currently, or has been declared, a high challenge school pursuant to the provisions of subsection B of Section 1210.541 of Title 70 of the Oklahoma Statutes for any of the previous three (3) school years, shall be given priority for receipt of such scholarship. Scholarships shall be awarded based on the amount of funds allocated to the State Department of Education for such purpose.

B. The State Board of Education shall promulgate rules as necessary to implement the process by which the scholarships shall be awarded.

SECTION 10. AMENDATORY 70 O.S. 1991, Section 11-103.7, as amended by Section 2, Chapter 205, O.S.L. 1994 (70 O.S. Supp. 1995, Section 11-103.7), is amended to read as follows:

Section 11-103.7 A. The State Department of Education shall develop standards for early childhood education programs for children who are at least four (4) years of age on or before September 1 of the ensuing school year. Each school district may offer to four-year-old children the opportunity to participate in an early childhood education program.

B. Such program shall:

1. Be directed toward developmentally appropriate objectives for such children, rather than toward academic objectives suitable for older children;

2. Be offered in addition to, ~~rather than supplant~~ and in cooperation with, federally sponsored Head Start classes, if such classes are being offered in the school district implementing such early childhood education program;

3. Not supplant or relocate off of school property, any federally sponsored Head Start classes; and

~~3.~~ 4. Accommodate the needs of all children and families regardless of socio-economic circumstances.

C. The program shall require that any teacher employed by a public school to teach in such early childhood education program shall be certified in early childhood education.

D. A school district may offer such early childhood education program within the district, in cooperation with other districts, through the use of transfers as specified by law, or by contracting with a private or public provider of early childhood education programs. If the program is provided through contract with a private or public provider other than a school district, the contract may only be continued if each teacher serving the school on and after January 1, 1993 is certified in Early Childhood Education, except that all teachers, without such certification, hired by such provider prior to January 1, 1993, and serving in the school as an early childhood education teacher shall be required to obtain certification on or before the

beginning of the 1996-97 school year. Any person who has been employed as an early childhood educator with the Head Start Program, has a child development associate degree (CDA) and has at least five (5) years of experience in such employment shall be certified in early childhood education for purposes of employment in the public schools of this state to teach in early childhood education for children four (4) years of age and younger; if such person is recertified in child development by the Council for Early Childhood Professional Recognition within five (5) years prior to the expiration of the person's early childhood certificate that was issued by the State Board of Education, such person shall be granted a renewal certificate in early childhood education by the State Board of Education upon expiration of the early childhood certificate. Provided, private or public providers shall meet such other standards required by law and by the State Board of Education.

E. The State Board of Education shall promulgate rules and regulations to provide for the implementation of such program.

F. On and after the effective date of this section, the term "pre-kindergarten" shall mean early childhood education for purposes of this title.

SECTION 11. AMENDATORY 70 O.S. 1991, Section 18-114.7, as last amended by Section 1 of Enrolled Senate Bill No. 740 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 18-114.7 A. Beginning with the ~~1994-95~~ 1996-97 school year, teachers in the public schools of Oklahoma shall receive in salary and/or fringe benefits not less than the amounts specified in the following schedule:

MINIMUM SALARY SCHEDULE

Years of Experience	Bachelor's Degree	Master's Degree	Doctor's Degree
0	\$24,060	\$25,166	\$26,272
1	\$25,221	\$26,327	\$27,433
2	\$25,553	\$26,659	\$27,765
3	\$25,774	\$26,880	\$27,986

4	\$26,106	\$27,212	\$28,318
5	\$26,438	\$27,544	\$28,650
6	\$26,659	\$27,765	\$28,871
7	\$26,991	\$28,097	\$29,203
8	\$27,212	\$28,318	\$29,535
9	\$27,544	\$28,650	\$29,756
10	\$27,765	\$28,871	\$29,977
11	\$28,097	\$29,203	\$30,309
12	\$28,318	\$29,424	\$30,530
13	\$28,650	\$29,756	\$30,862
14	\$28,761	\$29,867	\$30,973
15	\$29,092	\$30,198	\$31,304
<u>16</u>	<u>\$29,424</u>	<u>\$30,530</u>	<u>\$31,636</u>
<u>17</u>	<u>\$29,756</u>	<u>\$30,862</u>	<u>\$31,968</u>
<u>18</u>	<u>\$30,088</u>	<u>\$31,194</u>	<u>\$32,300</u>
<u>19</u>	<u>\$30,420</u>	<u>\$31,526</u>	<u>\$32,632</u>
<u>20</u>	<u>\$30,752</u>	<u>\$31,858</u>	<u>\$32,964</u>
<u>21</u>	<u>\$31,084</u>	<u>\$32,190</u>	<u>\$33,296</u>
<u>22</u>	<u>\$31,416</u>	<u>\$32,522</u>	<u>\$33,628</u>
<u>23</u>	<u>\$31,748</u>	<u>\$32,854</u>	<u>\$33,960</u>
<u>24</u>	<u>\$32,080</u>	<u>\$33,186</u>	<u>\$34,292</u>
<u>25</u>	<u>\$32,412</u>	<u>\$33,518</u>	<u>\$34,624</u>

When determining the Minimum Salary Schedule, "fringe benefits" shall mean all or part of hospital or medical benefits, and sickness, accident, health or life insurance, and retirement benefits, excluding the contributions made pursuant to subsection A of Section 17-108.1 of this title. Any of the degrees referred to in this section shall be from a college recognized by the State Board of Education. The State Board of Education shall accept teaching experience from out-of-state school districts that are accredited by the State Board of Education or appropriate state accrediting agency for said districts. For the purpose of state salary increments and retirement, no teacher shall be granted credit for more than five (5) years' active duty in the military service, or out-of-state teaching experience as a certified teacher or its equivalent. Nothing in this section shall prohibit

boards of education from crediting more years of experience on local salary schedules than those allowed for state purposes. The State Board of Education shall recognize, for purposes of certification and salary increments, the years of experience of a certified teacher who teaches in the Department of Corrections' educational program beginning with fiscal year 1981. The State Board of Education shall recognize for purposes of certification and salary increments the years of experience of a Vocational Rehabilitation Counselor under the Department of Human Services if such counselor was employed as a certified teacher by the State Department of Education when the Division of Vocational Rehabilitation was transferred from the State Board for Vocational Education or the State Board of Education to the Oklahoma Public Welfare Commission on July 1, 1968.

B. The State Board of Education shall recognize for purposes of certification and salary increments all of the years of experience a:

1. Vocational Rehabilitation Counselor completed while employed by the Department of Human Services if such counselor was certified as a teacher or was eligible for certification as a teacher in Oklahoma;

2. Certified teacher completed while employed by the Department of Human Services Child Study Center at University Hospital, if the teacher was certified as a teacher in Oklahoma; and

3. Certified school psychologist or psychometrist completed while employed as a doctoral intern, psychological assistant, or psychologist with any agency of the State of Oklahoma if such experience primarily involved work with persons of school or pre-school age and if such person was, at the time the experience was acquired, certified as, or eligible for certification as, a school psychologist or psychometrist.

SECTION 12. AMENDATORY 70 O.S. 1991, Section 18-201, as last amended by Section 1, Chapter 359, O.S.L. 1994 (70 O.S. Supp. 1995, Section 18-201), is amended to read as follows:

Section 18-201. A. 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 <u>.9</u>
b. <u>Underage kindergarten,</u> <u>beginning with the 1997-98</u> <u>school year</u>	<u>.9</u>
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. Beginning with the 1997-98 school year, determination of the pupils to which the underage kindergarten weight is assigned shall be those defined as underage children 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

Except as otherwise provided, 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. For the 1995-96 school year the number to be multiplied by the weight assigned to the gifted category in subparagraph g of this paragraph shall be the lesser of (1) the sum of the number of students who scored in the top three percent (3%) on any national standardized test of intellectual ability plus the number of students identified as gifted pursuant to subparagraphs a through d of paragraph 1 of Section 1210.301 of this title or (2) the sum of the number of students who scored in the top three percent (3%)

on any national standardized test of intellectual ability plus twelve percent (12%) of the total average daily membership of the school district for the preceding school year. For the 1996-97 school year and subsequent school years the number to be multiplied by the weight assigned to the gifted category in subparagraph g of this paragraph shall be the lesser of (1) the sum of the number of students who scored in the top three percent (3%) on any national standardized test of intellectual ability plus the number of students identified as gifted pursuant to subparagraphs a through d of paragraph 1 of Section 1210.301 of this title or (2) the sum of the number of students who scored in the top three percent (3%) on any national standardized test of intellectual ability plus eight percent (8%) of the total average daily membership of the school district for the preceding school year.

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 DEGREE	MASTER'S DEGREE	DOCTOR'S 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 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.404 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Contingent upon the availability of funds, the Oklahoma School of Science and Mathematics shall solicit proposals and award grants for pilot projects that develop and establish model programs implementing advanced science and math curriculum at local vocational-technical school sites or at local school sites via distance learning. At least one grant shall be awarded during the 1996-97 school year for implementation beginning the fall of 1997.

B. The Oklahoma School of Science and Mathematics shall determine pilot project criteria, including, but not limited to:

1. Establishment of an advisory council which shall consist of a majority of local superintendents from school districts which

comprise the vocational-technical school district. The council's membership shall be determined by a majority vote of the superintendents from such districts. The advisory council shall establish eligibility criteria for students' participation in the program;

2. The advisory council and area vocational-technical school shall work with the Oklahoma School of Science and Mathematics in determining advanced science and math curriculum needs for the area served by the program. The Oklahoma School of Science and Mathematics shall have final approval of the curriculum and shall set academic standards for the program;

3. A representative from the advisory council and area vocational-technical school shall work with a representative from the Oklahoma School of Science and Mathematics in the recruitment and hiring of faculty for the program. Faculty positions must be approved by a majority vote of the three representatives from the advisory council, area vocational-technical school and the Oklahoma School of Science and Mathematics; and

4. The area vocational-technical school district shall provide transportation to and from the program to those students attending the program at the area vocational-technical school site.

The proposals shall be considered on a statewide competitive basis.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.701 of Title 70, unless there is created a duplication in numbering, reads as follows:

The State Board of Education shall promulgate rules to establish the Oklahoma Advanced Placement Incentive Program. The purpose of the program is to establish, organize, and administer an Advanced Placement Incentive Program designed to improve the course offerings available to high school students throughout the state. The program established under this act will prepare students for admission to and success in a postsecondary

educational environment and shall consist of the following components:

1. Financial incentives to public school teachers and schools who build successful Advanced Placement Programs; and
2. Exam fee reimbursements to public school students who achieve scores of three or higher on advanced placement exams.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.702 of Title 70, unless there is created a duplication in numbering, reads as follows:

For purposes of the Oklahoma Advanced Placement Incentive Program:

1. "Advanced placement course" means a high school level preparatory course for a college advanced placement test that incorporates all topics specified by the College Board on its standard syllabus for a given subject area and is approved by the College Board;
2. "College advanced placement exam" means the advanced placement test administered by the College Board and Educational Testing Service;
3. "College Board" means the College Board and Educational Testing Service;
4. "Department" means the State Department of Education; and
5. "Program" means the Oklahoma Advanced Placement Incentive Program.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.703 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Beginning in the 1996-97 school year and each school year thereafter, and contingent upon the provision of appropriated funds designated for the Oklahoma Advanced Placement Incentive Program, the State Board of Education is hereby authorized to award schools:

1. One Hundred Dollars (\$100.00) for each student who receives a three or higher on a college advanced placement exam;

provided, the money must be used for academic enhancement purposes or for sending teachers to Advanced Placement Summer Institutes sponsored by the College Board;

2. An additional One Hundred Dollars (\$100.00) to be placed in a teacher bonus pool for each student who receives a three or higher on a college advanced placement exam; provided, the money in the teacher bonus pool would be divided equally among teachers who taught those students in an advanced placement course; and

3. Seventy-two Dollars (\$72.00) for each student who receives a three or higher on a college advanced placement exam, to reimburse those students for the college advanced placement exam fee.

B. Forms for student reimbursements shall be mailed out to each school district in May of each school year. Upon completion of the exam, the College Board will submit to the Department a list of students who scored a three or higher on the exam. Because exam scores are not made available until July of each year, financial incentives for schools, teachers and students will run one year behind the school year in which the exam was taken.

SECTION 17. REPEALER 70 O.S. 1991, Section 3-104.5 and Sections 6, 7 and 8, Chapter 305, O.S.L. 1995 (70 O.S. Supp. 1995, Sections 3-121, 3-122 and 3-123), Section 1, Chapter 253, O.S.L. 1992, as amended by Section 24, Chapter 239, O.S.L. 1993 (70 O.S. Supp. 1995, Section 4-201), 70 O.S. 1991, Section 5-117.2, Section 3, Chapter 205, O.S.L. 1992, and 70 O.S. 1991, Sections 5-118, 5-119, as amended by Section 6, Chapter 254, O.S.L. 1992, 5-120, 5-121, 5-122, 5-129.2, 5-131 and 5-132 (70 O.S. Supp. 1995, Sections 5-117a and 5-119), 70 O.S. 1991, Sections 6-101.2, as amended by Section 1, Chapter 295, O.S.L. 1995, 6-101.4, 6-101.21, 70 O.S. 1991, Sections 6-105A, 6-107, as amended by Section 11, Chapter 257, O.S.L. 1993 and 6-113.1 (70 O.S. Supp. 1995, Sections 6-101.2 and 6-107), 70 O.S. 1991, Sections 7-201, 7-202, as amended by Section 12, Chapter 324, O.S.L. 1992, 7-203, as last amended by Section 4, Chapter 361, O.S.L. 1993, 7-204, as amended by Section 1, Chapter 281, O.S.L. 1992 and 7-205 (70 O.S. Supp. 1995, Sections 7-202, 7-203 and 7-204), 70 O.S. 1991, Sections 8-101 and Req. No. 3036Page 40

8-112, as amended by Section 38, Chapter 239, O.S.L. 1993 (70 O.S. Supp. 1995, Section 8-112), 70 O.S. 1991, Sections 9-102, 9-107, 9-108, as amended by Section 70, Chapter 290, O.S.L. 1994, 9-109, as last amended by Section 1, Chapter 176, O.S.L. 1995, 9-112, 9-113, 9-114, 9-115, 9-116, 9-117 and 9-118 (70 O.S. Supp. 1995, Sections 9-108 and 9-109), 70 O.S. 1991, Sections 10-101 and 10-102.1, as amended by Sections 3 and 4, Chapter 232, O.S.L. 1994, Section 3, Chapter 132, O.S.L. 1994, and 70 O.S. 1991, Sections 10-105.2, 10-107 and 10-108 (70 O.S. Supp. 1995, Sections 10-101, 10-102.1 and 10-103.2), 70 O.S. 1991, Sections 11-103.2, 11-103.10, as amended by Section 355, Chapter 145, O.S.L. 1993, 11-104, 11-105, Sections 1, 2, 3, 4 and 5, Chapter 186, O.S.L. 1992, and Section 13, Chapter 305, O.S.L. 1995 (70 O.S. 1995, Sections 11-103.10, 11-108, 11-108.1, 11-108.2, 11-108.3, 11-108.4 and 11-110), 70 O.S. 1991, Sections 12-101, 12-102, 12-103, 12-104, 12-105, 12-107, 12-108, 16-111.1, as amended by Section 12, Chapter 229, O.S.L. 1993 (70 O.S. Supp. 1995, Section 16-111.1), 70 O.S. 1991, Sections 19-113, 19-114, as last amended by Section 5, Chapter 320, O.S.L. 1995, 19-115, 19-116, 19-117, 19-118, 19-120, 19-121 and Section 17, Chapter 305, O.S.L. 1995 (70 O.S. Supp. 1995, Sections 19-114 and 19-122), Section 1, Chapter 210, O.S.L. 1995, Section 1, Chapter 41, O.S.L. 1992, 70 O.S. 1991, Sections 24-105, 24-110, 24-112, 24-113, 24-114, as amended by Section 50, Chapter 239, O.S.L. 1993, 24-115, 24-117, 24-118, 24-119, 24-130, 24-140 and Section 2, Chapter 194, O.S.L. 1992 (70 O.S. Supp. 1995, Sections 24-101.2, 24-104.1, 24-114, 24-114.1 and 24-150), 70 O.S. 1991, Sections 821.51, 1210.181, 1210.182, 1210.199, 1210.203, 1210.221, 1210.222, 1210.223, 1210.224, 1210.225, 1210.227, 1210.228, 1210.229-1, 1210.229-2, as amended by Section 4, Chapter 170, O.S.L. 1992, 1210.229-3, as amended by Section 56, Chapter 274, O.S.L. 1995, 1210.229-5, Sections 71 and 72, Chapter 290, O.S.L. 1994, 70 O.S. 1991, Sections 1210.251, 1210.252, 1210.253, 1210.254, 1210.255, 1210.257, 1210.258, Sections 1210.551, 1210.551a, 1210.552, 1210.553, Sections 1, 2, 3, 4, 5, 6, 7, 8 and 9, Chapter 257, O.S.L. 1993, and 70 O.S. 1991, Sections 1210.591, 1210.801, 1210.802 and 1210.803 (70 O.S. Supp.

1995, Sections 1210.229-2, 1210.229-3, 1210.231, 1210.232, 1210.571, 1210.572, 1210.573, 1210.574, 1210.575, 1210.576, 1210.577, 1210.578 and 1210.579), are hereby repealed.

SECTION 18. Sections 1 through 16 of this act shall become effective July 1, 1996.

SECTION 19. Section 17 of this act shall become effective July 1, 1997.

SECTION 20. 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.

45-2-3036

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