

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

2ND CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

SENATE BILL NO. 1163

By: Williams (Penny) and
Hendrick of the Senate

and

McCorkell and Bryant of
the House

2ND CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to schools; requiring submission of certain report; stating elements of report; providing certain definition; amending 70 O.S. 1991, Section 6-104.5 and Section 1, Chapter 30, O.S.L. 1993, as last amended by Section 1, Chapter 83, O.S.L. 1995 (70 O.S. Supp. 1995, Section 6-104.6), which relate to sick leave for teachers; providing for use of donated sick leave after exhaustion of accrued sick leave; providing for personal leave in certain circumstances; modifying certain definition; restricting sick leave which may be shared; correcting reference from annual to sick leave; allowing use of shared sick leave prior to use of other leave; amending Section 5, Chapter 322, O.S.L. 1995 (70 O.S. Supp. 1995, Section 6-184), which relates to the Oklahoma Commission for Teacher preparation; authorizing the Oklahoma Commission for teacher preparation to administer a certain revolving fund; stating purpose; specifying intent of fund; amending 70 O.S. 1991, Section 10-105.3, as last amended by Section 1, Chapter 392, O.S.L. 1994 (70 O.S. Supp. 1995, Section 10-105.3), which relates to parent education programs; deleting obsolete language; requiring certain report; creating the Oklahoma Parents as Teachers Oversight Committee; providing for membership; requiring certain quorum to transact business; providing for election of chair and vice-chair; specifying duties; prohibiting certain travel reimbursement; amending 70 O.S. 1991, Section 16-114, which relates to textbooks; modifying formula for calculation of textbook allocation; amending Section 62, Chapter 290, O.S.L. 1994 (70 O.S. Supp. 1995, Section 1210.563), which relates to Alternative Education Academies; providing certain eligibility requirement; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-141.1 of Title 70, unless there is created a duplication in numbering, reads as follows:

By October 1 of each year, every school district in this state shall submit to the State Board of Education a teacher personnel report. The report shall detail for each teacher employed by the district the following which together make up the total salary paid to the teacher:

1. The base salary schedule amount paid to the teacher;
2. Any salary above the state minimum salary schedule included in the base salary paid to the teacher;
3. The salary paid to the teacher for extra duty plus a description of the extra duty assignment; and
4. Any additional local salary supplement or other amounts paid to the teacher.

B. The report shall also outline additional fringe benefits paid to the teacher above that are included in the base or minimum salary, including a description of the fringe benefits.

C. The report shall be on a form as prescribed by the Board.

D. For purposes of this section, the term "teacher" shall be as defined in Section 1-116 of Title 70 of the Oklahoma Statutes.

SECTION 2. AMENDATORY 70 O.S. 1991, Section 6-104.5, is amended to read as follows:

Section 6-104.5 A. If, after exhausting all accrued sick leave and any donated sick leave received by the teacher pursuant to a leave sharing program as provided for in Section 6-104.6 of this title, a teacher is absent from his or her duties due to personal accidental injury, illness or pregnancy, the teacher shall receive personal leave. Personal leave shall provide the teacher, for a period of not to exceed twenty (20) days ~~his or her~~, the full contract salary of the teacher less the amount:

1. Actually paid a certified substitute teacher for ~~his or her~~ the position if a certified substitute teacher is hired; or
2. Normally paid a certified substitute teacher for ~~his or her~~ the position if a certified substitute teacher is not hired.

B. The district's plan may provide that the teacher is entitled to payment for accrued but unused sick leave upon termination of employment.

SECTION 3. AMENDATORY Section 1, Chapter 30, O.S.L. 1993, as last amended by Section 1, Chapter 83, O.S.L. 1995 (70 O.S. Supp. 1995, Section 6-104.6), is amended to read as follows:

Section 6-104.6 A. The board of education of each school district may establish a leave sharing program for all district employees. The program shall permit district employees to donate sick leave to a fellow district employee who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or to terminate employment.

B. As used in this section:

1. "Relative of the employee" means a spouse, child, stepchild, grandchild, grandparent, stepparent, or parent of the employee;

2. "Household members" means those persons who reside in the same home, who have reciprocal duties to and do provide financial support for one another. This term shall include foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house, when the living style is primarily that of a dormitory or commune;

3. "Severe" or "extraordinary" means a serious, extreme or life-threatening condition, including pregnancy, miscarriage, childbirth and recovery therefrom; and

4. "District employee" means a teacher or any full-time employee of the school district.

C. A district employee may be eligible to receive shared leave pursuant to the following conditions:

1. The board of education determines that the employee meets the criteria described in this section; and

2. The employee has abided by district policies regarding the use of sick leave.

D. A district employee may donate ~~annual~~ sick leave to another district employee only pursuant to the following conditions:

1. The receiving employee has exhausted, or will exhaust, all sick leave earned pursuant to Section 6-104 of this title due to an illness, injury, impairment, or physical or mental condition, which is of an extraordinary or severe nature, and involves the employee, a relative of the employee or household member;

2. The condition has caused, or is likely to cause, the employee to go on leave without pay or to terminate employment;

3. The board of education of the district permits the leave to be shared with an eligible employee;

4. The amount of leave to be donated is within the limits set by the board of education of the district; and

5. District employees may not donate excess sick leave that the donor would not be able to otherwise take.

E. The board of education of each school district shall determine the amount of donated leave an employee may receive.

F. The board of education shall require the employee to submit, prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition.

G. Donated sick leave is transferable between employees of different school districts in the state with the agreement of both boards of education of each school district.

H. The receiving employee shall be paid the regular rate of pay of the employee. The sick leave received will be designated as shared sick leave and be maintained separately from all other sick leave balances.

I. Any donated sick leave may only be used by the recipient for the purposes specified in this section.

J. ~~All~~ Only sick leave earned pursuant to Section 6-104 of this title available for use by the recipient must be used prior to using shared sick leave. The recipient shall not be required

to use personal leave as provided for in Section 6-104.5 of this title prior to using the shared sick leave.

K. Any shared sick leave not used by the recipient during each occurrence as determined by the board of education shall be returned to the donor. The shared sick leave remaining will be divided among the donors on a prorated basis based on the original donated value and returned at its original donor value and reinstated to the annual leave balance of each donor.

L. All donated sick leave must be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating sick leave for purposes of the leave sharing program.

SECTION 4. AMENDATORY Section 5, Chapter 322, O.S.L. 1995 (70 O.S. Supp. 1995, Section 6-184), is amended to read as follows:

Section 6-184. A. Beginning July 1, 1997, the Oklahoma Commission for Teacher Preparation shall have authority for approval and accreditation of teacher education programs and for assessment of candidates for licensure and certification according to the provisions of the Oklahoma Teacher Preparation Act. As part of this duty the Oklahoma Commission for Teacher Preparation shall:

1. Include the State Board of Education in the process;
2. Review and assess approved, accredited and new programs of teacher education; and
3. Encourage studies and research designed to improve teacher education.

From July 1, 1995, to July 1, 1997, the State Board of Education shall have the authority to approve and accredit teacher education programs. During such time the Oklahoma Commission for Teacher Preparation shall be included in the process. Before adopting any rule pertaining to approval or accreditation of teacher education programs or assessment of candidates for licensure and certification, the Oklahoma Commission for Teacher Preparation shall solicit comments from the State Board of Education, the Oklahoma State Regents for Higher Education and the

Req. No. 3041Page 5

State Board of Vocational and Technical Education on the proposed rule. Within forty-five (45) days of the receipt of the proposed rule from the Oklahoma Commission for Teacher Preparation, the State Board of Education, the State Regents and the State Board of Vocational and Technical Education shall separately review the proposed rule and return their recommendations to the Commission on the proposed adoption. Each recommendation shall include the rationale for the recommendation. The Oklahoma Commission for Teacher Preparation shall accord the recommendations due deliberation in its subsequent consideration of the adoption of each proposed rule. If the action of the Commission on a proposed rule is not consistent with the recommendation made by any of the reviewing entities, within ten (10) days of the Oklahoma Commission for Teacher Preparation's formal action on the rule, the Commission shall submit a report providing justification for its actions to the Education Oversight Board.

B. The State Board of Education, the Oklahoma State Regents for Higher Education and the State Board of Vocational and Technical Education shall also have authority to recommend to the Oklahoma Commission for Teacher Preparation rules for teacher education program approval and accreditation and rules for teacher assessment. Any such rule recommended shall be considered by the Commission within sixty (60) days of receipt of the rule by the same process provided in subsection A of this section for rules proposed by the Oklahoma Commission for Teacher Preparation.

C. Before adopting any rule pertaining to teacher licensure and certification, residency or professional development, the State Board of Education shall solicit comments from the Oklahoma Commission for Teacher Preparation, the Oklahoma State Regents for Higher Education and the State Board of Vocational and Technical Education on the proposed rule. Within forty-five (45) days of the receipt of a proposed rule from the State Board of Education, the Oklahoma Commission for Teacher Preparation, the State Regents and the State Board of Vocational and Technical Education shall separately review the proposed rule and return their recommendations to the Board on the proposed adoption. Each

recommendation shall include the rationale for the recommendation. The State Board of Education shall accord the recommendations due deliberation in its subsequent consideration of the adoption of each rule. If the action of the State Board of Education on a proposed rule is not consistent with the recommendation made by any of the reviewing entities, within ten (10) days of the State Board of Education's formal action on the rule, the State Board of Education shall submit a report providing justification for its action to the Education Oversight Board.

D. The Oklahoma Commission for Teacher Preparation, the Oklahoma State Regents for Higher Education and the State Board of Vocational and Technical Education shall have authority to recommend to the State Board of Education rules for adoption in the areas of teacher licensure and certification, residency and professional development. Any such rule recommended shall be considered by the State Board of Education within sixty (60) days of the receipt of the rule by the same process provided in subsection C of this section for rules proposed by the State Board of Education.

E. The Oklahoma Commission for Teacher Preparation shall have the authority to administer a revolving fund which is hereby created in the State Treasury, to be designated the "Teacher Preparation Grants and Donations Revolving Fund". The fund shall consist of all monies received by grants or donations for purposes relating to the Oklahoma Commission for Teacher Preparation. The Oklahoma Commission for Teacher Preparation shall also have the authority to accept and provide for the administration of any land, money, buildings, gifts, donations or other things of value which may be offered or bequeathed to the Oklahoma Commission for Teacher Preparation.

SECTION 5. AMENDATORY 70 O.S. 1991, Section 10-105.3, as last amended by Section 1, Chapter 392, O.S.L. 1994 (70 O.S. Supp. 1995, Section 10-105.3), is amended to read as follows:

Section 10-105.3 A. The State Board of Education shall develop and implement a program of parent education which provides practical information and guidance to parents regarding the

development of language, cognition, social skills, and motor development of young children. The program shall be phased in so that services will be available to parents of children under age three (3) in school districts identified by the Board as having the greatest numbers of children whose education is considered to be a high challenge. As funds are available, ~~beginning with the 1992-93 school year,~~ the Board shall expand the program so that services will be available to the school sites identified by the Board as having the greatest percentage of children qualifying for the free or reduced school lunch program. The Board shall expand the program each year if funding is available to ensure that a parent education program is available to all school districts.

B. The program shall emphasize the importance of the parents of children as a child's first and most influential teachers. The parent education programs currently offered in other states should be examined as possible models for the Oklahoma program.

C. Beginning with the effective date of this act, for each of the next two fiscal years the State Board of Education shall contract with an organization to provide for technical assistance for a field operations center to coordinate the Oklahoma Parents as Teachers Program. To be eligible for a technical assistance contract, an applicant must be an affiliate member of a national organization or association providing parent education training, must have at least two years' experience in implementation of a Parents as Teachers Program, and must have at least one staff member with a degree above the baccalaureate level who has expertise in Child Development or Early Childhood Education. Technical assistance shall include assistance with training on program organization, management, implementation, and fundraising techniques for groups seeking to implement Parents as Teachers Programs and existing Parents as Teachers Programs throughout the state. ~~The technical assistance provider shall compile~~ State Board of Education shall work with the Oklahoma Parents as Teachers Oversight Committee, created in subsection D of this section, in compiling a report, utilizing data collected from the State Department of Education and the Child Service Demonstration

Center, on the status of Parents as Teachers Programs in Oklahoma, including the locations and descriptions of the programs, the sources of funding for the programs, and pending applications for funding. The report shall be filed with the Governor, and the Legislature, and the State Board of Education by April 1, ~~1995~~ of each year.

D. There is hereby created to continue until July 1, 2001, in accordance with the Oklahoma Sunset Law, Section 3901 et seq. of Title 74 of the Oklahoma Statutes, an Oklahoma Parents as Teachers Oversight Committee. The Committee shall consist of twelve (12) members to be appointed as follows:

1. Six members to be appointed by the Governor, three of whom shall be leaders of child advocacy organizations or practice a profession for which expertise in early childhood education is required;

2. Three members to be appointed by the President Pro Tempore of the Senate, two of whom shall be leaders of child advocacy organizations or practice a profession for which expertise in the area of early childhood education is required; and

3. Three members to be appointed by the Speaker of the House of Representatives, two of whom shall be leaders of child advocacy organizations or practice a profession for which expertise in the area of early childhood education is required.

Appointed members shall serve at the pleasure of the appointing authority. A majority of the members of the Committee shall constitute a quorum. A quorum must be present to transact any business of the Committee. The Committee shall annually elect a chair and vice-chair from the membership. The Committee is advisory in nature and shall meet as necessary to provide recommendations to the State Board of Education related to the administration of and technical assistance provided through the Oklahoma Parents as Teachers Program. Members of the Committee shall not be reimbursed for travel expenses incurred in performing official duties in accordance with the provisions of the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

SECTION 6. AMENDATORY 70 O.S. 1991, Section 16-114, is amended to read as follows:

Section 16-114. Based upon legislative appropriations, the State Board of Education shall determine the textbook allocation to be distributed to each school district in the state. Except as otherwise provided for in this section, the amount allowed each school district shall be based on the legal average daily attendance of the school district for the second preceding school year as certified by the State Board of Education multiplied by ~~Twenty-five Dollars (\$25.00)~~ Thirty-two Dollars and eighty cents (\$32.80). For any school district with an increase in membership pursuant to the provisions of subsection C of Section 18-200 of this title, the allocation shall be based upon an average daily attendance which is equivalent to the membership as determined pursuant to the provisions of subsection C of Section 18-200 of this title. Provided, that any unused portion of the value of textbooks allowed to a school district shall be cumulative and shall be allowed to such school district the following fiscal year, in addition to the allocation it is entitled to receive during such fiscal year. When it is determined by the State Board of Education that a surplus of textbooks exists in any school district in the state, the State Board of Education shall have the authority to transfer any or all surplus textbooks to another district or districts where the same are needed. Provided, further, that all textbooks distributed to a school district that have been destroyed by fire or other hazard shall be replaced by the State Board of Education. The total cost of all additional textbooks delivered to school districts to replace those destroyed by fire or other hazard shall not exceed, for the entire state in any fiscal year, the aggregate sum of One Hundred Thousand Dollars (\$100,000.00), which sum shall be reserved for such purpose from any appropriation made to carry out the provision of this article for any fiscal year.

SECTION 7. AMENDATORY Section 62, Chapter 290, O.S.L. 1994 (70 O.S. Supp. 1995, Section 1210.563), is amended to read as follows:

Section 1210.563 A. Contingent upon the provision of appropriated funds designated for Alternative Education Academies pilot programs, the State Board of Education is authorized to award one or more competitive grants for alternative education programs to school districts, nonprofit organizations, or entities formed by interlocal cooperative agreements pursuant to Section 5-117b of Title 70 of the Oklahoma Statutes. The grant awards shall be made to school districts located in counties with a high number of dropouts as reported by the Office of Accountability for the school year preceding the year for which the grant is being sought and a high number of referrals to the juvenile justice system or, if the grant award is to a nonprofit organization or entity formed by an interlocal cooperative agreement, the program to be funded shall serve students in school districts located in counties with a high number of dropouts and a high number of referrals to the juvenile justice system. Programs eligible for funding shall include but not be limited to programs provided:

1. Directly by a school district;

2. Pursuant to an interlocal cooperative agreement with another school district or districts or an area vocational and technical school district; or

3. Pursuant to contract with a nonprofit organization.

B. In order to be eligible for an Alternative Education Academy Grant, a program shall:

1. Allow class sizes and student/teacher ratios which are conducive to effective learning for at-risk students;

2. Incorporate appropriate structure, curriculum, and interaction and reinforcement strategies designed to provide effective instruction;

3. Include an intake and screening process to determine eligibility of students. Eligibility shall include, but not be limited to, youth who are adjudicated delinquent and youth at high risk of entering the juvenile justice system;

4. Demonstrate that teaching faculty are appropriately certified teachers;

5. Demonstrate that teaching faculty have been selected on the basis of a record of successful work with at-risk students or personal and educational factors that qualify them for work with at-risk students;

6. Reflect appropriate collaborative efforts with state agencies and local agencies serving youth;

7. Provide courses that meet the curricular standards adopted by the State Board of Education and remedial courses;

8. Offer individualized instruction;

9. State clear and measurable program goals and objectives;

10. Include counseling and social services components with the provision that providers of services are not required to be certified as school counselors;

11. Require a plan leading to graduation be developed for each child in the program;

12. Offer life skills instruction;

13. Provide opportunities for arts education to students, including Artists in Residence programs coordinated with the ~~State~~ Oklahoma Arts Council;

14. Provide a proposed annual budget;

15. Include an evaluation component including an annual written self-evaluation; and

16. Be appropriately designed to serve middle school, junior high school and secondary school students in grades six through twelve who are most at risk of not completing a high school education for a reason other than that identified in Section 13-101 of Title 70 of the Oklahoma Statutes.

C. Grant recipients shall have priority, if recommended by the Alternative Education Academy Grants Technical Assistance Center as provided for in subsection F of this section, and if funds are available, for annual renewal of grants by the State Board of Education in amounts and on conditions as provided in this section. If a district receives grants for an Alternative Education Academy program for three (3) consecutive school years and if the program upon evaluation by the Technical Assistance

Center meets the criteria set forth in subsection B of this section, funding shall be as follows:

1. Funding for the fourth consecutive school year shall be in an amount of fifty percent (50%) of the average amount of grants awarded for the program pursuant to this section for the first three (3) consecutive school years;

2. Funding for the fifth consecutive school year shall be awarded only if the program has been state-validated and replicated by another district; if funding is awarded, it shall be in the amount of twenty-five percent (25%) of the average amount of grants awarded to the program pursuant to this section for the first three (3) consecutive school years;

3. All grants for the fourth and fifth school years as provided above shall be matched with local funds or in-kind contributions. Programs which received grants continuously for five (5) consecutive school years shall not thereafter be eligible for grants pursuant to this section.

D. School districts that receive Alternative Education Academy Grants shall not use the grant funds to supplant budgeted district expenditures for existing alternative education programs. Provided, programs that have been funded in prior years by Alternative Approaches grants pursuant to Section 1210.561 of Title 70 of the Oklahoma Statutes may be funded through Alternative Education Academy Grants if included in the grant request and approved.

E. By September 15 of each school year, all revenue received and expended for students participating in alternative education academies created in subsection A of this section shall be reported to the State Department of Education by major object codes and by program classifications pursuant to the Oklahoma Cost Accounting System as adopted by the State Board of Education pursuant to Section 5-135 of Title 70 of the Oklahoma Statutes.

F. Recipients of Alternative Education Academy Grants shall be subject to statutes and rules applicable to alternative education, including any exemptions from statutory or regulatory requirements authorized by statutes or rule.

G. 1. From funds appropriated for Alternative Education Academy Grants, the State Board of Education shall contract for technical assistance for operation of an Alternative Education Academy Grants Technical Assistance Center. The technical assistance provider shall be an entity located in Oklahoma that is officially recognized by the United States Department of Education to assess and facilitate dissemination of validated educational programs in Oklahoma. The technical assistance provider shall have priority, if its operations are deemed satisfactory by the State Board of Education and if funds are available, for annual renewal of the contract.

2. The duties of the technical assistance provider shall include, but shall not be limited to:

- a. recommending programs to the State Board of Education for Alternative Education Academy Grants,
- b. providing initial and ongoing training of personnel who will educate at-risk populations through programs funded pursuant to this section,
- c. providing technical assistance to districts identified by the State Department of Education as eligible for initial grants pursuant to subsection A of this section,
- d. providing technical assistance to grant recipients to enhance probability of success of grant-funded programs,
- e. evaluating grant-funded programs for possible state validation as defined in Section 1210.561 of Title 70 of the Oklahoma Statutes,
- f. reporting to the State Board of Education the name and description of any program which receives state validation, and
- g. providing in-depth program analysis and evaluation of grant-funded programs to the State Board of Education and the Legislature no later than November 1 following the end of the school year in which one or more grant-funded programs were implemented.

H. The State Board of Education shall promulgate rules as necessary to administer the Alternative Education Academy Grants and the process by which the grant funding shall be allocated.

I. Any school district which does not participate in the Alternative Education Academy Grants created in this section may provide an alternative education program pursuant to the provisions of this section.

SECTION 8. This act shall become effective July 1, 1996.

SECTION 9. 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.

45-2-3041

DM