

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

SENATE BILL NO. 801

By: Haney and Hobson of the
Senate

and

Hamilton and Steidley of
the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to public finance, revenue and taxation and schools; amending 62 O.S. 1991, Section 41.16, which relates to certain encumbrance requirements; excluding Commissioners of the Land Office from certain requirements; authorizing Commissioners of the Land Office to make certain payments from certain accounts; allocating certain savings of the Commissioners of the Land Office to school districts; amending 68 O.S. 1991, Section 2871, as amended by Section 9, Chapter 337, O.S.L. 1995 (68 O.S. Supp. 1995, Section 2871), which relates to local government; removing certain exception; requiring submission of certain personnel report; stating elements of report; providing certain definition; 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 content of fund; amending 70 O.S. 1991, Section 14-103, as last amended by Section 27, Chapter 2, O.S.L. 1994 (70 O.S. Supp. 1995, Section 14-103), which relates to the State Board of Vocational and Technical Education; modifying powers and duties of State Board of Vocational and Technical Education; requiring permission from parent or guardian under certain circumstances; amending 70 O.S. 1991, Section 16-114, which relates to textbooks; modifying formula for calculation of textbook allocation; creating Task Force on Performance Accountability for Public Schools; stating purpose; providing for membership; providing for staff; amending 70 O.S. 1991, Section 1210.561, as amended by Section 3, Chapter 248, O.S.L. 1992 (70 O.S. Supp. 1995, Section 1210.561), which relates to Alternative Approaches grants; transferring certain authority to Office of Juvenile Affairs; providing for implementation of statewide system of alternative education academies; requiring development of certain list and ranking system; providing funding for certain districts; providing for implementation of certain academies; providing level of funding; providing for allocation of funding; declaring certain districts ineligible for funding at certain time; requiring certain match of funding; requiring certain notification;

requiring State Board of Education provide or contract for certain programs; requiring certain programs be held regionally across the state; requiring certain teachers be paid above certain amount; authorizing promulgation of certain rules; requiring certain notification; creating Task Force on Centrally Assessed Property; stating membership; providing for chair of Task Force; authorizing certain travel reimbursement; providing staff support; specifying duties; requiring certain report; repealing Sections 2, 3 and 4, Chapter 144, O.S.L. 1993 (70 O.S. Supp. 1995, Sections 14-127, 14-128 and 14-129), which relate to youth apprenticeship programs; providing for codification; providing for noncodification; providing effective dates; and declaring an emergency.

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

SECTION 1. AMENDATORY 62 O.S. 1991, Section 41.16, is amended to read as follows:

Section 41.16 Encumbrance requirements for payments from funds of the state shall include the following:

A. Whenever departments, institutions, boards, commissions or agencies of this state enter into contracts for, or on behalf of the state for the purchase of goods, wares or merchandise, or for construction of buildings, roads, bridges or any other thing for which labor and materials must be furnished by outside vendors, such agreement shall be evidenced by written contracts or purchase orders, and must be transmitted to the Director of State Finance within a reasonable time as determined by the Director of State Finance from the date of awarding of such contract or purchase order.

B. The Director of State Finance shall charge such contracts, purchase orders or agreements, against the proper appropriation allotment account as an outstanding order until it is liquidated by payment of a claim, or claims, against said contracts or purchase orders, or by cancellation.

C. The Director of State Finance shall have the authority, and is hereby given the power to authorize departments, institutions, boards, commissions or agencies of the state to make purchases not requiring the submission of competitive bids

pursuant to Section 85.7 of Title 74 of the Oklahoma Statutes, or excluded from the purview of the Central Purchasing Act pursuant to Section 84.12 of Title 74 of the Oklahoma Statutes, for or on behalf of the state whenever the Director of State Finance determines that the best interests of the state are served thereby. The administrative head of any agency shall be personally liable for obligations incurred in excess of the authorization granted by the Director of State Finance.

D. The Director of State Finance shall never authorize payment of claims for the purchase of goods, wares and merchandise, or claims for contractual services, for any agency of the state unless it is supported by (1) contracts or purchase orders of the State Board of Public Affairs, or (2) institutional purchase orders or contracts, or (3) departmental purchase orders or contracts, or (4) authorizations for purchases granted by the Director of State Finance as provided by subsection C of this section. Any invoice or claim dated prior to the date of any of the above-mentioned encumbrance documents shall be rejected by the Director of State Finance. Any encumbrance document that is outstanding on the records in the Office of State Finance for a period of one (1) year shall be canceled, encumbrances for capital outlay excepted.

E. Beginning October 1, 1995, the Commissioners of the Land Office, in connection with the payment of the custodial bank and investment managers retained pursuant to Section 51 of Title 64 of the Oklahoma Statutes, shall be excluded from the requirements of this section. The Commissioners of the Land Office shall be authorized to make payment to its custodial bank and investment managers from the proceeds of total investments, and such payments may be made from the accounts of the Commissioners of the Land Office at its custodial bank.

SECTION 2. Savings accruing to the Commissioners of the Land Office during the fiscal year ending June 30, 1997, due to the elimination of employees or positions shall be apportioned to the school districts pursuant to Section 10-104 of Title 70 of the Oklahoma Statutes.

SECTION 3. AMENDATORY 68 O.S. 1991, Section 2871, as amended by Section 9, Chapter 337, O.S.L. 1995 (68 O.S. Supp. 1995, Section 2871), is amended to read as follows:

Section 2871. A. After delivery of the tax rolls to the county treasurer of any county, no correction or alteration as to any item contained therein as of such date of delivery shall ever be made, except by the county treasurer and on authority of a proper certificate authorized by law or pursuant to order or decree of court in determination of a tax protest or other proper case.

B. A board of tax roll corrections, hereby created, consisting of the chairman of the board of county commissioners as chairman, the chairman of the county equalization board as vice-chairman, the county clerk as nonvoting member and secretary, and the county assessor, a majority of whom shall constitute a quorum, is hereby authorized to hear and determine allegations of error, mistake or difference as to any item or items so contained in said tax rolls, in any instances hereinafter enumerated, on application of any person or persons whose interest may in any manner be affected thereby, or by his agent or attorney, verified by affidavit and showing that the complainant was not at fault through his own failure to fulfill any duty enjoined upon him by law, or upon discovery by the county treasurer or assessor before the tax has been paid or attempted to be paid and disclosure by statement of fact in writing signed by said treasurer or assessor and verified by the assessor or treasurer as the case may be; but such right shall not be available to anyone attempting to acquire, or who has acquired, the lien of the county for such tax, whether by purchase, assignment, deed or otherwise. In counties with two (2) county boards of equalization, the chairman of each such board shall serve, in alternating years, as the vice-chairman of the board of tax roll corrections. When a complaint is pending before the board of tax roll corrections such taxes, as may be owed by the protesting taxpayer, shall not become due until thirty (30) days after the decision of the board of tax roll corrections.

When a complaint is filed on a tax account which has been

delinquent for more than one (1) year, and upon showing that the tax is delinquent, the complaint shall be dismissed, with prejudice.

C. If, upon such hearing, it appears that:

1. Any personal or real property has been assessed to any person, firm, or corporation not owning or claiming to own the same; or

2. Property exempt from taxation has been assessed; or

3. Exemption deductions allowed by law have not been taken into account; or

4. The same property, whether real or personal, has been assessed more than once for the taxes of the same year; or

5. Property, whether real or personal, has been assessed in the county for the taxes of a year to which the same was not subject; or

6. The county board of equalization has, after delivery of the tax rolls, made a finding of fact under authority of law that, after January 1 of any year and before May 1 of the same year, improvements to real estate or other property assessed have been destroyed by fire, or that the value of land has been impaired, damaged or destroyed by floods or overflow of streams, and has made and entered an adjustment to assessments previously made and entered; or

7. Lands or lots have in any manner been erroneously described; or

8. Any valuation or valuations assessed and entered are at variance with the valuation finally equalized; or

9. Any valuation or valuations returned for assessment and not increased by the county assessor have been entered on the assessment rolls for equalization at variance with the value returned, or in the event of increase by either the county assessor or the county board of equalization and no notice thereof was sent (offer of proof of failure to receive notice may not be heard); or

10. Any valuation assessed and entered included, in whole or in part, as of the date of assessment under the law relating

thereto, any property that had no taxable situs in the county, did not exist or had been erroneously placed; or

11. Any property subject to taxation as of January 1 of any year was thereafter acquired by conveyance of title, including tax title, by the county, or any city, town or school district therein; or

12. An error resulted from inclusion in the total of levies computed against the valuation entered, a tax levy or levies certified and final for none or part of which such property was liable in fact and the same be self-evident on recomputation, and involve no question of law; or

13. As to personal tax, if there has been an error in the name of the person assessed, or, as to real property, the record owner at the time of assessment desires that his name be entered in lieu of whatever other name may have been entered as "owner" upon the roll; or

14. There has been any error in the tax extended against the valuation entered, whether by erroneous computation or otherwise; or

15. There has been any error in transcribing from the county assessor's permanent survey record to the assessment rolls either as to area or value of lands or lots or as to improvements thereon; or

16. The county treasurer has, of his own volition, restored to the tax rolls any tax or assessment where the entry upon the tax rolls shows the same theretofore to have been stricken or reduced by certificate issued by constituted authority, except where restored by specific court order or in conformity to general decree of the Supreme Court of Oklahoma invalidating in mass all such certificates of a class certain, and except if the owner of such property demand its restoration and make payment, in which instance the county treasurer shall require that he sign on the face of his receipt a statement that he "paid voluntarily without demand, request or duress"; or

17. Any personal property assessment and personal tax charge has been entered upon the assessment and tax rolls except upon

proper return of assessment by the taxpayer or increase thereof with due notice, or as a delinquent assessment made by the county assessor or his deputies in detail either on view or reliable information; then, in the event any of the grounds stated in this subsection are present, it shall be the duty of the board of tax roll corrections to make and the secretary to enter its findings of fact and to correct such error, if such exists, by issuing its order, in words and figures, to accomplish such:

- a. If such error increases the amount of tax charged, the county clerk shall issue a certificate of error to the county assessor ordering him to certify such correction and/or increase to the county treasurer for entry on the tax rolls.
- b. If such error does not increase the amount of tax charged, the county clerk shall issue a certificate of error to the county treasurer if the tax be not paid, stating the amount or other effect of such order, and it shall be the duty of such county treasurer to make and enter such correction upon his tax rolls and, if there be a decrease to the amount of tax charged, to enter a credit, in lieu of cash, for the amount of decrease of tax shown in such certificate.

D. If, prior to such hearing by the board, as provided by this section, the tax has been paid, no certificate shall issue; but if less than one (1) year shall have elapsed after the payment of the tax and before the filing of such application for correction of error, and after such hearing the findings of fact disclose that less tax was due to have been paid than was paid, then the person who paid the tax, or his heirs, successors, or assigns, may execute a cash voucher claim setting forth facts and findings, verify it, and file it with the county clerk, who shall thereupon deliver such claim to the county treasurer for designation of the fund from which the claim must be paid and approval of the claim as to availability of funds by the county treasurer. If taxes have been paid under protest, the county

treasurer must designate the refund to be paid from such protest fund. If taxes have been paid but not paid under protest and if there are funds available in current collections of the taxing unit which received the taxes paid, then the county treasurer must designate the refund to be paid from such current collections of such taxing unit. The county clerk shall thereupon issue his cash voucher against the appropriate fund of the county, directing the county treasurer to pay to such person the amount so found to be erroneous. The word "person" as used in this subsection shall comprehend the person, firm, or corporation who paid such tax and the heirs, assigns or successors, as the case may be. No such claim for refund shall be allowed and paid unless the same be filed within six (6) months after the effective date of the order of correction.

E. If there be any error in the taxes collected from any person, the overpayment or duplicate payment of any such taxes collected in error may be recovered by the taxpayer, and the county treasurer may make such payment from the resale property fund of the county if funds are not available as stated in subsection D of this section.

F. Beginning January 1, 1987, notwithstanding the one-year limitations period for filing a claim for refund as provided in subsection D of this section, if there be any error in taxes collected from any person on property constitutionally exempt under Section 6B of Article X of the Oklahoma Constitution, by the county treasurer in counties with a population in excess of five hundred thousand (500,000) persons, according to the latest Federal Decennial Census, to the extent that such county has been reimbursed from the Ad Valorem Reimbursement Fund provided by Section 193 of Title 62 of the Oklahoma Statutes, the overpayment or duplicate payment of any such taxes collected in error may be recovered by the taxpayer in equal annual installments over a five-year period and the county treasurer may make such payment from the resale property fund of the county ~~if funds are not available as stated in subsection D of this section.~~

G. Both the taxpayer and the county assessor shall have the right of appeal from any order of the board of tax roll corrections to the district court of the same county. In case of appeal the trial in the district court shall be de novo.

SECTION 4. 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 5. 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 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

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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 6. AMENDATORY 70 O.S. 1991, Section 14-103, as last amended by Section 27, Chapter 2, O.S.L. 1994 (70 O.S. Supp. 1995, Section 14-103), is amended to read as follows:

Section 14-103. The State Board of Vocational and Technical Education shall have the following powers and duties:

1. Have the supervision of the Department of Vocational and Technical Education of the State Board of Vocational and Technical Education, which department shall keep its principal offices at Stillwater, and appoint and fix the compensation and duties of the Director and other personnel of such Department.

2. Have the supervision of the vocational and technical schools and colleges of Oklahoma, except Oklahoma State University of Technical Training at Okmulgee and the Oklahoma State University Technical Institutes at Oklahoma City and Stillwater, which, however, shall be eligible to participate in federal programs administered by the State Board of Vocational and Technical Education as hereinafter provided.

3. Cooperate with, and enter into agreements with, and administer programs of, and receive federal funds from, the United States Department of Education and other federal agencies in matters relating to vocational and technical education, ~~youth apprenticeship programs,~~ and ~~manpower~~ workforce training, and be the sole state agency for such purposes. Provided that, programs and funds made available through the Job Training Partnership Act, or its successor programs, shall be excluded.

4. Provide for the formulation and adoption of curricula, courses of study, and other instructional aids necessary for the adequate instruction of students in the vocational and technical schools and colleges of this state. It is the intent of the

Legislature that instructional models for vocational students should include higher standards of academic work with increased emphasis on communication, computation and applied science.

5. Develop a plan to provide adequate vocational offerings accessible to all students having the ability to benefit.

6. Purchase or otherwise acquire equipment, materials, supplies and other property, real or personal, as may be necessary for the operation of the vocational and technical schools of this state, and provide for the maximum utilization of such property through a coordinated and cooperative use thereof, including transfer of title to real and personal property to an area vocational and technical school district for a reasonable cash consideration if said property is to be utilized in a vocational-technical program administered by the area vocational and technical district board of education. Any conveyance of real property for a reasonable consideration shall contain a reversionary clause by which the real property shall revert to the State Board of Vocational and Technical Education if the property ceases to be used in a vocational-technical program administered by the area vocational and technical district board of education.

7. Enter into such agreements and contracts with the State Board of Education, boards of trustees of community junior colleges, boards of education of independent and elementary school districts, boards of education of area school districts for vocational and/or technical schools, private educational or training institutions, public or private industry, and boards of directors of community action programs, as may be necessary or feasible for the furtherance of vocational and technical training within this state.

8. Cooperate and enter into agreements with the Oklahoma State Regents for Higher Education.

9. Cooperate with the State Department of Education in developing hands-on career exploration activities for students in grades 6 through 10, integrating academic competencies into vocational instruction, and ensuring counseling of all students in order to minimize the number of students graduating from high

school without having completed either a vocational-technical program or college preparation.

10. Develop and periodically update a plan to allow teacher training and the purchase and installation of technological equipment necessary to modernize vocational educational programs.

11. Accept and provide for the administration of any land, money, buildings, gifts, funds, donations or other things of value which may be offered or bequeathed to the schools or colleges under the supervision or control of said Board.

12. Enter into cooperative arrangements with one or more other states for the conduct and administration of programs, services and activities.

13. Cooperate whenever possible, to avoid any duplication of training programs with any established training program registered by the Bureau of Apprenticeship and Training, United States Department of Labor.

14. Collaborate with parents, the business and labor community, the State Board of Education, the Oklahoma State Regents for Higher Education and local education agencies to provide guidelines and administer a structured network of programs and services that offer a bridge between schools, post high school education and training and careers. This statewide structure shall facilitate the development of local community partnerships that help students make the connection between their education and their career and progress smoothly from school to the workplace. In any such programs or services, written permission from the parent or guardian of a student shall be required prior to the student being allowed to participate in a program or activity in which the student receives a salary or payment in exchange for the student's services.

SECTION 7. 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 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.540 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created to continue until September 1, 1997, the Task Force on Performance Accountability for Public Schools. The duties of the Task Force shall be to conduct a study and to make recommendations to the Governor and the Legislature on the implementation of a statewide performance accountability system that would encourage public schools in this state to strive

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for educational excellence. The Task Force shall consider model systems in other states including, but not limited to, Kentucky which utilizes a system of rewards and sanctions.

B. The Task Force on Performance Accountability for Public Schools shall be composed of twelve (12) members as follows:

1. Six members to be appointed by the Governor;

2. Two members, one to be appointed by the President Pro Tempore of the Senate and one to be appointed by the Speaker of the House of Representatives;

3. Two members shall be legislators appointed by the President Pro Tempore of the Senate; and

4. Two members shall be legislators appointed by the Speaker of the House of Representatives.

C. The initial meeting shall be called by the Governor. At the first meeting, the Task Force shall elect a chair and vice-chair from its membership. The Task Force shall meet at such times as may be set by the chair of the Task Force. A majority of the members shall constitute a quorum.

D. Staffing and other support services shall be provided by legislative staff of the Senate and House of Representatives.

SECTION 9. AMENDATORY 70 O.S. 1991, Section 1210.561, as amended by Section 3, Chapter 248, O.S.L. 1992 (70 O.S. Supp. 1995, Section 1210.561), is amended to read as follows:

Section 1210.561 A. Contingent upon the provision of appropriated funds designated for Alternative Approaches grants, the State Board of Education is authorized to award one or more such competitive grants to local education agencies or nonprofit organizations for programs providing services to high challenge children and youth. High challenge children and youth are those at risk of failing to complete a satisfactory education. Alternative Approaches grants shall include high challenge grants and grants for alternative education. Alternative Approaches grants shall be awarded to local education agencies or nonprofit organizations for programs serving school districts identified by the Board as having high percentages of children who are considered to be high challenge students. Such competitive grants

shall be of local and state significance and shall be replicable across the state. Beginning July 1, 1993, at least twenty percent (20%) of the total dollar amount of Alternative Approaches grants shall be awarded to districts replicating state-validated programs. State validation is a process carried out by the Alternative Approaches Programs Technical Assistance Center by which grant-funded programs are evaluated for effectiveness in reaching the targeted population, local and state significance, and replicability. The Technical Assistance Center shall report to the State Department of Education the name and description of any program which receives state validation.

B. The ~~State Board of Education~~ Office of Juvenile Affairs is authorized to award one competitive grant for operation of an Alternative Approaches Programs Technical Assistance Center. Said programs shall not supplant programs or activities funded by the United States Government pursuant to Chapter 1 of Title I of the Elementary and Secondary Education Act of 1965, as amended. The High Challenge Programs Technical Assistance Center grant recipient shall have priority, if its operations are deemed satisfactory by the ~~State Board of Education~~ Office of Juvenile Affairs and if funds are available, for annual renewal of the grant.

C. Service program grant recipients shall have priority, if recommended by the Technical Assistance Center 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 has received grants for an at risk or high challenge program for three consecutive school years and if the program upon evaluation by the Technical Assistance Center meets the criteria set forth in subsection A of this section and satisfies criteria set forth in rules adopted by the State Board of Education pursuant to subsection D of this section, funding shall be as follows:

1. Funding for the fourth consecutive school year shall be in the 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. Except as otherwise provided, funding for the fifth consecutive school year shall be awarded only if the program has been state-validated and replicated by another district; for programs that have received funding for three (3) years prior to the effective date of this act, funding will be awarded only if the program is state-validated and the grantee documents attempts to have the program replicated; 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.

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. Rules adopted by the State Board of Education shall incorporate or provide for, but not necessarily be limited to:

1. Definition of the children and youth deemed high challenge for whom services are sought; provided the definition shall be consistent with the description of high challenge children and youth set forth in subsection A of this section;

2. The possibility of awards for one or more of a variety of program proposals targeted for services to limited portions of the high challenge population according to such distinctions as age groupings, rural or urban settings, other cultural characteristics, or innovative service delivery strategies;

3. Requirements that service program grant recipients have clear and measurable goals and objectives; show evidence of having given reasonable consideration to coordination with other community agencies and resources, where appropriate, in the development of their proposals; and agree to comply with all requirements of the Technical Assistance Center regarding use of assessment instruments, provision of data, and provision of information necessary for program evaluation;

4. Requirements that the recipient of the Technical Assistance Center grant show command of relevant research and demonstrate capability for: Providing technical assistance, including operation of clearinghouse functions; coordinating with agencies such as the State Arts Council of Oklahoma; performing assessment of high challenge children and youth; evaluating programs for effectiveness; making program cost assessments; promoting replication of successful programs; and capability for assisting program providers in attaining national validation of their programs and qualifying for federal funding;

5. Utilization of a selection committee to review applications for program and Technical Assistance Center grants and make recommendations to the State Board of Education, said selection committee to include, to the greatest extent feasible under constraints of time and funding, nationally recognized experts in the education of high challenge children and youth; and

6. Revocation of any high challenge or at risk grant awarded to, and ineligibility for award of any future high challenge grant pursuant to this act to, any grant recipient who has employed prior to May 24, 1991, any person who served as a volunteer assisting with the initial preparation of proposed rules for high challenge (formerly designated as at risk) grant programs or any person serving as a member of a selection committee during or within two (2) years following such person's service pursuant to paragraph 5 of this subsection.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.569 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Beginning with the first semester of the 1996-97 school year, the State Board of Education shall provide for the implementation of a statewide system of alternative education academies which shall be phased in within five (5) years. Beginning with the first semester of the 2000-01 school year, all school districts in the state shall be offering an alternative education academy that conforms to all the requirements of

statutes and rules applicable to alternative education. Each academy shall meet the needs of the students at risk of not completing a high school education as identified in and through the means established in the alternative education plan prepared by the school district pursuant to subsection C of Section 1210.566 of Title 70 of the Oklahoma Statutes. Each academy shall also meet the criteria listed in paragraphs 1 through 16 of subsection B of Section 1210.563 of Title 70 of the Oklahoma Statutes. An alternative education academy may be offered by the individual school district or may be offered jointly by school districts that have formed interlocal cooperative agreements pursuant to Section 5-117b of Title 70 of the Oklahoma Statutes.

B. By July 1, 1996, the State Board of Education shall develop a ranking list of all school districts, which shall rank each school and shall indicate when a school district shall be required to provide an alternative education academy. The ranking of school districts shall be made based on the percentage of dropouts in the school district as reported by the Office of Accountability and the number of referrals to the juvenile justice system. The State Board of Education shall develop the ranking system based on the dropout percentage and referrals numbers.

C. No later than the 1996-97 school year, every school district in the top twenty percent (20%) of the ranking list shall begin implementing or demonstrate that the district has already implemented an alternative education academy. Each school year thereafter, the next additional twenty percent (20%) of the ranked school districts shall implement an alternative education academy, so that by the school year 2000-01, every school district in the state shall have implemented and shall be offering an alternative education academy for students in that school district. Provided further, for the 1996-97 school year, funding shall be authorized for an additional three (3) districts that are not in the top twenty percent (20%).

D. In addition to State Aid funding as provided pursuant to Section 18-200 of this title, except as provided for in subsection E of this section, each school district providing an alternative

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education academy shall receive funding for one academy as follows:

1. For the first year of operation, the program shall be funded in an amount equal to One Thousand Dollars (\$1,000.00) for each student participating in the academy;

2. For the second year of operation, the academy shall be funded in an amount equal to Seven Hundred Fifty Dollars (\$750.00) for each student participating in the academy; and

3. For the third year of operation and each year thereafter, the academy shall be funded in an amount equal to Five Hundred Dollars (\$500.00) for each student participating in the academy.

E. Each school district with an average daily membership of more than twenty thousand (20,000) shall be eligible to receive funding for up to two (2) alternative education academies, which shall include any programs currently participating in the Alternative Education Academy Grants program pursuant to Section 1210.563 of Title 70 of the Oklahoma Statutes after that program is no longer eligible for the Grants program as described in subsection G of this section, with each eligible academy receiving funding as provided for in subsection D of this section. Each school district shall have the option to determine the number of academies established by the school district.

F. The funding for an alternative education academy as provided for in subsection D of this section shall be allocated on a quarterly basis. The allocations for the first three quarters shall be based on the projected number of students participating in the academy. The allocation for the fourth quarter shall be based on the actual average daily membership of the academy for all four quarters of the school year.

G. School districts that are participating in the Alternative Education Academy Grants program pursuant to Section 1210.563 of Title 70 of the Oklahoma Statutes on July 1, 1996, shall be funded as provided for in this section after the third consecutive year of Grant funding. After the school district begins receiving funding for a currently operating alternative education program through the alternative education academy program, that program

shall no longer be eligible to receive an Alternative Education Academy Grant. All school districts participating in the Alternative Education Academy Grants on July 1, 1996, shall be offering an alternative education academy funded pursuant to this section by the first semester of the 2000-01 school year.

H. Beginning with the third year of operation and each year thereafter the funding provided for in paragraph 3 of subsection D of this section, shall be matched one to one by the school district with local funds. The amount required for the matching funds may include the value of services and equipment provided by the school district for the alternative education academy or other in-kind contributions. All matching funds shall be reported as provided for in subsection I of this section.

I. The State Department of Education shall notify each school district providing an alternative education academy that all revenue received and expended for the alternative education academy and for students participating in the academy shall be reported to the Department by major object codes and by the special programs classification pursuant to the Oklahoma Cost Accounting System as adopted by the State Board of Education pursuant to Section 5-1-35 of Title 70 of the Oklahoma Statutes.

J. The State Board of Education shall provide for or contract for professional development programs for teachers and administrators employed in an alternative education academy. The alternative education professional development programs shall be held regionally across the state and shall be approved to meet the professional development requirements for that teacher or administrator.

K. A certified teacher in an alternative education academy funded pursuant to this section shall be paid a five percent (5%) increment above the designated step for that teacher within the adopted salary schedule of the district.

L. Persons providing counseling or social services in an alternative education academy funded pursuant to this section shall not be required to be certified as school counselors by the State Board of Education.

M. The State Board of Education shall promulgate rules as necessary to administer the provisions of this section.

N. By July 1, 1996, the State Board of Education shall provide written notification to every school district in the state describing the provisions of this section.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2950 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Task Force on Centrally Assessed Property.

B. The Task Force shall consist of nineteen (19) members, eighteen members to be appointed by August 1, 1996, as follows:

1. The Governor shall appoint six members as follows:

- a. one member who shall represent major oil and gas producers,
- b. one member who shall represent non-energy-related businesses concerned about ad valorem issues,
- c. one member who shall represent the telecommunications industry,
- d. one member who shall be a representative of an urban county,
- e. one member who shall be a representative of a state chamber of commerce, and
- f. one member who shall be a representative of a major metropolitan chamber of commerce;

2. The Speaker of the House of Representatives shall appoint six members as follows:

- a. one member who shall represent independent oil and gas producers,
- b. one member who shall represent energy-related utility companies,
- c. one member who shall represent area vocational-technical schools,
- d. one member who shall be a representative of a rural Oklahoma schools organization,

- e. one member who shall be a representative of an association of county commissioners, and
- f. one member who shall be a representative of a state library association; and

3. The President Pro Tempore of the Senate shall appoint six members as follows:

- a. one member who shall represent interstate pipelines,
- b. one member who shall be a representative of an organization of school administrators,
- c. one member who shall be a representative of a statewide educators association,
- d. one member who shall be a representative of a state school board association,
- e. one member who shall be a county assessor of a rural county, and
- f. one member who shall be a representative of a realtors association.

The Chair of the Citizens' Advisory Task Force on Property Taxation created in Enrolled Senate Joint Resolution No. 21 of the 1st Session of the 45th Legislature shall serve as a member and shall chair the Task Force.

C. The Task Force shall meet at such times and places as it deems necessary to perform its duties as specified in this section. Meetings shall be held at the call of the chair and shall be conducted in accordance with the Oklahoma Open Meeting Act. A majority of the members serving on the Task Force shall constitute a quorum.

D. Members of the Task Force shall be reimbursed by their appointing authorities for necessary travel expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

E. The Ad Valorem Division of the Oklahoma Tax Commission and the House of Representatives and Senate staff shall provide such staff support as is required by the Task Force.

F. The duties of the Task Force shall include:

1. Reviewing the constitutional provisions, laws, and procedures related to the definition of the term public service corporation, as used in the ad valorem tax code and developing a list of options and recommendations for changes in the definition;

2. Reviewing the constitutional provisions, laws and procedures related to determining values of public service corporations, as used in the ad valorem tax code and developing a list of options and recommendations for changes for determining the values;

3. Review the constitutional provisions, laws, and procedures related to determining values of business personal property that is locally assessed by the county assessor and developing a list of options and recommendations for changes in determining values of such locally assessed business personal property; and

4. Reviewing the existing laws, regulations and rules, and procedures relating to the Court of Tax Review and developing a list of options for changes relating to the Court of Tax Review.

G. The Task Force shall develop a list of options and recommendations for changes related to centrally assessed property and shall submit a report to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate no later than December 1, 1996. The Task Force shall be terminated as of June 30, 1997.

SECTION 12. REPEALER Sections 2, 3 and 4, Chapter 144, O.S.L. 1993 (70 O.S. Supp. 1995, Sections 14-127, 14-128 and 14-129), are hereby repealed.

SECTION 13. The provisions of Section 2 of this act shall not be codified in the Oklahoma Statutes.

SECTION 14. Section 9 of this act shall become effective July 1, 1997.

SECTION 15. Sections 1 through 8 and Sections 10, 11 and 12 of this act shall become effective July 1, 1996.

SECTION 16. 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.

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