

ENGROSSED HOUSE
BILL NO. 2720

By: McCorkell of the House

and

Williams (Penny) of the
Senate

(schools - Office of Education Services and Innovation -
trailblazer schools - amending 5 sections in Title 70 -
repealing 70 O.S., Sections 8-102 and 8-104 -
codification - effective dates)

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 1-105.1 of Title 70, unless
there is created a duplication in numbering, reads as follows:

Effective January 1, 1997, there is hereby created the Office
of Education Services and Innovation within the Department of
Education. The Office of Education Services and Innovation shall
perform such duties as required by law. The Office of Education
Services and Innovation shall be responsible for providing services
to schools and school employees, enhancing local control of schools,
providing assistance to schools and promoting innovative programs
and ideas for schools. The Office of Education Services and
Innovation shall assume those powers, duties and responsibilities of
the Department of Education which relate to services and innovation
as determined by the Board of Education.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-105.2 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Within five (5) years from the effective date of this act, every school district in this state shall develop, submit and implement a plan of services and deregulation to the Office of Education Services and Innovation. Each school district shall include participation from students, parents and teachers in the development of their plan. Each plan shall be subject to the approval of the State Board of Education. The Office of Education Services and Innovation shall work with school districts to facilitate plan development and provide assistance to school districts in implementing the plan. School districts shall operate under the statutory and regulatory framework until their plan is approved for implementation. Each plan shall include, but not be limited to, the following:

1. A mission statement and plan of how the school district will meet that mission;
2. A schedule for implementation of deregulation;
3. An outline describing how the core competencies will be taught and measured in the deregulated environment;
4. A plan for site-based management; and
5. A description of how each school in the district will achieve maximum performance and participation from students, parents, teachers, administrators and employees.

B. The Office of Education Services and Innovation shall monitor compliance of each school district with its plan.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-130 of Title 70, unless there is created a duplication in numbering, reads as follows:

Sections 3 through 7 of this act shall be known and may be cited as the "Trailblazer Schools Act".

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-131 of Title 70, unless there is created a duplication in numbering, reads as follows:

The purpose of the Trailblazer Schools Act is to:

1. Improve student learning;
2. Increase learning opportunities for students;
3. Encourage the use of different and innovative teaching methods;
4. Provide additional academic choices for parents and students;
5. Require the measurement of student learning and create different and innovative forms of measuring student learning;
6. Establish new forms of accountability for schools; and
7. Create new professional opportunities for teachers including the opportunity to be responsible for the learning program at the school site.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-132 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The Trailblazer Schools Act shall apply only to trailblazer schools formed and operated under the provisions of this act.

B. For purposes of the Trailblazer Schools Act, the term "trailblazer school" shall mean a public school established by contract with a board of education of a school district or the Office of Education Services and Innovation pursuant to the act to provide learning that will improve student achievement.

C. Any board of education of a school district in the state or the Office of Education Services and Innovation may sponsor one or more trailblazer schools.

D. No more than twenty-five (25) trailblazer schools may be authorized to operate in the state at any one time.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-133 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. An applicant seeking to establish a trailblazer school shall submit a written proposal to a proposed sponsor in the form and as prescribed by the Office of Education Services and Innovation.

B. A public school, public body, public or private college or university, private person or private organization may contract with a sponsor to establish a trailblazer school.

C. The sponsor of a trailblazer school may be either a board of education of a school district or the Office of Education Services and Innovation.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-134 of Title 70, unless there is created a duplication in numbering, reads as follows:

The Office of Education Services and Innovation shall establish standards and requirements for trailblazer schools. The Office of Education Services and Innovation shall, in addition to any standards or requirements determined to be necessary, adopt standards and requirements that ensure compliance with the following:

1. A trailblazer school shall comply with all federal, state and local rules, regulations and statutes relating to health, safety, civil rights and insurance;

2. A trailblazer school shall be nonsectarian in its programs, admission policies, employment practices and all other operations. A sponsor may not authorize a school or program that is affiliated with a nonpublic sectarian school or religious institution;

3. A trailblazer school shall provide a comprehensive program of instruction for at least a kindergarten program or any grade between grades one and twelve. Instruction may be provided to people younger than five (5) years and older than eighteen (18)

years. A trailblazer school may offer a curriculum which emphasizes a specific learning philosophy or style or certain subject areas such as mathematics, science, fine arts, performance arts or foreign language;

4. A trailblazer school shall design its programs to at least meet the core curriculum adopted by the State Board of Education pursuant to Section 11-103.6 of Title 70 of the Oklahoma Statutes. The trailblazer school shall also participate in the testing as provided for in the Oklahoma School Testing Program Act;

5. Except as provided for in this act, a trailblazer school shall be exempt from all statutes and rules relating to schools, boards of education and school districts;

6. A trailblazer school, to the extent possible, shall be subject to the same financial audits, audit procedures and audit requirements as a school district. The Department of Education or State Auditor may conduct financial, program or compliance audits;

7. A trailblazer school shall comply with all federal and state laws relating to the education of children with disabilities in the same manner as a school district;

8. A trailblazer school shall provide for a governing body for the school which shall be responsible for the policy and operational decisions of the school;

9. A trailblazer school shall not be used as a method of providing education or generating revenue for students who are being home schooled;

10. A trailblazer school may not charge tuition;

11. A trailblazer school shall comply with the student suspension requirements provided for in Section 24-101 of title 70 of the Oklahoma Statutes;

12. A trailblazer school is a school district for purposes of tort liability under the Governmental Tort Claims Act;

13. The governing body of a trailblazer school may not levy taxes or issue bonds; and

14. A trailblazer school shall not limit admission based on ethnicity, national origin, income level, disabling condition, proficiency in the English language or athletic ability.

SECTION 8. AMENDATORY 70 O.S. 1991, Section 6-130, as last amended by Section 27, Chapter 322, O.S.L. 1995 (70 O.S. Supp. 1995, Section 6-130), is amended to read as follows:

Section 6-130. A. The Oklahoma State Regents for Higher Education shall have authority to administer the Minority Teacher Recruitment Center. Upon recommendations and advice from the Minority Teacher Recruitment Advisory Committee created pursuant to subsection B of this section, the Oklahoma State Regents for Higher Education are hereby directed to work with the State Board of Education in the interests of recruiting, retaining and placing minority teachers and teacher aides in the public schools of the State of Oklahoma. Such efforts shall include, but not be limited to:

1. The provision and coordination of support services to teacher training programs in the appropriate state institutions of higher education, including mentoring and financial assistance to minority students who intend to become teachers;

2. The development and implementation of standards for effective multicultural teacher training, as required in Section ~~15~~ 6-194 of this ~~act~~ title;

3. The establishment of a recruiting program for potential minority teachers complete with focus on specific audiences, including high school juniors and seniors who qualify for loans and scholarships;

4. The hosting of conferences designed to improve professional practices that effect minority teacher recruitment and retention;
and

5. The creation of activities in the public and private schools of Oklahoma which enhance the image of the teaching profession. Such activities shall include the encouragement of future teacher clubs and the creation of a program similar to the South Carolina Teacher Cadet Program, which seeks to offer students of good academic ability the opportunity to study the art and science of teaching; and

6. The development and implementation of a program which would allow minority students who intend to become teachers to work in the public schools as teacher aides, which would enhance their training while also providing the students with funds for the payment of tuition, room, board and other expenses.

B. There is hereby created until July 1, 1998, in accordance with the Oklahoma Sunset Law, a Minority Teacher Recruitment Advisory Committee which shall have oversight over implementation of the Minority Teacher Recruitment Center and shall advise the operation of such Center. The Advisory Committee shall be composed of twenty-four (24) members who shall serve for a term of two (2) years unless no longer eligible. Initial appointments shall be made within thirty (30) days from the effective date of this act. Beginning in 1993, appointments shall be made by July 1 with members serving a term of two (2) years. Members shall serve for a term of two (2) years unless no longer eligible. The Advisory Committee members shall be appointed as follows:

1. The Speaker of the House of Representatives shall appoint:
 - a. two members from the Oklahoma House of Representatives,
 - b. two members from an institution of higher education in The Oklahoma State System of Higher Education,
 - c. one member who is an employee of an Oklahoma public school district,
 - d. two members representing the Teacher Cadet Program,

- e. two members representing the Pro Team Program,
- f. one member representing a multi-cultural service center, and
- g. one member from a community with a high minority population;

2. The President Pro Tempore of the Senate shall appoint:

- a. two members from the Oklahoma State Senate,
- b. two members from an institution of higher education in The Oklahoma State System of Higher Education,
- c. one member who is an employee of an Oklahoma public school district,
- d. two members representing the Teacher Cadet Program,
- e. two members representing the Pro Team Program,
- f. one member representing a multi-cultural service center, and
- g. one member from a community with a high minority population;

3. The State Superintendent of Public Instruction or a designee shall serve as a member of the Advisory Committee;

4. The Chancellor of Higher Education or a designee shall serve as a member of the Advisory Committee;

5. Members of the Advisory Committee shall be reimbursed for attendance at the Advisory Committee meeting by the appointing agency pursuant to the State Travel Reimbursement Act;

6. Members of the Advisory Committee shall designate from among the members a chairperson and vice-chairperson;

7. Staff assistance shall be provided by the Minority Teacher Recruitment Center; and

8. The Minority Teacher Recruitment Advisory Committee shall:

- a. make recommendations on the annual operating budget of the Minority Teacher Recruitment Center and verify that the funds allocated to the Center through the

Oklahoma State Regents for Higher Education are utilized exclusively by the Center by function,

- b. advise the Oklahoma State Regents for Higher Education of unmet needs within the state in the implementation of the Center's activities,
- c. annually comment publicly on the progress of the Center,
- d. assist the Oklahoma State Regents for Higher Education in developing and reporting information about the Center when necessary,
- e. meet as often as necessary to conduct business, and
- f. keep official minutes of the Committee meetings which shall be made available to the public.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-131 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The Office of Education Services and Innovation shall work in conjunction with the Minority Teacher Recruitment Center and shall develop and implement a program to allow minority students who intend to become teachers work as teacher aides in the public schools.

B. The Office of Education Services and Innovation shall develop rules which would allow for the implementation of this program.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-203 of Title 70, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Commission for Teacher Preparation shall develop and implement a competency-based system of training and certification of teacher aides.

SECTION 11. AMENDATORY Section 4, Chapter 257, O.S.L. 1995 (70 O.S. Supp. 1995, Section 15-106.1), is amended to read as follows:

Section 15-106.1 Any school district may become indebted for the purpose of ~~purchasing~~ acquiring equipment and may issue its bonds, as provided for by law, in any amount not exceeding, with existing indebtedness, ten percent (10%) of the valuation of the taxable property within the school district, as shown by the last incurring of indebtedness. The bonds shall be made to mature within a period not to exceed five (5) years from their date. It is hereby declared that the use of the word "equipment" in Section 26, Article X of the Oklahoma Constitution was intended to include: library books, textbooks, school-owned uniforms, computer software, district software licenses with a term of more than one (1) year but not more than five (5) years, the acquisition of telecommunications devices and components to be used to enhance classroom instruction and maintenance/service contracts which are included as a part of the equipment purchase price.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 168.4 of Title 73, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Capitol Improvement Authority is authorized to provide for the funding of equipment and software to enhance the technological capability of public educational entities in the State of Oklahoma. The Authority may hold title to or a leasehold interest in the equipment until such time as any obligations issued for these purposes are retired or defeased and shall lease the equipment to the State Board of Education. Upon final redemption or defeasance of the obligations created pursuant to this section, title to the equipment shall be transferred from the Oklahoma Capitol Improvement Authority, or a lessor retained to facilitate the transaction, to the State Board of Education.

B. For the purpose of paying the costs of the equipment and software authorized in subsection A of this section, the Authority is hereby authorized to borrow monies on the credit of the income and revenues to be derived from the leasing of such equipment and, in anticipation of the collection of such income and revenues, to issue negotiable obligations in an amount not to exceed Dollars (\$0.00). It is the intent of the Legislature to appropriate to the State Board of Education sufficient monies to make rental payments for the purposes of retiring the obligations created pursuant to this section.

C. The Authority may issue obligations in one or more series and in conjunction with other issues of the Authority. The Authority is authorized to hire bond counsel, financial consultants, and such other professionals as it may deem necessary to provide for the efficient sale of the obligations and may utilize a portion of the proceeds of any borrowing to pay costs associated with the issuance and administration of such obligations.

D. The obligations authorized under this section may be sold at either competitive or negotiated sale, as determined by the Authority, and in such form and at such prices as may be authorized by the Authority. The Authority may enter into agreements with such credit enhancers and liquidity providers as may be determined necessary to efficiently market the obligations. The obligations may mature and have such provisions for redemption as shall be determined by the Authority, but in no event shall the final maturity of such obligations occur later than ten (10) years from the first principal maturity date. In no event shall the final maturity of the obligations issued pursuant to this section extend beyond fifteen (15) years from the effective date of this act.

E. Any interest earnings on funds or accounts created for the purposes of this act will be utilized for the purposes directed by the Authority.

F. The obligations issued under this section, the transfer thereof and the interest earned on such obligations, including any profit derived from the sale thereof, shall not be subject to taxation of any kind by the State of Oklahoma, or by any county, municipality or political subdivision therein.

G. The Authority may direct the investment of all monies in any funds or accounts created in connection with the offering of the obligations authorized under this section. Such investments shall be made in a manner consistent with the investment guidelines of the State Treasurer. The Authority may place additional restrictions on the investment of such monies if necessary to enhance the marketability of the obligations.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-101.1 of Title 70, unless there is created a duplication in numbering, reads as follows:

Sections 13 through 19 of this act shall be known and may be cited as the "Education Choice Act".

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-101.2 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. On and after July 1, 1997, the State Department of Education shall grant an application for transfer of a pupil from the district in which the pupil resides to another school district furnishing instruction in the grade the pupil is entitled to pursue if the transfer has the approval of the board of education of the receiving district. A pupil granted a transfer may continue to attend the school to which he or she transferred with the approval of the receiving district only, and any brother or sister of such pupil may attend such school with the approval of the receiving district only. No pupil shall be permitted to transfer more than once in any school year.

If the grade a pupil is entitled to pursue is not offered in the district where the pupil resides, the transfer shall be automatically approved.

B. When a pupil has been transferred and later changes residence to another school district in the State of Oklahoma, the pupil shall be entitled to attend school in the district to which he or she shall have previously been transferred during the school year for which the transfer was made; and if a change of residence is to the district to which the pupil was transferred, upon affidavit of the parent, custodial parent, or guardian of the child, or of the school board of the transferring district, disclosing removal of residence from the transferring district, a transfer previously made may be canceled, and the appropriation made therefor relieved of such encumbrance to the extent not earned. Provided, that if any pupil changes residence from a district offering the grade which such pupil is entitled to pursue, to another district during the school year for which he or she was transferred, the pupil shall be entitled to attend school in either the receiving district or the district of prior residence for the remainder of the current year. Upon the final approval of a transfer, the transferred pupil shall not be entitled to attend school in the district from which he or she was transferred, even though the pupil continues to reside within the district during the school year for which the transfer was made, except in case of a cancellation of the transfer. A pupil who has had a transfer granted shall be entitled to attend school in the district in which he or she resides in the next school year following the school year for which the transfer was made.

C. Any student transfer approved for any reason prior to the implementation of this act, shall continue to be valid until this act is fully operational or until the parent, guardian, or person having custody chooses otherwise.

SECTION 15. AMENDATORY 70 O.S. 1991, Section 8-103, as last amended by Section 2, Chapter 232, O.S.L. 1994 (70 O.S. Supp. 1995, Section 8-103), is amended to read as follows:

Section 8-103. A. In order that any ~~child~~ pupil may be transferred, ~~an application for transfer shall be approved by the board of education of both the resident and receiving school district as provided for in this section. An application form specified by the State Board of Education must be completed by the parents, custodial parent or guardian of the child~~ pupil. The application shall be obtained from and filed with the superintendent of the receiving school district for transfers to school districts in the State of Oklahoma and with the State Board of Education for transfers to school districts in another state. Applications shall be filed no later than February 1 of the school year preceding the school year for which the transfer is desired. ~~The board of education of the receiving school district shall approve or deny the application for transfer, and if approved, the superintendent of the receiving school district shall notify, in writing, not later than March 1, the clerk of the board of education of the resident school district of the board's decision on the application for transfer. On or before April 10, the board of education of the resident school district shall approve or deny the application for transfer and shall notify, in writing, the superintendent of the receiving district whether the transfer application was approved or denied. If the resident school district denies the transfer application it shall send written notice of the denial to the receiving school district by certified mail. If the resident school district fails to notify the receiving school district by the due date, the application shall be deemed approved by the receiving school district. The superintendent of the receiving school district shall, not later than May 1, send written notice to the clerk of the board of education of the resident school district and the parents~~

~~or guardian of the child confirming whether or not the transfer has been granted for each application submitted.~~

B. On or before August 1, it shall be the duty of the superintendent of the receiving school district to file with the State Board of Education a statement showing the names of the students granted transfers to the school district, the resident school district of the transferred students and their respective grade level.

~~C. The parent or guardian of a child making application for transfer may appeal the decision of the board of education of either the resident or receiving school district regarding the transfer of the child to the district court of the county where the child resides.~~

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-103.1 of Title 70, unless there is created a duplication in numbering, reads as follows:

Any local school district board of education which receives a request for a transfer to its school district for a pupil who does not reside in the school district may refuse the transfer in accordance with the provisions of the transfer policy of the local school district board of education.

In considering requests for pupils to transfer into a school district, the board of education shall consider the requests on a first-come first-serve basis.

Notwithstanding the provisions of the Education Choice Act, transfers of children with disabilities shall be granted as authorized in Section 13-103 of Title 70 of the Oklahoma Statutes.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-103.2 of Title 70, unless there is created a duplication in numbering, reads as follows:

A student who enrolls, pursuant to the Education Choice Act, in a school district in which the student is not a resident shall not

be eligible to participate in school-related extramural competition for a period of one (1) calendar year after enrollment unless the transfer is from a school district which does not offer the grade the student is entitled to pursue.

SECTION 18. AMENDATORY 70 O.S. 1991, Section 9-101, is amended to read as follows:

Section 9-101. A. Any school district may provide transportation for any child who is participating in any pre-kindergarten or early childhood program operated by the school district or any child who is participating in any Head Start program offered within the school district.

B. Upon a request for a student transfer pursuant to the provisions of the Education Choice Act, if the parent or guardian of the student requests the receiving district to provide transportation for the student, and if the receiving district grants the transfer, then the receiving district may provide such transportation.

C. Any school district may provide transportation for each student who should attend any public elementary or secondary school when, and only when, transportation is necessary for accomplishment of one of the following purposes:

1. To provide adequate educational facilities and opportunities which otherwise would not be available, which shall include those purposes provided in the Education Choice Act;

2. To transport students whose homes are more than a reasonable walking distance, as defined by regulations of the State Board of Education, from the school attended by such student. Provided, that no state funds shall be paid for the transportation of a student whose residence is within one and one-half (1 1/2) miles from the school attended by such student.

SECTION 19. AMENDATORY 70 O.S. 1991, Section 9-105, as amended by Section 7, Chapter 254, O.S.L. 1992 (70 O.S. Supp. 1995, Section 9-105), is amended to read as follows:

Section 9-105. A. The State Board of Education shall determine and fix definite boundaries of the area in which each school district shall provide transportation for each school. When a student who resides in another school district has been granted a transfer pursuant to the provisions of the Education Choice Act and if the receiving school district agrees to provide transportation to such student, the receiving district may provide transportation upon the request of the parent and the transportation area of the school district may be expanded to encompass the residence of the student. When an elementary school district is surrounded by an independent school district, the independent school district must be designated as the transportation area for the high school students in the elementary school district.

B. The State Board of Education is authorized to establish definite routes in each transportation area, and it shall be the further duty of said Board to make rules and regulations as to the manner in which said area and routes may be established or changed and shall allow for the provisions of the Education Choice Act. Except as otherwise provided in this section, state funds payable to a district shall be withheld for a failure or refusal to confine its transportation to the area and routes designated by the State Board of Education or to comply with the rules and regulations of the State Board of Education. State funds payable to a school district shall not be withheld in the following circumstances:

1. When, based upon the mutual agreement of the two participating school districts, a school district offering special education classes extends its transportation program to include the transportation of students qualifying for special education in an adjacent school district which does not offer special education

classes, for the purpose of offering its special education classes to said students; ~~or~~

2. When, by resolutions of the boards of education of two participating districts, the districts agree that one or both of the districts may extend its transportation program into the other participating district to provide transportation for students who reside in such other participating district and who, by agreement of the participating districts, are, or will be, attending school in the district that has agreed to furnish transportation for the students; or

3. When, pursuant to the provisions of the Education Choice Act, transportation is provided to a transferred student by the receiving school district.

C. The State Board shall promulgate rules as are necessary to implement the provisions of this section.

SECTION 20. REPEALER 70 O.S. 1991, Section 8-102, as amended by Section 34, Chapter 239, O.S.L. 1993 (70 O.S. Supp. 1995, Section 8-102), is hereby repealed.

SECTION 21. REPEALER 70 O.S. 1991, Section 8-104, as last amended by Section 2, Chapter 168, O.S.L. 1994 (70 O.S. Supp. 1995, Section 8-104), is hereby repealed.

SECTION 22. Sections 1 through 19 and 21 of this act shall become effective November 1, 1996.

SECTION 23. Section 20 of this act shall become effective July 1, 1997.

Passed the House of Representatives the 12th day of March, 1996.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1996.

President

of the Senate