

ENGROSSED SENATE
BILL NO. 1100

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

and

Anthony of the House

[revenue and taxation of schools - Oklahoma Accountability
System - Oklahoma
Advanced Placement
Incentive -
effective date -
emergency]

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

SECTION 1. AMENDATORY 68 O.S. 1991, Section 2884, as
last amended by Section 2, Chapter 325, O.S.L. 1995 (68 O.S. Supp.
1995, Section 2884), is amended to read as follows:

Section 2884. A. The full amount of the taxes assessed against
the property of any taxpayer who has appealed from a decision
affecting the value or taxable status of such property as provided
by law shall be paid at the time and in the manner provided by law;
and if at the time such taxes or any part thereof become delinquent,
any such appeal is pending, it shall abate and be dismissed upon a
showing that such taxes have not been paid. Taxes paid under the
provisions of this subsection by railroads and public service
corporations shall be paid to the Oklahoma Tax Commission. Taxes
paid under the provisions of this subsection by property owners

other than railroads and public service corporations shall be paid to the appropriate county treasurer.

B. When such taxes are paid, the persons paying the same shall give notice to the Oklahoma Tax Commission, if the taxes are paid by railroads or public service corporations, or to the county treasurer, if the taxes are paid by other property owners, that an appeal involving such taxes has been taken and is pending, and that a specified portion of the tax amount is being paid under protest. The notice shall be on a form prescribed by the Oklahoma Tax Commission. If taxes are paid in two equal installments and the amount paid under protest does not exceed fifty percent (50%) of the full amount of assessed taxes, all protested taxes shall be specified in the second installment payment. If such amount does exceed fifty percent (50%) of the full amount of assessed taxes, then the portion of protested taxes that exceeds fifty percent (50%) of the full amount of assessed taxes shall be specified in the first installment payment and the entire second installment shall be specified to be paid under protest. The taxpayer shall attach to such notice a copy of the petition filed in the court or other appellate body in which the appeal was taken. For railroads and public service corporations, the amount of taxes protested shall not exceed the amount of tax calculated on the protested assessed valuation specified in the complaint filed pursuant to the provisions of subsection A of Section 2881 of this title. ~~Except as otherwise provided by subsection E of this section, it~~ It shall be the duty of ~~such~~ the county treasurer to hold taxes paid under protest by taxpayers, other than railroads and public service corporations, separate and apart from other taxes collected. The Oklahoma Tax Commission shall deposit taxes paid under protest by railroads and public service corporations to the Protested Ad Valorem Tax Revolving Fund created in Section 2 of this act. Any portion of such taxes not paid under protest shall be apportioned as

provided by law. The treasurer shall invest such protested taxes in the same manner as the treasurer invests surplus tax funds not paid under protest, but shall select an investment medium which will permit prompt refund or apportionment of such protested taxes upon final determination of the appeal. If upon the final determination of any such appeal, the court shall find that the property was assessed at too great an amount, the board of equalization from whose order the appeal was taken shall certify the corrected valuation of the property of such taxpayers to the Oklahoma Tax Commission, if the taxpayer is a railroad or public service corporation, or to the county assessor, if the taxpayer is not a railroad or public service corporation, in accordance with the decision of the court, and shall send a copy of such certificate to the county treasurer, if the taxpayer is not a railroad or public service corporation. Upon receipt of the corrected certificate of valuation, the county assessor shall compute and certify to the county treasurer the correct amount of taxes payable by such taxpayer. The difference between the amount paid and the correct amount payable with accrued interest shall be refunded by the treasurer or the Oklahoma Tax Commission to the taxpayer upon the taxpayer filing a proper verified claim therefor, and the remainder paid under protest with accrued interest shall be apportioned as provided by law.

C. If an appeal is upon a question of valuation of the property, then the amount paid under protest by reason of the question of valuation being appealed shall be limited to the amount of taxes assessed against the property for the year in question less the amount of taxes which would be payable by the taxpayer for that year if the valuation of the property asserted by the taxpayer in the appeal were determined by the court to be correct.

D. If an appeal is upon a question of assessment of the property, then the amount paid under protest by reason of the

question of assessment being appealed shall be limited to the amount of taxes assessed against the property for the year in question less the amount of taxes which would be payable by the taxpayer for that year if the assessment of the property asserted by the taxpayer in the appeal ~~was~~ were determined by the court to be correct.

~~E. The procedure for payment of taxes pending resolution of appeals as provided by this section shall be applicable to any such payment of taxes made on or after July 1, 1992.~~

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2884.1 of Title 68, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Oklahoma Tax Commission to be designated the "Protested Ad Valorem Tax Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of ad valorem taxes paid under protest by railroads or public service corporations pursuant to the provisions of Section 2884 of Title 68 of the Oklahoma Statutes. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma Tax Commission for the purpose of apportioning ad valorem taxes paid under protest, with accrued interest, after the correct amounts payable have been determined as provided by law.

Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 3. AMENDATORY 70 O.S. 1991, Section 1-114, as last amended by Section 1, Chapter 220, O.S.L. 1994 (70 O.S. Supp. 1995, Section 1-114), is amended to read as follows:

Section 1-114. A. All children between the ages of five (5) years on or before September 1, and twenty-one (21) years on or before September 1, shall be entitled to attend school free of charge in the district in which they reside.

B. All children who are at least four (4) years of age but not more than five (5) years of age on or before September 1 and who have not attended a public school kindergarten shall be entitled to attend early childhood programs at any public school in the state where such programs are offered; provided no child shall be required to attend any early childhood education program. The following paragraphs shall govern admission to and eligibility for early childhood programs:

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

school district for State Aid funding, the weight shall be limited to the early childhood grade weight, as provided in Section 18-201 of this title, for purposes of reimbursement for early childhood programs.

2. A child who has not reached the age of five (5) years on or before September 1 and who resides in a district which does not offer an early childhood program shall be eligible for transfer to a district where an early childhood program is offered if the district that offers the early childhood program agrees to the transfer. A district offering early childhood programs may refuse to accept a nonresident child if the district does not have the physical facilities or teaching personnel to accommodate the child in an early childhood education class. If the child requesting the transfer has not reached the age of four (4) years on or before September 1, the district may refuse to accept the nonresident child if the district determines the child is not ready for an early childhood program. Children who are accepted in a program outside their district of residence, as provided in this paragraph and who are ~~Head Start-eligible~~ eligible for free or reduced lunch shall be entitled to attend the early childhood program free of charge and shall be included in the average daily membership of the district providing the program for State Aid funding subject to the weight limitations as set forth in paragraph 1 of this subsection.

Children eligible for transfer as provided in this paragraph who are not ~~Head Start-eligible~~ eligible for free or reduced lunch shall pay tuition on a sliding scale set by the district offering the program.

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

1. Underage children may be admitted to kindergarten classes in the district of the child's residence if class size of the district

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

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

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

D. Except as otherwise provided by law, no child shall be enrolled in the first grade unless he or she will have reached the age of six (6) years on or before September 1 of the school year. Children who have not reached the age of six (6) years on or before September 1 of the school year, who were admitted to a kindergarten class as underage children, who have satisfactorily completed kindergarten and who have been recommended for promotion to first grade shall be permitted to enroll in first grade. Underage children who are enrolled in first grade shall be included in the average daily membership of the school district for State Aid funding, as provided in Section 18-201 of this title.

E. No nonresident and nontransferred pupil shall be allowed to attend school in any school district unless a tuition fee equal to the per capita cost of education for a similar period in such

district during the preceding year has been paid to the receiving district in advance yearly or by semester as determined by the district board of education of the receiving district. If the State Board of Education discovers that such attendance has been allowed without prior payment of the tuition fee in advance as required, no further payment of any State Aid Funds shall be made to the district until such district has shown to the satisfaction of the State Board of Education that all such tuition fees have been paid or that such tuition pupil will no longer be allowed to attend school until the required tuition fee has been paid.

F. Any parent, guardian, person or institution having care and custody of a child who pays ad valorem tax on real property in any other school district other than that in which he resides may, with the approval of the receiving board, enroll the child in any school district in which ad valorem tax is paid and receive a credit on the nonresident tuition fee equal to the amount of the ad valorem tax paid for school district purposes in the school district in which the child is enrolled. Provided, the credit shall not exceed the total amount required for the tuition payment.

SECTION 4. AMENDATORY 70 O.S. 1991, Section 3-104, as last amended by Section 23, Chapter 322, O.S.L. 1995 (70 O.S. Supp. 1995, Section 3-104), is amended to read as follows:

Section 3-104. The control of the State Department of Education and the supervision of the public school system of ~~Oklahoma~~ this state shall be vested in the State Board of Education and, subject to limitations otherwise provided by law, the State Board of Education shall:

1. Establish and prescribe the duties of an executive officer who shall be the State Superintendent of Public Instruction and whose duties shall include the responsibility to give advice and make recommendations to the Board on all matters pertaining to the

policies and administration of the State Department of Education and the public school system;

2. Adopt policies and make rules for the operation of the State Department of Education and the public school system of the state as specified in the Oklahoma School Code, Section 1-101 et seq. of this title;

3. Organize and have control of the administrative and supervisory agencies, divisions, personnel and their appointment and salaries and other operations necessary to carry out the powers, duties and functions of the Board and its executive officer;

4. Have authority to require the coordination of all divisions of the State Department of Education through its executive officer, delegate general supervision of all employees to its executive officer, require all recommendations to be presented through its executive officer, require its executive officer to be responsible for interpretation of the Board's policy, require any employee of the Board to present any specific matter directly to the Board;

5. Appoint, prescribe the duties and fix the compensation of a secretary, an attorney and all other personnel necessary for the proper performance of the functions of the State Board of Education. The secretary shall not be a member of the Board;

6. Submit to the Governor a departmental budget based upon major functions of the Department supported by detailed data on needs and proposed operations as partially determined by the budgetary needs of local school districts filed with the State Board of Education for the ensuing fiscal year. Appropriations therefor shall be made in lump-sum form for each major item in the budget as follows:

- a. State Aid to schools,
- b. the supervision of all other functions of general and special education including general control, free textbooks, school lunch, Indian education and all

- other functions of the Board and an amount sufficient to adequately staff and administer these services, and
- c. the Board shall determine the details by which the budget and the appropriations are administered.

Annually, the Board shall make preparations to consolidate all of the functions of the Department in such a way that the budget can be based on two items, administration and aid to schools. A maximum amount for administration shall be designated as a part of the total appropriation;

7. On the first day of December preceding each regular session of the Legislature, prepare and deliver to the Governor and the Legislature a report for the year ending June 30 immediately preceding said regular session of the Legislature. Said report shall contain:

- a. detailed statistics and other information concerning enrollment, attendance, expenditures including State Aid, and other pertinent data for all public schools in this state,
- b. reports from each and every division, department, institution or other agency under the supervision of the Board,
- c. recommendations for the improvement of the public school system of the state, and
- d. a statement of the receipts and expenditures of the State Board of Education for the past year, ~~and~~
- e. ~~a statement of plans and recommendations for the management and improvement of public schools and such other information relating to the educational interests of the state as may be deemed necessary and desirable;~~

8. Provide for the formulation and adoption of curricula, courses of study and other instructional aids necessary for the adequate instruction of pupils in the public schools;

9. Have authority in matters pertaining to the licensure and certification of persons for instructional, supervisory and administrative positions and services in the public schools of the state subject to the provisions of Section ~~5~~ 6-184 of this ~~act~~ title, and shall formulate rules governing the issuance and revocation of certificates for superintendents of schools, principals, supervisors, librarians, clerical employees, school nurses, school bus drivers, visiting teachers, classroom teachers and for other personnel performing instructional, administrative and supervisory services, but not including members of boards of education and other employees who do not work directly with pupils, and may charge and collect reasonable fees for the issuance of such certificates. All funds collected by the State Department of Education for the issuance of certificates to instructional, supervisory and administrative personnel in the public schools of the state shall be deposited in the "Teachers' Certificate Fund" in the State Treasury and may be expended by the State Board of Education to finance the activities of the State Department of Education necessary to administer the program, for consultative services, publication costs, actual and necessary travel expenses as provided in the State Travel Reimbursement Act, Sections 500.1 et seq. of Title 74 of the Oklahoma Statutes, incurred by persons performing research work, and other expenses found necessary by the State Board of Education for the improvement of the preparation and certification of teachers in ~~Oklahoma~~ this state. Provided, any unobligated balance in the Teachers' Certificate Fund in excess of Ten Thousand Dollars (\$10,000.00) on June 30 of any fiscal year shall be transferred to the General Revenue Fund of ~~the State of Oklahoma~~ this state. Until July 1, 1997, the State Board of

Education shall have authority for approval of teacher education programs. The State Board of Education shall also have authority for the administration of teacher residency and professional development, subject to the provisions of the Oklahoma Teacher Preparation Act, Section 6-180 et seq. of this title;

10. Promulgate rules governing the classification, inspection, supervision and accrediting of all public nursery, kindergarten, elementary and secondary schools and on-site educational services provided by public school districts or state-accredited private schools in partial hospitalization programs, day treatment programs, and day hospital programs as defined in this act for persons between the ages of three (3) and twenty-one (21) years of age in the state. However, no school shall be denied accreditation solely on the basis of average daily attendance.

~~Any school district which maintains an elementary school and faces the necessity of relocating its school facilities because of construction of a lake, either by state or federal authority, which will inundate the school facilities, shall be entitled to receive probationary accreditation from the State Board of Education for a period of five (5) years after the effective date of this act and any school district, otherwise qualified, shall be entitled to receive probationary accreditation from the State Board of Education for a period of two (2) consecutive years to attain the minimum average daily attendance.~~ The Head Start and public nurseries or kindergartens operated from Community Action Program funds shall not be subjected to the accrediting rules of the State Board of Education. Neither will the State Board of Education make rules affecting the operation of the public nurseries and kindergartens operated from federal funds secured through Community Action Programs even though they may be operating in the public schools of the state. However, any of the Head Start or public nurseries or kindergartens operated under federal regulations may make

application for accrediting from the State Board of Education but will be accredited only if application for the approval of the programs is made. The status of no school district shall be changed which will reduce it to a lower classification until due notice has been given to the proper authorities thereof and an opportunity given to correct the conditions which otherwise would be the cause of such reduction.

Private and parochial schools may be accredited and classified in like manner as public schools or, if an accrediting association is approved by the State Board of Education, by procedures established by the State Board of Education to accept accreditation by such accrediting association, if application is made to the State Board of Education for such accrediting;

11. Be the legal agent of the State of Oklahoma to accept, in its discretion, the provisions of any Act of Congress appropriating or apportioning funds which are now, or may hereafter be, provided for use in connection with any phase of the system of public education in Oklahoma. It shall prescribe such rules as it finds necessary to provide for the proper distribution of such funds in accordance with the state and federal laws;

12. Be and is specifically hereby designated as the agency of this state to cooperate and deal with any officer, board or authority of the United States Government under any law of the United States which may require or recommend cooperation with any state board having charge of the administration of public schools unless otherwise provided by law;

13. Be and is hereby designated as the "State Educational Agency" referred to in Public Law 396 of the 79th Congress of the United States, which law states that said act may be cited as the "National School Lunch Act", 42 U.S.C.A., Section 1751 et seq., and said State Board of Education is hereby authorized and directed to accept the terms and provisions of said act and to enter into such

agreements, not in conflict with the Constitution of Oklahoma or the Constitution and Statutes of the United States, as may be necessary or appropriate to secure for the State of Oklahoma the benefits of the school lunch program established and referred to in said act;

14. Have authority to secure and administer the benefits of the National School Lunch Act, Public Law 396 of the 79th Congress of the United States, in the State of Oklahoma and is hereby authorized to employ or appoint and fix the compensation of such additional officers or employees and to incur such expenses as may be necessary for the accomplishment of the above purpose, administer the distribution of any state funds appropriated by the Legislature required as federal matching to reimburse on children's meals;

~~15. Accept and provide for the administration of any land, money, buildings, gifts, donation or other things of value which may be offered or bequeathed to the schools under the supervision or control of said Board;~~

~~16.~~ 15. Have authority to require persons having administrative control of all school districts in Oklahoma to make such regular and special reports regarding the activities of the schools in said districts as the Board may deem needful for the proper exercise of its duties and functions as specified in the Oklahoma School Code, Section 1-101 et seq. of this title. Such authority shall include the right of the State Board of Education to withhold all state funds under its control, to withhold official recognition, including accrediting, until such required reports have been filed and accepted in the office of said Board and to revoke the certificates of persons failing or refusing to make such reports;

~~17.~~ 16. Have general supervision of the school lunch program. The State Board of Education may sponsor workshops for personnel and participants in the school lunch program and may develop, print and distribute free of charge or sell any materials, books and bulletins to be used in such school lunch programs. There is hereby created

in the State Treasury a revolving fund for the Board, to be designated the School Lunch Workshop Revolving Fund. The fund shall consist of all fees derived from or on behalf of any participant in any such workshop sponsored by the State Board of Education, or from the sale of any materials, books and bulletins, and such funds shall be disbursed for expenses of such workshops and for developing, printing and distributing of such materials, books and bulletins relating to the school lunch program. The fund shall be administered in accordance with the Revolving Fund Procedures Act, Section 155 et seq, of Title 62 of the Oklahoma Statutes;

~~18.~~ 17. Prescribe all forms for school district and county officers to report to the State Board of Education where required. The State Board of Education shall also prescribe a list of appropriation accounts by which the funds of school districts shall be budgeted, accounted for and expended; and it shall be the duty of the State Auditor and Inspector in prescribing all budgeting, accounting and reporting forms for school funds to conform to such lists;

~~19.~~ 18. Provide for the establishment of a uniform system of pupil and personnel accounting, records and reports;

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

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

~~22.~~ 21. Have authority, upon request of the local school board, to act in behalf of the public schools of the state in the purchase of transportation equipment;

~~23.~~ 22. Have authority and is hereby required to perform all duties necessary to the administration of the public school system in Oklahoma as specified in the Oklahoma School Code, Section 1-101 of this title. An educational function not specifically delegated

to the State Department of Education or the State Board of Education is reserved and shall be performed by the local districts; and, in addition thereto, these duties not specifically mentioned herein if not delegated by law to any other agency or official;

~~24.~~ 23. Administer the State Public Common School Building Equalization Fund established by Section 32 of Article X of the Oklahoma Constitution. Any royalties, bonuses, rentals or other monies derived from oil and gas and all other mineral leases on lands that have been or may be granted by the United States to the state for the use and benefit of the common schools, or lands that are or may be held by the Commissioners of the Land Office for the use and benefit of the common schools, the proceeds of the sale of easements, improvements and sand and gravel on any such lands, the proceeds of all property that shall fall to the state by escheat, penalties for unlawful holding of real estate by corporations, and capital gains on assets of the permanent school funds, shall be deposited in such State Public Common School Building Equalization Fund, which shall be used to aid school districts in acquiring buildings under rules prescribed by the State Board of Education, as the administering agency, subject to the limitations fixed by Section 32 of Article X of the Oklahoma Constitution. The State Board of Education shall prescribe rules for making grants of aid from, and for otherwise administering, such fund, and may employ and fix the duties and compensation of technicians, aides, clerks, stenographers, attorneys and other personnel deemed necessary to perform its duties; and the cost of administering such fund shall be paid from funds currently available for the operation of the State Department of Education. It shall be the duty of the State Board of Education, the Commissioners of the Land Office and all other public agencies, officers and employees to observe and comply with the provisions of this paragraph, in all respects; and they shall not be held liable for any amount, penalty or punishment for having done

so, unless and until they are directed to do otherwise by a court of competent jurisdiction;

~~25.~~ 24. Recognize that the Director of the Oklahoma Department of Corrections shall be the administrative authority for the schools which are maintained in the state reformatories and shall appoint the principals and teachers in such schools. Provided, that rules of the State Board of Education for the classification, inspection and accreditation of public schools shall be applicable to such schools; and such schools shall comply with standards set by the State Board of Education; and

~~26.~~ 25. Have authority to administer a revolving fund which is hereby created in the State Treasury, to be designated the Statistical Services Revolving Fund. The fund shall consist of all monies received from the various school districts of the state, the United States Government, and other sources for the purpose of furnishing or financing statistical services and for any other purpose as designated by the Legislature. The State Board of Education is hereby authorized to enter into agreements with school districts, municipalities, the United States Government, foundations and other agencies or individuals for services, programs or research projects. The Statistical Services Revolving Fund shall be administered in accordance with the Revolving Fund Procedures Act, Section 155 et seq. of Title 62 of the Oklahoma Statutes; ~~and~~

~~27.~~ ~~Have authority to review preliminary plans for new construction and major alteration of public school buildings where structural changes are proposed. No bids shall be let for the construction or major alteration of any public school building until preliminary plans and specifications for such construction or alteration have been submitted to and reviewed by the State Department of Education. The period of time during which such review is conducted by the State Department of Education shall not exceed thirty (30) days. The State Department of Education shall~~

~~advise each local school district regarding said review of preliminary plans and specifications. Provided, nothing in this subsection shall be construed as repealing any ordinance or building code of any city, town or county.~~

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-104.8 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. By July 1, 1997, the State Board of Education shall conduct an internal review of its rules to determine whether each rule has been promulgated pursuant to current state or federal law. Said review shall be conducted as if the provisions of Section 43 of this act were in effect. Any rule determined by the Board to be obsolete shall be deleted. Such deletions shall be made without submission of such deletions for legislative review pursuant to Section 308 of Title 75 of the Oklahoma Statutes and gubernatorial review pursuant to Section 303.1 of Title 75 of the Oklahoma Statutes. Prior to deletion of a rule, the State Board shall publish in The Oklahoma Register a notice of intent to remove the rule, including a summary of the rule. In addition, notice of the deletion shall be submitted to the President Pro Tempore of the Senate, Speaker of the House of Representatives and the Governor, for informational purposes.

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

SECTION 6. AMENDATORY 70 O.S. 1991, Section 5-107A, as last amended by Section 5, Chapter 360, O.S.L. 1994 (70 O.S. Supp. 1995, Section 5-107A), is amended to read as follows:

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

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

| District | Members | Term (Years) |
|--|---------|--------------|
| Elementary | 3 | 3 |
| Independent | | |
| 1. districts having a five-member board | 5 | 5 |
| 2. districts having a seven-member board | 7 | 4 |
| 3. districts having a nine-member board unless an election is conducted pursuant to subsection C of this section | 9 | 3 |

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

1. a. Between August 1 and December 31 of the year following the submission by the United States Department of Commerce to the President of the United States of the official Federal Decennial Census, the board of education shall reapportion the territory of the school district into board districts. Beginning with the reapportionment following the 1990 Federal Decennial Census, all boundaries of board districts shall follow clearly visible, definable and observable physical boundaries which are based upon criteria established and recognized by the Bureau of the Census of the United States Department of Commerce for purposes of defining census blocks for its decennial

census and shall follow, as much as is possible, precinct boundaries. Board districts shall be compact, contiguous and shall be as equal in population as practical with not more than a ten percent (10%) variance between the most populous and least populous board districts.

- b. School districts having fewer than one thousand (1,000) students in average daily membership during the preceding school year may choose not to establish board districts and may nominate and elect all board members at large.
- c. Elementary school districts shall have board members elected at large.
- d. A city located in an independent school district having four or more wards and an outlying area with such outlying area comprising no more than twenty percent (20%) of the population of such independent school district, then such independent school district may adopt such wards and outlying area in lieu of the board districts provided for in subparagraph a of this paragraph, and at least one member of the board of education of such independent school district shall be a member of each ward; and

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

If during the term of office to which a person was elected, that member ceases to be a resident of the board district for which the person was elected, the office shall become vacant and such vacancy

shall be filled as provided in Section 13A-110 of Title 26 of the Oklahoma Statutes; and

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

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

C. Any five-member board shall have the option of enlarging its board to a seven- or nine-member board either after approval of a board resolution or a vote of the electors of the school district to take such action pursuant to Section 13A-109 of title 26 of the Oklahoma Statutes. The election pursuant to a vote of the electors of the school district shall be called upon the submission of a petition requesting the election signed by ten percent (10%) of the school district electors in the school district, the percentage being applied to the highest number of voters voting in a regular school district election in the district in the preceding five (5)

years as determined by the secretary of the county election board, who shall certify the question is put before the voters of the district, such election shall be held along with and at the same time and place as the next school election if all requirements of Section 13A-101 et seq. of Title 26 of the Oklahoma Statutes for such election are met.

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

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

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

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

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

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

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

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

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

necessary to extend until the beginning of the regular terms for seven-member boards established herein.

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

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

~~F.~~ G. The term of office of each board member elected after July 1, 1992, shall commence on the first regular, special or emergency school board meeting after the date of the annual school election and after the member has been certified as elected. Board members elected prior to July 1, 1992, may remain in office until their successor is elected and seated pursuant to Sections 13A-101 through 13A-111 of Title 26 of the Oklahoma Statutes. The remaining term of any member who completes the term for which the member was elected but not wishing to serve until the successor of the member takes office on the first regular, special or emergency school board meeting after the successor has been certified as elected, shall be filled by appointment by the remaining members of the board of education.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-107B of Title 70, unless there is created a duplication in numbering, reads as follows:

Any five- or seven- member school board shall include on the ballot of its next regular election, the option of reducing the terms of office of its board members from terms of five (5) and four (4) years to terms of three (3) years. The measure shall pass with the assent of a majority of the electors of the school district voting at such election. A board member currently serving shall serve the remainder of his or her unexpired term. Succeeding terms shall be subject to the three-year limitation.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-201 of Title 70, unless there is created a duplication in numbering, reads as follows:

Sections 8 through 16 of this act shall be known and may be cited as the "Parental School Choice Act".

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-202 of Title 70, unless there is created a duplication in numbering, reads as follows:

Except as otherwise provided, the parent, guardian or other person having legal custody of an Oklahoma resident school child may choose, without regard for school district of residence, the school district in which his or her child or ward shall attend school.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-203 of Title 70, unless there is created a duplication in numbering, reads as follows:

If a school child's parent or guardian makes no choice of a school district as provided in this act, the child shall attend school in the school district where the child is a resident or as otherwise provided by law.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-204 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. On or before February 1 of each school year, a parent or guardian of an Oklahoma school child may make application to a

school district in which his or her child or ward is not a resident for permission to enroll his or her child or ward in that district's schools as a transfer student for the next school year. The application shall be on a form provided by the State Board of Education and made available to parents through all public schools in this state.

B. Each application shall be stamped with the date received by the school district so that those students accepted as transfer students will be accepted in the order in which they applied based on criteria for accepting transfers adopted by the district to which application is made.

C. Districts shall deny transfers pursuant to this act which, together with resident district enrollment or other transfers or both, would cause the number of students in any class to exceed the limits set forth in Section 18-113.1 et seq. of Title 70 of the Oklahoma Statutes.

D. On or before March 1 of each school year, the school district shall inform the applicant whether the child or ward has been granted a transfer to enroll in that district's schools.

E. If the application for permission to enroll is approved, the school district shall simultaneously assign the child to a school within the district.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-205 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Notwithstanding the deadline for a transfer application made pursuant to Section 11 of this act, an emergency transfer from a child's resident school district to another school district may be made at any time.

B. For purposes of this section, an emergency shall mean the destruction or partial destruction of a school building, the inability to furnish the grade of study the student is entitled to

pursue, the inability to offer a subject the student desires to pursue, dissolution of school district, or the failure of the district to adequately provide transportation services for the student.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-206 of Title 70, unless there is created a duplication in numbering, reads as follows:

Nothing in Sections 8 through 16 of this act shall be construed as preventing the enrollment of any child in a school district to which the child moves during the course of the school year.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-207 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Permission to enroll pursuant to the Parental School Choice Act shall not be denied because of race, religion, national origin, sex, physical handicap, or socioeconomic condition of the family.

B. Permission to enroll pursuant to the Parental School Choice Act may be denied by the district to which application is made for reason of the school district's lack of physical capacity or educational materials, previously adopted policy against acceptance of transfers, or other good cause.

C. Permission to enroll pursuant to the Parental School Choice Act may be denied by the school board of the school district of the subject child's residence when the school district of which the child is a resident is under a court-ordered desegregation plan unless the grade which the child is entitled to pursue is not offered in the child's resident school district. The State Board of Education shall annually provide to all school districts a list of school districts under court-ordered desegregation plans.

D. If permission to enroll is denied, the denying district shall state its reasons for refusal in writing and shall deliver the written statement to the applying parent or guardian.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-208 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The school district which accepts a nonresident child for enrollment may provide transportation for that child from its district line to the child's assigned school. The school district may establish points along its boundaries where transfer students shall collect for transportation.

B. Except as provided in subsection C of this section, the school district in which the child is a resident shall not be required to provide transportation for a child who transfers to another district pursuant to this act; however, the school district in which the child is a resident may, in its discretion, transport the child to its district boundary.

C. For a child transferred pursuant to this act who meets criteria established by the State Board of Education that are commensurate with established eligibility criteria for participation in the National School Lunch Act of 1946, 42 U.S.C., Section 1751 et seq. as amended, and who is not transported to the district boundary pursuant to subsection B of this section, the district of residence shall reimburse a parent or guardian who provides transportation from the child's place of residence to a district boundary pick-up point designated by the receiving district, and for return from said point to the place of residence, for each day the child's parent or guardian provides such transportation, not to exceed one hundred eighty (180) days in a school year. The number of miles reimbursed shall not exceed twenty (20) miles per day one way. Reimbursement shall be at a rate set by the State Board of Education which shall not exceed ten cents (\$0.10) per mile. The Board is authorized to promulgate rules relating to said reimbursement generally and is specifically authorized to broaden the definition of the term "guardian" as it applies to qualification for reimbursement.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-209 of Title 70, unless there is created a duplication in numbering, reads as follows:

The provisions of Section 8-102 et seq. of Title 70 of the Oklahoma Statutes shall not apply to transfers of students pursuant to the Parental School Choice Act.

SECTION 17. AMENDATORY 70 O.S. 1991, Section 11-103.7, as amended by Section 2, Chapter 205, O.S.L. 1994 (70 O.S. Supp. 1995, Section 11-103.7), is amended to read as follows:

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

B. Such program shall:

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

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

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

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

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

D. A school district may offer such early childhood education program within the district, in cooperation with other districts,

through the use of transfers as specified by law, or by contracting with a private or public provider of early childhood education programs. If the program is provided through contract with a private or public provider other than a school district, the contract may only be continued if each teacher serving the school on and after January 1, 1993 is certified in Early Childhood Education, except that all teachers, without such certification, hired by such provider prior to January 1, 1993, and serving in the school as an early childhood education teacher shall be required to obtain certification on or before the beginning of the 1996-97 school year. Any person who has been employed as an early childhood educator with the Head Start Program, has a child development associate degree (CDA) and has at least five (5) years of experience in such employment shall be certified in early childhood education for purposes of employment in the public schools of this state to teach in early childhood education for children four (4) years of age and younger; if such person is recertified in child development by the Council for Early Childhood Professional Recognition within five (5) years prior to the expiration of the person's early childhood certificate that was issued by the State Board of Education, such person shall be granted a renewal certificate in early childhood education by the State Board of Education upon expiration of the early childhood certificate. Provided, private or public providers shall meet such other standards required by law and by the State Board of Education.

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

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

SECTION 18. AMENDATORY 70 O.S. 1991, Section 16-101, as last amended by Section 1, Chapter 229, O.S.L. 1993 (70 O.S. Supp. 1995, Section 16-101), is amended to read as follows:

Section 16-101. There is hereby created the State Textbook Committee, which shall be composed of two members from each congressional district, appointed by the Governor with the advice and consent of the Senate and one member, appointed by the Governor with the advice and consent of the Senate, who shall be a lay citizen not having a teaching certificate and having at least one child in the public schools of Oklahoma. A majority of the twelve members appointed from the congressional districts shall be classroom teachers. The regular terms of all members shall be for three (3) years. ~~No member~~ Members shall not be eligible to succeed ~~himself~~ themselves. At no time shall more than one member of the State Textbook Committee be an employee of the same school district. Each member appointed from a congressional district shall have had not less than five (5) years' teaching or supervisory experience in the public schools of Oklahoma at the time of appointment, and shall be actively employed in the public schools of Oklahoma during the term of service on said Committee. The State Superintendent of Public Instruction or a designated member of the staff shall serve as Secretary of the Committee and vote only when there is a tie vote in the membership of the Committee. Each member shall receive necessary traveling expenses while ~~in the performance of his~~ performing duties pursuant to the State Travel Reimbursement Act.

The Committee may meet at the call of the State Superintendent of Public Instruction at the State Capitol and elect by secret written ballot a chairperson and vice-chairperson from its membership to serve for the year. The terms for which new members from the congressional districts are appointed shall be staggered by the Governor in making appointments. The terms of four members shall expire each year. The four new members appointed each year

shall be certified in one of the curriculum areas in which the textbooks will be ~~adopted~~ recommended to local textbook committees that ensuing fiscal year.

SECTION 19. AMENDATORY 70 O.S. 1991, Section 16-102, as amended by Section 3, Chapter 229, O.S.L. 1993 (70 O.S. Supp. 1995, Section 16-102), is amended to read as follows:

Section 16-102. A. The State Textbook Committee shall meet at the call of the chairperson as often as necessary, with two (2) weeks' public notice, to discharge its responsibilities. Not later than the first day of December of each year the State Textbook Committee shall meet at the call of the chairperson at the State Capitol and ~~select~~ recommend to local textbook committees textbooks for subjects taught in the public schools of the state up to and including the twelfth grade, which ~~selections~~ recommendations shall be for not more than six (6) years for every textbook.

B. ~~From the effective date of this act until December 31, 1993, the Committee may extend by up to two (2) years the five-year adoption period of those textbooks currently on the state adopted list, or provide for an interim adoption period of not to exceed three (3) years for textbooks for certain subjects, for the purpose of correlation with a six-year adoption cycle or for restructure of the adoption cycle of subjects.~~ "Textbooks", as used in Sections 16-101 through 16-124 of this title, means instructional materials that are designed for use by pupils as a learning resource. Instructional materials may be printed or nonprinted and may include textbooks, technology-based and other educational materials. Technology-based materials do not include the equipment required to make use of those materials.

C. Said Committee shall ~~select~~ recommend textbooks or series of textbooks for each subject, which are in its judgment satisfactory. The State Textbook Committee may determine that unusual or extraordinary circumstances exist in a particular subject area

during the period for which textbooks have been selected for that subject area. Unusual or extraordinary circumstances shall include but not be limited to significant new techniques of teaching in a particular subject area or significant new findings or discoveries in a particular subject area. Upon a determination by three-fourths (3/4) of the members of the State Textbook Committee that unusual or extraordinary circumstances exist in a particular subject area, the Committee may ~~select~~ recommend one or more textbooks in that subject area for the remainder of the ~~adoption~~ recommendation period.

~~D. Five or more district boards of education may petition the State Board of Education to add a book or series of textbooks to the approved list selected by the State Textbook Committee.~~

~~The State Board of Education shall promulgate rules to implement the method and time frame for handling such petitions in the most expeditious manner.~~

SECTION 20. AMENDATORY 70 O.S. 1991, Section 16-102.1, as amended by Section 4, Chapter 229, O.S.L. 1993 (70 O.S. Supp. 1995, Section 16-102.1), is amended to read as follows:

Section 16-102.1 The State Textbook Committee shall conduct a public hearing in the first two (2) weeks of October each year for the purpose of gathering public testimony concerning the various textbooks being considered for ~~adoption~~ recommendation by the Committee. Any person wishing to be heard at the public hearing shall register with the secretary of the State Textbook Committee at least two (2) weeks prior to the date set for the public hearing. The registration shall be accompanied by a typed summary detailing the nature of the testimony which will be presented at the public hearing. All testimony shall pertain to a specific textbook or textbooks for which the State Textbook Committee has received bids. The time and number of people testifying for any one organization may be limited by the State Textbook Committee. The Committee, in its discretion, may conduct additional public hearings. The date of

the public hearing shall be set by the Committee when the advertisement for bids for books is issued.

SECTION 21. AMENDATORY 70 O.S. 1991, Section 16-103, as amended by Section 5, Chapter 229, O.S.L. 1993 (70 O.S. Supp. 1995, Section 16-103), is amended to read as follows:

Section 16-103. The State Textbook Committee shall advertise for books in all basic subjects in such manner and for such time as it may deem best. Each year the Committee shall advertise for sealed bids from publishers of textbooks for furnishing textbooks for the public schools of this state. Each bid shall state specifically and clearly the price at which each book will be furnished FOB the bidder's depository or delivered to any ordering school district in this state, and the price the books may be sold for through local retail book dealers, and shall be accompanied by a sample copy of each book offered in such bid, together with any teacher edition or teacher aids used with such book. A copy of each textbook for which a bid has been accepted by the Committee shall be displayed in at least one library or institution of higher education within each Congressional District in this state. The facility shall have free public access. The textbooks shall be displayed from the time they are accepted by the Committee until their final selection or rejection. A record of all the books delivered direct to any school district shall be immediately furnished by the shipper and the school district to the State Board of Education. Each bid shall be accompanied by a sworn statement specifically:

1. Stating whether the publisher is the owner of any interest or share in any other textbook publishing houses and, if so, giving the names and addresses thereof;

2. Showing whether any member of the Committee is in any manner interested, directly or indirectly, in such person, firm, or corporation submitting such bid; and

3. Showing the name and address of every committee, public official, or individual in this state who has been furnished, within the preceding twelve (12) months, any copy of the textbook or textbooks or any edition thereof included in the bid, together with the numbers and titles thereof furnished to each recipient. If the fact shall be disclosed that any member of the Committee, State Textbook Director, or any employee of that office is interested in the bidder, it shall work a disqualification of such member, and the member shall not be permitted to serve on the Committee, and the bidder shall be disqualified. If it shall be disclosed that such sworn statement does not accurately and completely give the information required, the State Textbook Committee shall disregard the bid. Oklahoma authors of school textbooks shall be permitted to receive the customary royalty, regardless of employment. ~~Only materials approved by the State Textbook Committee shall be purchased from State Textbook Funds.~~

SECTION 22. AMENDATORY 70 O.S. 1991, Section 16-104, as amended by Section 6, Chapter 229, O.S.L. 1993 (70 O.S. Supp. 1995, Section 16-104), is amended to read as follows:

Section 16-104. All bids shall be sealed and delivered to the secretary of the State Textbook Committee, to be delivered by the secretary to the Committee for the purpose of considering the bids. The Committee shall meet prior to August 15 of each year at the time and place mentioned in the advertisement, to open and examine the sealed bids received, and make a full and complete investigation of all books and the bids accompanying the same. The Committee may use regular classroom teachers as consultants. The books shall be selected after careful consideration of all the books presented, and the books selected for ~~adoption~~ recommendation shall be those which, in the opinion of the Committee, are best suited for the public schools in this state. The Committee shall give consideration to any legislative resolution concerning textbook content and the

testimony received at public hearings when making the selections. The Committee shall proceed without delay to ~~select~~ recommend, for use of the public schools of this state, textbooks as specified in this article and shall notify publishers to whom contracts are awarded. If the State Textbook Committee determines that significant inaccuracies exist in the contents of a textbook which has been bid or that information contained in the textbook is not current, the Committee may ~~adopt~~ recommend the book on a provisional basis. Final ~~adoption~~ recommendation of the textbook ~~and use of textbook money~~ shall be contingent upon the publisher providing a modified or revised textbook which is acceptable by the State Textbook Committee.

SECTION 23. AMENDATORY 70 O.S. 1991, Section 16-106, as last amended by Section 1, Chapter 74, O.S.L. 1994 (70 O.S. Supp. 1995, Section 16-106), is amended to read as follows:

Section 16-106. A. All contracts with publishers shall be signed by the chairperson and secretary of the State Textbook Committee on behalf of the state. Each contract shall stipulate the price at which each textbook will be sold to the State of Oklahoma, and that all copies supplied to the State of Oklahoma will be equal to or better than the official copy filed with the secretary of the Committee. The State Textbook Committee may approve the substitution of a later edition in lieu of the textbook originally ~~selected~~ recommended. The publisher shall stipulate in the contract that:

1. The price for which the textbook is to be furnished will be the lowest at which the same textbook will be sold or offered for sale for the purpose of securing a state or local selection or adoption elsewhere in the United States during the six (6) months prior to the date of the execution of the contract;

2. It will reduce the contract price of the textbook, if the price of the same textbook is reduced below such contract price

elsewhere in the United States, and that it will file with the secretary of the Committee a sworn statement of such reduction made elsewhere;

3. If it prepares any supplementary or abridged or special editions of any of the textbooks, and shall sell such editions elsewhere at a lower price than that stipulated in the contract, it will file copies of any and all such editions, together with the prices thereof, with the secretary of the Committee;

4. It has not entered into any understanding, agreement or combination to control the prices or restrict competition in the sale of textbooks;

5. It will furnish the textbooks to the State of Oklahoma during the term of the contract in such amounts as may be required; and

6. It will furnish for a like period in lieu of the corresponding textbooks under contract any other books listed in any annual statement subsequently filed by it during the term of the contract to any school district at the lowest new prices contained in such statement, and that it will maintain said prices uniformly through the state.

B. Textbooks ~~selected~~ recommended by the State Textbook Committee may be purchased by school districts at the prices for which contracts have been awarded, pending the effective dates of the contracts.

C. The chairperson and secretary of the State Textbook Committee, on the advice and consent of the attorney for the State Department of Education, may, with the consent of the holders of state textbook contracts, change any contract to conform with the provisions of Section 16-102 of this title.

D. As requested by a school district, all publishers who enter into contracts with the State Textbook Committee shall be required to furnish the Committee with computer diskettes for literary

subjects in the American Standard Code for Information Interchange (ASCII) from which Braille versions of the textbook can be produced. The publisher shall furnish the Committee with computer diskettes in ASCII for nonliterary subjects when Braille specialty code translation software is available.

SECTION 24. AMENDATORY 70 O.S. 1991, Section 16-107, as amended by Section 8, Chapter 229, O.S.L. 1993 (70 O.S. Supp. 1995, Section 16-107), is amended to read as follows:

Section 16-107. A. In the event that a publisher whose bid has been accepted shall publish at any time before the expiration of the adoption period a new or revised edition of the adopted textbook, the State Textbook Committee may require such publisher to substitute such new or revised edition for the ~~adopted~~ recommended edition at a price to be mutually agreed upon by the publisher and the State Textbook Committee, but not in excess of the lowest price at which the same textbook will be sold or offered for sale for the purpose of securing a state or local selection or adoption elsewhere in the United States during the twelve (12) months preceding the date of submitting such new or revised edition. A contract shall be made for such new or revised edition as for any other selection. Each bidder shall expressly agree to this provision as a part of the bid and the contract awarded if successful.

B. In the event that a publisher shall publish a textbook for a subject during the period for which ~~adoptions~~ recommendations for that subject have not expired, such publisher may submit a bid for such textbook at the time and in the manner other bids are submitted. The State Textbook Committee may ~~adopt~~ recommend such book for the balance of the ~~adoption~~ recommendation period and thereafter local textbook committees may adopt such book.

SECTION 25. AMENDATORY 70 O.S. 1991, Section 16-110, as last amended by Section 9, Chapter 360, O.S.L. 1993 (70 O.S. Supp. 1995, Section 16-110), is amended to read as follows:

Section 16-110. As soon as any contract is entered into for the furnishing of textbooks for use in the public schools of the state, the secretary of the State Textbook Committee shall send a list of the textbooks ~~selected~~ recommended by the State Textbook Committee to every superintendent of schools and local textbook committee in the state, which list shall show the respective prices of such textbooks and contain such other information as the secretary shall deem advisable. The secretary shall annually publish and distribute a list of all textbooks that have been ~~selected~~ recommended and that are then in force.

SECTION 26. AMENDATORY 70 O.S. 1991, Section 16-111, as last amended by Section 10, Chapter 360, O.S.L. 1993 (70 O.S. Supp. 1995, Section 16-111), is amended to read as follows:

Section 16-111. A. The superintendent of schools of each school district in the state shall appoint a local textbook committee consisting of not fewer than three nor more than nine members. Each committee shall have one lay member, with the remainder of the members being teachers employed in the public schools of the district, a majority of whom shall be classroom teachers. The superintendent of schools or a designee who shall be a principal or a curriculum specialist shall serve as chairperson of such local textbook committee.

B. Upon the written request of any duly appointed local textbook coordinator, the publisher of a textbook ~~selected~~ recommended by the State Textbook Committee shall furnish at least one examination copy of the textbook and the teacher edition of the textbook, if one is published, and a copy of software for purposes of complete demonstration and review, if available, to the school district so that the local textbook committee may examine any or all new ~~adoptions~~ recommendations in the subjects taught or to be taught in schools in the district.

C. ~~On or before a date to be fixed by the State Board of Education, each local textbook committee shall adopt textbooks from the multiple list selected by the State Textbook Committee in such manner as shall be prescribed by the State Board of Education.~~ Each local textbook committee shall serve without compensation and shall cease to exist when local adoptions have been completed and shall be replaced by another local textbook committee appointed in the same manner as herein provided.

D. On or before a date to be fixed by the State Board of Education, the superintendent of each school district shall submit to the State Board of Education a requisition for all of the textbooks adopted by the local textbook committee that will be needed for the ensuing year in the school or schools for which such adoptions were made, and immediately upon receipt of such requisitions it shall be the duty of the State Board of Education to make requisitions on the proper depository or depositories for such textbooks. Any superintendent of a school district may requisition any textbooks placed on the official multiple textbook list, if such requisition does not exceed the allocation for each school district as provided in Section 16-114 of this title.

SECTION 27. AMENDATORY 70 O.S. 1991, Section 16-122, as last amended by Section 12, Chapter 360, O.S.L. 1993 (70 O.S. Supp. 1995, Section 16-122), is amended to read as follows:

Section 16-122. Any person who directly or indirectly promises or offers to give, or causes to be promised, offered or given, any money, books, bribe, present or reward or any valuable thing whatsoever to any member of the State Board of Education, the State Textbook Committee, or a local textbook committee, or any member of a board of education, teacher or other person with the intent to influence a decision on any question, matter, cause or proceeding in the ~~selection~~ recommendation, or adoption of any textbooks, or series of textbooks, upon conviction, shall be guilty of a felony

and punishable as such. Any teacher in the public schools of Oklahoma, any superintendent of a school district or any employee of a school district who shall in any way be interested in the profits, proceeds or sale of any school textbook used in the public schools under such person's charge, or with which such person is connected in any official capacity, upon conviction, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00), and shall in addition thereto forfeit the office or position.

SECTION 28. AMENDATORY 70 O.S. 1991, Section 16-123, as last amended by Section 13, Chapter 360, O.S.L. 1993 (70 O.S. Supp. 1995, Section 16-123), is amended to read as follows:

Section 16-123. Any member of the State Board of Education and any member of the State Textbook Committee who directly or indirectly solicits, receives or agrees to receive any money, goods, bribe, present, reward or any valuable thing whatsoever with the intent, and which will have the effect, to influence a decision on any question, matter, cause or proceeding in the ~~selection or adoption~~ recommendation of any textbook or series of textbooks provided for in this article, upon conviction, shall be guilty of a felony and punishable as such.

Any superintendent of schools, any member of a board of education, and any member of a local textbook committee who directly or indirectly solicits, receives or agrees to receive any money, goods, bribe, present, reward or any valuable thing whatsoever with the intent and which will have the effect to influence a decision on any question, matter, cause or proceeding in the ~~selection or adoption~~ recommendation of any textbook or series of textbooks, upon conviction, shall be guilty of a misdemeanor, and shall be punished by a fine of not to exceed Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a term of not to exceed six (6) months, or both such fine and imprisonment.

SECTION 29. AMENDATORY 70 O.S. 1991, Section 18-114.7, as amended by Section 18, Chapter 324, O.S.L. 1992 (70 O.S. Supp. 1995, Section 18-114.7), is amended to read as follows:

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

MINIMUM SALARY SCHEDULE

| Years of Experience | Bachelor's Degree | Master's Degree | Doctor's Degree |
|---------------------|-------------------|-----------------|-----------------|
| 0 | \$24,060 | \$25,166 | \$26,272 |
| 1 | \$25,221 | \$26,327 | \$27,433 |
| 2 | \$25,553 | \$26,659 | \$27,765 |
| 3 | \$25,774 | \$26,880 | \$27,986 |
| 4 | \$26,106 | \$27,212 | \$28,318 |
| 5 | \$26,438 | \$27,544 | \$28,650 |
| 6 | \$26,659 | \$27,765 | \$28,871 |
| 7 | \$26,991 | \$28,097 | \$29,203 |
| 8 | \$27,212 | \$28,318 | \$29,535 |
| 9 | \$27,544 | \$28,650 | \$29,756 |
| 10 | \$27,765 | \$28,871 | \$29,977 |
| 11 | \$28,097 | \$29,203 | \$30,309 |
| 12 | \$28,318 | \$29,424 | \$30,530 |
| 13 | \$28,650 | \$29,756 | \$30,862 |
| 14 | \$28,761 | \$29,867 | \$30,973 |
| 15 | \$29,092 | \$30,198 | \$31,304 |
| <u>16-19</u> | <u>\$30,092</u> | <u>\$31,198</u> | <u>\$32,304</u> |
| <u>20-24</u> | <u>\$31,092</u> | <u>\$32,198</u> | <u>\$33,304</u> |

When determining the Minimum Salary Schedule, "fringe benefits" shall mean all or part of hospital or medical benefits, and sickness, accident, health or life insurance, and retirement benefits, excluding the contributions made pursuant to subsection A

of Section 17-108.1 of this title. Any of the degrees referred to in this section shall be from a college recognized by the State Board of Education. The State Board of Education shall accept teaching experience from out-of-state school districts that are accredited by the State Board of Education or appropriate state accrediting agency for said districts. For the purpose of state salary increments and retirement, no teacher shall be granted credit for more than five (5) years' active duty in the military service, or out-of-state teaching experience as a certified teacher or its equivalent. Nothing in this section shall prohibit boards of education from crediting more years of experience on local salary schedules than those allowed for state purposes. The State Board of Education shall recognize, for purposes of certification and salary increments, the years of experience of a certified teacher who teaches in the Department of Corrections' educational program beginning with fiscal year 1981. The State Board of Education shall recognize for purposes of certification and salary increments the years of experience of a Vocational Rehabilitation Counselor under the Department of Human Services if such counselor was employed as a certified teacher by the State Department of Education when the Division of Vocational Rehabilitation was transferred from the State Board for Vocational Education or the State Board of Education to the Oklahoma Public Welfare Commission on July 1, 1968.

The State Board of Education shall recognize for purposes of certification and salary increments all of the years of experience a Vocational Rehabilitation Counselor completed while employed by the Department of Human Services if such counselor was certified as a teacher or was eligible for certification as a teacher in Oklahoma.

The State Board of Education shall recognize for purposes of certification and salary increments all of the years of experience that a certified school psychologist or psychometrist completed while employed as a doctoral intern, psychological assistant, or

psychologist with any agency of the State of Oklahoma if such experience primarily involved work with persons of school or pre-school age and if such person was, at the time the experience was acquired, certified as, or eligible for certification as, a school psychologist or psychometrist.

SECTION 30. AMENDATORY 70 O.S. 1991, Section 18-200, as last amended by Section 31, Chapter 267, O.S.L. 1995 (70 O.S. Supp. 1995, Section 18-200), is amended to read as follows:

Section 18-200. A. It is the intent of the Legislature that the sole purpose of this section is to provide an equitable funding formula for all the school districts of this state. The Legislature, recognizing the responsibility to guarantee an adequate and equitable educational program for the school children of this state, declares that on and after July 1, 1990, the amount of State Aid each district shall receive shall be the sum of the Foundation Aid, the Salary Incentive Aid and the Transportation Supplement, as adjusted pursuant to the provisions of subsection E of this section and Section 18-112.2 of this title; provided, no district having per pupil revenue in excess of three hundred percent (300%) of the average per pupil revenue of all districts shall receive any State Aid or Supplement in State Aid. Per pupil revenue shall be determined by dividing the district's second preceding year's total weighted average daily membership (ADM) into the district's second preceding year total revenues excluding federal revenue, insurance loss payments, reimbursements, recovery of overpayments and refunds, unused reserves, prior expenditures recovered, prior year surpluses, and less the amount of any transfer fees paid in that year.

B. Foundation Aid, the Transportation Supplement and Salary Incentive Aid shall be calculated as follows:

1. Foundation Aid shall be determined by subtracting the amount of the Foundation Program Income from the cost of the Foundation Program and adding to this difference the Transportation Supplement.

- a. The Foundation Program shall be a district's weighted average daily membership as determined by the provisions of subsection A of Section 18-201 of this title and paragraphs 1, 2 and 3 of subsection B of Section 18-201 of this title, multiplied by the Base Foundation Support Level. For the 1995-96 school year, the Base Foundation Support Level shall be One Thousand One Hundred Sixty-five Dollars (\$1,165.00).
- b. The Foundation Program Income shall be the sum of the following:
 - (1) The adjusted assessed valuation of the school district during the next preceding year multiplied by fifteen (15) mills, and
 - (2) Seventy-five percent (75%) of the amount received by the school district from the proceeds of the county levy during the second preceding fiscal year, as levied pursuant to subsection (b) of Section 9 of Article X of the Oklahoma Constitution, and
 - (3) Motor Vehicle Collections, and
 - (4) Gross Production Tax, and
 - (5) State Apportionment, and
 - (6) R.E.A. Tax.

The items listed in divisions (3), (4), (5), and (6) of this subparagraph shall consist of the amounts actually collected from such sources during the second preceding fiscal year calculated on a per capita basis on the unit provided for by law for the distribution of each such revenue.

2. The Transportation Supplement shall be equal to the average daily haul times the per capita allowance times the appropriate transportation factor.

- a. The average daily haul shall be the number of children in a district who are legally transported and who live one and one-half (1 1/2) miles or more from school;
- b. The per capita allowance shall be determined using the following chart:

| PER CAPITA | | PER CAPITA | |
|----------------|-----------|-----------------|-----------|
| DENSITY FIGURE | ALLOWANCE | DENSITY FIGURE | ALLOWANCE |
| .3000 - .3083 | \$167.00 | .9334 - .9599 | \$99.00 |
| .3084 - .3249 | \$165.00 | .9600 - .9866 | \$97.00 |
| .3250 - .3416 | \$163.00 | .9867 - 1.1071 | \$95.00 |
| .3417 - .3583 | \$161.00 | 1.1072 - 1.3214 | \$92.00 |
| .3584 - .3749 | \$158.00 | 1.3215 - 1.5357 | \$90.00 |
| .3750 - .3916 | \$156.00 | 1.5358 - 1.7499 | \$88.00 |
| .3917 - .4083 | \$154.00 | 1.7500 - 1.9642 | \$86.00 |
| .4084 - .4249 | \$152.00 | 1.9643 - 2.1785 | \$84.00 |
| .4250 - .4416 | \$150.00 | 2.1786 - 2.3928 | \$81.00 |
| .4417 - .4583 | \$147.00 | 2.3929 - 2.6249 | \$79.00 |
| .4584 - .4749 | \$145.00 | 2.6250 - 2.8749 | \$77.00 |
| .4750 - .4916 | \$143.00 | 2.8750 - 3.1249 | \$75.00 |
| .4917 - .5083 | \$141.00 | 3.1250 - 3.3749 | \$73.00 |
| .5084 - .5249 | \$139.00 | 3.3750 - 3.6666 | \$70.00 |
| .5250 - .5416 | \$136.00 | 3.6667 - 3.9999 | \$68.00 |
| .5417 - .5583 | \$134.00 | 4.0000 - 4.3333 | \$66.00 |
| .5584 - .5749 | \$132.00 | 4.3334 - 4.6666 | \$64.00 |
| .5750 - .5916 | \$130.00 | 4.6667 - 4.9999 | \$62.00 |
| .5917 - .6133 | \$128.00 | 5.0000 - 5.5000 | \$59.00 |
| .6134 - .6399 | \$125.00 | 5.5001 - 6.0000 | \$57.00 |
| .6400 - .6666 | \$123.00 | 6.0001 - 6.5000 | \$55.00 |
| .6667 - .6933 | \$121.00 | 6.5001 - 7.0000 | \$53.00 |
| .6934 - .7199 | \$119.00 | 7.0001 - 7.3333 | \$51.00 |
| .7200 - .7466 | \$117.00 | 7.3334 - 7.6667 | \$48.00 |
| .7467 - .7733 | \$114.00 | 7.6668 - 8.0000 | \$46.00 |

| | | | |
|---------------|----------|-----------------|---------|
| .7734 - .7999 | \$112.00 | 8.0001 - 8.3333 | \$44.00 |
| .8000 - .8266 | \$110.00 | 8.3334 - 8.6667 | \$42.00 |
| .8267 - .8533 | \$108.00 | 8.6668 - 9.0000 | \$40.00 |
| .8534 - .8799 | \$106.00 | 9.0001 - 9.3333 | \$37.00 |
| .8800 - .9066 | \$103.00 | 9.3334 - 9.6667 | \$35.00 |
| .9067 - .9333 | \$101.00 | 9.6668 or more | \$33.00 |

c. The formula transportation factor shall be 1.39.

3. Salary Incentive Aid shall be determined as follows:

- a. Multiply the Incentive Aid guarantee by the district's weighted average daily membership as determined by the provisions of subsection A of Section 18-201 of this title and paragraphs 1, 2, 3 and 4 of subsection B of Section 18-201 of this title. For the 1995-96 school year, the Incentive Aid guarantee shall be Fifty-six Dollars and fifty-one cents (\$56.51).
- b. Divide the district's adjusted assessed valuation by one thousand (1,000) and subtract the quotient from the product of subparagraph a of this paragraph. The remainder shall not be less than zero (0).
- c. Multiply the number of mills levied for general fund purposes above the fifteen (15) mills required to support Foundation Aid, not including the county four-mill levy, by the remainder of subparagraph b of this paragraph. The product shall be the Salary Incentive Aid of the district.

C. For ~~each~~ 1994-95 and 1995-96 school ~~year~~ years, any school district with a membership that is at least one and one-half percent (1 1/2%) greater than the highest average daily membership of the preceding two (2) years of the school district shall receive a midterm supplement in State Aid to be determined as follows:

1. For each school year, for each additional pupil in membership which equals or exceeds the one and one-half percent (1

1/2%) increase over the highest average daily membership of the preceding two years, the district shall receive funding to be determined as follows:

- a. Multiply each additional pupil in membership as provided in this paragraph by the Base Foundation Support Level for the current school year, and
- b. Multiply each additional pupil in membership as provided in this paragraph by the Incentive Aid guarantee for the current school year times twenty (20), and
- c. Sum the products of subparagraphs a and b of this paragraph.

Data used for the calculation for the midterm supplement shall be that which is reported on the Accrediting Report of the school district on September 15th and received by the State Department of Education by October 1st of the school year for which the midterm supplement is to be paid as compared to the average daily membership for the higher of the two (2) preceding years.

The data contained in the Accrediting Report for all qualifying school districts shall be audited by the State Department of Education. If a district does not qualify for a midterm supplement using the Accrediting Report data they may request an audit of the data by the State Department of Education. If, based on the post-audit data, the district is entitled to receive a midterm supplement, or if any school district's post-audit midterm supplement calculation differs from the amount of the supplement paid, the State Department of Education shall adjust the district's State Aid payments during the remainder of the school year for which the midterm supplement was paid in order to reconcile the supplement with the post-audit calculation.

2. Pupils shall not be included in the membership calculation if such pupils are enrolled for the current year in a grade level

which was not taught in that school district during the preceding school year.

3. School districts which have been involved in any annexation or consolidation with other school districts during the school year for which the midterm supplement is to be calculated, or in the preceding school year, shall qualify for midterm growth as if annexed or consolidated membership had been enrolled in the current district for the preceding two (2) years.

4. For any district qualifying for the midterm supplement, if the funds received pursuant to the provisions of Section 18-112.2 of this title are in excess of the funds to be received pursuant to the provisions of this subsection, the district shall receive no midterm supplement. If the funds received pursuant to the provisions of Section 18-112.2 of this title are less than the funds to be received pursuant to the provisions of this subsection, the midterm supplement shall be the difference between these two amounts.

5. Any district which qualifies for a midterm supplement shall have deducted from the supplement an amount equal to the amount of carryover in the district's general fund as of June 30 of the preceding fiscal year that is in excess of the standards set out in subsection E of this section.

6. If funds appropriated to the State Board of Education for the purpose of paying the midterm supplement in State Aid are not sufficient to fully fund the amount determined by this subsection, each school district which qualifies for such funding shall receive a proportionate reduction in funding.

D. For the 1996-97 school year, and each school year thereafter, any school district with membership that is greater than the highest average daily membership of the preceding two (2) school years of the district shall receive a midterm supplement in State Aid to be determined as follows:

1. For each school year, for each additional pupil in membership over the highest average daily membership of the preceding two (2) years, the district shall receive funding as follows:

a. multiply each additional pupil in membership as provided in this paragraph the Base Foundation Support Level for the current school year,

b. multiply each additional pupil in membership as provided in this paragraph the Base Foundation Support Level for the current school year,

c. sum the products of subparagraphs a and b of this paragraph,

d. determine the growth in Foundation Program Income as follows:

(1) subtract from the adjusted assessed valuation of the school district multiplied by thirty-five (35) mills for the current school year in which such revenues are collected the adjusted assessed valuation of the preceding school year multiplied by thirty-five (35) mills.

(2) subtract from the seventy-five percent (75%) of the amount received by the school districts from the proceeds of the county levy during the preceding fiscal year, as levied pursuant to subsection (b) of Section 9 of Article X of the Oklahoma Constitution, the seventy-five percent (75%) of the amount received by the school district from the proceeds of the county levy during the second preceding fiscal year, as levied pursuant to subsection (b) of Section 9 of Article X of the Oklahoma Constitution.

(3) subtract from the amount actually collected from each source listed in subdivisions (a), (b), (c) and (d) of this division for the preceding fiscal year,

(a) Motor Vehicle Collections,

(b) Gross Production Tax,

(c) State Apportionment, and

(d) R.E.A. Tax.

The items listed in subdivision (a), (b), (c), and (d) of this division shall consist of the amount actually collected from such sources during the preceding fiscal year calculated on a per capita basis on the unit provided for by law for the distribution of each such revenue,

(4) the growth in Foundation Program Income shall be the sum of the products of divisions (1), (2) and (3) of this subparagraph.

e. Subtract from the sum of subparagraph c of this paragraph the amount of the growth in Foundation Program Income as determined in subparagraph d of paragraph 1 of subsection D of this section, and

f. The remainder in subparagraph e of paragraph 1 of subsection D of this section, of greater than zero, shall be the midterm supplement.

Data used for the calculation for the midterm supplement shall be that which is reported on the Accrediting Report of the school district on September 15th and received by the State Department of Education by October 1st of the school year for which the midterm supplement is to be paid as compared to the average daily membership for the higher of the two (2) preceding years.

The data contained in the Accrediting Report for all qualifying school districts shall be audited by the State Department of Education. If a district does not qualify for a midterm supplement using the Accrediting Report data they may request an audit of the

data by the State Department of Education. If, based on the post-audit data, the district is entitled to receive a midterm supplement, or if any school district's post-audit midterm supplement calculation differs from the amount of the supplement paid, the State Department of Education shall adjust the district's State Aid payments during the remainder of the school year for which the midterm supplement was paid in order to reconcile the supplement with the post-audit calculation.

2. Pupils shall not be included in the membership calculation if such pupils are enrolled for the current year in a grade level which was not taught in that school district during the preceding school year,

3. School districts which have been involved in any annexation or consolidation with other school districts during the school year for which the midterm supplement is to be calculated, or in the preceding school year, shall qualify for midterm growth as if annexed or consolidated membership had been enrolled in the current district for the preceding two (2) years.

4. For any district qualifying for the midterm supplement, if the funds received pursuant to the provisions of Section 18-112.2 of this title are in excess of the funds to be received pursuant to the provisions of this subsection, the district shall receive no midterm supplement. If the funds received pursuant to the provisions of Section 18-112.2 of this title are less than the funds to be received pursuant to the provisions of this subsection, the midterm supplement shall be the difference between these two amounts.

5. Any district which qualified for a midterm supplement shall have deducted from the supplement an amount equal to the amount of carryover in the district's general fund as of June 30 of the preceding fiscal year that is in excess of the standards set out in subsection E of this section.

6. If funds appropriated to the State Board of Education for the purpose of paying the midterm supplement in State Aid are not sufficient to fully fund the amount determined by this subsection, each school district which qualifies for such funding shall receive a proportionate reduction in funding.

~~D.~~ E. 1. In the event that ad valorem taxes of a school district are determined to be uncollectible because of bankruptcy, clerical error, or a successful tax protest, and the amount of such taxes deemed uncollectible exceeds Fifty Thousand Dollars (\$50,000.00) or an amount greater than twenty-five percent (25%) of ad valorem taxes per tax year, or the valuation of a district is lowered by order of the State Board of Equalization, the school district's State Aid, for the school year that such ad valorem taxes are calculated in the State Aid Formula, shall be determined by subtracting the net assessed valuation of the property upon which taxes were deemed uncollectible from the assessed valuation of the school district and the state. Upon request of the local board of education, it shall be the duty of the county assessor to certify to the Director of Finance of the State Department of Education the net assessed valuation of the property upon which taxes were determined uncollectible.

2. In the event that the amount of funds a school district receives for reimbursement from the Ad Valorem Reimbursement Fund is less than the amount of funds claimed for reimbursement by the school district due to insufficiency of funds as provided in Section 193 of Title 62 of the Oklahoma Statutes, then the school district's assessed valuation for the school year that such ad valorem reimbursement is calculated in the State Aid Formula shall be adjusted accordingly.

~~E.~~ F. Beginning with the 1992-93 school year, and for each year thereafter, notwithstanding the provisions of Section 18-112.2 of this title, a school district shall have its State Aid reduced by an

amount equal to the amount of carryover in the district's general fund as of June 30 of the preceding fiscal year, that is in excess of the following standards:

| Total Amount of General Fund Collections, Excluding Previous Year Cash Surplus as of June 30 | Amount of General Fund Balance Allowable |
|---|---|
| Less than \$1,000,000 | 40% |
| \$1,000,000 - \$2,999,999 | 35% |
| \$3,000,000 - \$3,999,999 | 30% |
| \$4,000,000 - \$4,999,999 | 25% |
| \$5,000,000 - \$5,999,999 | 20% |
| \$6,000,000 - \$7,999,999 | 16% |
| \$8,000,000 - \$10,000,000 | 12% |
| More than \$10,000,000 | 8% |

By February 1 the State Department of Education shall send by certified mail, with return receipt requested, to each School District Superintendent, Auditor and Regional Accreditation Officer a notice of and calculation sheet reflecting the general fund balance penalty to be assessed against that school district. Within thirty (30) days of receipt of this written notice the school district shall submit to the Department a written reply either accepting or protesting the penalty to be assessed against the district. If protesting, the school district shall submit with its reply the reasons for rejecting the calculations and documentation supporting those reasons. The Department shall review all school district penalty protest documentation and notify each district by March 15 of its finding and the final penalty to be assessed to each district. General fund balance penalties shall be assessed to all school districts by April 1. For the 1995-96 school year, any school district which receives proceeds from a tax settlement during the last two (2) months of the fiscal year ending June 30, 1995, shall

be exempt from the penalties assessed in this paragraph, if the penalty would occur solely as a result of receiving funds from the tax settlement.

~~F.~~ G. For the purposes of paying State Aid for the ~~1995-96~~ 1996-97 school year, no child shall be included in the average daily membership of a school district for the ~~1993-94 or 1994-95~~ or 1995-96 school year if the child is being served during the ~~1995-96~~ 1996-97 school year through the provisions of the Oklahoma Early Intervention Act.

~~G.~~ H. In order to provide startup funds for the implementation of early childhood programs, State Aid may be advanced to school districts that initially start early childhood instruction at a school site. School districts that desire such advanced funding shall make application to the State Department of Education no later than September 15 of each year and advanced funding shall be awarded to the approved districts no later than October 30. Such advanced funding shall not exceed One Thousand One Hundred Forty-seven Dollars and sixty cents (\$1,147.60) per anticipated Head Start eligible student. The total amount of advanced funding shall be proportionately reduced from the monthly payments of the district's State Aid payments during the last six (6) months of the same fiscal year.

SECTION 31. AMENDATORY 70 O.S. 1991, Section 18-201, as last amended by Section 1, Chapter 359, O.S.L. 1994 (70 O.S. Supp. 1995, Section 18-201), is amended to read as follows:

Section 18-201. A. The weighted average daily membership of a school district for calculation of Foundation Aid purposes pursuant to Section 18-200 of this title shall be the sum of the weighted pupil grade level calculation, the weighted pupil category calculation and the weighted district calculation. The weighted average daily membership of a school district for calculation of Salary Incentive Aid purposes pursuant to Section 18-200 of this

title shall be the sum of the weighted pupil grade level calculation, the weighted pupil category calculation, the weighted district calculation, and the weighted teacher experience and degree calculation.

B. The weighted calculations provided for in subsection A of this section shall be determined as follows:

1. The weighted pupil grade level calculation shall be determined by taking the highest average daily membership of the preceding two (2) years of a school district and assigning weights to the pupils according to grade attended as follows:

| | GRADE LEVEL | WEIGHT |
|----|-------------------------------|---------------|
| a. | Early childhood programs | .5 |
| | | <u>1.3</u> |
| b. | Kindergarten | 1.3 |
| c. | First and second grade | 1.351 |
| d. | Third grade | 1.051 |
| e. | Fourth through sixth grade | 1.0 |
| f. | Seventh through twelfth grade | 1.2 |

Multiply the membership of each grade by the weight assigned to such grade and add the totals together to determine the weighted pupil grade level calculation for a school district. Determination of the pupils eligible for the early childhood program weight shall be pursuant to the provisions of Section 1-114 of this title. No child for whom tuition is paid pursuant to the provisions of Section 1-114 of this title may be included in the average daily membership of the district providing the early childhood program.

2. The weighted pupil category calculation shall be determined by assigning a weight to the pupil category as follows:

| | CATEGORY | WEIGHT |
|----|-----------------------|--------|
| a. | Vision Impaired | 3.8 |
| b. | Learning Disabilities | .4 |
| c. | Hearing Impaired | 2.9 |

| | | |
|----|----------------------------------|-----|
| d. | Deaf and Blind | 3.8 |
| e. | Educable Mentally Handicapped | 1.3 |
| f. | Emotionally Disturbed | 2.5 |
| g. | Gifted | .34 |
| h. | Multiple Handicapped | 2.4 |
| i. | Physically Handicapped | 1.2 |
| j. | Speech Impaired | .05 |
| k. | Trainable Mentally Handicapped | 1.3 |
| l. | Bilingual | .25 |
| m. | Special Education Summer Program | 1.2 |
| n. | Economically Disadvantaged | .25 |
| o. | Optional Extended School | |

Year Program

As determined

by the State Board of

Education

Except as otherwise provided, multiply the number of pupils approved in the preceding school year in each category by the weight assigned to such category and add the totals together to determine the weighted pupil category calculation for a school district. For the 1995-96 school year the number to be multiplied by the weight assigned to the gifted category in subparagraph g of this paragraph shall be the lesser of (1) the sum of the number of students who scored in the top three percent (3%) on any national standardized test of intellectual ability plus the number of students identified as gifted pursuant to subparagraphs a through d of paragraph 1 of Section 1210.301 of this title or (2) the sum of the number of students who scored in the top three percent (3%) on any national standardized test of intellectual ability plus twelve percent (12%) of the total average daily membership of the school district for the preceding school year. For the 1996-97 school year and subsequent school years the number to be multiplied by the weight assigned to the gifted category in subparagraph g of this paragraph shall be the

lesser of (1) the sum of the number of students who scored in the top three percent (3%) on any national standardized test of intellectual ability plus the number of students identified as gifted pursuant to subparagraphs a through d of paragraph 1 of Section 1210.301 of this title or (2) the sum of the number of students who scored in the top three percent (3%) on any national standardized test of intellectual ability plus eight percent (8%) of the total average daily membership of the school district for the preceding school year.

3. The weighted district calculation shall be determined by determining the calculations for each school district for both the small school district formula and the district sparsity-isolation formula, applying whichever is the greater of the calculations of the two formulas and then applying the restrictions pursuant to subparagraph c of this paragraph.

a. Small school district formula: $529 \text{ minus total average daily membership divided by } 529 \text{ times } .2 \text{ times total average daily membership.}$

The small school district formula calculation shall apply only to school districts whose highest average daily membership of the preceding two (2) years is less than 529 pupils. School districts which are consolidated or annexed after August 19, 1991, pursuant to the Oklahoma School Consolidation and Annexation Act shall have the weighted district size calculation for the two (2) school years following the fiscal year in which such consolidation occurred calculated to be the sum of the individual consolidated districts computed as if the consolidation had not taken place. Thereafter, any such district which is consolidated pursuant to the Oklahoma School Consolidation and Annexation Act shall not qualify for the weighted district calculation unless the district can satisfy the

specifications herein. Subject to the provisions of subparagraph c of this paragraph, the resulting number shall be counted as additional students for the purpose of calculating State Aid.

b. District sparsity - isolation formula:

The district sparsity - isolation formula calculation shall apply only to school districts:

- (1) whose total area in square miles is greater than the average number of square miles for all school districts in this state; and
- (2) whose areal density is less than one-fourth (1/4) of the state average areal density. Areal density shall be determined by dividing the school district's average daily membership by the school district's total area in square miles.

The district sparsity - isolation formula calculation shall be calculated as follows:

The school district student cost factor multiplied by the school district area factor. The resulting product shall be multiplied by the school district's average daily membership. Subject to the provisions of subparagraph c of this paragraph, the resulting number shall be counted as additional students for the purpose of calculating State Aid.

The school district student cost factor shall be calculated as follows:

The school district's average daily membership shall be categorized into the following grade level groups and applied to the appropriate formulas as computed below:

Grade Level Group

Grades K-5 Divide 74 by the sum of the Grade

Level ADM plus 23, add .85 to the quotient, then multiply the sum by the Grade Level ADM.

Grades 6-8 Divide 122 by the sum of the Grade Level ADM plus 133, add .85 to the quotient, then multiply the sum by the Grade Level ADM.

Grades 9-12 Divide 292 by the sum of the Grade Level ADM plus 128, add .78 to the quotient, then multiply the sum by the Grade Level ADM.

The sum of the grade level group's average daily membership shall be divided by the school district's average daily membership. The number one (1.0) shall be subtracted from the resulting quotient.

The school district area cost factor shall be calculated as follows:

Subtract the state average district area from the district area, then divide the remainder by the state average district area;

however, the district area cost factor shall not exceed one (1.0).

The State Board of Education shall define geographical barriers whose location in a school district would inhibit the district from consolidation or annexation. The Board shall make available an application process, review applications, and for districts the Board deems necessary allow additional square miles to be used for the purposes of calculations used for the weighted district sparsity-isolation formula. Provided that the additional square miles allowed for geographical barriers shall not exceed thirty percent (30%) of the district's actual size.

c. State Aid funds which a district is calculated to receive as a result of the weighted district calculation shall be restricted as follows:

(1) If after the weighted district calculation is applied, the district's projected per pupil revenue exceeds one hundred fifty percent (150%) of the projected state average per pupil revenue then the district's State Aid shall be reduced by an amount that will restrict the district's projected per pupil revenue to one hundred fifty percent (150%) of the projected state average per pupil revenue. Provided, in applying the restriction provided in this division, the district's State Aid shall not be reduced by an amount greater than by the amount of State Aid which was generated by the weighted district calculation.

Projected per pupil revenue shall be determined by dividing the highest of the district's preceding two years average daily membership (ADM) as weighted by the pupil grade level, the pupil category, the district and the teacher experience degree index calculations for projected State Aid into the district's projected total revenues including projected funds for the current State Aid Formula, net assessed valuation for the preceding calendar year times thirty-nine (39) mills, county revenues of the second preceding year, other state appropriations for the preceding year and the collections for the second preceding year of state apportionment, motor vehicle revenue, gross production tax and R.E.A. tax. The district's projected total revenues shall exclude the

following collections for the second preceding year:
 federal revenue, insurance loss payments,
 reimbursements, recovery of overpayments and refunds,
 unused reserves, prior expenditures recovered, prior
 year surpluses, and other local miscellaneous
 revenues.

4. The weighted teacher experience and degree calculation shall be determined in accordance with the teacher experience and degree index. The State Department of Education shall determine an index for each state teacher by using data supplied in the school district's teacher personnel reports of the preceding year and utilizing the index as follows:

TEACHER EXPERIENCE - DEGREE INDEX

| EXPERIENCE | BACHELOR'S DEGREE | MASTER'S DEGREE | DOCTOR'S DEGREE |
|------------|----------------------|--------------------|--------------------|
| 0 - 2 | 7 | 9 | 1.1 |
| 3 - 5 | 8 | 1.0 | 1.2 |
| 6 - 8 | 9 | 1.1 | 1.3 |
| 9 - 11 | 1.0 | 1.2 | 1.4 |
| 12 - 15 | 1.1 | 1.3 | 1.5 |
| Over 15 | 1.2 | 1.4 | 1.6 |

The school district teacher index for each school district shall be determined by subtracting the weighted average state teacher from the weighted average district teacher. Multiply the school district teacher index if greater than zero by .7 and then multiply that product by the sum of the district's weighted pupil grade level calculation provided in paragraph 1 of this subsection and the weighted pupil category calculation provided in subparagraph n of paragraph 2 of this subsection to determine the weighted teacher experience and degree calculation.

SECTION 32. AMENDATORY 70 O.S. 1991, Section 24-101, as last amended by Section 1, Chapter 227, O.S.L. 1995 (70 O.S. Supp. 1995, Section 24-101), is amended to read as follows:

Section 24-101. A. Any pupil who is guilty of immorality or violation of the regulations of a public school may be suspended by the principal of such school, which suspension shall not extend beyond the current school semester and the succeeding semester. Such suspensions may include, but not be limited to, placing the pupil into: another appropriate classroom, in-school suspension, an alternative school setting, or home-based instruction. The terms of the suspension also may prohibit the pupil from attending or participating in a school-sponsored or school-related activity.

B. A teacher may remove from class a pupil:

1. Who has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the pupils in the class or with the ability of the pupil's classmates to learn; or

2. Whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the pupils in the class or with the ability of the pupil's classmates to learn.

C. If a teacher removes a pupil from class under subsection B of this section, the principal may suspend the pupil pursuant to subsection A of this section. The principal may not return the pupil to that teacher's class without the teacher's consent unless a district appeals committee authorized by the district board of education or the district board of education itself determines that such placement is the most appropriate or only alternative available. The terms of the removal may prohibit the pupil from attending or participating in a school-sponsored or school-related activity.

D. A teacher shall remove from class a pupil who engages in conduct described in subsection H of this section. The principal may suspend the student pursuant to subsection A of this section. The student may not be returned to that teacher's class without the teacher's consent unless a district appeals committee authorized by the district board of education or the district board of education itself determines that such placement is the most appropriate or only alternative available.

E. Unless the district board of education has adopted a policy authorizing appeal to a committee under circumstances as provided in this section and the suspension falls within the category of suspensions to which appeal to a committee is authorized, the suspended pupil shall have the right to appeal from the decision of such principal to the board of education of the district, which shall, upon a full investigation of the matter, determine the guilt or innocence of the pupil and the reasonableness of the term of the suspension, and its decision shall be final. A district board of education may adopt policies and procedures applicable to suspensions of ten (10) or fewer school days, the length of time to be set by the board, by which a pupil shall have the right to appeal the decision of the principal to a committee composed of administrators or teachers or a combination of administrators and teachers. The committee shall, upon full investigation of the matter, determine the guilt or innocence of the pupil and the reasonableness of the term of the suspension. The policy adopted by the board may, but is not required to, provide for appeal of the committee's decision to the board.

~~B.~~ F. A pupil who has been suspended from a public or private school in the State of Oklahoma or another state for a violent act or an act showing deliberate or reckless disregard for the health or safety of faculty or other pupils shall not be

entitled to enroll in a public school of this state, and no public school shall be required to enroll such pupil, until the terms of the suspension have been met or the time of suspension has expired.

~~C.~~ G. No public school of this state shall be required to provide education services in the regular school setting to any pupil who has been adjudicated as a delinquent for an offense defined in subsection ~~D~~ H of this section as a violent offense or convicted as an adult of an offense defined in subsection ~~D~~ H of this section as a violent offense or who has been removed from a public or private school in the State of Oklahoma or another state by administrative or judicial process for a violent act or an act showing deliberate or reckless disregard for the health or safety of faculty or other pupils until the school in which such pupil is subsequently enrolled determines that the pupil no longer poses a threat to self, other pupils, or faculty. Until the school in which such pupil subsequently enrolls or re-enrolls determines that the pupil no longer poses a threat to self, other pupils, or faculty, the school may provide education services through an alternative school setting, home-based instruction, or other appropriate setting. Education and related services for such pupils on an Individualized Education Plan (IEP) pursuant to the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476, shall be provided ~~the~~

~~education and related services~~ in accordance with the pupil's individualized education plan.

~~D.~~ H. For purposes of this section, "violent offense" shall include those offenses listed as the exceptions to the term "nonviolent offense" as specified in Section 571 of Title 57 of the Oklahoma Statutes. "Violent offense" shall not include the offense of assault.

SECTION 33. AMENDATORY 70 O.S. 1991, Section 1210.303, as amended by Section 3, Chapter 359, O.S.L. 1994 (70 O.S. Supp. 1995, Section 1210.303), is amended to read as follows:

Section 1210.303 A. In administering this act the Department of Education shall provide:

1. The necessary State Department of Education staff with a primary responsibility for:

- a. developing educational programs for gifted and talented children,
- b. assuring appropriate assessment and evaluation procedures for use by school districts of this state, and
- c. enforcing compliance with the provisions of Sections 1210.301 through ~~1210.308~~ 1210.307 of this title by school districts;

2. The procedures for educational screening, needs analysis and prescriptive programming for gifted and talented children by Regional Education Service Center personnel and others approved by the Department;

3. In-service training for selected teachers, administrators, college personnel, parents and interested lay persons;

4. Assistance in the development of new programs and the projection of program alternatives for the eventual provision of high quality programs for all identified gifted and talented children;

5. Recommendations to the State Board of Education concerning qualifications of teachers for gifted and talented children;

6. Recommendations for degree programs and short course seminars for the preparation of teaching personnel for gifted and talented children;

7. Selected procedural safeguards for all potentially identifiable and identified gifted and talented children;

8. Auditing of gifted and talented education programs in twenty-five (25) districts selected at random each year to determine compliance with the provisions of Sections 1210.301 through ~~1210.308~~ 1210.307 of this title as well as program monitoring and auditing for districts with extraordinary numbers of identified students, identified students who as a group are not representative of racial and socioeconomic demographics of district student population, unusual budget reports, inappropriate implementation policies or questionable gifted child programming; and

9. Any other programs, services, supplies or facilities necessary to implement the provisions of this act.

B. State Aid to a district shall be reduced by an amount equal to twice the amount of that portion of State Aid generated by the gifted and talented weight for each student the district has identified as gifted and talented for purposes of Section 18-201 of this title and for whom, upon audit by the State Department of Education, the district has not demonstrated that the depth, breadth, and pace of the curriculum have been and continue to be in compliance with the provisions of Sections 1210.301 through ~~1210.308~~ 1210.307 of this title. The penalty prescribed in this section shall be enforced by reducing State Aid to the district during the next school year following the audit or completion of an appeal in the amount of the penalty. A district shall be subject to loss of State Aid pursuant to this subsection only upon verification of the district's failure to provide appropriate programs and services for

identified gifted and talented students through an audit by the State Department of Education. The State Board of Education shall promulgate rules establishing a procedure by which districts against which a penalty is assessed may appeal to the Board.

SECTION 34. 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. The State Board of Education shall promulgate rules to establish the Oklahoma Accountability System which will be used in determining successful schools and dispensing appropriate rewards. The system shall be based on the following:

1. A school shall be the unit of measure to determine success;
2. School success shall be determined by measuring a school's improvement over a two-year period;

3. A school shall be rewarded for an increased proportion of successful students, including those students who are at risk of school failure;

4. A threshold level for school improvement shall be established by the State Board of Education to determine the amount of success needed for a school to receive a reward. The threshold definition shall establish the percentage of increase required in a school's percentage of successful students as compared to a school's present proportion of successful students, with consideration given to the fact that a school closest to having one hundred percent (100%) successful students will have a lower percentage increase required;

5. The certified staff members at each school site receiving reward funds shall by majority rule collectively decide on the ways the reward funds shall be spent; and

6. The Department of Education shall send the school's reward to the local district office for transmittal to the school.

B. The State Board of Education shall adopt by administrative

rule the formula to be used to determine successful schools. The formula shall include, but not be limited to the following factors:

1. Criterion-referenced test results for grades 5, 8, and 11;
2. Norm-referenced test results for grade 3;
3. Attendance rate; and
4. Dropout rate for secondary schools.

C. A school that does not reach its threshold level as defined in paragraph 4 of subsection A of this section but maintains the previous proportion of successful students shall be required to rewrite and resubmit a four-year improvement plan as required by Section 5-117.4 of Title 70 of the Oklahoma Statutes. A school that does not reach its original threshold level but maintains the previous proportion of successful students after the second biennial review shall be required to meet the provisions of subsection D of this section.

D. A school in which the proportion of successful students declines by less than five percent (5%) shall be required to rewrite and resubmit a four-year improvement plan as required by Section 5-117.4 of Title 70 of the Oklahoma Statutes and shall be declared a low achieving school subject to the provisions of subsection A of Section 1210.541 of Title 70 of the Oklahoma Statutes.

E. A school in which the proportion of successful students declines by five percent (5%) or more in any biennium, beginning with the 1997-99 biennium, shall be declared by the State Board of Education a high challenge school and shall be subject to the provisions of subsection B of Section 1210.541 of Title 70 of the Oklahoma Statutes.

F. The State Board of Education shall promulgate rules to establish a process whereby a school shall be allowed to appeal a performance judgment which it considers grossly unfair. The state board may adjust a performance judgment on appeal when evidence of

highly unusual circumstances warrants the conclusion that the performance judgment is based on fraud or a mistake in computations, is arbitrary, is lacking any reasonable basis or when there are significant new circumstances occurring during the biennial assessment period which are beyond the control of the school.

SECTION 35. AMENDATORY 70 O.S. 1991, Section 1210.541, as last amended by Section 13, Chapter 257, O.S.L. 1993 (70 O.S. Supp. 1995, Section 1210.541), is amended to read as follows:

Section 1210.541 A. Except as otherwise provided, each school ~~with a student average score in the lowest quartile of Oklahoma students and whose student average score falls below the national average score on any test administered pursuant to the Oklahoma School Testing Program Act, Section 1210.505 et seq. of this title,~~ in which the proportion of successful students declines by less than five percent (5%) in accordance with subsection D of Section 32 of this act, shall be declared a low achieving school and shall cooperate with the State Department of Education to develop a program of action to address such low achievement and shall implement such program by the beginning of the fall semester of the school year following the school year for which such low achievement is reported. ~~For schools that test fewer than fifteen (15) pupils in any grade, the median or mean score may be used for purposes of this section.~~

B. ~~Beginning with the 1993-94 school year, the~~ The State Board of Education shall promulgate rules to identify high challenge schools on the basis of indicators reported through the Oklahoma ~~Educational Indicators Program~~ Accountability System. Except as otherwise provided, each school ~~with a student average score in the lowest quartile of Oklahoma students and whose student average score falls below the national average score for three (3) consecutive years on any test of the Oklahoma School Testing Program~~ in which the proportion of successful students declines by five percent (5%)

or more in any biennium beginning with the 1997-99 biennium in accordance with subsection E of Section 32 of this act, shall be declared a high challenge school by the State Board of Education. ~~For schools that test fewer than fifteen (15) pupils in any grade, the median or mean score may be used for purposes of this section.~~ The Beginning with the year 2000 and every biennium thereafter, the State Board of Education shall report to the Legislature by November 1 all districts in which at least one school has been declared a high challenge school. The annual report to the Legislature shall include test scores and other indicators, including attendance rate and dropout rate where applicable, for each school declared to be a high challenge school for the prior ~~three (3) years~~ biennium and shall include intervention actions that have been taken and are planned by the district board of education and the State Board of Education to ensure the proper education of the students of each such school. Means of intervention which may be exercised by the State Board of Education may include but are not necessarily limited to: provision of guidance and assistance to the school and school district; special funding; reassignment of district personnel; transfer of students; operation of the school by personnel employed by the State Department of Education; mandatory annexation of all or part of the local school district; and placing operation of the school with an institution of higher education as a developmental research school pursuant to the provisions of Sections ~~4~~ 1210.571 through ~~9~~ 1210.579 of this ~~act~~ title if the high challenge school is within a single-site district and is within ten (10) miles of a college of education within an institution of The Oklahoma State System of Higher Education.

SECTION 36. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.542 of Title 70, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the State Board of Education to be designated the "Accountability Incentive Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of appropriated funds. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Board of Education for dispensing appropriate rewards to schools that have increased their proportion of successful students as defined by the State Department of Education pursuant to Section 34 of this act. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 37. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.556 of Title 70, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the State Board of Education to be designated the "Education Technology Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of appropriated funds designated for education technology. All monies accruing to the credit of the fund are hereby appropriated and shall be budgeted and expended by the State Board of Education to all school districts based upon their average daily membership for: implementing creative uses of technology to improve student learning, integration of technology into the core curriculum and teacher training. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 38. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.557 of Title 70, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the State Board of Education to be designated the "Technology Endowment Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of appropriated funds and other donations offered or bequeathed to the State Board of Education for the purpose of education technology. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Board of Education to encourage the use of the state's telecommunications network and to aid in the development of cooperative projects between schools and businesses. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 39. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.568 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Beginning with the 1996-97 school year and contingent upon the provision of appropriated funds designated for Statewide Alternative Education Program Grants, the State Board of Education is hereby authorized to award competitive grants for alternative education programs to individual school districts or, jointly, to school districts that have formed interlocal cooperative agreements pursuant to Section 5-117b of Title 70 of the Oklahoma Statutes.

B. Each year for the next five (5) years, the State Board of Education shall award competitive grants to twenty percent (20%) of Oklahoma schools for the implementation of alternative education programs. Approximately one hundred additional districts shall be funded each year. In the fifth year, all remaining districts shall be eligible. At the end of the fifth year, all school districts in Oklahoma shall provide alternative education programs. Eligibility criteria shall include but not be limited to the sixteen criteria for Alternative Education Academy grants set forth in Section

1210.563 of Title 70 of the Oklahoma Statutes, proposed local support, cost effectiveness and the involvement of community agencies that provide services in the district or districts to students placed in an alternative education program.

C. The Statewide Alternative Education Program Grants shall consist of per pupil incentive funding on a decreasing basis over a three-year period as follows:

1. One Thousand Dollars (\$1,000.00) for the first year;

2. Seven Hundred Fifty Dollars (\$750.00) for the second consecutive year; and

3. Five Hundred Dollars (\$500.00) for the third consecutive year and each consecutive year thereafter as long as the program remains in place.

D. School districts that receive Statewide Alternative Education Program 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 or Alternative Academy Grants pursuant to Section 1210.563 of Title 70 of the Oklahoma Statutes may be funded through Statewide Alternative Education Program Grants if included in the grant request and approved.

E. Recipients of Statewide Alternative Education Program 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.

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

SECTION 40. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.701 of Title 70, unless there is created a duplication in numbering, reads as follows:

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

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

SECTION 41. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.702 of Title 70, unless there is created a duplication in numbering, reads as follows:

For purposes of the Oklahoma Advanced Placement Incentive Program:

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

5. "Program" means the Oklahoma Advanced Placement Incentive Program.

SECTION 42. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.703 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Beginning in the 1998-99 school year and each school year thereafter, and contingent upon the provision of appropriated funds designated for the Oklahoma Advanced Placement Incentive Program, the State Board of Education is hereby authorized to award schools:

1. Two Hundred Dollars (\$200.00) for each student who receives a three or higher on a college advanced placement exam; provided, the money must be used for academic enhancement purposes or for sending teachers to Advanced Placement Summer Institutes sponsored by the College Board;

2. An additional Two Hundred Dollars (\$200.00) to be placed in a teacher bonus pool for each student who receives a three or higher on a college advanced placement exam; provided, the money in the teacher bonus pool would be divided equally among teachers who taught those students in an advanced placement course; and

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

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

SECTION 43. REPEALER 70 O.S. 1991, Sections 1-109, as amended by Section 4, Chapter 324, O.S.L. 1992, 1-109.1, 1-110, 1-111, as last amended by Section 68, Chapter 290, O.S.L. 1994, 1-112,

Section 1, Chapter 212, O.S.L. 1994, and 70 O.S. 1991, Section 1-116.1 (70 O.S. Supp. 1995, Sections 1-109, 1-111 and 1-114.1), 70 O.S. 1991, Section 3-104.5 and Sections 6, 7 and 8, Chapter 305, O.S.L. 1995 (70 O.S. Supp. 1995, Sections 3-121, 3-122 and 3-123), 70 O.S. 1991, Section 4-101, as amended by Section 22, Chapter 239, O.S.L. 1993 and Section 1, Chapter 253, O.S.L. 1992, as amended by Section 24, Chapter 239, O.S.L. 1993 (70 O.S. Supp. 1995, Sections 4-101 and 4-201), 70 O.S. 1991, Sections 5-110, as last amended by Section 6, Chapter 360, O.S.L. 1994, 5-110.1, as amended by Section 7, Chapter 360, O.S.L. 1994, 5-110.2 and 5-117.2, Section 3, Chapter 205, O.S.L. 1992, Section 1, Chapter 120, O.S.L. 1993, and 70 O.S. 1991, Sections 5-118, 5-119, as amended by Section 6, Chapter 254, O.S.L. 1992, 5-120, 5-121, 5-122, 5-129, as last amended by Section 2, Chapter 205, O.S.L. 1995, 5-129.2, 5-131, 5-132 and 5-138 (70 O.S. Supp. 1995, Sections 5-110, 5-110.1, 5-117a, 5-117b, 5-119 and 5-129), 70 O.S. 1991, Sections 6-101.1, 6-101.2, as amended by Section 1, Chapter 295, O.S.L. 1995, 6-101.4, 6-101.21, 6-104 and 6-104.5, Section 1, Chapter 30, O.S.L. 1993, as last amended by Section 1, Chapter 83, O.S.L. 1995, 70 O.S. 1991, Sections 6-105A, 6-107 and 6-108, as amended by Sections 11 and 12, Chapter 257, O.S.L. 1993, 6-110, as amended by Section 30, Chapter 239, O.S.L. 1993, 6-111, 6-113.1, 6-114, as amended by Section 2, Chapter 241, O.S.L. 1995 and 6-128 (70 O.S. Supp. 1995, Sections 6-101.2, 6-104.6, 6-107, 6-108, 6-110 and 6-114), 70 O.S. 1991, Sections 7-201, 7-202, as amended by Section 12, Chapter 324, O.S.L. 1992, 7-203, as last amended by Section 4, Chapter 361, O.S.L. 1993, 7-204, as amended by Section 1, Chapter 281, O.S.L. 1992, 7-205 and 7-206 (70 O.S. Supp. 1995, Sections 7-202, 7-203 and 7-204), 70 O.S. 1991, Sections 8-101 and 8-112, as amended by Section 38, Chapter 239, O.S.L. 1993 (70 O.S. Supp. 1995, Section 8-112), 70 O.S. 1991, Sections 9-101, 9-102, 9-107, 9-108, as amended by Section 70, Chapter 290, O.S.L. 1994, 9-109, as last amended by Section 1,

Chapter 176, O.S.L. 1995, 9-112, 9-113, 9-114, 9-115, 9-116, 9-117 and 9-118 (70 O.S. Supp. 1995, Sections 9-108 and 9-109), 70 O.S. 1991, Sections 10-101 and 10-102.1, as amended by Sections 3 and 4, Chapter 232, O.S.L. 1994, Section 3, Chapter 132, O.S.L. 1994, and 70 O.S. 1991, Sections 10-105.2, 10-106, as amended by Section 2, Chapter 270, O.S.L. 1995, 10-107 and 10-108 (70 O.S. Supp. 1995, Sections 10-101, 10-102.1, 10-103.2 and 10-106), 70 O.S. 1991, Sections 11-102, 11-103, as amended by Section 39, Chapter 239, O.S.L. 1993, 11-103.1, 11-103.2, 11-103.10, as amended by Section 355, Chapter 145, O.S.L. 1993, 11-104, 11-105, Sections 1, 2, 3, 4 and 5, Chapter 186, O.S.L. 1992, and Section 13, Chapter 305, O.S.L. 1995 (70 O.S. 1995, Sections 11-103, 11-103.10, 11-108, 11-108.1, 11-108.2, 11-108.3, 11-108.4 and 11-110), 70 O.S. 1991, Sections 12-101, 12-102, 12-103, 12-104, 12-105, 12-107, 12-108, 16-111.1, as amended by Section 12, Chapter 229, O.S.L. 1993 (70 O.S. Supp. 1995, Section 16-111.1), 70 O.S. 1991, Sections 19-113, 19-114, as last amended by Section 5, Chapter 320, O.S.L. 1995, 19-115, 19-116, 19-117, 19-118, 19-120, 19-121 and Section 17, Chapter 305, O.S.L. 1995 (70 O.S. Supp. 1995, Sections 19-114 and 19-122), 70 O.S. 1991, Section 24-101.1, Section 1, Chapter 210, O.S.L. 1995, Sections 1 and 2, Chapter 41, O.S.L. 1992, 70 O.S. 1991, Sections 24-105, 24-110, 24-112, 24-113, 24-114, as amended by Section 50, Chapter 239, O.S.L. 1993, 24-114.1, as amended by Section 1, Chapter 109, O.S.L. 1995, 24-115, 24-117, 24-118, 24-119, 24-130, 24-140 and Section 2, Chapter 194, O.S.L. 1992 (70 O.S. Supp. 1995, Sections 24-101.2, 24-104.1, 24-104.2, 24-114, 24-114.1 and 24-150), 70 O.S. 1991, Sections 821.51, 1210.181, 1210.182, 1210.199, 1210.203, 1210.221, 1210.222, 1210.223, 1210.224, 1210.225, 1210.227, 1210.228, 1210.229-1, 1210.229-2, as amended by Section 4, Chapter 170, O.S.L. 1992, 1210.229-3, as amended by Section 56, Chapter 274, O.S.L. 1995, 1210.229-5, Sections 71 and 72, Chapter 290, O.S.L. 1994, 70 O.S. 1991, Sections 1210.251, 1210.252, 1210.253, 1210.254,

1210.255, 1210.257, 1210.258, Section 5, Chapter 359, O.S.L. 1994, 70 O.S. 1991, Sections 1210.551, 1210.551a, 1210.552, 1210.553, Sections 1, 2, 3, 4, 5, 6, 7, 8 and 9, Chapter 257, O.S.L. 1993, and 70 O.S. 1991, Sections 1210.591, 1210.801, 1210.802 and 1210.803 (70 O.S. Supp. 1995, Sections 1210.229-2, 1210.229-3, 1210.231, 1210.232, 1210.308, 1210.571, 1210.572, 1210.573, 1210.574, 1210.575, 1210.576, 1210.577, 1210.578 and 1210.579), are hereby repealed.

SECTION 44. Sections 1 through 32 and Sections 34 through 42 of this act shall become effective July 1, 1996.

SECTION 45. Sections 33 and 43 of this act shall become effective July 1, 1997.

SECTION 46. 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.

Passed the Senate the 5th day of March, 1996.

President of the Senate

Passed the House of Representatives the ____ day of

_____, 1996.

Speaker of the House of Representatives