

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1178

By: Vaughn

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 1991, Section 1-116, as last amended by Section 1, Chapter 345, O.S.L. 1994 (70 O.S. Supp. 1994, Section 1-116), which relates to definitions; modifying and adding definitions; amending 70 O.S. 1991, Section 5-106, as amended by Section 10, Chapter 257, O.S.L. 1993 (70 O.S. Supp. 1994, Section 5-106), which relates to administration of school districts; updating statutory reference; requiring certain school districts to share certain administrators; exempting certain school districts; providing for certain agreements; authorizing the State Board of Education to assist in certain agreements; providing for superintendent, assistant superintendents, full-time principals, assistant principals, and teaching principals; defining term; creating the Administrative Reorganization Committee; providing for appointments, membership, officer, vacancies, meetings and travel reimbursement; providing for powers and duties of the Committee; requiring the State Board to study certain report; requiring the State Board to promulgate certain rules; amending 70 O.S. 1991, Section 5-141, as amended by Section 1, Chapter

215, O.S.L. 1993 (70 O.S. Supp. 1994, Section 5-141), which relates to administrator's contracts; requiring certain contracts to be on file and open for public inspection; prohibiting the receipt of certain compensation; repealing 70 O.S. 1991, Section 1-116.1, which relates to teaching principals; providing for codification; providing effective dates; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 1-116, as last amended by Section 1, Chapter 345, O.S.L. 1994 (70 O.S. Supp. 1994, Section 1-116), is amended to read as follows:

Section 1-116. As used in this act:

1. Teacher: Any person who is employed to serve as district superintendent, principal, supervisor, counselor, librarian, school nurse or classroom teacher, or in any other instructional, supervisory, or administrative capacity, is defined as a teacher. Such person shall not be deemed qualified unless he or she holds a valid certificate or license, issued by and in accordance with the rules and regulations of the State Board of Education, to perform the particular services for which he or she is employed.

2. Superintendent: A superintendent of schools shall be the executive officer of the board of education and the administrative head of the school system of a district ~~maintaining an accredited school~~ or districts, provided he or she holds an administrator's certificate recognized by the State Board of Education.

3. Assistant Superintendent: An assistant superintendent is any person having administrative duties authorized by the district superintendent or board of education. "Assistant superintendent"

shall not include any support personnel or any person instructing students on a daily basis.

4. Principal: A principal shall be any person other than an assistant superintendent or a district superintendent of schools having supervisory or administrative authority over any school or school building having two or more teachers. A teaching principal shall be a principal who devotes at least one-half the time school is in session to classroom teaching. Teaching principals shall administer and supervise only in those schools with fewer than two hundred (200) average daily membership. Until July 1, 1993, teaching principals shall not be required to hold administrative certificates. Beginning July 1, 1993, teaching principals shall be required to hold administrative certificates.

5. Assistant Principal: An assistant principal shall have any supervisory and administrative authority authorized by the principal. An assistant principal shall not be employed until a school site exceeds five hundred (500) average daily membership.

~~4.~~ 6. For purposes of complying with the State Aid Law and other statutes which apportion money on the basis of teaching units or the number of teachers employed or qualified, all persons holding proper certificates or licenses and connected in any capacity with the instruction of pupils shall be designated as "teachers".

~~5.~~ 7. Entry-year Teacher: An entry-year teacher is any licensed teacher who is employed in a local school to serve as a classroom teacher under the guidance and assistance of a teacher consultant and an entry-year assistance committee. Any such person shall have completed the program of the college or school of education of the accredited institution of higher learning from which the person has been graduated.

~~6.~~ 8. Student Teacher: A student teacher is any student who is enrolled in an institution of higher learning approved by the State Board of Education for teacher training and who is jointly assigned

by such institution of higher learning and a school district's board of education to perform practice teaching under the direction of a regularly employed and certified teacher. A student teacher, while serving a nonsalaried internship under the supervision of a certified teacher, shall be accorded the same protection of the laws as that accorded the certified teacher.

~~7.~~ 9. A school nurse employed full time by a board of education shall be a registered nurse licensed by the Oklahoma State Board of Nurse Registration and Nursing Education, and certified the same as a teacher by the State Department of Education. Provided that any person who is employed as a full-time nurse in any school district in Oklahoma, but who is not registered on the effective date of this act, may continue to serve in the same capacity, however such person shall, under rules and regulations adopted by the State Board of Education, attend classes in nursing and prepare to become registered.

A school nurse employed by a board of education shall be accorded the same protection of laws and all other benefits accorded a certified teacher.

~~8.~~ 10. Support Employee: A support employee shall be an employee who provides those services which are not performed by certified teachers, principals, superintendents or administrators and which are necessary for the efficient and satisfactory functioning of a school district.

SECTION 2. AMENDATORY 70 O.S. 1991, Section 5-106, as amended by Section 10, Chapter 257, O.S.L. 1993 (70 O.S. Supp. 1994, Section 5-106), is amended to read as follows:

Section 5-106. A. The governing board of each school district in Oklahoma is hereby designated and shall hereafter be known as the board of education of such district. Except as otherwise provided in this section, the superintendent of schools appointed and employed by such board shall be the executive officer of said board

and shall perform such duties as said board directs. ~~No board of a school district having average daily membership (ADM) of fewer than five hundred (500) pupils shall be prohibited from allowing a superintendent to serve simultaneously as a principal.~~ The chief executive officer of the board of education of a district in which a public developmental research school is established shall be the director of the school appointed as provided in Section 7 1210.577 of this ~~act~~ title. Except as provided in this subsection, any school district with less than two thousand (2,000) average daily membership shall not have an on-site superintendent, but shall make an agreement to share the services of a superintendent with a contiguous school district or school districts until the average daily membership meets or exceeds two thousand (2,000). The agreement shall conform to the requirements specified by the State Board of Education. If an agreement is not executed with a contiguous school district or school districts, the State Board of Education shall select an appropriate contiguous school district or school districts, formulate the agreement, and if a superintendent cannot be agreed upon by the districts' boards of education, select the superintendent. Provided however, school districts in counties in which the student population is fewer than two thousand (2,000) average daily membership may operate with a single superintendent for the school districts in that county.

B. In any school district or administratively combined school districts with two thousand (2,000) or more average daily membership, the district or districts may employ an assistant superintendent for each additional two thousand (2,000) average daily membership under the administrative control of the superintendent. The assistant superintendent shall have only those powers and duties authorized by the superintendent or boards of education.

C. Each school with two hundred (200) or more average daily membership shall have a full-time principal. An assistant principal may be employed when the average daily membership of the school site exceeds five hundred (500). An additional assistant principal may be employed for each additional two hundred fifty (250) average daily membership.

D. Any school with fewer than two hundred (200) average daily membership shall not have a full-time principal, but shall have a teaching principal.

E. For the purposes of Sections 1 through 4 of this act, "administratively combined school districts" shall not mean consolidated or annexed districts.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-202 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created until June 30, 1997, the Administrative Reorganization Committee (ARC). The Committee shall consist of seven (7) members. One member shall be the State Superintendent of Public Instruction and the other six members shall be appointed on or before July 1, 1995, as follows:

1. Two members shall be appointed by the Governor. Of these members, one shall be a business person and one shall be a superintendent of an independent school district;

2. Two members shall be appointed by the Speaker of the House of Representatives. Of these members, one shall be a full-time principal of a public school in this state and one shall be a business person; and

3. Two members shall be appointed by the President Pro Tempore of the Senate. These members shall be persons with professional experience relating to reorganization and modernization of private or public organizations or businesses.

B. The State Superintendent of Public Instruction shall be the chairperson of the Committee. The terms of each appointed member shall end on June 30, 1997. If any vacancy occurs prior to June 30, 1997, the vacancy shall be filled in the same manner as the initial appointment.

C. The Committee shall meet as necessary to complete the duties and responsibilities imposed on the Committee by law. The members shall be reimbursed for travel in the performance of their official duties in accordance with the State Travel Reimbursement Act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-203 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The Administrative Reorganization Committee shall:

1. Study the current responsibilities, functions, and duties performed by the different levels of administrators serving the public schools of this state;

2. Develop guidelines and plans for an orderly transition from the current system of administration to that system specified in this act;

3. Develop guidelines for school district agreements for the employment of a common superintendent for one or more districts;

4. Develop standards for submission to the State Board of Education for the selection of a superintendent in those school districts which are unable to reach an agreement on the employment of a common superintendent; and

5. Submit a report on the guidelines, standards and plans specified in this section to the State Board of Education on or before June 30, 1997.

B. The State Board of Education shall study the report submitted pursuant to subsection A of this section and take such report under advisement prior to the promulgation of any rules for administrative reorganization.

C. On or before July 1, 1998, the State Board of Education shall promulgate rules for the orderly transfer of current school administration to that system specified in this act.

SECTION 5. AMENDATORY 70 O.S. 1991, Section 5-141, as amended by Section 1, Chapter 215, O.S.L. 1993 (70 O.S. Supp. 1994, Section 5-141), is amended to read as follows:

Section 5-141. A. Each school district of this state shall adopt a minimum salary schedule and shall transmit a copy of it to the State Board of Education within thirty (30) days after adoption. A school district shall not calculate teacher's salaries solely as a proportion of the salaries of that district's administrators. Districts shall be encouraged to provide compensation schedules to reflect district policies and circumstances, including differential pay for different subject areas and special incentives for teachers in districts with specific geographical attributes. The State Department of Education shall compile a report of the minimum salary schedules for every school district in the state and shall provide such information to the Governor, Speaker of the House of Representatives, and President Pro Tempore of the Senate no later than December 15 of each year.

B. Each school district shall file within fifteen (15) days of signing the contract, the employment contract of the superintendent of the school district and any other administrator employed by the district with the State Department of Education. The Department shall keep all such contracts available for inspection by the public. The school district shall not be authorized to pay any salary, benefits or other compensation to a superintendent or any other administrator employed by the district which are not specified in the contract on file and shall not pay administrators any amounts for accumulated sick leave that are not calculated on the same formula used for determining payment for accumulated sick leave benefits for other full-time employees of that school district and

shall not pay administrators any amounts for accumulated vacation leave benefits that are not calculated on the same formula used for determining payment for accumulated vacation leave benefits for other twelve-month full-time employees of that school district.

C. By October 1 of each year each district board of education shall prepare a schedule of salaries and fringe benefits paid administrators employed by the district, including a description of the fringe benefits. The schedule shall be a public record and shall be disclosed as required by the Oklahoma Open Records Act, Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes. The district board shall file a copy of the schedule with the State Department of Education within one week of completion.

D. For purposes of this section the term "administrator" shall include employees who are employed and certified as superintendents, assistant superintendents, principals, and assistant principals and who have responsibilities for supervising classroom teachers.

SECTION 6. REPEALER 70 O.S. 1991, Section 1-116.1, is hereby repealed.

SECTION 7. Sections 1, 2 and 6 of this act shall become effective July 1, 1997.

SECTION 8. Sections 3, 4 and 5 of this act shall become effective July 1, 1995.

SECTION 9. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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