

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 3179

By: Bryant

INTRODUCED

An Act relating to schools; creating the Oklahoma Pathfinder Schools Act; stating purpose of the act; providing for application of the act; providing definition; requiring written application; providing for content of proposal; listing entities which may apply for a pathfinder school; prohibiting private schools from applying; providing for sponsorship of a pathfinder school; limiting location of pathfinder school; providing application procedure; providing for certain notification; requiring certain contract for pathfinder schools; stating required provisions of contract; requiring certain officers to complete certain instruction; prohibiting employment contract until certain time; providing for certain provision in the employment contract; requiring certain disclosure; requiring certain surety bond; requiring adoption of a contract; listing certain requirements a pathfinder school shall comply with; providing for amendment to contract; prohibiting certain actions by a pathfinder school; providing for term of contract; providing for renewal or termination of contract; providing for enrollment of students in certain circumstances; prohibiting

termination of certain employees; prohibiting unlawful reprisal against certain employees; defining unlawful reprisal; providing for retention of certain rights and benefits for certain teachers; providing for reemployment preference; providing for enrollment of students in a pathfinder school; allowing certain limited enrollment; stating certain enrollment criteria; providing for designation of certain geographic areas for limited enrollment; prohibiting certain limits on admission; providing for transportation of students; requiring certain information regarding transportation; providing for funding to pathfinder schools; stating revenues a pathfinder school will receive; providing method for determining average daily membership; allowing pathfinder schools to receive certain funds; creating the Pathfinder Schools Stimulus Fund; stating purpose of fund; requiring State Board of Education to adopt certain rules; requiring the State Board of Education to issue annual report; requiring pathfinder schools to report certain information to the Office of Accountability; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-130 of Title 70, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Pathfinder Schools Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-131 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The purpose of the Oklahoma Pathfinder Schools Act is to:

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

B. The purpose of this act is not to provide a means by which to keep open a school that may otherwise be closed. Applicants applying for a contract for a school which is to be otherwise closed shall be required to prove that conversion to a pathfinder school fulfills the purposes of the act independent of closing the school. Provided nothing in this section shall be interpreted to preclude a school designated as a "high challenge school" from becoming a pathfinder school.

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

A. The Oklahoma Pathfinder Schools Act shall apply only to pathfinder schools formed and operated under the provisions of this act.

B. For purposes of the Oklahoma Pathfinder Schools Act, "pathfinder school" means a public school established by contract with a board of education of a school district pursuant to the act to provide learning that will improve student achievement.

C. A pathfinder school may consist of a new school, new schools or all or any portion of an existing school.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-133 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. An applicant seeking to establish a pathfinder school shall first submit a written proposal to the proposed sponsor as prescribed in subsection D of this section. The proposal shall include:

1. A mission statement for the pathfinder school;
2. A description of the organizational structure and the governing body of the pathfinder school;
3. A financial plan for the first three (3) years of operation of the pathfinder school and a description of the treasurer or other officers or persons who shall have primary responsibility of the finances of the pathfinder school. Such person shall have demonstrated experience in school finance or the equivalent thereof;
4. A description of the hiring policy of the pathfinder school;
5. The name of the applicant or applicants and requested sponsor;
6. A description of the facility and location of the pathfinder school;

7. A description of the grades being served; and

8. An outline of criteria designed to measure the effectiveness of the pathfinder school.

B. A public school, public body, public or private college or university, private person or private organization may contract with a sponsor to establish a pathfinder school. A private school shall not be eligible to contract for a pathfinder school under the provisions of this act.

C. The sponsor of a pathfinder school can be the board of education of a school district, the board of education of an area vocational-technical school district, or the State Board of Education. Any board of education of a school district, the board of education of an area vocational-technical school district or the State Board of education may sponsor one or more pathfinder schools. The physical location of a pathfinder school sponsored by a local or area board of education shall be within the boundaries of the sponsoring school district.

D. An applicant for a pathfinder school may submit an application to the sponsor which shall either accept or reject sponsorship of the pathfinder school within ninety (90) days. If the board rejects the application, it shall notify the applicant in writing of the reasons for the rejection.

E. If an applicant for a pathfinder school is rejected by a sponsor, the applicant may apply for sponsorship to any other sponsor.

F. A sponsor shall notify the State Board of Education when it accepts sponsorship of a pathfinder school. The notification shall include a copy of the contract of the pathfinder school.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-134 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The sponsor of a pathfinder school shall enter into a written contract with the governing body of the pathfinder school. The contract shall incorporate the provisions of the mission statement of the pathfinder school and contain, but shall not be limited to, the following provisions:

1. A description of the program to be offered by the school which complies with the purposes outlined in Section 2 of this act;
2. Admission policies and procedures;
3. Management and administration of the pathfinder school;
4. Requirements and procedures for program and financial audits;
5. How the pathfinder school will comply with the contract requirements set forth in this act;
6. Assumption of liability by the pathfinder school; and
7. The term of the contract.

B. The contract shall also require officers of the governing body of the pathfinder school to complete at least twelve (12) hours of instruction on education issues within fifteen (15) months of election or appointment to the governing body as is required of members of a district board of education in Section 5-110 of Title 70 of the Oklahoma Statutes. The governing body of a pathfinder school shall be subject to the same qualification restrictions relating to nepotism and felony convictions as members of a local school board.

C. A pathfinder school shall not enter into an employment contract with any teacher or other personnel until the pathfinder school has a contract with a sponsoring school district. The employment contract shall set forth the personnel policies of the pathfinder school including, but not limited to, policies related to certification, professional development, evaluation, suspension, dismissal and nonemployment, sick leave, personal business leave, emergency leave and family and medical leave. The contract shall

also specifically set forth the salary, hours, fringe benefits and work conditions. The contract shall conform to all applicable provisions set forth in Section 6 of this act. The pathfinder school shall also conduct a felony records search of any person seeking employment with the school as authorized pursuant to Sections 5-142 and 5-142.1 of Title 70 of the Oklahoma Statutes.

Upon contracting with any teacher or other personnel, the governing body of the pathfinder school shall, in writing, disclose employment rights of the employees in the event the pathfinder school closes or the contract is not renewed.

D. The pathfinder school shall execute a surety bond for the benefit of the sponsor of the pathfinder school in an amount estimated by the sponsor to be equal to the annual operating budget of the pathfinder school plus any monies held in reserve.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-135 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. A pathfinder school shall adopt a mission statement which will ensure compliance with the following:

1. A pathfinder school shall comply with all federal, state and local rules, regulations and statutes relating to health, safety, civil rights and insurance. By January 1, 1998, the State Department of Education shall prepare a list of relevant rules, regulations and statutes which a pathfinder school must comply with as required by this paragraph and shall annually prepare an update to the list;

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

3. The pathfinder school shall provide a comprehensive program of instruction for at least a kindergarten program or any grade between grades one and twelve. Instruction may be provided to all persons as outlined in Section 5-131 of Title 70 of the Oklahoma Statutes. A pathfinder school may offer a curriculum which emphasizes a specific learning philosophy or style or certain subject areas such as mathematics, science, fine arts, performance arts or foreign language;

4. A pathfinder school shall participate in the testing as required by the Oklahoma School Testing Program Act and the reporting of test results as is required of a school district. A pathfinder school shall also, to the extent possible, provide any necessary data to the Office of Accountability;

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

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

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

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

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

10. A pathfinder school may not charge tuition;

11. A pathfinder school shall provide instruction each year for at least the number of days required in Section 1-109 of Title 70 of the Oklahoma Statutes;

12. A pathfinder school shall comply with the student suspension requirements provided for in Section 24-101 of Title 70 of the Oklahoma Statutes;

13. A pathfinder school shall be considered a school district for purposes of tort liability under the Governmental Tort Claims Act;

14. A pathfinder school may contract with noncertified teaching personnel provided that person has at a minimum a bachelors degree, certified teachers, or persons participating in an alternative certification program;

15. Employees of a pathfinder school shall have the option to exercise or not exercise the procedures and methods set forth in Sections 509.1 through 509.10 of Title 70 of the Oklahoma Statutes relating to employer-employee relations;

16. Employees of a pathfinder school may participate as members of the Teachers' Retirement System of Oklahoma in accordance with applicable statutes, rules and regulations if otherwise allowed pursuant to law;

17. A pathfinder school may participate in all health and related insurance programs available to the employees of the sponsor of the pathfinder school;

18. A pathfinder school shall comply with the Oklahoma Open Meeting Act and the Oklahoma Open Records Act; and

19. The governing body of a pathfinder school shall be subject to the same conflict of interest requirements as a member of a local school board.

B. The contract of a pathfinder school shall include a description of the personnel policies, personnel qualifications and

method of school governance, and the specific role and duties of the sponsor of the pathfinder school.

C. The contract of a pathfinder school may be amended at the request of the governing body of the pathfinder school and upon the approval of the sponsor.

D. A pathfinder school may enter into contracts and sue and be sued.

E. The governing body of a pathfinder school may not levy taxes or issue bonds.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-136 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. An approved contract for a pathfinder school shall be effective for not longer than five (5) years from the first day of operation. Prior to the beginning of the fifth year of operation, the pathfinder school may apply for renewal of the contract with the sponsor. The sponsor may deny the request for renewal if it determines the pathfinder school has failed to complete the obligations of the contract or comply with the act. A sponsor shall give written notice of its intent not to renew the request for renewal at least twelve (12) months prior to expiration of the contract.

B. A sponsor may terminate a contract during the term of the contract for failure to meet the requirements for student performance contained in the contract, failure to meet the standards of fiscal management, violations of the law or other good cause. The sponsor shall give at least ninety (90) days written notice to the governing board prior to terminating the contract. The governing board may request in writing an informal hearing before the sponsor within fourteen (14) days of receiving notice. The sponsor shall conduct an informal hearing before taking action. Action by the board shall be final.

C. If a contract is not renewed or is terminated according to this section, a student who attended the pathfinder school may enroll in the resident school district of the student or may apply for a transfer in accordance with Section 8-103 of Title 70 of the Oklahoma Statutes.

D. No teacher or other employee of the sponsoring school district shall be laid off or terminated as a result of the granting of a contract to the pathfinder school.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-137 of Title 70, unless there is created a duplication in numbering, reads as follows:

A board of education of a school district or an employee of the district who has control over personnel actions shall not take unlawful reprisal action against an employee of the school district for the reason that the employee is directly or indirectly involved in an application to establish a pathfinder school. As used in this section, "unlawful reprisal" means an action that is taken by a board of education or a school district employee as a direct result of a lawful application to establish a pathfinder school and that is adverse to an employee or an education program.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-138 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. A teacher who is employed by or teaching at a pathfinder school and who was previously employed as a teacher at a public school district shall not lose any right of certification, retirement or salary status or any other benefit provided by law due to teaching at a pathfinder school upon returning to a public school district to teach.

B. A teacher who is employed by or teaching at a pathfinder school and who submits an employment application to the school district where the teacher was employed immediately before

employment by or at a pathfinder school shall be given employment preference by the school district if:

1. The teacher submits an employment application to the school district no later than three (3) years after ceasing employment with the school district; and

2. A suitable position is available at the school district.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-139 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. A pathfinder school shall enroll those students who submit a timely application, unless the number of applications exceeds the capacity of a program, class, grade level or building. If capacity is insufficient to enroll all eligible students, the pathfinder school shall select students through a lottery selection process. A pathfinder school shall give enrollment preference to eligible students who reside within the boundaries of the school district in which the pathfinder school is located. A pathfinder school may limit admission to students within a given age group or grade level.

B. A pathfinder school shall admit students who reside in the attendance area of a school or in a school district that is under a court order of desegregation or that is a party to an agreement with the United States Department of Education Office for Civil Rights directed towards mediating alleged or proven racial discrimination unless notice is received from the resident school district that admission of the student would violate the court order or agreement.

C. A pathfinder school may designate a specific geographic area within the school district in which the pathfinder school is located as an academic enterprise zone and may limit admissions to students who reside within that area. An academic enterprise zone shall be a geographic area in which sixty percent (60%) or more of the children who reside in the area qualify for the free or reduced school lunch program.

D. Except as provided in subsections B and C of this section, a pathfinder school shall not limit admission based on ethnicity, national origin, gender, income level, disabling condition, proficiency in the English language, measures of achievement or aptitude or athletic ability.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-140 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Transportation shall be provided by the pathfinder school in accordance with Sections 9-101 through 9-118 of Title 70 of the Oklahoma Statutes and only within the transportation boundaries of the school district in which the pathfinder school is located.

B. A pathfinder school shall provide the parent or guardian information regarding transportation at the time the student enrolls in the pathfinder school.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-141 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. For purposes of funding, a pathfinder school shall be considered a site within the school district in which the pathfinder school is located and the enrollment of the pathfinder school shall be included in the local school district's average daily membership. A pathfinder school shall receive, for each student enrolled, the local school district's average local and county revenue, state-dedicated revenue and state-appropriated funds per average daily membership for the applicable year. The State Board of Education shall determine the policy and procedure for making payments to a pathfinder school.

B. For the first year of operation, a pathfinder school shall receive State Aid support equal to the average student expenditure for the preceding school year for the district in which the school is located. The average daily membership for the first year of

operation of a pathfinder school shall be determined initially using an estimated student count based on actual registration of students before the beginning of the school year. After the first one hundred (100) days in session for the first year of operation, the pathfinder school shall revise the average daily membership to equal the actual average daily membership of the pathfinder school. If the average daily membership was overestimated or underestimated, the budget of the school shall be revised.

C. A pathfinder school shall be eligible to receive any other aid, grants or revenues allowed to other schools.

D. A pathfinder school, in addition to the money received from the state, may receive money from any other source. Any unexpended nonstate funds, excluding local revenue, may be reserved and used for future purposes.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-142 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created in the State Treasury a fund to be designated the "Pathfinder Schools Stimulus Fund". The fund shall be a continuing fund, not subject to fiscal year limitations and shall consist of monies appropriated by the Legislature, gifts, grants, devises and donations from any public or private source. The State Department of Education shall administer the fund for the purpose of providing financial support to pathfinder school applicants and pathfinder schools for start-up costs and costs associated with renovating or remodeling existing buildings and structures for use by a pathfinder school.

B. The State Board of Education shall adopt rules to implement the provisions of this section, including application and notification requirements.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-143 of Title 70, unless there is created a duplication in numbering, reads as follows:

The State Board of Education shall issue an annual report to the Legislature and the Governor outlining the status of pathfinder schools in the state. Each pathfinder school shall annually file a report with the Office of Accountability. The report shall include such information as requested by the Office of Accountability including, but not limited to, information on enrollment, testing, curriculum, finances and employees.

SECTION 15. This act shall become effective November 1, 1998.

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