

1 STATE OF OKLAHOMA

2 1st Session of the 47th Legislature (1999)

3 COMMITTEE SUBSTITUTE
4 FOR
5 HOUSE BILL NO. 1759

By: Benson

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to schools; stating title of act;
9 creating the Oklahoma Tuition Scholarship Program;
10 stating purpose of the act; stating eligibility
11 requirements for participating in the Program;
12 stating requirements for maintaining eligibility in
13 the Program; directing the Oklahoma State Regents for
14 Higher Education to promulgate certain rules; stating
15 legislative intent concerning implementation of the
16 Program; providing for payment of general enrollment
17 fees; limiting payment of general enrollment fees to
18 certain number of hours; providing for payment of
19 awards without limitations; allowing the Regents to
20 make awards based on need in certain circumstances;
21 requiring the Regents to consider certain other
22 awards; providing for application of other awards
23 before payment of benefits; amending Sections 1 and
24 2, Chapter 251, O.S.L. 1998 (70 O.S. Supp. 1998,
25 Sections 11-103.2c and 11-103.2d), which relate to
26 certificates of distinction; changing name to diploma
27 of honor; modifying criteria for a diploma of honor;
28 requiring courses to meet certain specifications;
29 deleting application of vocational courses; defining
30 a unit; amending 70 O.S. 1991, Section 1210.508, as
31 last amended by Section 25, Chapter 5, O.S.L. 1998
32 (70 O.S. Supp. 1998, Section 1210.508), which relates
to the Oklahoma School Testing Program Act; requiring
remediation for students who do not perform on the
mathematics portion of the tests; providing for
certain contingency; stating means of remediation;
prohibiting certain instruction from being counted in
school year; requiring certain mathematics teachers
to have certain certification; allowing teachers
certain time to obtain certification; stating
legislative intent to establish a continuing
education program for teachers; stating amount and
purpose of the program; authorizing the State Board
of Education to award grants to schools for increased
test scores; directing the Board to promulgate rules
establishing criteria; stating use of the award
monies; amending Section 3, Chapter 181, O.S.L. 1997,
as amended by Section 1, Chapter 350, O.S.L. 1998 (70
O.S. Supp. 1998, Section 6-204.2), which relates to
the Education Leadership Oklahoma Act; raising bonus
amount; amending 70 O.S. 1991, Section 698.2, as
amended by Section 1, Chapter 232, O.S.L. 1992 (70
O.S. Supp. 1998, Section 698.2), which relates to the
program for forgivable loans; limiting program to
certain students; modifying qualified subject areas;
deleting assistance for minority students; providing

1 time period for loan forgiveness; amending 70 O.S.
2 1991, Section 18-124, which relates to administrative
3 expenditure limitations; deleting obsolete language;
4 encouraging school sites to limit certain
5 expenditures; requiring an arresting officer to
6 notify the school upon arrest of certain persons;
7 amending 70 O.S. 1991, Section 1210.553, which
8 relates to pilot projects for extended-day programs;
9 clarifying contingency; clarifying authorization to
10 make grant awards; amending Section 44, Chapter 247,
11 O.S.L. 1996, as amended by Section 1, Chapter 175,
12 O.S.L. 1997 and Section 1, Chapter 348, O.S.L. 1997
13 (70 O.S. Supp. 1998, Sections 1210.568 and 1210.569),
14 which relate to alternative education; requiring
15 schools to expand alternative education programs to
16 middle school grades; providing for certain
17 contingency; requiring certain identified schools to
18 expand alternative education to elementary school
19 grades; providing for certain contingency; directing
20 certain schools to expand the annual student needs
21 assessment and plan to include certain students;
22 stating legislative intent to provide funding for
23 elementary level school counselors; providing
24 preference for funding; amending Section 4, Chapter
25 350, O.S.L. 1997 (70 O.S. Supp. 1998, Section 24-
26 101.4), which relates to disclosure of disciplinary
27 records; modifying requirement that school districts
28 retain, transfer and forward disciplinary records;
29 amending 70 O.S. 1991, Section 6-114, as amended by
30 Section 2, Chapter 241, O.S.L. 1995 (70 O.S. Supp.
31 1998, Section 6-114), which relates to the discipline
32 of students; authorizing the board of education to
adopt a dress code; providing standards for a dress
code; clarifying authority to adopt a uniform dress
code; directing school districts to distribute
economically disadvantaged pupil weight State Aid to
certain schools; creating the Education Open Transfer
Act; providing for transfer of students; allowing
transfer of siblings; limiting number of transfers in
a year; providing for automatic transfer in certain
circumstances; providing for continuation of a
transfer when the student changes residence;
providing for validity of certain transfers; amending
70 O.S. 1991, Section 8-103, as last amended by
Section 2, Chapter 232, O.S.L. 1994 (70 O.S. Supp.
1998, Section 8-103), which relates to student
transfer procedures; deleting certain application and
approval requirements; modifying certain approval
procedures; authorizing denial of transfer in certain
circumstances; requiring approval of transfers for
children with disabilities; prohibiting certain
extramural competition for a certain period; amending
70 O.S. 1991, Section 9-101, which relates to
transportation of students; allowing receiving
districts to provide transportation to transferred
students in a certain area; creating the Oklahoma
Charter 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 charter school; prohibiting private
schools from applying; providing for sponsorship of a
charter school; limiting location of charter school;

1 providing application procedure; providing appeal
2 process; providing for certain notification;
3 requiring certain contract for charter schools;
4 stating required provisions of contract; making
5 employees of a charter school employees of a school
6 district; requiring certain surety bond; requiring
7 adoption of a charter; listing certain requirements a
8 charter school shall comply with; providing for
9 amendment to charter; prohibiting certain actions by
10 a charter school; providing for disposal of real and
11 personal property; providing for term of contract;
12 providing for renewal or termination of contract;
13 providing for enrollment of students in certain
14 circumstances; prohibiting termination of certain
15 employees; prohibiting unlawful reprisal against
16 certain employees; defining unlawful reprisal;
17 providing for retention of certain rights and
18 benefits for certain teachers; providing for
19 reemployment preference; providing for enrollment of
20 students in a charter school; allowing certain
21 limited enrollment; stating certain enrollment
22 criteria; providing for designation of certain
23 geographic areas for limited enrollment; prohibiting
24 certain limits on admission; providing for
25 transportation of students; allowing certain funding
26 for transporting students; requiring certain
27 information regarding transportation; providing for
28 funding to the charter school; stating revenues a
29 charter school will receive; providing method for
30 determining average daily membership; allowing
31 charter schools to receive certain funds; requiring
32 the State Board of Education to issue annual report;
requiring charter schools to report certain
information to the Office of Accountability;
repealing 70 O.S. 1991, Sections 8-102, as amended by
Section 34, Chapter 239, O.S.L. 1993 and 8-104, as
last amended by Section 3, Chapter 343, O.S.L. 1997
(70 O.S. Supp. 1998, Sections 8-102 and 8-104), which
relate to transfers of students; providing for
codification; providing an effective date; and
declaring an emergency.

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 2610 of Title 70, unless there
is created a duplication in numbering, reads as follows:

Sections 1 through 4 of this act shall be known and may be cited
as the "Oklahoma Tuition Scholarship Act".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 2611 of Title 70, unless there
3 is created a duplication in numbering, reads as follows:

4 There is hereby created the Oklahoma Tuition Scholarship
5 Program. The purpose of the Program is to ensure that students who
6 meet the criteria set forth in the Oklahoma Tuition Scholarship Act
7 and who have completed a college preparatory curriculum upon
8 graduation from high school and are intending to pursue studies at
9 an institution of higher education in The Oklahoma State System of
10 Higher Education leading to an associate or baccalaureate degree are
11 rewarded by having the first two (2) years of general enrollment
12 fees for enrollment at an institution in The Oklahoma State System
13 of Higher Education paid for by the state.

14 SECTION 3. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 2612 of Title 70, unless there
16 is created a duplication in numbering, reads as follows:

17 A. To be eligible to participate in the Oklahoma Tuition
18 Scholarship Program and qualify for payment of general enrollment
19 fees pursuant to Section 4 of this act, a student shall:

20 1. Be a resident of this state;

21 2. Have graduated from a high school accredited by the State
22 Board of Education or the Oklahoma School of Science and Mathematics
23 and have been awarded a diploma of honor as provided for in Section
24 11-103.2c of Title 70 of the Oklahoma Statutes;

25 3. Have obtained a score on the American College Test equal to
26 or above the score required by the Oklahoma State Regents for Higher
27 Education for admissions to a regional higher education institution
28 within The Oklahoma State System of Higher Education;

29 4. Have satisfied admission standards as determined by the
30 Oklahoma State Regents for Higher Education for first-time-entering
31 students for the appropriate type of institution;

32

1 5. Have secured admission to, and enrolled in, an institution
2 which is a member of The Oklahoma State System of Higher Education;

3 6. Have made application for state and federal tuition aid
4 programs; and

5 7. Not have been adjudicated as a delinquent for an offense
6 defined in Section 571 of Title 57 of the Oklahoma Statutes as an
7 exception to a nonviolent offense or convicted as an adult of an
8 offense defined in Section 571 of Title 57 of the Oklahoma Statutes
9 as an exception to a nonviolent offense.

10 B. To retain eligibility while pursuing the program of higher
11 learning in which enrolled, the student shall:

12 1. Maintain a minimum 2.5 cumulative grade point average on a
13 4.0 scale;

14 2. Maintain good academic standing and satisfactory academic
15 progress according to standards of the Oklahoma State Regents for
16 Higher Education; and

17 3. Comply with the standards related to maintenance of
18 eligibility as promulgated by the Oklahoma State Regents for Higher
19 Education.

20 C. The Oklahoma State Regents for Higher Education shall
21 promulgate rules relating to maintenance of eligibility under the
22 Oklahoma Tuition Scholarship Program by a student.

23 D. It is the intent of the Legislature that students graduating
24 during the 2002-2003 school year shall be the first students
25 eligible for benefits under the Oklahoma Tuition Scholarship Act.

26 SECTION 4. NEW LAW A new section of law to be codified
27 in the Oklahoma Statutes as Section 2613 of Title 70, unless there
28 is created a duplication in numbering, reads as follows:

29 A. Subject to the availability of funds, the general enrollment
30 fees which a student who is eligible under the Oklahoma Tuition
31 Scholarship Act is obligated to pay at an institution in The
32

1 Oklahoma State System of Higher Education shall be satisfied by
2 allocation from the Oklahoma Tuition Scholarship Trust Fund.

3 B. The maximum limit on the number of courses or other
4 postsecondary units for which general enrollment fees will be
5 satisfied as provided for by this section shall not exceed sixty
6 (60) hours, with not more than thirty (30) hours in any one year.

7 C. Benefits awarded under the Oklahoma Tuition Scholarship
8 Program shall be awarded to all eligible applicants without any
9 limitation on the number of awards in any year other than the amount
10 of funds available for the Program and the number of eligible
11 applicants. If funds are not sufficient to provide awards for all
12 eligible applicants, the Oklahoma State Regents for Higher Education
13 shall make awards on the basis of need. The Regents shall take into
14 consideration other grants and scholarships received by an eligible
15 applicant when making awards. If an eligible applicant receives
16 state or federal tuition aid which pays for all or part of the
17 general enrollment fee obligation of the applicant, the Regents
18 shall adjust the award to cover only the remaining unpaid portion,
19 if any, of the general enrollment fee obligation after the state or
20 federal aid is applied.

21 SECTION 5. AMENDATORY Section 1, Chapter 251, O.S.L.
22 1998 (70 O.S. Supp. 1998, Section 11-103.2c), is amended to read as
23 follows:

24 Section 11-103.2c A. In addition to the standard diploma,
25 ~~District~~ district boards of education may develop and issue a
26 ~~certificate~~ diploma of ~~distinction~~ honor that is to be awarded to
27 students, beginning with students in the ~~1998-99~~ 2002-2003 high
28 school graduating class who have met or exceeded the following
29 criteria by the end of their senior year in high school ~~with at~~
30 ~~least a 3.25 grade point average on a 4.0 scale:~~

31 1. Earned four units ~~each~~ in English, ~~mathematics, social~~
32 ~~studies, and science;~~

1 2. Earned three units in mathematics;

2 3. Earned three units in social studies;

3 4. Earned three units in science; and

4 5. Earned ~~two~~ one-half additional ~~units~~ unit in the areas area
5 of technology, ~~the humanities, or the arts;~~

6 ~~3. Earned two units in a foreign language; and~~

7 ~~4. Achieved a score of satisfactory, or its equivalent, on all~~
8 ~~twelfth-grade criterion-referenced tests.~~

9 B. For purposes of this act, to qualify as academic units as
10 required in subsection A of this section, courses shall be core-
11 curriculum courses recommended by the American College Testing
12 Corporation.

13 C. For purposes of this act, applicable vocational classes
14 ~~offered by comprehensive high school vocational-technical programs~~
15 ~~shall qualify for technology and mathematics units, and students~~
16 ~~enrolled in the programs may use one unit of their six concentrated~~
17 ~~vocational-technical curriculum units for one unit of mathematics~~
18 ~~required by this section and may use one unit of their six~~
19 ~~concentrated vocational-technical curriculum units for one unit of~~
20 ~~science required by this section. Advanced advanced placement~~
21 ~~classes in the subject areas listed in paragraphs 1, 2 ~~and~~, 3 and 4~~
22 ~~of subsection A of this section may be substituted on a course-by-~~
23 ~~course basis to satisfy the academic units required for a~~
24 ~~certificate diploma of ~~distinction~~ honor. Applied vocational~~
25 ~~mathematics and science classes shall not qualify as a required~~
26 ~~unit.~~

27 ~~C.~~ D. For purposes of this act, "unit" means a Carnegie Unit as
28 defined by the North Central Association's Commission on Schools.

29 SECTION 6. AMENDATORY Section 2, Chapter 251, O.S.L.
30 1998 (70 O.S. Supp. 1998, Section 11-103.2d), is amended to read as
31 follows:
32

1 Section 11-103.2d Colleges and universities shall not make
2 holding a ~~certificate~~ diploma of ~~distinction~~ honor a part of their
3 admission standards.

4 SECTION 7. AMENDATORY 70 O.S. 1991, Section 1210.508, as
5 last amended by Section 25, Chapter 5, O.S.L. 1998 (70 O.S. Supp.
6 1998, Section 1210.508), is amended to read as follows:

7 Section 1210.508 A. Beginning with the 1994-95 school year and
8 every school year thereafter, the State Board of Education shall
9 cause a norm-referenced test to be administered to every student
10 enrolled in grades three and seven of the public schools of this
11 state who is a resident of the district in which the student is
12 currently enrolled pursuant to the provisions of subsection A of
13 Section 1-113 of this title. The test used shall be selected by the
14 Board and shall measure specific skills represented by learner
15 objectives. The student skills to be tested at the specified grade
16 levels shall include reading, mathematics, language arts,
17 communications, science and the principles of citizenship in the
18 United States and other countries through the study of the ideals,
19 history and government of the United States and other countries of
20 the world, and through the study of the principles of democracy as
21 they apply in the lives of citizens. Because the purpose of such
22 norm-referenced testing is to focus on the progress of students and
23 to diagnose a student's strengths and weaknesses, the Board shall
24 seek to ensure that data yielded from the test is utilized at the
25 school district level to prescribe skill reinforcement and/or
26 remediation by requiring school districts to develop and implement a
27 specific program of improvement based on the test results.
28 Contingent upon the provision of appropriated funds designated for
29 such purpose, students who do not perform satisfactorily on the
30 mathematics portion of the test shall be provided remediation. The
31 remediation may include but not be limited to tutorial instruction
32 after regular school hours, on Saturdays and during the summer.

1 Such instruction shall not be counted toward the one-hundred-eighty-
2 day school year required in Section 1-109 of this title.

3 B. Periodically the State Department of Education shall review
4 existing norm-referenced tests commercially available and shall make
5 recommendations to the State Board of Education which shall
6 designate for statewide use those tests which evaluate the broadest
7 range of identified, age-appropriate competencies.

8 C. The Board shall develop a series of criterion-referenced
9 tests designed to indicate whether competencies Oklahoma public
10 school students are expected to have attained in grades five, eight
11 and twelve in mathematics, science, reading and writing of English,
12 history, constitution and government of the United States,
13 geography, and culture and the arts, and in grade twelve, Oklahoma
14 history, as defined by the Board, have been mastered. The tests
15 shall measure academic competencies and shall be designed and
16 implemented in correlation with the implementation of the curricula
17 standards adopted by the Board pursuant to Section 11-103.6 of this
18 title. The series of tests shall be field-tested and implemented by
19 the following schedule:

20	Subject	Field-tested	Implemented
21	Mathematics	1993-94	1994-95
22	Science	1993-94	1994-95
23	Reading and Writing		
24	of English	1994-95	1995-96
25	History, Constitution and		
26	Government of the		
27	United States	1995-96	1996-97
28	Geography, and for		
29	grade 11, includes		
30	Oklahoma history	1996-97	1997-98
31	Culture and the Arts	1997-98	1998-99
32			

1 D. The Board shall cause the tests in each subject to be field-
2 tested during the year the field tests for each subject are
3 scheduled. The Board shall cause the tests in each subject to be
4 implemented by administering the fifth-grade competency test to
5 fifth-grade students, by administering the eighth-grade competency
6 test to eighth-grade students, and by administering the twelfth-
7 grade competency test to eleventh-grade students in the public
8 schools of this state during the spring semester of the year
9 scheduled for implementation of tests in each subject. The Board
10 shall administer the appropriate tests in each implemented subject
11 to fifth-, eighth-, and eleventh-grade students who are residents of
12 the district in which they are currently enrolled pursuant to the
13 provisions of subsection A of Section 1-113 of this title every year
14 after implementation. Students who do not perform satisfactorily on
15 the implemented tests shall be provided opportunities for
16 remediation and shall retake the tests at times established by the
17 Board during subsequent years as follows: Fifth-grade tests shall
18 be readministered during the sixth and seventh grades; eighth-grade
19 tests shall be readministered during the ninth and tenth grades; and
20 the twelfth-grade tests shall be readministered during the twelfth
21 grade. Contingent upon the provision of appropriated funds
22 designated for such purpose, students who do not perform
23 satisfactorily on the mathematics portion of the test shall be
24 provided remediation. The remediation may include but not be
25 limited to tutorial instruction after regular school hours, on
26 Saturdays and during the summer. Such instruction shall not be
27 counted toward the one-hundred-eighty-day school year required in
28 Section 1-109 of this title.

29 E. Results of the criterion-referenced test series required in
30 subsection C of this section shall be:

31 1. Returned, beginning with the 1998-99 school year, to each
32 school district prior to May 1 of each year; and

1 2. Included in the summary report of the Oklahoma Educational
2 Indicators Program published pursuant to Section 1210.531 of this
3 title. The report shall include the number of students who perform
4 satisfactorily on the tests, the number of students who do not
5 perform satisfactorily, and the number of students who perform
6 satisfactorily on subsequent administrations of the tests.

7 F. The State Board of Education shall be responsible for the
8 development, field-testing, and validation of the criterion-
9 referenced test series required in subsection C of this section. In
10 the interest of economy the Board shall adapt criterion-referenced
11 tests that have been developed by other states or are otherwise
12 commercially available, or portions of such tests, to the extent
13 that such tests are appropriate for use in the criterion-referenced
14 test series to be administered to Oklahoma students.

15 G. The Board shall develop, administer, and incorporate as a
16 part of the Oklahoma School Testing Program, other testing programs
17 or procedures, including appropriate accommodations for the testing
18 of handicapped students and students with learning disabilities,
19 necessary to measure additional competencies of students which are
20 not adequately measured by the tests required by this section.

21 SECTION 8. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 6-189.1 of Title 70, unless
23 there is created a duplication in numbering, reads as follows:

24 Any teacher employed by a public school to teach mathematics in
25 grades six, seven, or eight, shall be certified at the intermediate
26 or secondary level in mathematics. Any teacher without such
27 certification hired by a school district prior to July 1, 1999, and
28 serving in the school as a mathematics teacher for grades six,
29 seven, or eight, shall be required to obtain certification at the
30 intermediate or secondary level in mathematics on or before the
31 beginning of the 2003-2004 school year.

1 SECTION 9. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 6-195.1 of Title 70, unless
3 there is created a duplication in numbering, reads as follows:

4 It is hereby declared to be the intent of the Legislature to
5 establish a continuing education program whereby teachers certified
6 to teach mathematics in the state may continue their education
7 beyond initial licensing and certification. The program shall pay
8 up to One Hundred Dollars (\$100.00) per credit hour for a teacher to
9 take higher education courses in mathematics. The purpose of the
10 program is to improve the knowledge and skills of teachers and to
11 ensure that the children of the state are taught by professional
12 educators, fully prepared in the area of mathematics.

13 SECTION 10. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1210.516 of Title 70, unless
15 there is created a duplication in numbering, reads as follows:

16 Contingent upon the provision of appropriated funds designated
17 for such purpose, the State Board of Education is hereby authorized
18 to award _____ Dollars (\$_____) in grants to each school site which
19 significantly increases the average score for the school on tests
20 required pursuant to Section 1210.508 of Title 70 of the Oklahoma
21 Statutes. The State Board of Education shall promulgate rules
22 establishing the criteria for receiving the award. The award may be
23 used by the school for teacher bonuses or to purchase equipment and
24 materials for the school, provided not more than fifty percent (50%)
25 of the award may be used for teacher bonuses.

26 SECTION 11. AMENDATORY Section 3, Chapter 181, O.S.L.
27 1997, as amended by Section 1, Chapter 350, O.S.L. 1998 (70 O.S.
28 Supp. 1998, Section 6-204.2), is amended to read as follows:

29 Section 6-204.2 A. Subject to the availability of funds, the
30 Oklahoma Commission for Teacher Preparation and the State Board of
31 Education are hereby authorized to establish the Education
32 Leadership Oklahoma program.

1 B. The purposes of the Education Leadership Oklahoma program
2 are:

3 1. Provide teachers throughout the state information about
4 National Board certification and the Education Leadership Oklahoma
5 program scholarships and services;

6 2. Provide technical assistance and National Board certified
7 mentors to all teachers seeking National Board certification upon
8 request;

9 3. Provide scholarships, pursuant to Section 6-204 et seq. of
10 this title and Oklahoma Commission for Teacher Preparation rules,
11 for teachers seeking National Board certification; ~~and~~

12 4. Provide a bonus to teachers who achieve National Board
13 certification pursuant to Section 6-204 et seq. of this title and
14 State Board of Education rules;

15 5. Reward teachers who achieve National Board certification
16 without the financial support of the Education Leadership Oklahoma
17 program by awarding them the application fee and the amount of the
18 scholarship given to Education Leadership Oklahoma participants
19 pursuant to this section and commission rules; and

20 6. Provide recognition to National Board certified teachers.

21 C. To fulfill the objectives of Section 6-204 et seq. of this
22 title, the Oklahoma Commission for Teacher Preparation shall:

23 1. Inform teachers of the Education Leadership Oklahoma program
24 and the scholarships and services it provides to teachers seeking
25 National Board certification;

26 2. Collect and review applications to the scholarship program
27 from interested teachers;

28 3. Establish an applicant review committee for the purpose of
29 identifying scholarship recipients pursuant to Section 6-204 et seq.
30 of this title for the Education Leadership Oklahoma program; and

31 4. Ensure that all scholarship recipients, alternates, and
32 teachers seeking National Board certification independently receive

1 adequate information regarding the level of commitment required to
2 acquire National Board certification.

3 D. The applicant review committee shall:

4 1. Consist of:

5 a. five classroom teachers appointed by the State Board
6 of Education, at least one of whom shall be a National
7 Board certified teacher, if available,

8 b. five classroom teachers appointed by the Oklahoma
9 Commission for Teacher Preparation, at least one of
10 whom shall be a National Board certified teacher, if
11 available,

12 c. three classroom teachers appointed by the Oklahoma
13 State Regents for Higher Education, at least one of
14 whom shall be a National Board certified teacher, if
15 available, and

16 d. a chair to be designated by the Executive Director of
17 the Oklahoma Commission for Teacher Preparation from
18 among the appointed members; and

19 2. Select up to two hundred teachers for the 1998-99 class, up
20 to four hundred teachers beginning with the 1999-2000 class and
21 every year thereafter, and the appropriate number of alternates,
22 who:

23 a. have demonstrated a commitment to excellence in
24 teaching,

25 b. meet all eligibility requirements for potential
26 certification as established by the National Board for
27 Professional Teaching Standards,

28 c. are employed in an Oklahoma public school, and

29 d. meet other requirements of the Commission.

30 E. Subject to the availability of funds appropriated by the
31 Legislature for the purposes of this subsection, the application fee
32 for National Board certification shall be paid for scholarship

1 recipients by the Commission, and scholarship recipients shall be
2 provided a scholarship in the amount of Five Hundred Dollars
3 (\$500.00) to cover other expenses associated with obtaining National
4 Board certification.

5 F. It is the intent of the Legislature that the Oklahoma
6 Commission for Teacher Preparation contract with Southeastern
7 Oklahoma State University to establish Education Leadership Oklahoma
8 program training in higher education teacher preparation programs in
9 the state to assist teachers in meeting the requirements to obtain
10 National Board certification.

11 G. All teachers seeking National Board certification shall be
12 eligible to participate in Education Leadership Oklahoma program
13 training to assist them in meeting the requirements of the National
14 Board certification process, free of charge.

15 H. The Oklahoma Commission for Teacher Preparation shall
16 promulgate rules for the selection of scholarship recipients, the
17 selection and utilization of alternates, the payment and
18 reimbursement of application fees, and the issuance of scholarships.

19 I. Subject to district board of education policy, teachers who
20 have submitted an application for National Board certification shall
21 either be allowed to utilize two (2) of their five (5) professional
22 days for National Board certification portfolio development or be
23 provided an additional two (2) professional days during which a
24 substitute teacher shall be provided by the school district at no
25 cost to the teacher.

26 J. The State Board of Education shall provide all teachers who
27 attain National Board certification a bonus in the amount of ~~Five~~
28 ~~Thousand Dollars (\$5,000.00)~~ Ten Thousand Dollars (\$10,000.00)
29 annually no later than January 31 for as long as they maintain their
30 National Board certification and are teaching in the classroom full-
31 time in an Oklahoma public school. No school or school district
32 shall be liable for payment of bonuses pursuant to this section.

1 K. The bonus shall not be included in the calculation of the
2 teacher's salary for purposes of meeting the district or statutory
3 minimum salary schedule or for purposes of compensating Oklahoma
4 Teachers' Retirement System contributions or benefits.

5 L. The State Board of Education shall promulgate rules for the
6 provision of the bonus pursuant to this section to include, but not
7 be limited to, a process by which a National Board certified teacher
8 will verify that:

- 9 1. The National Board certification has not lapsed; and
- 10 2. The teacher is still a full-time classroom teacher.

11 M. It is the intent of the Legislature that the Oklahoma State
12 Regents for Higher Education incorporate the National Board
13 certification portfolio development into all programs in education
14 leading to a master's level degree.

15 SECTION 12. AMENDATORY 70 O.S. 1991, Section 698.2, as
16 amended by Section 1, Chapter 232, O.S.L. 1992 (70 O.S. Supp. 1998,
17 Section 698.2), is amended to read as follows:

18 Section 698.2 A. It is the intent of the Oklahoma Legislature
19 that the Oklahoma State Regents for Higher Education establish a
20 program for making available forgivable loans, as defined in this
21 section, to students enrolled in a major course of study at the
22 third or fourth year of undergraduate level or graduate or
23 ~~undergraduate~~ level who declare an intention to serve and who
24 subsequently serve this state by teaching in the public schools of
25 this state in the subject areas of ~~mathematics, science, computer~~
26 ~~learning, middle school technology education, or foreign languages~~
27 ~~at the elementary, middle or secondary level in the public schools~~
28 ~~of this state~~ shortage as determined annually by the State Board of
29 Education. ~~This program may be used by a state institution of~~
30 ~~higher education to meet any statutorily prescribed duty of~~
31 ~~providing financial assistance to minority students who intend to~~
32 ~~become teachers in the above subject areas.~~

1 B. The Oklahoma State Regents for Higher Education are
2 authorized to provide student loans to persons who are enrolled at
3 institutions of higher education in this state for the purposes
4 specified in subsection A of this section. The loans shall be
5 applied to the cost of said education. It is the intent of the
6 Oklahoma Legislature that only those third- and fourth-year
7 undergraduate and graduate students who are enrolled full time be
8 eligible for said loans.

9 C. No person shall receive more than three annual loans of such
10 kind. The maximum annual loan amount may be set by the Oklahoma
11 State Regents for Higher Education at an amount not to exceed the
12 normal cost of room, board, tuition, and fees at the state-supported
13 colleges and universities, except that intersession or summer school
14 loans may also be offered in amounts not to exceed one-third (1/3)
15 of the annual loan amount.

16 D. The Oklahoma State Regents for Higher Education are
17 authorized to forgive loans authorized pursuant to the provisions of
18 subsection A of this section which have been provided to persons who
19 actually render service as teachers in the public schools of this
20 state if not less than seventy-five percent (75%) of the teaching
21 assignment is in a subject area specified in subsection A of this
22 section. Loan forgiveness shall be ~~one (1) year's~~ twenty percent
23 (20%) of the total loan for each school year of service rendered up
24 to a total of five (5) years. ~~One-half (1/2) school year of service~~
25 ~~shall be required for forgiveness of an intersession or summer~~
26 ~~session loan.~~

27 E. Persons failing to complete an appropriate program of
28 studies or to meet any other requirements for full-time teaching
29 employment, including certification in an area of ~~mathematics,~~
30 ~~science, computer learning, middle school technology education, or~~
31 ~~foreign languages~~ shortage, shall immediately become liable to the
32 Oklahoma State Regents for Higher Education for the sum of all

1 outstanding loans received pursuant to the provisions of this
2 section. Persons liable for repayment of loans shall also be liable
3 for interest for the entire period of the loans at a rate to be
4 determined at the time each loan is granted. The Oklahoma State
5 Regents for Higher Education may grant forbearance or deferment for
6 justifiable temporary periods of interruption of studies. In the
7 event of a borrower's death or total and permanent disability, the
8 Chancellor of the Oklahoma State Regents for Higher Education may
9 cancel the borrower's indebtedness to this program.

10 F. The Oklahoma State Regents for Higher Education shall
11 require the execution of appropriate contracts and promissory notes
12 with loan recipients. The Chancellor, with approval of the State
13 Regents, may contract with any other appropriate organization or
14 unit of government for the administration of the provisions of this
15 section.

16 G. All loans and interest repaid to the Oklahoma State Regents
17 for Higher Education pursuant to the provisions of this section may
18 be used for the continuation of this program.

19 H. If insufficient funds are available for loans to qualified
20 persons during any fiscal year, the Chancellor may make reductions
21 in the loans made to qualifying applicants. Priority consideration
22 may be given to highly qualified persons previously participating
23 and making satisfactory academic progress in the program as
24 determined by the institution.

25 SECTION 13. AMENDATORY 70 O.S. 1991, Section 18-124, is
26 amended to read as follows:

27 Section 18-124. A. ~~Any school district with an average daily~~
28 ~~attendance (ADA) of more than one thousand five hundred (1,500)~~
29 ~~students for the preceding year which, in school year 1986-87,~~
30 ~~expends for administrative services, less expenditures for legal~~
31 ~~services, more than eight percent (8%) of the amount it expends for~~
32 ~~total expenditures, less expenditures for legal services, shall have~~

1 ~~the amount which exceeds the eight percent (8%) withheld from~~
2 ~~1987-88 Foundation and Salary Incentive Aid.~~

3 ~~B.~~ Any school district with an average daily attendance (ADA)
4 of more than one thousand five hundred (1,500) students for the
5 preceding year which, in school year 1987-88 or any school year
6 thereafter, expends for administrative services, less expenditures
7 for legal services, more than six percent (6%) of the amount it
8 expends for total expenditures, less expenditures for legal
9 services, shall have the amount which exceeds the six percent (6%)
10 withheld from the following year's Foundation and Salary Incentive
11 Aid.

12 ~~C.~~ B. Any school district with an average daily attendance
13 (ADA) of more than five hundred (500) students but not more than one
14 thousand five hundred (1,500) students for the preceding year which,
15 in school year 1987-88 or any school year thereafter, expends for
16 administrative services, less expenditures for legal services, more
17 than eight percent (8%) of the amount it expends for total
18 expenditures, less expenditures for legal services, shall have the
19 amount which exceeds the eight percent (8%) withheld from the
20 following year's Foundation and Salary Incentive Aid.

21 ~~D.~~ C. Any school district with an average daily attendance
22 (ADA) of five hundred (500) or fewer students for the preceding year
23 which, in school year 1987-88 or any school year thereafter, expends
24 for administrative services, less expenditures for legal services,
25 more than ten percent (10%) of the amount it expends for total
26 expenditures, less expenditures for legal services, shall have the
27 amount which exceeds the ten percent (10%) withheld from the
28 following year's Foundation and Salary Incentive Aid; ~~provided, for~~
29 ~~districts having average daily attendance (ADA) of two hundred (200)~~
30 ~~or fewer students in the 1986-87 school year, the amount withheld in~~
31 ~~the 1988-89 school year for excess administrative expenditures in~~
32

1 ~~the 1987-88 school year shall be the amount in excess of twelve~~
2 ~~percent (12%).~~

3 D. Each school site within a school district shall take steps
4 to ensure that the administrative costs for the school comply with
5 the expenditure limits established for school districts in this
6 section.

7 E. Funds withheld pursuant to the provisions of this section
8 shall be distributed through the State Aid formula to the districts
9 not so penalized.

10 SECTION 14. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 5-144 of Title 70, unless there
12 is created a duplication in numbering, reads as follows:

13 Upon the arrest of a person on a felony warrant, if the law
14 enforcement officer making the arrest is aware that the person
15 arrested is a student or employee of a school district, the
16 arresting officer shall notify the superintendent of the district of
17 the arrest of the student or employee.

18 SECTION 15. AMENDATORY 70 O.S. 1991, Section 1210.553,
19 is amended to read as follows:

20 Section 1210.553 A. ~~The~~ Contingent upon the provision of
21 appropriated funds designated for such purpose, the State Board of
22 Education ~~shall solicit proposals for, and if funds are available~~
23 ~~make~~ is authorized to award one or more competitive grants to school
24 districts or nonprofit organizations ~~for, pilot projects for the~~
25 ~~offering of~~ providing academically-oriented ~~activity~~ programs ~~for~~ to
26 students in at-risk or disadvantaged urban school districts needing
27 or desiring ~~structured~~ such programs during before-school,
28 after-school, and summer periods.

29 B. The State Board of Education shall determine pilot ~~project~~
30 program criteria and establish a process for the consideration of
31 proposals. Such proposals for pilot ~~projects~~ programs shall be
32 considered on a statewide competitive basis. The State Board of

1 Education is authorized to promulgate rules ~~and regulations~~ for the
2 operation of such ~~projects~~ programs.

3 SECTION 16. AMENDATORY Section 44, Chapter 247, O.S.L.
4 1996, as amended by Section 1, Chapter 175, O.S.L. 1997 (70 O.S.
5 Supp. 1998, Section 1210.568), is amended to read as follows:

6 Section 1210.568 A. Beginning with the first semester of the
7 1996-1997 school year, the State Board of Education shall implement
8 a statewide system of alternative education programs which shall be
9 phased-in within five (5) years. The statewide system shall include
10 but not be limited to Alternative Approaches grant programs, funded
11 pursuant to Section 1210.561 of this title, Alternative Education
12 Academies pilot programs, funded pursuant to Section 1210.563 of
13 this title and alternative academies or alternative programs
14 implemented pursuant to this section. The funding for Alternative
15 Education Academies pilot programs, after the third year of funding
16 provided pursuant to Section 1210.563 of this title, shall be
17 provided from funds appropriated for the statewide system.

18 B. Beginning with the first semester of the 2000-2001 school
19 year, all school districts of this state shall provide alternative
20 education programs that conform to the requirements of statutes and
21 rules applicable to alternative education. A program shall:

22 1. Allow class sizes and student/teacher ratios which are
23 conducive to effective learning for at-risk students;

24 2. Incorporate appropriate structure, curriculum, and
25 interaction and reinforcement strategies designed to provide
26 effective instruction;

27 3. Include an intake and screening process to determine
28 eligibility of students;

29 4. Demonstrate that teaching faculty are appropriately
30 certified teachers;

31 5. Demonstrate that teaching faculty have been selected on the
32 basis of a record of successful work with at-risk students or

1 personal and educational factors that qualify them for work with at-
2 risk students;

3 6. Reflect appropriate collaborative efforts with state
4 agencies and local agencies serving youth;

5 7. Provide courses that meet the curricula standards adopted by
6 the State Board of Education and remedial courses;

7 8. Offer individualized instruction;

8 9. State clear and measurable program goals and objectives;

9 10. Include counseling and social services components with the
10 provision that providers of services are not required to be
11 certified as school counselors;

12 11. Require a plan leading to graduation be developed for each
13 child in the program;

14 12. Offer life skills instruction;

15 13. Provide opportunities for arts education to students,
16 including Artists in Residence programs coordinated with the
17 Oklahoma Arts Council;

18 14. Provide a proposed annual budget;

19 15. Include an evaluation component including an annual written
20 self-evaluation; and

21 16. Be appropriately designed to serve middle school, junior
22 high school and secondary school students in grades six through
23 twelve who are most at risk of not completing a high school
24 education for a reason other than that identified in Section 13-101
25 of this title.

26 C. Contingent upon the provision of appropriated funds
27 designated for such purpose, beginning with the 2001-2002 school
28 year, all school districts in the state providing alternative
29 education programs as required in subsection B of this section shall
30 expand the programs to include middle school grade students. The
31 program shall conform to the requirements of subsection B of this
32 section.

1 D. Contingent upon the provision of appropriated funds
2 designated for such purpose, beginning with the 2001-2002 school
3 year, each school identified by the State Department of Education as
4 having a high population of elementary grade students who are at
5 risk and in need of alternative education shall provide elementary
6 level alternative education programs. The State Department of
7 Education shall establish requirements for the programs.

8 E. By September 15 of each school year, all revenue received
9 and expended for students participating in an alternative education
10 program shall be reported to the State Department of Education by
11 major object codes and by program classifications pursuant to the
12 Oklahoma Cost Accounting System as adopted by the State Board of
13 Education pursuant to Section 5-135 of this title.

14 ~~D.~~ F. 1. The State Board of Education shall contract for
15 technical assistance for operation of an Alternative Education
16 Technical Assistance Center. The technical assistance provider
17 shall be an entity located in Oklahoma that has been officially
18 recognized by the United States Department of Education to assess
19 and facilitate dissemination of validated educational programs in
20 Oklahoma. The technical assistance provider shall have priority, if
21 its operations are deemed satisfactory by the State Board of
22 Education and if funds are available, for annual renewal of the
23 contract.

24 2. The duties of the technical assistance provider shall
25 include, but shall not be limited to:

26 a. providing initial and ongoing training of personnel
27 who will educate at-risk populations through
28 alternative education programs,

29 b. providing technical assistance to school districts to
30 enhance the probability of success of their
31 alternative education programs,

- 1 c. evaluating state-funded alternative education
2 programs,
3 d. reporting to the State Board of Education the
4 evaluation results of state-funded alternative
5 education programs, and
6 e. providing in-depth program analysis and evaluation of
7 state-funded alternative education programs.

8 ~~F.~~ G. All alternative education programs shall be subject to
9 statutes and rules applicable to alternative education, including
10 any exemptions from statutory or regulatory requirements authorized
11 by statutes or rule.

12 ~~F.~~ H. An alternative education program may be offered by an
13 individual school district or may be offered jointly by school
14 districts that have formed interlocal cooperative agreements
15 pursuant to Section 5-117b of ~~Title 70 of the Oklahoma Statutes~~ this
16 title.

17 SECTION 17. AMENDATORY Section 1, Chapter 348, O.S.L.
18 1997 (70 O.S. Supp. 1998, Section 1210.569), is amended to read as
19 follows:

20 Section 1210.569 A. Beginning with the 1997-98 school year,
21 each school district shall be required to update and submit on an
22 annual basis the student needs assessment and alternative education
23 plan outlined in Section 1210.566 of Title 70 of the Oklahoma
24 Statutes. The alternative education plan of each school district
25 shall provide for specific professional development programs for the
26 teachers teaching in or working with an alternative education
27 program. The annual needs assessment data shall be incorporated by
28 the State Board of Education into an annual report which shall be
29 submitted to the Speaker of the House of Representatives, the
30 President Pro Tempore of the Senate and the Governor. The report
31 shall also include a listing by school district of the number of
32

1 students funded and the reported number of students served in an
2 alternative education program.

3 B. Beginning with the 2001-2002 school year, each school
4 district identified by the State Department of Education as having a
5 high population of elementary grade students who are at risk and in
6 need of alternative education shall expand the annual student needs
7 assessment and alternative education plan as required in subsection
8 A of this section to include a needs assessment and education plan
9 for elementary students who are at risk and in need of alternative
10 education.

11 SECTION 18. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 1210.710 of Title 70, unless
13 there is created a duplication in numbering, reads as follows:

14 It is hereby the intent of the Oklahoma Legislature to provide
15 funding to school districts to hire school counselors at the
16 elementary level. Preference for funding shall be given to those
17 school districts that have the highest number of elementary students
18 at risk and in need of alternative education.

19 SECTION 19. AMENDATORY Section 4, Chapter 350, O.S.L.
20 1997 (70 O.S. Supp. 1998, Section 24-101.4), is amended to read as
21 follows:

22 Section 24-101.4 A. For any student that ~~enrolls~~ seeks or
23 intends to enroll in a school district other than the school
24 district for which the student was enrolled for that year or the
25 prior year, ~~upon the request of the receiving school district for~~
26 ~~the education records for that student,~~ the sending school district
27 shall retain and include in the records forwarded to the other
28 school district a copy of any disciplinary records for that student.
29 The forwarding and disclosure of disciplinary records or other
30 education records to a school district in which a student seeks or
31 intends to enroll shall be in accordance with the annual
32

1 notification requirements and provisions of the Family Educational
2 Rights and Privacy Act of 1974 (FERPA).

3 B. Each school district shall be required to release
4 nondirectory educational records to the agencies listed in Section
5 620.3 of Title 10 of the Oklahoma Statutes. The release of any
6 records shall be in accordance with the provisions of FERPA. The
7 term "nondirectory educational records" shall be those records
8 maintained by the school regarding a child who is or has been a
9 student at the school which are categorized as private or
10 confidential records pursuant to FERPA.

11 C. The State Board of Education shall promulgate rules for
12 monitoring school districts for compliance with this section and
13 providing sanctions for noncompliance with this section. The Board
14 shall inform school districts of their statutory responsibilities
15 for compliance with FERPA. Enforcement and sanctions shall be as
16 provided by the federal requirements under FERPA.

17 SECTION 20. AMENDATORY 70 O.S. 1991, Section 6-114, as
18 amended by Section 2, Chapter 241, O.S.L. 1995 (70 O.S. Supp. 1998,
19 Section 6-114), is amended to read as follows:

20 Section 6-114. A. Each district board of education shall adopt
21 a policy for the control and discipline of all children attending
22 public school in that district. Such policy shall provide options
23 for the methods of control and discipline of the students and shall
24 define standards of conduct to which students are expected to
25 conform. In developing the policy, the district board of education
26 shall make an effort to involve the teachers, parents, and students
27 affected. The students, teachers, and parents or guardian of every
28 child residing within a school district shall be notified by the
29 district board of education of its adoption of the policy and shall
30 receive a copy upon request. Provided, the teacher of a child
31 attending a public school shall have the same right as a parent or
32 guardian to control and discipline such child according to local

1 policies during the time the child is in attendance or in transit to
2 or from the school or any other school function authorized by the
3 school district or classroom presided over by the teacher.

4 B. Except concerning students on individualized education plans
5 (IEP) pursuant to the Individuals with Disabilities Education Act
6 (IDEA), P.L. No. 101-476, the State Board of Education shall not
7 have authority to prescribe student disciplinary policies for school
8 districts or to proscribe corporal punishment in the public schools.
9 The State Board of Education shall not have authority to require
10 school districts to file student disciplinary action reports more
11 often than once each year and shall not use disciplinary action
12 reports in determining a school district's or school site's
13 eligibility for program assistance including competitive grants.

14 C. The board of education of each school district in this state
15 shall have the power and authority to adopt a dress code to be
16 incorporated as a part of the discipline policy of the school. Any
17 rules concerning the dress code of a school adopted by the board of
18 education shall have a reasonable connection with the education
19 function entrusted to the board and shall not censure the political
20 opinions of the students or unreasonably interfere with common
21 clothing fads of students. However, nothing in this section shall
22 prevent a school district from instituting a uniform dress code.

23 SECTION 21. NEW LAW A new section of law to be codified
24 in the Oklahoma Statutes as Section 18-202 of Title 70, unless there
25 is created a duplication in numbering, reads as follows:

26 Each school district shall ensure that all State Aid generated
27 by the economically disadvantaged pupil category weight for the
28 average daily membership of the school district is distributed to
29 each school site within the district based on the percentage of
30 economically disadvantaged students at each school site.

1 SECTION 22. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 8-101.1 of Title 70, unless
3 there is created a duplication in numbering, reads as follows:

4 Sections 22 through 26 of this act shall be known and may be
5 cited as the "Education Open Transfer Act".

6 SECTION 23. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 8-101.2 of Title 70, unless
8 there is created a duplication in numbering, reads as follows:

9 A. On and after January 1, 2000, the transfer of a student from
10 the district in which the student resides to another school district
11 furnishing instruction in the grade the student is entitled to
12 pursue shall be granted if the transfer has the approval of the
13 board of education of the receiving district. A student granted a
14 transfer may continue to attend the school to which the student
15 transferred with the approval of the receiving district only, and
16 any brother or sister of such student may attend such school with
17 the approval of the receiving district only. No student shall be
18 permitted to transfer more than once in any school year.

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

22 B. When a student has been transferred and later changes
23 residence to another school district in the State of Oklahoma, the
24 student shall be entitled to continue to attend school in the
25 district to which the student was transferred. If a change of
26 residence is to the district to which the student was transferred,
27 upon affidavit of the parent, custodial parent, or guardian of the
28 child, that district shall become the resident district. If a
29 student changes residence to another district during the school year
30 which is not the same district the student transferred to, the
31 student shall be entitled to attend school in either the receiving
32

1 district or the new district of residence for the remainder of the
2 current year.

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

7 SECTION 24. AMENDATORY 70 O.S. 1991, Section 8-103, as
8 last amended by Section 2, Chapter 232, O.S.L. 1994 (70 O.S. Supp.
9 1998, Section 8-103), is amended to read as follows:

10 Section 8-103. A. In order that any ~~child~~ student may be
11 transferred, ~~an application for transfer shall be approved by the~~
12 ~~board of education of both the resident and receiving school~~
13 ~~district as provided for in this section. An application form~~
14 specified by the State Board of Education must be completed by the
15 parents, custodial parent or guardian of the ~~child~~ student. The
16 application shall be obtained from and filed with the superintendent
17 of the receiving school district for transfers to school districts
18 in the State of Oklahoma and with the State Board of Education for
19 transfers to school districts in another state. Applications shall
20 be filed no later than February 1 of the school year preceding the
21 school year for which the transfer is desired. The board of
22 education of the receiving school district shall approve or deny the
23 application for transfer, ~~and if approved, the superintendent of the~~
24 ~~receiving school district shall notify, in writing, not later than~~
25 ~~March 1, the clerk of the board of education of the resident school~~
26 ~~district of the board's decision on the application for transfer.~~
27 ~~On or before April 10, the board of education of the resident school~~
28 ~~district shall approve or deny the application for transfer and~~
29 ~~shall notify, in writing, the superintendent of the receiving~~
30 ~~district whether the transfer application was approved or denied.~~
31 ~~If the resident school district denies the transfer application it~~
32 ~~shall send written notice of the denial to the receiving school~~

1 ~~district by certified mail. If the resident school district fails~~
2 ~~to notify the receiving school district by the due date, the~~
3 ~~application shall be deemed approved by the receiving school~~
4 ~~district. The superintendent of the receiving school district~~
5 ~~shall, not later than May 1, send written notice to the clerk of the~~
6 ~~board of education of the resident school district and the parents~~
7 ~~or guardian of the child confirming whether or not the transfer has~~
8 ~~been granted for each application submitted June 1 of the same year.~~

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

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

20 SECTION 25. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 8-103.1 of Title 70, unless
22 there is created a duplication in numbering, reads as follows:

23 A local school district board of education which receives a
24 request for a transfer for a student who does not reside in the
25 school district may refuse the transfer in accordance with the
26 provisions of the transfer policy adopted by the local school
27 district board of education.

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

31
32

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

4 SECTION 26. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 8-103.2 of Title 70, unless
6 there is created a duplication in numbering, reads as follows:

7 A student who enrolls, pursuant to the Education Open Transfer
8 Act, in a school district in which the student is not a resident
9 shall not be eligible to participate in school-related extramural
10 competition governed by the Oklahoma Secondary School Activities
11 Association for a period of one (1) year from the first day of
12 attendance at the receiving school unless the transfer is from a
13 school district which does not offer the grade the student is
14 entitled to pursue.

15 SECTION 27. AMENDATORY 70 O.S. 1991, Section 9-101, is
16 amended to read as follows:

17 Section 9-101. A. Any school district may provide
18 transportation for any child who is participating in any
19 prekindergarten or early childhood program operated by the school
20 district or any child who is participating in any Head Start program
21 offered within the school district.

22 B. Upon a request for a student transfer pursuant to the
23 provisions of the Education Open Transfer Act, if the parent or
24 guardian of the student requests that the receiving district provide
25 transportation for the student, and if the receiving district grants
26 the transfer, then the receiving district may provide such
27 transportation only within the boundaries of the receiving school
28 district.

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

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

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

10 SECTION 28. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 3-130 of Title 70, unless there
12 is created a duplication in numbering, reads as follows:

13 Sections 28 through 40 of this act shall be known and may be
14 cited as the "Oklahoma Charter Schools Act".

15 SECTION 29. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 3-131 of Title 70, unless there
17 is created a duplication in numbering, reads as follows:

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

19 1. Improve student learning;

20 2. Increase learning opportunities for students;

21 3. Encourage the use of different and innovative teaching
22 methods;

23 4. Provide additional academic choices for parents and
24 students;

25 5. Require the measurement of student learning and create
26 different and innovative forms of measuring student learning;

27 6. Establish new forms of accountability for schools; and

28 7. Create new professional opportunities for teachers and
29 administrators including the opportunity to be responsible for the
30 learning program at the school site.

31 B. The purpose of this act is not to provide a means by which
32 to keep open a school that may otherwise be closed. Applicants

1 applying for a charter for a school which is to be otherwise closed
2 shall be required to prove that conversion to a charter school
3 fulfills the purposes of the act independent of closing the school.
4 Provided, nothing in this section shall be interpreted to preclude a
5 school designated as a "high challenge school" from becoming a
6 charter school.

7 SECTION 30. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 3-132 of Title 70, unless there
9 is created a duplication in numbering, reads as follows:

10 A. The Oklahoma Charter Schools Act shall apply only to charter
11 schools formed and operated under the provisions of this act.

12 B. For purposes of the Oklahoma Charter Schools Act, "charter
13 school" means a public school established by contract with a board
14 of education of a school district or an area vocational-technical
15 school district pursuant to the act to provide learning that will
16 improve student achievement.

17 C. A charter school may consist of a new school, new schools or
18 all or any portion of an existing school. Provided, an entire
19 school district may not become a charter school.

20 SECTION 31. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 3-133 of Title 70, unless there
22 is created a duplication in numbering, reads as follows:

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

27 1. A mission statement for the charter school;

28 2. A description of the organizational structure and the
29 governing body of the charter school;

30 3. A financial plan for the first three (3) years of operation
31 of the charter school and a description of the treasurer or other
32 officers or persons who shall have primary responsibility for the

1 finances of the charter school. Such person shall have demonstrated
2 experience in school finance or the equivalent thereof;

3 4. A description of the hiring policy of the charter school;

4 5. The name of the applicant or applicants and requested
5 sponsor;

6 6. A description of the facility and location of the charter
7 school;

8 7. A description of the grades being served;

9 8. An outline of criteria designed to measure the effectiveness
10 of the charter school; and

11 9. A demonstration of support for the charter school from
12 residents of the school district, which may include but is not
13 limited to a survey of the school district residents or a petition
14 signed by residents of the school district.

15 B. A board of education of a public school district, public
16 body, public or private college or university, private person or
17 private organization may contract with a sponsor to establish a
18 charter school. A private school shall not be eligible to contract
19 for a charter school under the provisions of this act.

20 C. The sponsor of a charter school is the board of education of
21 a school district or an area vocational-technical school district.
22 Any board of education of a school district or an area vocational-
23 technical school district in the state may sponsor one or more
24 charter schools. The physical location of a charter school
25 sponsored by a board of education of a school district or an area
26 vocational-technical school district shall be within the boundaries
27 of the sponsoring school district.

28 D. An applicant for a charter school may submit an application
29 to a board of education of a school district or an area vocational-
30 technical school district which shall either accept or reject
31 sponsorship of the charter school within ninety (90) days of receipt
32 of the application. If the board rejects the application, it shall

1 notify the applicant in writing of the reasons for the rejection.
2 The applicant may submit a revised application for reconsideration
3 to the board within thirty (30) days after receiving notification of
4 the rejection. The board shall accept or reject the revised
5 application within thirty (30) days of its receipt.

6 E. A board of education of a school district or an area
7 vocational-technical school district shall notify the State Board of
8 Education when the board accepts sponsorship of a charter school.
9 The notification shall include a copy of the charter of the charter
10 school.

11 F. If the board of education rejects the revised application
12 the sponsor of the charter school may request that the question of a
13 charter school be placed on the ballot for acceptance or rejection
14 by the voters of the school district at the next scheduled school
15 district election. If a majority of voters voting in the election
16 approve the question of acceptance of the charter school, the board
17 of education shall accept sponsorship of the charter school.

18 SECTION 32. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 3-134 of Title 70, unless there
20 is created a duplication in numbering, reads as follows:

21 A. The sponsor of a charter school shall enter into a written
22 contract with the governing body of the charter school. The
23 contract shall incorporate the provisions of the charter of the
24 charter school and contain, but shall not be limited to, the
25 following provisions:

- 26 1. A description of the program to be offered by the school
27 which complies with the purposes outlined in Section 29 of this act;
- 28 2. Admission policies and procedures;
- 29 3. Management and administration of the charter school;
- 30 4. Requirements and procedures for program and financial
31 audits;

32

1 5. A description of how the charter school will comply with the
2 charter requirements set forth in this act;

3 6. Assumption of liability by the charter school; and

4 7. The term of the contract.

5 B. The employees of a charter school are employees of the local
6 board of education and are thereby entitled to all rights and
7 privileges normally accorded to other similar employees of the
8 school district.

9 C. The charter school shall execute a surety bond for the
10 benefit of the sponsor of the charter school in an amount estimated
11 by the board to be equal to the annual operating budget of the
12 charter school plus any monies held in reserve.

13 SECTION 33. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 3-135 of Title 70, unless there
15 is created a duplication in numbering, reads as follows:

16 A. A charter school shall adopt a charter which will ensure
17 compliance with the following:

18 1. A charter school shall comply with all federal, state and
19 local rules, regulations and statutes relating to health, safety,
20 civil rights and insurance. By January 1, 2000, the State
21 Department of Education shall prepare a list of relevant rules,
22 regulations and statutes which a charter school must comply with as
23 required by this paragraph and shall annually provide an update to
24 the list;

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

30 3. The charter school shall provide a comprehensive program of
31 instruction for at least a kindergarten program or any grade between
32 grades one and twelve. Instruction may be provided to all persons

1 between the ages of five (5) and twenty-one (21) years. A charter
2 school may offer a curriculum which emphasizes a specific learning
3 philosophy or style or certain subject areas such as mathematics,
4 science, fine arts, performance arts or foreign language;

5 4. A charter school shall participate in the testing as
6 required by the Oklahoma School Testing Program Act and the
7 reporting of test results as is required of a school district. A
8 charter school shall also provide any necessary data to the Office
9 of Accountability;

10 5. Except as provided for in this act and its charter, a
11 charter school shall operate in accordance with the Educational
12 Deregulation Act;

13 6. A charter school, to the extent possible, shall be subject
14 to the same reporting requirements, financial audits, audit
15 procedures and audit requirements as a school district. The State
16 Department of Education or State Auditor and Inspector may conduct
17 financial, program or compliance audits. A charter school shall use
18 the Oklahoma Cost Accounting System to report financial transactions
19 to the sponsoring school district;

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

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

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

29 10. A charter school may not charge tuition or fees;

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

1 12. A charter school shall comply with the student suspension
2 requirements provided for in Section 24-101.3 of Title 70 of the
3 Oklahoma Statutes;

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

6 14. Employees of a charter school may participate as members of
7 the Teachers' Retirement System of Oklahoma in accordance with
8 applicable statutes, rules and regulations if otherwise allowed
9 pursuant to law;

10 15. A charter school may participate in all health and related
11 insurance programs available to the employees of the sponsor of the
12 charter school;

13 16. A charter school shall comply with the Oklahoma Open
14 Meeting Act and the Oklahoma Open Records Act; and

15 17. The governing body of a charter school shall be subject to
16 the same conflict of interest requirements as a member of a local
17 school board.

18 B. The charter of a charter school shall include a description
19 of the personnel policies, personnel qualifications and method of
20 school governance, and the specific role and duties of the sponsor
21 of the charter school.

22 C. The charter of a charter school may be amended at the
23 request of the governing body of the charter school and upon the
24 approval of the sponsor.

25 D. A charter school may enter into contracts and sue and be
26 sued.

27 E. The governing body of a charter school may not levy taxes or
28 issue bonds.

29 F. The charter of a charter school shall include a provision
30 specifying the method or methods to be employed for disposing of
31 real and personal property acquired by the charter school upon
32 expiration or termination of the charter or failure of the charter

1 school to continue operations. Any real or personal property
2 purchased with state or local funds shall be retained by the
3 sponsoring school district.

4 SECTION 34. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 3-136 of Title 70, unless there
6 is created a duplication in numbering, reads as follows:

7 A. An approved contract for a charter school shall be effective
8 for not longer than three (3) years from the first day of operation.
9 Prior to the beginning of the third year of operation, the charter
10 school may apply for renewal of the contract with the sponsor. The
11 sponsor may deny the request for renewal if it determines the
12 charter school has failed to complete the obligations of the
13 contract or comply with the act. A sponsor shall give written
14 notice of its intent not to renew the request for renewal at least
15 twelve (12) months prior to expiration of the contract.

16 B. If a sponsor denies a request for renewal the governing
17 board may request a vote on the question as provided for in Section
18 31 of this act.

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

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

3 SECTION 35. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 3-137 of Title 70, unless there
5 is created a duplication in numbering, reads as follows:

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

15 SECTION 36. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 3-138 of Title 70, unless there
17 is created a duplication in numbering, reads as follows:

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

24 B. A teacher who is employed by or teaching at a charter school
25 and who submits an employment application to the school district
26 where the teacher was employed immediately before employment by or
27 at a charter school shall be given employment preference by the
28 school district if:

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

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

1 SECTION 37. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3-139 of Title 70, unless there
3 is created a duplication in numbering, reads as follows:

4 A. A charter school shall enroll those students whose legal
5 residence is within the boundaries of the school district in which
6 the charter school is located and who submit a timely application,
7 or those students who transfer to the district in which the charter
8 school is located in accordance with Section 8-103 of Title 70 of
9 the Oklahoma Statutes, unless the number of applications exceeds the
10 capacity of a program, class, grade level or building. If capacity
11 is insufficient to enroll all eligible students, the charter school
12 shall select students through a lottery selection process. A
13 charter school shall give enrollment preference to eligible students
14 who reside within the boundaries of the school district in which the
15 charter school is located. A charter school may limit admission to
16 students within a given age group or grade level.

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

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

31 D. Except as provided in subsections B and C of this section, a
32 charter school shall not limit admission based on ethnicity,

1 national origin, gender, income level, disabling condition,
2 proficiency in the English language, measures of achievement,
3 aptitude or athletic ability.

4 SECTION 38. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 3-140 of Title 70, unless there
6 is created a duplication in numbering, reads as follows:

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

11 B. A charter school shall provide the parent or guardian
12 information regarding transportation at the time the student enrolls
13 in the charter school.

14 SECTION 39. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 3-141 of Title 70, unless there
16 is created a duplication in numbering, reads as follows:

17 A. For purposes of funding, a charter school shall be
18 considered a site within the school district in which the charter
19 school is sponsored and the student membership of the charter school
20 shall be included in the local school district's average daily
21 membership. A charter school shall receive, for each student, the
22 local school district's average local and county revenue, state
23 dedicated revenue and state appropriated funds per average daily
24 membership generated by its students for the applicable year, less
25 up to five percent (5%) of the total, which may be retained by the
26 school district as a fee for administrative services rendered. The
27 State Board of Education shall determine the policy and procedure
28 for making payments to a charter school.

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

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

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

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

15 SECTION 40. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 3-143 of Title 70, unless there
17 is created a duplication in numbering, reads as follows:

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

25 SECTION 41. REPEALER 70 O.S. 1991, Sections 8-102, as
26 amended by Section 34, Chapter 239, O.S.L. 1993 and 8-104, as last
27 amended by Section 3, Chapter 343, O.S.L. 1997 (70 O.S. Supp. 1998,
28 Sections 8-102 and 8-104), are hereby repealed.

29 SECTION 42. This act shall become effective July 1, 1999.

30 SECTION 43. It being immediately necessary for the preservation
31 of the public peace, health and safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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