

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

3RD CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 55

By: Long of the Senate

and

Fields, Bryant and Pope
(Clay) of the House

3RD CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to schools; amending Section 1, Chapter 354, O.S.L. 1994, as amended by Section 9, Chapter 305, O.S.L. 1995 (70 O.S. Supp. 1998, Section 5-134.1), which relates to school district budget adoption procedures; changing requirement to schedule public hearing; amending 70 O.S. 1991, Section 1210.199, which relates to cardiopulmonary resuscitation programs; allowing use of certain organization for training; allowing school districts to use certain funds to pay for certain training; amending 70 O.S. 1991, Section 21-101, as amended by Section 18, Chapter 305, O.S.L. 1995 (70 O.S. Supp. 1998, Section 21-101), which relates to private vocational schools; modifying definition of private school; amending 70 O.S. 1991, Section 21-106, as amended by Section 7, Chapter 278, O.S.L. 1992 (70 O.S. Supp. 1998, Section 21-106), which relates to licensing of private vocational schools; modifying licensing requirements; removing requirement for contribution to Tuition Recovery Fund; requiring filing of corporate surety bonds or certificate of deposit by certain schools; forgiving requirement for certain contributions to certain funds; repealing Sections 3 and 4, Chapter 278, O.S.L. 1992, Section 5, Chapter 278, O.S.L. 1992, as amended by Section 20, Chapter 305, O.S.L. 1995, and Section 6, Chapter 278, O.S.L. 1992 (70 O.S. Supp. 1998, Sections 21-200, 21-201, 21-202, and 21-203), which relate to Tuition Recovery Fund, advance tuition loss claims, assessments for Tuition Recovery Fund, and rulemaking authority of Oklahoma Board of Private Vocational Schools; providing for noncodification; providing effective dates; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 1, Chapter 354, O.S.L. 1994, as amended by Section 9, Chapter 305, O.S.L. 1995 (70 O.S. Supp. 1998, Section 5-134.1), is amended to read as follows:

Section 5-134.1 A. No later than July 31 each district board of education shall prepare a statement of actual income and expenditures of the district for the fiscal year that ended on the preceding June 30. The board shall post a copy of the income and expenditures statement in the administrative office of the board in an area accessible to the public and in at least one public library within the district within five (5) days after the statement is prepared. The statement of expenditures shall include functional categories as defined in rules promulgated by the State Board of Education to implement the Oklahoma Cost Accounting System pursuant to Section 5-135 of Title 70 of the Oklahoma Statutes. Provided, the statement of expenditures shall specifically include a detailed account of expenditures of the funds generated by and allocated to the school district through the economically disadvantaged weight in the State Aid Formula pursuant to the Oklahoma Cost Accounting System, for all school districts with an average daily membership (ADM) greater than ten thousand (10,000).

B. No later than September 1 the State Department of Education shall provide each school district an estimate of the district's allocation of State Aid for the current fiscal year.

C. No later than fifteen (15) days prior to adoption of a final budget for the district as provided in subsection D of this section, the board shall ~~schedule~~ conduct a public hearing for the purpose of taking public comment on financial matters, including past and future expenditures, of the district. ~~The hearing may be held at a regularly scheduled board meeting or at a special board meeting called for that purpose. Notice of the hearing shall be given in the same manner as notice of board meetings is given.~~

D. No later than forty-five (45) days after the district's estimate of needs, filed pursuant to Section 3002 of Title 68 of the Oklahoma Statutes, is approved by the county excise board, the board shall adopt a final budget for the current fiscal year. The final budget shall include functional categories as defined in rules promulgated by the State Board of Education to implement the Oklahoma Cost Accounting System pursuant to Section 5-135 of Title 70 of the Oklahoma Statutes.

E. The final budget may be revised upon approval of the district board of education in open meeting.

SECTION 2. AMENDATORY 70 O.S. 1991, Section 1210.199, is amended to read as follows:

Section 1210.199 A. All students enrolled in physical education in classes in grades nine through twelve in the public schools of this state may receive instruction in the techniques of cardiopulmonary resuscitation sufficient to enable such students to give emergency assistance to victims of cardiac arrest.

B. The State Department of Education may administer the cardiopulmonary resuscitation instruction program and train teaching personnel pursuant to ~~regulations~~ rules adopted by the State Board of Education. Teaching materials and training courses provided by the American Red Cross, the American Heart Association and similar organizations may be utilized.

C. School districts may use state funds allocated to the school district for professional development to pay for or to reimburse teachers and support personnel for training in the administration of first aid and techniques of cardiopulmonary resuscitation.

SECTION 3. AMENDATORY 70 O.S. 1991, Section 21-101, as amended by Section 18, Chapter 305, O.S.L. 1995 (70 O.S. Supp. 1998, Section 21-101), is amended to read as follows:

Section 21-101. As used in Sections 21-101 through ~~21-112~~ 21-203 of this title:

1. "Private school" means any privately owned business school, ~~flight school~~, trade school, or other school offering courses in, to residents of, or correspondence courses from Oklahoma in any business, professional, trade, technical, or industrial occupation for consideration or remuneration. The term private school shall not include barber schools, beauty schools, or other schools which are regulated or licensed pursuant to the provisions of any school licensing law of this state. Any barber schools, beauty schools, or other schools, of their own volition, may apply and be licensed pursuant to the provisions of Section 21-103 of this title if they meet the criteria for approval established by the Oklahoma Board of Private Vocational Schools. Said licensing shall not preclude such schools from complying with any present or future legislation dealing directly with such schools. In addition, such term shall not be construed to include ~~individuals who are not associated with a fixed base operator by ownership or contractually for profit or with a full-time flight training operation and who do not accept payment in advance of training but are authorized to provide~~ any form of flight instruction subject to regulations promulgated by the Federal Aviation Administration, or to include parochial, private, or other nonpublic schools offering programs of general education, accredited by the State Board of Education or the State Board of Regents for Higher Education;

2. "Board" means the Oklahoma Board of Private Vocational Schools;

3. The term "in-state branch" means any private school located within this state which offers substantially the same curriculum as is offered at its in-state main school; and

4. The term "out-of-state branch" means any out-of-state private school, located in the same state as its main school, which offers substantially the same curriculum as is offered at its main school.

SECTION 4. AMENDATORY 70 O.S. 1991, Section 21-106, as amended by Section 7, Chapter 278, O.S.L. 1992 (70 O.S. Supp. 1998, Section 21-106), is amended to read as follows:

Section 21-106. A. A license issued pursuant to the provisions of Section 21-103 of this title shall expire on June 30 following the date of issue. Said license may be renewed annually with the renewal application due not less than sixty (60) days prior to expiration, if the Board determines that such school remains in compliance with the standards or other requirements set by the Board. The license of any regionally or nationally accredited school within this state may be revoked if such school is found to be in violation of the Oklahoma Statutes.

B. A license of a school ~~that is not a member school as defined in Section 3 of this act~~ shall not be effective unless the private school has filed with the Board a corporate surety bond or a certificate of deposit in such a manner and in such amount as is required by the Board. ~~The license of a member school as defined in Section 3 of this act shall not be effective unless the private school has contributed to the Tuition Recovery Fund as defined in Section 3 of this act in an amount set by the Board or this act, and has filed a corporate surety bond or a certificate of deposit in such manner and in such penal amount as is required by the Board. The amount of such certificate of deposit or surety bond may be reduced as the Tuition Recovery Fund increases. No bond or certificate of deposit shall be required of a qualifying school as defined in Section 3 of this act after the Tuition Recovery Fund has assets required by this act. The license of a new school as defined in Section 3 of this act shall not be effective unless the school has contributed to the Tuition Recovery Fund in an amount set by the Board or this act and has filed a corporate surety bond or certificate of deposit in such manner and in such penal amount as is required of a school that is not a member school. A new school that~~

~~has been licensed three (3) successive years shall have the same requirements for filing corporate surety bonds or certificates of deposits as a qualifying school.~~

C. Private schools shall pay the following base fee per license issued by the Board:

1. A fee of Seven Hundred Fifty Dollars (\$750.00) shall be paid to the Board for the issuance of a license pursuant to the provisions of Section 21-103 of this title, and a fee of Three Hundred Seventy-five Dollars (\$375.00) shall be paid to the Board for each renewal of a license;

2. During the first licensing period of a school, a fee of Two Hundred Dollars (\$200.00) shall be paid to the Board for the issuance of each solicitor's permit pursuant to the provisions of Section 21-104 of this title. For the second and consecutive licensing periods of the school a fee of One Hundred Dollars (\$100.00) shall be paid to the Board for the issuance of each permit and a fee of One Hundred Dollars (\$100.00) shall be paid to the Board for each renewal of a permit. In addition to the fees required by this section, each private school shall pay an additional fee of Two Hundred Fifty Dollars (\$250.00) for each in-state branch and a fee of Two Hundred Fifty Dollars (\$250.00) for each out-of-state branch. Each branch which is not located in the same state as its main school or which does not offer substantially the same curriculum as is offered at the main school shall be considered to be a separate private school; and

3. A fee of Fifteen Dollars (\$15.00) shall be paid to the Board for the approval of a new catalog or changing to an approved catalog. A fee of Twenty-five Dollars (\$25.00) shall be paid to the Board whenever a private school or branch school changes location.

Upon application for a license or renewal of a license, each private school shall designate a main school location.

Beginning July 1, 1984, all fees, penalties and fines collected by the Board pursuant to the provisions of this section and Section 21-103 of this title shall be deposited with the State Treasurer for credit to the General Revenue Fund of the state.

D. If the annual renewal fee is not paid on or before the first day of July, such fee shall become delinquent and the license shall not be renewed except upon payment of a delinquent annual renewal fee. The delinquent annual renewal fee may be assessed in an amount and manner prescribed by the Board, not to exceed Five Hundred Dollars (\$500.00).

SECTION 5. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

Contributions to the Tuition Recovery Fund pursuant to Section 21-202 of Title 70 of the Oklahoma Statutes shall not be required or assessed for the second quarter of 1999 or any subsequent quarters.

SECTION 6. REPEALER Section 5, Chapter 278, O.S.L. 1992, as amended by Section 20, Chapter 305, O.S.L. 1995 (70 O.S. Supp. 1998, Section 21-202), is hereby repealed.

SECTION 7. REPEALER Sections 3, 4 and 6, Chapter 278, O.S.L. 1992 (70 O.S. Supp. 1998, Sections 21-200, 21-201 and 21-203), are hereby repealed.

SECTION 8. Sections 1, 2, 3, 4, 5 and 6 of this act shall become effective July 1, 1999.

SECTION 9. Section 7 of this act shall become effective July 1, 2000.

SECTION 10. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.