

ENGROSSED HOUSE  
BILL NO. 2728

By: Benson, Askins, Beutler,  
Wells and Matlock of the  
House

and

Taylor of the Senate

An Act relating to schools; amending 70 O.S. 1991, Section 11-103.6, as amended by Section 1, Chapter 320, O.S.L. 1999 (70 O.S. Supp. 1999, Section 11-103.6), which relates to curriculum standards; adding sets of competencies as a requirement for high school graduation; clarifying that listed electives are not limited; deleting diploma of honor requirement; allowing certain additional courses with certain content and rigor; allowing certain applied courses to count towards graduation requirements; adding certain courses; deleting certain courses; adding certain arts requirement; requiring students to complete a certain number of elective courses; requiring school districts to encourage students to complete foreign language units; requiring school districts to offer a certain number of courses necessary to allow students to graduate; providing certain definitions; directing the State Department of Education to work with school districts on approving certain courses; providing for approval of certain courses; requiring school districts to pay for concurrent enrollment courses only under certain conditions; allowing courses to be taken in any sequence; requiring school districts to provide a six-hour school day; allowing credit to be awarded for courses with certain embedded competencies; establishing standard diploma requirements for students on individualized education programs and for students in alternative education; providing for an International Baccalaureate Diploma; allowing district boards of education to issue a certificate of distinction; providing certain qualifications for a certificate of distinction; authorizing the application of certain vocational-technical program courses and advanced placement courses towards qualifications for a certificate of distinction; defining terms; prohibiting colleges and universities from requiring a certificate of distinction for admission; amending Section 39, Chapter 320, O.S.L. 1999 (70 O.S. Supp. 1999, Section 2612), which relates to eligibility for the Oklahoma Tuition Scholarship Program; modifying eligibility criteria; adding certain eligibility criteria; providing an implementation date for the Program; amending Section 4, Chapter 320, O.S.L. 1999 (70 O.S. Supp. 1999, Section 6-189.1), which relates to certification requirements for mathematics teachers; providing an implementation date for certain grade levels; providing an implementation date for the sixth-grade

level; deleting certain grade level; allowing certain teachers to obtain certification by completing certain institutes or examinations; providing certain institute or examination to certain teachers free of charge; deleting certain exception; amending Sections 7, 8 and 11, Chapter 320, O.S.L. 1999 (70 O.S. Supp. 1999, Sections 3-132, 3-133 and 3-136), which relate to charter schools; clarifying requirements for sponsoring a charter school; requiring charter schools to address graduation requirements in the charter; amending Section 20, Chapter 320, O.S.L. 1999, 70 O.S. 1991, Section 8-103, as last amended by Section 21, Chapter 320, O.S.L. 1999, and Section 23, Chapter 320, O.S.L. 1999 (70 O.S. Supp. 1999, Sections 8-101.2, 8-103 and 8-103.2), which relate to the Education Open Transfer Act; exempting certain student transfers from the Education Open Transfer Act; requiring notification of the parents by a certain date; requiring the parents to notify the school district about enrollment by a certain date; modifying athletic eligibility for certain transfers; amending 70 O.S. 1991, Section 6-114, as last amended by Section 34, Chapter 320, O.S.L. 1999 (70 O.S. Supp. 1999, Section 6-114), which relates to disciplinary policy for school districts; modifying school district authority to adopt a dress code; modifying school district authority to adopt a uniform dress code; amending Section 56, Chapter 320, O.S.L. 1999, which relates to implementation of certain sections of law; modifying sections of law; repealing Section 1, Chapter 251, O.S.L. 1998, as amended by Section 2, Chapter 320, O.S.L. 1999 and Section 2, Chapter 251, O.S.L. 1998, as amended by Section 3, Chapter 320, O.S.L. 1999 (70 O.S. Supp. 1999, Sections 11-103.2c and 11-103.2d), which relate to the diploma of honor; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 11-103.6, as amended by Section 1, Chapter 320, O.S.L. 1999 (70 O.S. Supp. 1999, Section 11-103.6), is amended to read as follows:

Section 11-103.6 A. The State Board of Education shall adopt curricular standards for instruction of students in the public schools of this state that are necessary to ensure there is attainment of desired levels of competencies in a variety of areas to include language, mathematics, science, social studies and communication. All students shall gain literacy at the elementary and secondary levels through a core curriculum. Students must

develop skills in reading, writing, speaking, computing and critical thinking. They also must learn about cultures and environments - their own and those of others with whom they share the earth. Students, therefore, must study social studies, literature, languages, the arts, mathematics and science. Such curricula shall provide for the teaching of a hands-on career exploration program in cooperation with vocational-technical education schools. The core curriculum shall be designed to teach the competencies for which students shall be tested as provided in Section 1210.508 of this title, and shall be designed to prepare all students for employment and/or post secondary education.

B. Beginning with the 2002-2003 school year, in order to graduate from a public high school accredited by the State Board of Education with a standard diploma, students shall complete the following core curriculum units or sets of competencies at the secondary level:

1. Language Arts - 4 units or sets of competencies, to consist of 1 unit or set of competencies of grammar and composition, and 3 units ~~from the following language arts electives -~~ or sets of competencies which may include, but are not limited to, the following courses: American Literature ~~or~~, English Literature ~~(which are required to qualify for the diploma of honor as provided for in Section 11-103.2 of this title)~~, World Literature, Advanced English Courses, or ~~Speech~~ other English courses with content and/or rigor equal to or above the required core course of grammar and composition;

2. Mathematics - 3 units or sets of competencies, to consist of 1 unit or set of competencies of Algebra I or a course with the content and rigor of Algebra I that is taught in a contextual methodology, and 2 units ~~from the following mathematics electives -~~ or sets of competencies which may include, but are not limited to, the following courses: Algebra II ~~or~~, Geometry ~~(which are required~~

~~to qualify for the diploma of honor as provided for in Section 11-103.2 of this title),~~ Trigonometry, Math Analysis or Precalculus, Calculus, Statistics and/or Probability, ~~Mathematics of Finance,~~ ~~Applied Mathematics I and II~~ a course with the content and rigor of Geometry that is taught in a contextual methodology, ~~or~~ Computer Science, or other mathematics courses with content and/or rigor equal to or above the required core course of Algebra I. Provided, credit may be granted for Applied Mathematics I and II and Computer Science whether taught at the comprehensive high school or at a vocational-technical school;

3. Science - 3 units or sets of competencies, to consist of 1 unit or set of competencies of Biology I or Applied Biology/Chemistry when the course has the content and rigor of Biology I but is taught in a contextual methodology, and 2 units ~~from the following science electives -~~ or sets of competencies in the areas of life, physical, or earth science or technology which may include, but are not limited to, the following courses: ~~Chemistry I or,~~ Physics ~~(which are required to qualify for the diploma of honor as provided for in Section 11-103.2 of this title),~~ Biology II, ~~Chemistry II,~~ Physical Science, Earth Science, Botany, Zoology, Physiology, Astronomy, ~~or~~ Applied Science ~~(Biology/Chemistry, Physics, and Technology)~~ or Physics, Principles of Technology, ~~the 4th year of agriculture education when taken in the twelfth grade~~ qualified agricultural education courses, or other science courses with content and/or rigor equal to or above the required core course of Biology I or Applied Biology/Chemistry. Provided, credit may be granted for the Applied Science ~~(Biology/Chemistry, Physics, and Principles of Technology)~~ whether taught at the comprehensive high school or at a vocational-technical school; and

4. Social Studies - 3 units or sets of competencies, to consist of 1 unit or set of competencies of United States History, ~~1/2 to 1~~

~~unit of United States Government, 1/2 unit or set of competencies of Oklahoma History, and 1/2 to 1 unit from the following social studies electives~~ — 1 1/2 units or sets of competencies which may include, but are not limited to, the following courses: World History (which is required to qualify for the diploma of honor as provided for in Section 11-103.2 of this title), United States Government, Geography, Economics, Anthropology, Psychology or Sociology or other social studies courses with content and/or rigor equal to or above the required core courses of United States History and Oklahoma History; and

5. Arts - 2 units or sets of competencies which may include, but are not limited to, courses in Visual Arts and General Music.

C. In addition to the 15 units or sets of competencies of core curriculum requirements established in subsection B of this section, in order to graduate from a public high school accredited by the State Board of Education students shall complete any additional course requirements or recommend elective courses as may be established by the State Board of Education and the local school board. School districts shall strongly encourage students to complete two units or sets of competencies of foreign languages as part of the core curriculum for high school graduation.

D. A school district shall not be required to offer every course listed in subsection B of this section, but shall be required to offer enough course selection necessary to allow a student to meet the graduation requirements during the secondary grade years of the student.

E. For purposes of this section, a "unit":

1. "Unit" means a Carnegie Unit as defined by the North Central Association's Commission on Schools;

2. "Sets of competencies" means those skills and competencies that are specified in the Priority Academic Student Skills (PASS),

and other skills and competencies adopted by the State Board of Education;

3. "Rigor" means a quality that is appropriate for the grade level and that meets state and national standards;

4. "Contextual methodology" means academic content and skills taught by utilizing real-world problems and projects in a way that helps students understand the relationship of that knowledge with life after high school; and

5. "Qualified agricultural education courses" means courses that have been determined by the State Board of Education to offer the sets of competencies in the Priority Academic Student Skills (PASS) for one or more science content areas and which correspond to academic science courses. Qualified agricultural education courses shall include, but are not limited to, Horticulture, Plant and Soil Science, Natural Resources and Environmental Science, and Animal Science. The courses shall be taught by teachers certified in agricultural education and comply with all rules of the Oklahoma Department of Vocational and Technical Education.

~~C. F.~~ 1. The State Board of Education shall adopt a plan to ensure that rigor is maintained in the content, teaching methodology, level of expectations for student achievement, and application of learning in all the courses taught to meet the graduation requirements as specified in subsection B of this section.

2. The State Board of Education shall allow as much option at the local district level as is possible without diminishing the rigor or undermining the intent of providing these courses. The State Department of Education shall work with local school districts in reviewing and approving courses taught by districts that are not specifically listed in subsection B of this section. Local options may include, but shall not be limited to, ~~comparable~~ courses taken by concurrent enrollment ~~or~~, advanced placement, ~~and comparable or~~

courses bearing different titles which are equal to or above the content and/or rigor of those courses listed in subsection B of this section.

3. If a student enrolls in a concurrent course, the school district shall not be responsible for payment or tuition for that course, unless the school district does not offer enough course selection during the secondary grade years of the student to allow the student to receive the courses needed to meet the graduation requirements of subsection B of this section. If the school district does not meet the necessary course selection, it shall be responsible for payment or tuition for the concurrent enrollment course.

4. Credit for the ~~courses~~ units or sets of competencies required in subsection B of this section shall be given when such ~~courses~~ units or sets of competencies are taken in the seventh or eighth grades if the teachers are certified to teach the ~~courses at the intermediate or secondary level~~ subjects for high school credit and the required ~~course~~ rigor is maintained. All units or sets of competencies required for graduation may be taken in any sequence recommended by the local school district.

~~D.~~ G. As a condition of receiving accreditation from the State Board of Education, all students in grades nine through twelve shall enroll in a minimum of six periods, or the equivalent in block scheduling, of rigorous academic and/or rigorous vocational courses each day, which may include arts, vocal and instrumental music, speech classes, and physical education classes. School districts shall be required to provide a school day that consists of not less than six (6) hours as required in Section 1-111 of this title.

~~E.~~ H. Courses designed to offer sets of competencies integrated or embedded within academic and vocational-technical courses to provide for the teaching and learning of the skills and knowledge in the Priority Academic Student Skills (PASS) may be awarded academic

credit and counted toward meeting the graduation requirements upon completion of the skills. The State Board of Education shall approve academic or vocational-technical courses as available to be counted towards meeting the graduation requirements of subsection B of this section if the Board determines that the appropriate PASS knowledge and skills are integrated or embedded within the course.

The State Board of Education shall provide an option for high school graduation based upon attainment of the desired levels of competencies as required in tests pursuant to the provisions of Section 1210.508 of this title. Such option shall be in lieu of the amount of course credits earned.

~~F.~~ I. The State Board of Education shall prescribe, adopt and approve a promotion system based on the attainment by students of specified levels of competencies in each area of the core curriculum. Provided, however, that children who have individualized education plans pursuant to the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476 may be exempted from the requirements of this subsection.

J. Children who have individualized education programs pursuant to the Individuals with Disabilities Education Act (IDEA), and who satisfy the graduation requirements through programming in the individualized education program for that student shall qualify for and be awarded a standard diploma.

K. Students enrolled in an alternative education program who meet the alternative graduation requirements established for that student shall qualify for and be awarded a standard diploma.

L. Any student who completes the curriculum requirements of the International Baccalaureate Diploma Program shall also be awarded a standard diploma.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-103.6c of Title 70, unless there is created a duplication in numbering, reads as follows:

A. District boards of education may develop and issue a certificate of distinction that is to be awarded to students, beginning with students in the 2001-2002 high school graduating class who have met or exceeded the following criteria by the end of their senior year in high school with at least a 3.25 grade point average on a 4.0 scale:

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

2. Earned two additional units in the area of technology, the humanities, or the arts;

3. Earned two units in a foreign language; and

4. Achieved a satisfactory score, or its equivalent, on all end-of-instruction tests as required pursuant to Section 1210.508 of Title 70 of the Oklahoma Statutes, as those tests are implemented.

B. For purposes of this section, applicable vocational-technical classes offered by comprehensive high school vocational-technical programs shall qualify for technology, science, and mathematics units. Students enrolled in the programs may use one unit of their six concentrated vocational-technical curriculum units for one unit of mathematics required by this section and one unit of their six concentrated vocational-technical curriculum units for one unit of science required by this section. Advanced placement classes in the subject areas listed in paragraphs 1, 2, and 3 of subsection A of this section may be substituted on a course-by-course basis to satisfy the academic units required for a certificate of distinction.

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

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-103.6d of Title 70, unless there is created a duplication in numbering, reads as follows:

Colleges and universities shall not make holding a certificate of distinction a part of their admission standards.

SECTION 4. AMENDATORY Section 39, Chapter 320, O.S.L. 1999 (70 O.S. Supp. 1999, Section 2612), is amended to read as follows:

Section 2612. A. To be eligible to participate in the Oklahoma Tuition Scholarship Program and qualify for payment of general enrollment fees pursuant to Section ~~40~~ 2613 of this ~~act~~ title, a student shall:

1. Be a resident of this state for a minimum of two (2) calendar years immediately prior to high school graduation. Provided, a student who is a dependent of a member of the armed services stationed in Oklahoma shall be eligible as a resident of the state for purposes of this section as long as the member is stationed in the state in full-time military service and under military orders;

2. Have graduated from a high school accredited by the State Board of Education or the Oklahoma School of Science and Mathematics and have been awarded a standard diploma ~~of honor~~ as provided for in Section ~~11-103.2e~~ 11-103.6 of ~~Title 70 of the Oklahoma Statutes~~ this title;

3. Have ~~obtained a score of 22 or higher on the American College Test~~ a graduate ranking in the top fifteen percent (15%) of their high school class and have earned not less than a 3.25 grade-point average on a 4.0 scale;

4. Attained a score of 26 or higher on the American College Test;

5. Have a total adjusted gross family income from taxable and nontaxable sources of not more than Seventy Thousand Dollars (\$70,000.00);

~~5.~~ 6. Have satisfied admission standards as determined by the Oklahoma State Regents for Higher Education for first-time-entering

students for the appropriate type of institution or, if attending a private institution of higher learning located within the state and accredited pursuant to Section 4103 of ~~Title 70 of the Oklahoma Statutes~~ this title or a postsecondary vocational-technical program or course offered pursuant to a duly approved cooperative agreement between an area vocational-technical school and an institution of The Oklahoma State System of Higher Education, have satisfied the admission standards for that private institution or vocational-technical program;

~~6.~~ 7. Have secured admission to, and enrolled in, an institution which is a member of The Oklahoma State System of Higher Education, a postsecondary vocational-technical program or course offered pursuant to a duly approved cooperative agreement between an area vocational-technical school and an institution of The Oklahoma State System of Higher Education, or a private institution of higher learning located within this state and accredited pursuant to Section 4103 of ~~Title 70 of the Oklahoma Statutes~~ this title;

~~7.~~ 8. Have made application for state and federal tuition aid programs; and

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

B. Payment of general enrollment fees shall begin for eligible students enrolling in a higher education program who graduate from high school during the 2002-2003 school year and shall continue for eligible students thereafter.

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

1. Maintain a minimum 2.75 cumulative grade point average on a 4.0 scale;

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

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

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

SECTION 5. AMENDATORY Section 4, Chapter 320, O.S.L. 1999 (70 O.S. Supp. 1999, Section 6-189.1), is amended to read as follows:

Section 6-189.1 ~~Any~~ A. Beginning with the 2000-2001 school year, any teacher employed by a public school to teach mathematics in grades ~~six~~, seven, or eight, shall be certified at the intermediate or secondary level in mathematics.

B. Any teacher hired by a public school for the 2005-2006 school year and thereafter to teach mathematics in the sixth grade shall be certified at the intermediate or secondary level in mathematics.

C. Any teacher without ~~such~~ intermediate or secondary level certification in mathematics hired by a school district prior to July 1, 2000, and serving in the school as a mathematics teacher for grades ~~six~~, seven, or eight, shall be required to obtain certification at the intermediate or secondary level in mathematics on or before the beginning of the 2003-2004 school year. For purposes of this subsection, a teacher may obtain such certification by successfully completing a professional development institute in intermediate or secondary mathematics developed and administered by the Oklahoma Commission for Teacher Preparation or by the State Board of Education or by successfully completing the appropriate subject area competency examinations. All teachers seeking such

certification shall be eligible to participate in the professional development institute or to take the subject area competency examination one time free of charge after July 1, 2000.

~~Any teacher teaching mathematics at the sixth-grade level in a school that is accredited by the State Board of Education as a kindergarten through sixth-grade elementary school shall be exempt from the provisions of this section.~~

SECTION 6. AMENDATORY Section 7, Chapter 320, O.S.L. 1999 (70 O.S. Supp. 1999, Section 3-132), is amended to read as follows:

Section 3-132. A. The Oklahoma Charter Schools Act shall apply only to charter schools formed and operated under the provisions of the act. Charter schools shall ~~only~~ be sponsored ~~by~~ only as follows:

1. By a local school district ~~or an area vocational-technical school district in districts~~ with an average daily membership of five thousand (5,000) or more and which all or part of the school district is located in a county having more than five hundred thousand (500,000) population according to the latest federal Decennial Census; or

2. By an area vocational-technical school district only when the charter school is located in a local school district served by the area vocational-technical school district and only if the local school district has an average daily membership of five thousand (5,000) or more and which all or part of the local school district is located in a county having more than five hundred thousand (500,000) population according to the latest federal Decennial Census.

Additional charter schools may be sponsored as provided for in Section ~~§~~ 3-133 of this ~~act~~ title.

Charter schools formed pursuant to the act shall serve as a pilot program to demonstrate the potential of expanding charter

schools to other parts of the state. Any charter or enterprise school operating in the state pursuant to an agreement with the board of education of a school district on July 1, 1999, may continue to operate pursuant to that agreement or may contract with the board of education of the school district pursuant to the Oklahoma Charter Schools Act. Nothing in the Oklahoma Charter Schools Act shall prohibit a school district from applying for exemptions from certain education-related statutory requirements as provided for in the Education Deregulation Act.

B. For purposes of the Oklahoma Charter Schools Act, "charter school" means a public school established by contract with a board of education of a school district or an area vocational-technical school district pursuant to the Oklahoma Charter Schools Act to provide learning that will improve student achievement and as defined in the Elementary and Secondary Education Act of 1965, 20 U.S.C. 8065.

C. A charter school may consist of a new school site, new school sites or all or any portion of an existing school site. An entire school district may not become a charter school site.

SECTION 7. AMENDATORY Section 8, Chapter 320, O.S.L. 1999 (70 O.S. Supp. 1999, Section 3-133), is amended to read as follows:

Section 3-133. In addition to charter schools sponsored as provided for in subsection A of Section ~~7~~ 3-132 of this ~~act~~ title, charter schools shall ~~only~~ be sponsored ~~by~~ only as follows:

1. By a local school district ~~or an area vocational-technical school district in districts~~ with an average daily membership of five thousand (5,000) or more and which all or part of the school district is located in a county which is contiguous with a county having more than five hundred thousand (500,000) population according the latest federal Decennial Census; ~~provided, no~~ or

2. By an area vocational-technical school district only when the charter school is located in a local school district served by the area vocational-technical school district and only if the local school district has an average daily membership of five thousand (5,000) or more and which all or part of the local school district is located in a county which is contiguous with a county having more than five hundred thousand (500,000) population according to the latest federal Decennial Census.

No charter school shall be chartered in School District I029 in County No. 14 and School District I027 in County No. 9.

SECTION 8. AMENDATORY Section 11, Chapter 320, O.S.L. 1999 (70 O.S. Supp. 1999, Section 3-136), is amended to read as follows:

Section 3-136. A. A charter school shall adopt a charter which will ensure compliance with the following:

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

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

3. The charter school shall provide a comprehensive program of instruction for at least a kindergarten program or any grade between grades one and twelve. Instruction may be provided to all persons between the ages of five (5) and twenty-one (21) years. A charter school may offer a curriculum which emphasizes a specific learning philosophy or style or certain subject areas such as mathematics,

science, fine arts, performance arts, or foreign language. The charter of a charter school which offers grades 9 through 12 shall specifically address whether the charter school will comply with the graduation requirements established in Section 11-103.6 of this title. No charter school shall be chartered for the purpose of offering a curriculum for deaf or blind students that is the same or similar to the curriculum being provided by or for educating deaf or blind students that are being served by the Oklahoma School for the Blind or the Oklahoma School for the Deaf;

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

5. Except as provided for in the Oklahoma Charter Schools Act and its charter, a charter school shall be exempt from all statutes and rules relating to schools, boards of education, and school districts;

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

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

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

9. A charter school shall not be used as a method of generating revenue for students who are being home schooled and are not being educated at an organized charter school site;

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

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

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

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

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

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

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

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

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

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

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

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

F. The charter of a charter school shall include a provision specifying the method or methods to be employed for disposing of real and personal property acquired by the charter school upon expiration or termination of the charter or failure of the charter school to continue operations. Any real or personal property purchased with state or local funds shall be retained by the sponsoring school district.

SECTION 9. AMENDATORY Section 20, Chapter 320, O.S.L. 1999 (70 O.S. Supp. 1999, Section 8-101.2), is amended to read as follows:

Section 8-101.2 A. On and after January 1, 2000, the transfer of a student from the district in which the student resides to another school district furnishing instruction in the grade the student is entitled to pursue shall be granted if the transfer has the approval of the board of education of the receiving district. A student granted a transfer may continue to attend the school to which the student transferred with the approval of the receiving district only, and any brother or sister of such student may attend such school with the approval of the receiving district only. No student shall be permitted to transfer more than once in any school year.

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

B. When a student has been transferred and later changes residence to another school district in the State of Oklahoma, the student shall be entitled to continue to attend school in the district to which the student was transferred. If a change of residence is to the district to which the student was transferred, upon affidavit of the parent of the student, that district shall

become the resident district. If a student changes residence to another district during the school year which is not the same district the student transferred to, the student shall be entitled to attend school in either the receiving district or the new district of residence for the remainder of the current year.

C. Any student transfer approved for any reason prior to ~~the implementation of the Oklahoma Charter Schools Act~~ January 1, 2000, shall continue to be valid ~~until this act is fully operational or until~~ and shall not be subject to the Education Open Transfer Act unless the parent having custody chooses otherwise.

SECTION 10. AMENDATORY 70 O.S. 1991, Section 8-103, as last amended by Section 21, Chapter 320, O.S.L. 1999 (70 O.S. Supp. 1999, Section 8-103), is amended to read as follows:

Section 8-103. A. In order that any student may be transferred, an application form specified by the State Board of Education must be completed by the parents of the student. For purposes of the Education Open Transfer Act, the term "parent" means the parent of the student or person having custody of the student as provided for in paragraph 1 of subsection A of Section 1-113 of this title. The application shall be obtained from and filed with the superintendent of the receiving school district for transfers to school districts in the State of Oklahoma and with the State Board of Education for transfers to school districts in another state. Applications shall be filed no later than February 1 of the school year preceding the school year for which the transfer is desired. By March 1 of the same school year, the receiving school district shall notify the resident school district that an application for transfer has been filed by a student enrolled in the resident school district. The board of education of the receiving school district shall approve or deny the application for transfer not later than June 1 of the same year and shall notify the parents of the student of the decision. By July 1 of the same school year, the parents of

the student shall notify the receiving school district that the student will be enrolling in that school district.

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

SECTION 11. AMENDATORY Section 23, Chapter 320, O.S.L. 1999 (70 O.S. Supp. 1999, Section 8-103.2), is amended to read as follows:

Section 8-103.2 Except as otherwise provided, a student who enrolls, pursuant to the Education Open Transfer Act, in a school district in which the student is not a resident shall not be eligible to participate in school-related extramural athletic competition governed by the Oklahoma Secondary School Activities Association for a period of one (1) year from the first day of attendance at the receiving school unless the transfer is from a school district which does not offer the grade the student is entitled to pursue. If the student is granted an emergency transfer pursuant to Section 8-104 of this title, was granted a transfer for any reason prior to January 1, 2000, or enrolls pursuant to the Education Open Transfer Act and qualifies for a hardship waiver pursuant to the rules of the Oklahoma Secondary Schools Activities Association, eligibility to participate in school-related extramural athletic competition shall be determined by the Oklahoma Secondary School Activities Association.

SECTION 12. AMENDATORY 70 O.S. 1991, Section 6-114, as last amended by Section 34, Chapter 320, O.S.L. 1999 (70 O.S. Supp. 1999, Section 6-114), is amended to read as follows:

Section 6-114. A. Each district board of education shall adopt a policy for the control and discipline of all children attending

public school in that district. Such policy shall provide options for the methods of control and discipline of the students and shall define standards of conduct to which students are expected to conform. In developing the policy, the district board of education shall make an effort to involve the teachers, parents, and students affected. The students, teachers, and parents or guardian of every child residing within a school district shall be notified by the district board of education of its adoption of the policy and shall receive a copy upon request. Provided, the teacher of a child attending a public school shall have the same right as a parent or guardian to control and discipline such child according to local policies during the time the child is in attendance or in transit to or from the school or any other school function authorized by the school district or classroom presided over by the teacher.

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

C. ~~The board of education of each school district in this state may adopt shall have the option of adopting a dress code to be incorporated as a part of the discipline policy of the school for students enrolled in the school district. Any rules concerning the dress code of a school adopted by the board of education shall have a reasonable connection with the education function entrusted to the board and shall not censure the political opinions of the students or unreasonably interfere with common clothing fads of students.~~

~~However, nothing in this section shall prevent a school district from instituting a uniform dress code.~~ The board of education of a school district shall also have the option of adopting a dress code which includes school uniforms.

SECTION 13. AMENDATORY Section 56, Chapter 320, O.S.L. 1999, is amended to read as follows:

Section 56. Implementation of Sections ~~37~~ 44 through 54 ~~of this act,~~ Chapter 320, O.S.L. 1999, shall be delayed until the current expenditure per pupil in average daily attendance in public elementary and secondary schools in unadjusted dollars for the 1998-99 school year or any school year thereafter for Oklahoma as reported by the National Center for Education Statistics annually in the Digest of Education Statistics reaches at least ninety percent (90%) of the regional average expenditure for that same year, and funds are provided. For purposes of this section, the regional average expenditure shall consist of the current expenditure per pupil in average daily attendance in public elementary and secondary schools in unadjusted dollars for each of the following states: Arkansas, Colorado, Kansas, Missouri, New Mexico, Oklahoma, and Texas, averaged together. By January 1 of each year the State Board of Education shall report whether or not the ninety-percent expenditure level has been reached based on information reported annually in the Digest of Education Statistics by the National Center for Education Statistics. Sections ~~37~~ 44 through 54 ~~of this act,~~ Chapter 320, O.S.L. 1999, shall be implemented on July 1 after the first January 1 report verifies that the ninety-percent expenditure level has been reached and funds have been provided.

SECTION 14. REPEALER Section 1, Chapter 251, O.S.L. 1998, as amended by Section 2, Chapter 320, O.S.L. 1999 and Section 2, Chapter 251, O.S.L. 1998, as amended by Section 3, Chapter 320, O.S.L. 1999 (70 O.S. Supp. 1999, Sections 11-103.2c and 11-103.2d) is hereby repealed.

SECTION 15. This act shall become effective July 1, 2000.

SECTION 16. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 29th day of February, 2000.

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Speaker of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2000.

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President of the Senate