

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

3RD CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 37

By: Fisher of the Senate

and

Peters of the House

3RD CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to children; creating the Oklahoma Partnership for School Readiness Act; providing short title; stating legislative intent; creating the Oklahoma Partnership for School Readiness Board; providing for membership of Board; setting term length for certain members; providing for appointment of subsequently appointed members; providing for organizational meeting by certain date; providing for election of chair and vice-chair; authorizing travel reimbursement for members; exempting members from dual-office-holding provisions; authorizing Board to establish guidelines; authorizing Board to accept certain appropriations, gifts and grants; authorizing Board to enter into contracts for certain purposes; authorizing Board to appoint subcommittees; stating responsibilities of Board; requiring annual report and specifying contents of report; providing for the hiring of an administrator for the Oklahoma Partnership for School Readiness; stating responsibilities of Administrator; exempting Administrator and staff from Oklahoma Merit System of Personnel Administration; requiring the Department of Human Services to provide certain support for the Board; authorizing organization of certain nonprofit corporation; authorizing Board to certify certain corporation which may assist in implementation of this act; providing criteria for purposes of certification; prohibiting state employee from serving as voting member of corporation; prohibiting voting by certain members of corporation; creating Joint Legislative Oversight Committee for the Oklahoma Partnership for School Readiness; stating composition of Committee; providing for appointment of members; providing for designation of cochairs; stating duty of Committee; providing for travel reimbursement; providing for staff support; providing for codification; 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 640 of Title 10, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Partnership for School Readiness Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 640.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Legislature recognizes that:

1. Parents have the right and the responsibility to provide for the health, education and emotional well-being of their children, and it is the desire of the Legislature that all children be reared in nurturing homes with two involved parents who actively participate in the development of their young children;

2. This standard is not always possible and that the benefits of early childhood development outside the home can be substantial. Investing wisely during a child's early years can reduce the need for remediation, treatment, or crisis intervention programs in later years, and it is the desire of the Legislature that children be healthy, eager to learn and ready to succeed by the time they enter school;

3. Children arrive at kindergarten with a variety of preschool and home experiences, along with varying levels of school readiness. To reduce the inequalities in students' success in school, it is necessary to address these differences that exist among children before they start school. Identifying children who may be at risk of school failure and making available quality preschool experiences that provide these students with the needed skills is essential for reducing inequalities in school readiness and ensuring that all children enter kindergarten ready to learn; and

4. Although the public and private sectors provide a number of excellent programs and have made significant investments in the

early care and education of Oklahoma's children, the benefits derived from these investments are stymied by incomplete and unconnected programs and services.

B. It is the intent of the Legislature that:

1. The Oklahoma Partnership for School Readiness Act will support and assist in achieving the reading goal for Oklahoma public schools pursuant to Section 1210.508B of Title 70 of the Oklahoma Statutes, which provides that by May 1, 2007, ninety percent (90%) or more of third-grade students will be reading at grade level;

2. This act will support the goals of the Oklahoma Marriage Initiative;

3. The Department of Human Services shall review the reading requirements of the Reaching for the Stars program, which require that teachers read to children a minimum of fifteen (15) minutes each day, to ensure alignment with the essential components of reading instruction and the scientifically based reading research provisions of the "No Child Left Behind Act of 2001", P.L. No. 107-110;

4. The capacities of parents and communities be strengthened to meet the needs of young families who choose to participate by coordinating available resources and building new partnerships within communities that include parents, private businesses, faith-based and other charitable organizations, and other interested parties; and

5. The development of a quality early childhood initiative shall be accomplished by the establishment of a comprehensive, coordinated public/private partnership and be implemented in cooperation with the state agencies represented on the Oklahoma Partnership for School Readiness Board created in Section 3 of this act.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 640.2 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created until July 1, 2008, in accordance with the Oklahoma Sunset Law, the Oklahoma Partnership for School Readiness Board. The Board shall promote early childhood care and education with the highest priority being families in which children are at risk for poor educational outcomes and shall consist of twenty-five (25) members, sixteen of whom shall be appointed by the Governor with the advice and consent of the Senate, as follows:

1. Four members who represent business or corporate entities located in Oklahoma and who have demonstrated interest in promoting early childhood care and education;

2. Two members who represent charitable foundations and who have demonstrated interest in promoting early childhood care and education;

3. Two members who are members of the clergy or represent faith-based organizations;

4. One member who is a tribal representative selected from a list submitted by the Oklahoma Inter-Tribal Council;

5. One member who is a parent of a child under the age of six (6) years;

6. One member who is a parent of a child with disabilities under the age of six (6) years;

7. One member who represents providers of child care services;

8. One member who is a teacher in a public school and is certified in early childhood education;

9. One member who represents the Oklahoma Head Start State Collaboration Office;

10. One member who represents a statewide child advocacy organization;

11. One member who represents a statewide family advocacy organization; and

12. Nine ex officio, voting members as follows:

- a. State Superintendent of Public Instruction, or designee,
- b. State Commissioner of Health, or designee,
- c. Commissioner of the Department of Mental Health and Substance Abuse Services, or designee,
- d. Director of the Oklahoma Department of Commerce, or designee,
- e. Director of the Oklahoma Department of Libraries, or designee,
- f. Director of the Department of Human Services, or designee,
- g. Director of the Oklahoma Commission on Children and Youth, or designee,
- h. Secretary of Education, or designee, and
- i. Director of the Oklahoma Department of Career and Technology Education, or designee.

B. Members appointed by the Governor shall serve terms of four (4) years; provided, of those members initially appointed to the Board, eight members shall be appointed for two-year terms, beginning September 1, 2002, and eight members shall be appointed for four-year terms, beginning September 1, 2002, as designated by the Governor. Appointed members shall continue in office until a successor is appointed by the Governor. The Governor shall fill all vacancies and unexpired terms in the same manner as the original appointment of the member whose position is to be filled.

C. The Director of the Department of Human Services shall convene an organizational meeting of the Oklahoma Partnership for School Readiness Board immediately after October 1, 2002, at which time members of the Board shall elect a chair, a vice-chair and

other officers as needed. A majority of the members of the Board shall constitute a quorum for the transaction of business.

D. Members of the Board shall receive no compensation for serving on the Board, but shall receive travel reimbursement as follows:

1. State agency employees who are members of the Board shall be reimbursed for travel expenses incurred in the performance of their duties by their respective agencies in accordance with the State Travel Reimbursement Act; and

2. All other Board members shall be reimbursed for travel expenses incurred in the performance of their duties by the Department of Human Services in accordance with the State Travel Reimbursement Act.

E. Members of the Board shall be exempt from the dual-office-holding provisions of Section 6 of Title 51 of the Oklahoma Statutes.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 640.3 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Partnership for School Readiness Board is authorized to:

1. Establish guidelines for the disbursement of funds appropriated or otherwise made available, including private donations, to the Board for the purpose of supporting family and community initiatives that are consistent with the goals of the Oklahoma Partnership for School Readiness Act and direct such other expenditures as may be necessary in the performance of its duties. Such guidelines shall not discriminate against traditional two-parent families;

2. Establish other guidelines as necessary to carry out the duties and responsibilities assigned to the Oklahoma Partnership for School Readiness Board;

3. Enter into contractual agreements to assist with the administration of the Board and to provide technical assistance to communities upon request; and

4. Appoint subcommittees which may include persons who are not Board members. Such persons shall not be entitled to compensation but may be reimbursed by the Department of Human Services, upon approval by the Administrator of the Oklahoma Partnership for School Readiness, for necessary expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

B. The responsibilities of the Oklahoma Partnership for School Readiness Board shall be to:

1. Implement a public engagement campaign;

2. Provide leadership at the state level to encourage communities to develop and improve early childhood care and education at the local level;

3. Encourage public and private programs, services and initiatives to work together to provide coordinated, community-based, effective and cost-efficient early childhood care and education;

4. Maximize the extent to which private sector funding is leveraged and federal, state and local funds are coordinated with private revenue for early childhood care and education, it being intended that, where private sector programs are available, the Board shall endeavor to promote and work through such private sector programs in preference to any new public undertaking;

5. Recognize and promote the best practices in early childhood care and education programs;

6. Submit an annual report to the Governor and the Legislature no later than August 1, 2003, and each year thereafter. The report shall include, but not be limited to, the following:

a. status and results of the Board's effort to engage the public regarding the care and education of children

under the age of five (5) years and of the Board's efforts to promote collaboration between public and private sector programs and voluntary parental involvement,

- b. a detailed summary of community initiatives and programs funded in whole, or in part, by the Board,
- c. status of health conditions of children under the age of five (5) years,
- d. availability and cost of quality child care for children under the age of five (5) years needing care outside their home,
- e. number, location and status of quality prekindergarten programs in the state,
- f. preparedness level of children entering kindergarten,
- g. percentage of third-grade students reading at or above grade level, and
- h. a joint funding plan for the next fiscal year for the purpose of furthering the responsibilities of the Oklahoma Partnership for School Readiness; and

7. Recommend at least three candidates for the position of Administrator of the Oklahoma Partnership for School Readiness to the Director of the Department of Human Services when a vacancy exists and fix the salary of the Administrator of the Partnership for School Readiness.

C. No later than January 1, 2003, and thereafter, each time the position becomes vacant, the Director of the Department of Human Services shall hire an administrator for the Oklahoma Partnership for School Readiness from a list of at least three names of individuals provided to the Director of the Department of Human Services by the Oklahoma Partnership for School Readiness Board. Upon recommendation of the Oklahoma Partnership for School Readiness Board, the Director of the Department of Human Services shall

terminate the Administrator of the Oklahoma Partnership for School Readiness.

D. The Administrator of the Oklahoma Partnership for School Readiness shall assist the Oklahoma Partnership for School Readiness Board in the performance of its duties and may employ no more than two full-time-equivalent staff to assist in the performance of those duties, subject to the availability of funds and approval of the Board. The Administrator and staff shall be exempt from the Oklahoma Merit System of Personnel Administration.

E. The Department of Human Services shall provide all necessary administrative support including, but not limited to, office space and equipment and furnishings for the Board and may manage funds appropriated by the Legislature to the Board, subject to Board approval. Employees hired by the Administrator of the Oklahoma Partnership for School Readiness shall be under the general direction of such Administrator and the Oklahoma Partnership for School Readiness Board, but in all other respects shall be employees of the Department of Human Services.

F. The Board shall provide a copy of the annual report to each agency included in the joint funding plan for the agencies' use in preparing their annual budget requests.

G. The Board shall ensure, to the greatest extent possible, that the rights of parents are respected and protected and that voluntary participation is the basis for delivering all early childhood programs. The Board shall act in ways which are sensitive to the diverse religious and other values of Oklahomans and endeavor to ensure that the programs do not discriminate against two-parent families or are offensive to their values.

H. In implementing the provisions of the Oklahoma Partnership for School Readiness Act, the Board shall strive to assist in achieving the reading proficiency and adequate yearly progress goals of the "No Child Left Behind Act of 2001", P.L. No. 107-110.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 640.4 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. A private, nonprofit corporation may be organized pursuant to the provisions of Title 18 of the Oklahoma Statutes and the provisions of this act and, upon certification by the Oklahoma Partnership for School Readiness Board, may assist the Board in the implementation and goals of the Oklahoma Partnership for School Readiness Act. For purposes of certification, the Board shall determine that the bylaws of the corporation provide that the exclusive purposes are to raise funds for, and otherwise assist with, the implementation and goals of the Oklahoma Partnership for School Readiness Act.

B. The corporation created pursuant to this section is authorized to receive funds from any public or private source to carry out the purposes of this act, including, but not limited to, gifts or grants from any department, agency or instrumentality of the United States or of this state for any purpose consistent with the provisions of this act.

C. Upon proper incorporation, the corporation created pursuant to this section is authorized and directed to secure tax-exempt status under the appropriate provision of Section 501(c) of the Internal Revenue Code, 26 U.S.C., Section 501(c).

D. The corporation created pursuant to this section shall prepare and submit an annual business plan for approval by the Oklahoma Partnership for School Readiness Board. The corporation shall also provide an annual report to the Oklahoma Partnership for School Readiness Board.

E. No employee of the State of Oklahoma shall be a voting member of the corporation and any member of the corporation who may have a financial interest in an action under consideration by the corporation shall abstain from voting on such matter.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 640.5 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created to exist until December 31, 2004, the Joint Legislative Oversight Committee for the Oklahoma Partnership for School Readiness.

B. The Committee shall be composed of five members of the Oklahoma Senate, at least two of whom shall be selected from the minority party, to be appointed by the President Pro Tempore of the Senate, and five members of the Oklahoma House of Representatives, at least two of whom shall be selected from the minority party, to be appointed by the Speaker of the House of Representatives. The President Pro Tempore and the Speaker of the House of Representatives shall each designate one member to serve as cochair of the Committee. Members and cochairs shall serve at the pleasure of the appointing authority. Vacancies on the Committee shall be filled by the appointing authority.

C. The Committee shall meet no less than two times a year and shall meet at least once each year with the Oklahoma Partnership for School Readiness Board.

D. The Committee shall monitor implementation of the Oklahoma Partnership for School Readiness Act.

E. Reimbursement for travel expenses shall be as provided in Section 456 of Title 74 of the Oklahoma Statutes.

F. Staff support for the Committee shall be provided by the Oklahoma Senate and the Oklahoma House of Representatives.

SECTION 7. 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.