

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

2ND CONFERENCE COMMITTEE  
SUBSTITUTE  
FOR ENGROSSED  
HOUSE BILL NO. 1767

By: Adair and Ferguson of the  
House

and

Hobson and Williams of the  
Senate

2ND CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to schools; directing the State Department of Education to conduct a report of certain legislation; requiring a report; creating the School State Aid Funding Study Group; stating duties of the study group; providing for membership, officers, staffing, and travel reimbursement; authorizing the employment of an independent consultant; requiring a report; directing the State Board of Education to transfer certain funds to the Legislative Service Bureau; authorizing the State Board of Education to waive certain class size penalties; limiting application of waived penalties; directing the Board to establish guidelines for application for a penalty waiver; providing time limit for consideration of an application; directing the State Board of Education to collect class-size information; requiring submission of a report; specifying contents of the report; requiring school districts to submit certain indebtedness information; requiring the Board to submit a report; creating the Task Force on School District Administrative Reorganization or Consolidation; stating purpose of the Task Force; requiring recommendations by a certain date; providing for membership, meetings, staffing, and travel reimbursement; amending 70 O.S. 2001, Section 3-137, which relates to charter school contracts; modifying renewal notice time limit; allowing for the transfer of certain amount of funds; limiting the total amount transferred; prohibiting transfers between certain funds; requiring certain notification; amending 70 O.S. 2001, Sections 6-101.3 and 6-101.26, which relate to teacher due process procedures; modifying definition; adding definition; modifying career teacher due process hearings; providing procedure for a career teacher pretermination hearing; providing procedure for a probationary teacher hearing; amending 70 O.S. 2001, Section 6-190.1, which relates to provisional certification for Speech-Language Pathologists; extending date for certain provisional certification; amending 70 O.S. 2001, Section 6-195, which relates to the residency program; providing an exception for

mentor teachers on the residency committee; amending 70 O.S. 2001, Section 8-103, which relates to student transfers; requiring certain notification of cancellation of transfers; amending 10 O.S. 2001, Section 7307-1.8, which relates to expungement of juvenile court records; allowing certain persons to petition for expungement of records pertaining to truancy; amending 70 O.S. 2001, Section 10-105, which relates to attendance requirements; modifying truancy age; amending 70 O.S. 2001, Section 18-104, which relates to purpose of funds; deleting requirement for adjustment of appropriation when there is a reduction in State Aid allocations; amending 70 O.S. 2001, Section 18-124, which relates to administrative services expenditure limitations; clarifying statutory language; modifying dates; modifying definition of administrative services; providing for allocation of a school employee time for administrative services; providing for allocation of time and the coding of salary of a superintendent; requiring school districts to submit certain costs; prohibiting the State Board of Education from withholding certain payments for certain violations; prohibiting the reduction of a teacher salary and fringe benefit except under certain circumstances; providing for forfeiture of State Aid for willful reductions of salary; directing the State Department of Education to withhold an amount for payment to the teacher; establishing dates on alleged underpayments; limiting complaint filing time period; authorizing teachers to take or pursue judicial action; directing the State Board of Education to promulgate rules; authorizing the Virtual Internet School Pilot Program Coordinating Committee to enter into cooperative partnerships; stating goals of partnerships; providing for certain contracts; providing for certain assistance; stating work of the committee; requiring products, processes, and ideas to be construed in certain manner and following certain standards; directing the Committee to establish evaluation criteria; requiring certain reports; requiring application of certain law; requiring partnerships to be formed in certain manner; amending 70 O.S. 2001, Section 3-152, which relates to the Academic Performance Award Program; amending 70 O.S. 2001, Section 6-195.1, which relates to a continuing education program for teachers teaching mathematics; amending 70 O.S. 2001, Sections 6-204.1 and 6-204.2, as amended by Section 4, Chapter 236, O.S.L. 2002 (70 O.S. Supp. 2002, Section 6-204.2), which relate to the Education Leadership Oklahoma program; amending 70 O.S. 2001, Section 18-108, which relates to kindergarten attendance; amending 70 O.S. 2001, Section 1210.508E, as amended by Section 2, Chapter 212, O.S.L. 2002 (70 O.S. Supp. 2002, Section 1210.508E), which relates to retention and remediation of certain third-grade students; amending 70 O.S. 2001, Sections 1210.568, as amended by Section 1 of Enrolled Senate Bill No. 801 of the 1st Session of the 49th Oklahoma Legislature and 1210.569, which relate to alternative education; amending 70 O.S. 2001, Section 1210.710, which relates to school counselors for urban school

districts; making certain legislative mandates contingent upon funding by the Legislature; authorizing implementation upon securing other funds; adding certain definition; modifying requirement for bonus; giving certain elementary school districts an automatic waiver; amending 70 O.S. 2001, Sections 3-116, as last amended by Section 76 of Enrolled House Bill No. 1816 of the 1st Session of the 49th Oklahoma Legislature and 3-117, which relate to the Education Oversight Board and the Office of Accountability; deleting obsolete language; modifying oversight functions; transferring the Office of Accountability to the Oklahoma State Regents for Higher Education; transferring certain funds from the State Board of Education to the Oklahoma State Regents for Higher Education; repealing Section 34 of Enrolled House Bill No. 1162 of the 1st Session of the 49th Oklahoma Legislature, which relates to the transfer of certain amounts of funds; providing for codification; providing for noncodification; 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 3-123.1 of Title 70, unless there is created a duplication in numbering, reads as follows:

The State Department of Education shall conduct a review of provisions of Enrolled House Bill No. 1017 of the 1st Extraordinary Session of the 42nd Oklahoma Legislature as amended, Enrolled House Bill No. 1759 of the 1st Regular Session of the 47th Oklahoma Legislature as amended, and the federal Elementary and Secondary Education Act, P.L. No. 107-110, also known as the No Child Left Behind Act of 2001, to determine if there is a duplication of or a conflict in the legislative mandates in each act. The Department shall submit a report of the review to the Speaker of the House of Representatives, the President Pro Tempore of the Senate and the chairs of the House of Representatives Education Committee, the Senate Education Committee, the House of Representatives Appropriation and Budget Education Subcommittee, and the Senate Appropriation and Budget Education Subcommittee for review by the House and Senate staff no later than September 1, 2003.

SECTION 2. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

A. There is hereby created a School State Aid Funding Study Group to evaluate and make recommendations on changes and updates to the State Aid funding formula for public school districts in the state.

B. The study group shall be composed of three members of the Oklahoma House of Representatives to be appointed by the Speaker of the House of Representatives and three members of the State Senate to be appointed by the President Pro Tempore of the Senate. The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each select a cochair from the appointments.

C. The House of Representatives and Senate shall provide staff support as required by the study group. The State Department of Education shall also provide staff support and any information needed by the study group in the performance of its duties. The Legislative Service Bureau shall be authorized to employ an independent consultant or other persons as necessary to assist the study group in the performance of its duties at the direction of the cochairs of the study group.

D. Members of the study group may be reimbursed for necessary travel expenses incurred in the performance of their duties in accordance with Section 456 of Title 74 of the Oklahoma Statutes.

E. The study group shall prepare and submit a report outlining its findings and recommendation not later than December 31, 2003, to the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

SECTION 3. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

The State Department of Education shall transfer to the Legislative Service Bureau to contract with an independent

consultant or other persons for the School State Aid Funding Study Group authorized in Section 2 of this act, the sum of One Hundred Seventy-six Thousand Seven Hundred Ten Dollars (\$176,710.00) from funding reappropriated and redesignated in Section 9 of Enrolled House Bill No. 1162 of the 1st Session of the 49th Oklahoma Legislature to the State Board of Education for the School State Aid Funding Study Group.

SECTION 4. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

A. The State Board of Education may waive any penalties that would be imposed upon a school district pursuant to Section 18-113.1, 18-113.2, 18-113.3 or 18-113.4 of Title 70 of the Oklahoma Statutes for class size violations that may occur during school year 2003-2004 upon a showing of economic hardship as defined by the State Board of Education. Waived penalties shall not count as penalties for purposes of denying accreditation pursuant to subsection E of Section 18-113.1, subsection B of Section 18-113.2, and subsection G of Section 18-113.3 of Title 70 of the Oklahoma Statutes.

B. The State Board of Education shall establish guidelines by which a school district, upon approval of the district board of education, may apply for a class-size penalty waiver. The guidelines shall allow districts to apply no later than February 1, 2004. The Board shall render a decision on an application no later than forty-five (45) days following the receipt of the application by the State Department of Education unless the district requests an extension of time.

C. The State Board of Education shall collect class-size information from all school districts at all grade levels, including school districts that are not subject to the class-size penalty because the district has voted indebtedness of more than eighty-five percent (85%) of the maximum allowable and has voted the maximum

millage allowable for the support, maintenance and construction of schools. The Board shall annually submit a report of the class-size information to the Speaker of the House of Representatives and the President Pro Tempore of the Senate. The report shall include a summary of the school districts that are over the class-size limitation during the school year and the number of students per class.

D. The State Board of Education shall collect from school districts that have indebtedness of more than eighty-five percent (85%) of the maximum allowable a list of the projects funded with the bond proceeds. The Board shall annually submit to the Speaker of the House of Representatives and the President Pro Tempore of the Senate a report of the bond projects of each such school district categorized by type of project, such as class room facilities, other facilities, equipment, or any other category deemed appropriate.

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

A. There is hereby created until December 31, 2004, the Task Force on School District Administrative Reorganization or Consolidation. The purpose of the Task Force is to determine how much money can be saved by reorganization and consolidation of the administrative functions of school districts in the state and the related effects on the efficiency of such functions and academic programs. The Task Force shall also review and analyze data collected by the State Department of Education from school districts of administrative services costs as defined in Section 18-124 of Title 70 of the Oklahoma Statutes.

B. The Task Force shall make recommendations to the Legislature by December 31, 2004.

C. The Task Force shall consist of the following members:

1. Three members to be appointed by the Speaker of the Oklahoma House of Representatives, as follows:

- a. one school administrator representing a medium school district with an average daily attendance of more than one thousand (1,000) but less than ten thousand (10,000),
  - b. one classroom teacher, and
  - c. one parent of a student in the public schools;
2. Three members to be appointed by the President Pro Tempore of the State Senate, as follows:
- a. one school administrator representing a large school district with an average daily attendance of ten thousand (10,000) or more,
  - b. one classroom teacher, and
  - c. one parent of a student in the public schools who is also a member of a school district board of education;
3. Six members to be appointed by the Governor, as follows:
- a. four members who are either an owner, officer, or executive for a business or industry located in the state,
  - b. one school administrator representing a small school district with an average daily attendance of one thousand (1,000) or less, and
  - c. one member of a school district board of education;
4. One member of the Oklahoma House of Representatives to be appointed by the Minority Floor Leader of the Oklahoma House of Representatives;
5. One member of the State Senate to be appointed by the Minority Leader of the State Senate;
6. One member of the Oklahoma House of Representatives to be appointed by the Speaker of the House of Representatives;
7. One member of the State Senate to be appointed by the President Pro Tempore of the Senate; and

8. The State Superintendent of Public Instruction or a designee.

D. Two additional members shall be selected for the Task Force upon agreement of the Speaker of the House of Representatives, the President Pro Tempore of the State Senate, and the Governor and shall serve as cochairs of the Task Force.

E. The first meeting of the Task Force shall take place no later than September 1, 2003. The Task Force shall meet at such times and places as deemed necessary to perform its duties as specified in this section. Meetings shall be held at the call of either cochair. Staffing for the Task Force shall be provided by the staff of the Oklahoma House of Representatives and the State Senate, and by the State Department of Education.

F. Members of the Task Force shall receive no compensation for serving on the Task Force, but may receive travel reimbursement as follows:

1. Legislative members of the Task Force may be reimbursed for their necessary travel expenses incurred in the performance of their duties in accordance with Section 456 of Title 74 of the Oklahoma Statutes, from the legislative body in which they serve; and

2. Other members of the Task Force may be reimbursed for travel expenses incurred in the performance of their duties by their respective appointing authorities in accordance with the State Travel Reimbursement Act.

SECTION 6. AMENDATORY 70 O.S. 2001, Section 3-137, is amended to read as follows:

Section 3-137. A. An approved contract for a charter school shall be effective for not longer than three (3) years from the first day of operation. Prior to the beginning of the third year of operation, the charter school may apply for renewal of the contract with the sponsor. The sponsor may deny the request for renewal if it determines the charter school has failed to complete the

obligations of the contract or comply with the provisions of the Oklahoma Charter Schools Act. A sponsor shall give written notice of its intent to deny the request for renewal at least ~~twelve (12) months~~ sixty (60) days prior to expiration of the contract.

B. If a sponsor denies a request for renewal, the governing board may proceed to mediation or binding arbitration or both as provided for in subsection F of Section ~~9~~ 3-134 of this ~~act~~ title.

C. A sponsor may terminate a contract during the term of the contract for failure to meet the requirements for student performance contained in the contract, failure to meet the standards of fiscal management, violations of the law, or other good cause. The sponsor shall give at least ninety (90) days written notice to the governing board prior to terminating the contract. The governing board may request, in writing, an informal hearing before the sponsor within fourteen (14) days of receiving notice. The sponsor shall conduct an informal hearing before taking action. If a sponsor decides to terminate a contract, the governing board may proceed to mediation or binding arbitration or both as provided for in subsection F of Section ~~9~~ 3-134 of this ~~act~~ title.

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

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-170 of Title 70, unless there is created a duplication in numbering, reads as follows:

For the fiscal year ending June 30, 2004, the superintendent of a school district or designee may transfer any unexpended or unencumbered appropriation in an amount not to exceed twenty-five percent (25%) of the total appropriation from one account, fund, or program category to another account, fund, or program category. The

amount to be transferred, together with all previous transfers, shall not exceed twenty-five percent (25%) of the total appropriation to the account, fund or program category from which the transfer is being made. Provided, funds shall not be transferred between the general fund and building fund of any school district. The State Department of Education shall be notified in writing or electronically of all transfers at the time the transfers are made.

SECTION 8. AMENDATORY 70 O.S. 2001, Section 6-101.3, is amended to read as follows:

Section 6-101.3 As used in Section 6-101 et seq. of ~~Title 70 of the Oklahoma Statutes~~ this title:

1. "Administrator" means a duly certified person who devotes a majority of time to service as a superintendent, elementary superintendent, principal, supervisor, vice principal or in any other administrative or supervisory capacity in the school district;

2. "Dismissal" means the discontinuance of the teaching service of an administrator or teacher during the term of a written contract, as provided by law;

3. "Nonreemployment" means the nonrenewal of an administrator's or teacher's contract upon expiration of the contract;

4. "Career teacher" means a teacher who has completed three (3) or more consecutive complete school years in such capacity in one school district under a written teaching contract;

5. "~~Hearing~~ Probationary teacher hearing" means the hearing before a local board of education after a recommendation for dismissal or nonreemployment of a probationary teacher has been made but before any final action is taken on said recommendation, held for the purpose of affording such teacher all rights guaranteed by the United States Constitution and the Constitution of Oklahoma under such circumstances and for enabling the board to determine whether to approve or disapprove the recommendation;

6. "Career teacher pretermination hearing" means the informal proceeding before the local board of education held for the purpose of providing a meaningful opportunity to invoke the discretion of the decision maker after a recommendation for dismissal or nonreemployment of a career teacher has been made but before any final action is taken on the recommendation in order to ensure that the career teacher is afforded the essential pretermination due process requirements of notice and an opportunity to respond;

7. "Probationary teacher" means a teacher who has completed fewer than three (3) consecutive complete school years in such capacity in one school district under a written teaching contract;

~~7.~~ 8. "Suspension" or "suspended" means the temporary discontinuance of an administrator's or teacher's services, as provided by law; and

~~8.~~ 9. "Teacher" means a duly certified or licensed person who is employed to serve as a counselor, librarian or school nurse or in any instructional capacity; an administrator shall be considered a teacher only with regard to service in an instructional, nonadministrative capacity.

SECTION 9. AMENDATORY 70 O.S. 2001, Section 6-101.26, is amended to read as follows:

Section 6-101.26 A. Whenever a board of education receives a superintendent's recommendation for the dismissal or nonreemployment of a teacher, the board shall mail a copy of the recommendation to the teacher by certified mail, restricted delivery, return receipt requested or by substitute process as provided by law. By the same means, the board shall notify the teacher of such teacher's right to a hearing before the board and the date, time and place set by the board for the hearing, which shall be held within the school district not sooner than twenty (20) days or later than sixty (60) days after the teacher's receipt of notice. The notice shall specify the statutory grounds upon which the recommendation is based

upon for a career teacher or shall specify the cause upon which the recommendation is based upon for a probationary teacher. ~~Said~~ The notice shall also specify the underlying facts supporting the recommendation. At ~~such~~ the hearing, the teacher shall be entitled to all rights guaranteed under ~~such~~ the circumstances by the United States Constitution and the Constitution of Oklahoma.

B. The career teacher pretermination hearing shall be conducted by the local board ~~according to procedures established by the State Board of Education~~ as follows:

1. The superintendent or designee shall, in person or in writing, specify the statutory ground upon which the recommendation is based. The superintendent or designee shall also specify the underlying facts and provide an explanation of the evidence supporting the recommendation for the dismissal or nonreemployment of the career teacher; and

2. The career teacher or designee shall have the opportunity to present reasons, either in person or in writing, why the proposed action should not be taken.

C. Only after ~~due consideration of the evidence and testimony presented~~ the career teacher has a meaningful opportunity to respond to the recommendation for dismissal or nonreemployment at the pretermination hearing shall the local board decide whether to dismiss or nonreemploy the teacher accept or reject the recommendation of the superintendent. The board's decision vote made by the board shall be voted made in an open meeting. The board shall also notify the career teacher of its decision, including the basis for the decision, by certified mail, restricted delivery, return receipt requested or substitute process as provided by law. If the decision is to dismiss or nonreemploy a career teacher accept the recommendation of the superintendent, the board shall include notification of ~~said teacher's~~ the right of the career teacher to petition for a trial de novo in the district court within ten (10)

days of receipt of notice of ~~said~~ the decision. ~~The board's~~  
~~decision regarding a probationary teacher shall be final.~~ At the  
pretermination hearing the burden of proof shall be upon the  
superintendent or designee and the standard of proof shall be by the  
preponderance of the evidence. The career teacher shall receive any  
compensation or benefits to which such teacher is otherwise entitled  
until such time as the teacher's case is adjudicated at a trial de  
novo if the career teacher petitions for the trial de novo. Such  
compensation and benefits shall not be provided during any further  
appeal process. ~~The probationary teacher shall receive any~~  
~~compensation or benefits to which such teacher is otherwise entitled~~  
~~until such time as the board's decision becomes final.~~

~~Provided, however, if the hearing for a probationary teacher is~~  
~~for nonreemployment of the probationary teacher, such compensation~~  
~~and benefits may be continued only until the end of such teacher's~~  
~~current contract.~~

D. The probationary teacher hearing shall be conducted by the  
local board according to procedures established by the State Board  
of Education.

E. Only after due consideration of the evidence and testimony  
presented at the hearing shall the local board decide whether to  
dismiss or nonreemploy the probationary teacher. The vote of the  
board shall be made in an open meeting. The board shall also notify  
the probationary teacher of the decision, including the basis for  
the decision, by certified mail, restricted delivery, return receipt  
requested, or substitute process as provided by law. The decision  
of the board regarding a probationary teacher shall be final and  
nonappealable. At the hearing the burden of proof shall be upon the  
superintendent or designee, and the standard of proof shall be by  
the preponderance of the evidence. The probationary teacher shall  
receive any compensation or benefits to which the teacher is  
otherwise entitled until such time as the decision of the board

becomes final. If the hearing for a probationary teacher is for nonreemployment, such compensation and benefits may be continued only until the end of the current contract of the teacher.

SECTION 10. AMENDATORY 70 O.S. 2001, Section 6-190.1, is amended to read as follows:

Section 6-190.1 Individuals who held a provisional certificate during the 1998-1999 school year in Speech-Language Pathology shall be granted ~~a three-year~~ an extension of the provisional certificate by the State Board of Education. On and after July 1, ~~2002~~ 2005, provisional certificates may be renewed on an annual basis, provided the individual documents admission to and progress toward completion of the relevant master's degree program.

SECTION 11. AMENDATORY 70 O.S. 2001, Section 6-195, is amended to read as follows:

Section 6-195. A. The State Department of Education shall administer a residency program which shall be approved by the State Board of Education. Such program shall be developed in consultation with the teacher education institutions, the Oklahoma Commission for Teacher Preparation and the district boards of education. Such program shall include, but not be limited to:

1. Guidelines and assignments for resident teacher positions in the school districts;

2. Requirements and guidelines for selection and appointment of mentor teachers which must include any requirements specified in the Oklahoma Teacher Preparation Act;

3. Guidelines for the appointment and functions of a residency committee; and

4. An appropriate professional development program for the resident teacher.

B. Except as otherwise provided in the Oklahoma Teacher Preparation Act, no person shall be certified to teach in the accredited schools of this state, unless such person:

1. Has completed at least one (1) school year of teaching service as a resident teacher in the residency program as provided in the Oklahoma Teacher Preparation Act;

2. Has been recommended for certification by the appointed residency committee after completion of not less than one (1) or more than two (2) school years of resident teaching service; and

3. Has successfully completed the curriculum examination as prescribed by the Board prior to July 1, 1997, and the competency examination as prescribed by the Commission beginning July 1, 1997.

C. Any person who has been issued a license to teach by the Board may be employed as a resident teacher by an accredited school upon appointment by the district board of education or by a private or public provider of early childhood education programs as authorized in Section 11-103.7 of this title.

D. Upon placement of a licensed teacher in a resident teacher position at a public school, the district board of education shall appoint the residency committee members, as prescribed in the Oklahoma Teacher Preparation Act, who shall have the following duties:

1. Meet with the resident teacher as may be required by the Board;

2. Work with the resident teacher to assist in all matters concerning classroom management and professional development for that teacher;

3. Provide for meaningful parental, guardian or custodian input as one criterion in evaluating the resident teacher's performance; and

4. Upon completion of one (1) school year of residency, make recommendations to the Board and the preparing institution of higher education as to whether the resident teacher should be issued a certificate or whether such resident teacher shall be required to serve as a resident teacher for one (1) additional school year. In

the event a resident teacher serves a second year, the recommendation of the residency committee to the Board and the institution of higher education after the second year shall be for either certification or noncertification.

Upon recommendation from the residency committee for noncertification or an additional year in the residency program, such residency committee shall, upon request of the resident teacher, supply a list to the resident teacher of the reasons for such recommendation. The list of reasons shall remain confidential, except as otherwise provided by the resident teacher.

In the event a resident teacher is required to serve an additional year in the residency program, the resident teacher shall not be required to be under the supervision of the same residency committee, or any member of the committee, which supervised the resident teacher during the initial year in the program; and

5. In the event the committee recommendation to the Board and the institution of higher education is for certification, a residency committee shall also recommend a professional development program for the resident teacher, designed to strengthen the resident teacher's teaching skills in any area identified by the committee.

All resident years shall count toward salary, fringe benefit adjustments, career status and retirement.

E. Upon employment of a licensed teacher in a resident teacher position by a private or public provider of early childhood education programs pursuant to a contract as authorized in Section 11-103.7 of this title, the district board of education shall appoint the residency committee members, as prescribed in the Oklahoma Teacher Preparation Act. The residency committee members shall have the same duties as prescribed in subsection D of this section.

F. Nothing in this act shall be construed as requiring more than one (1) year of employment at the resident level before a standard certificate can be issued to a resident teacher.

The professional development program shall commence with the residency year and shall require continuing education throughout the career of a teacher.

G. For the 2003-04 school year, if the district board of education is unable to find a teacher willing to serve as a mentor teacher, the district may leave the position of mentor teacher on the residency committee unfilled. If the district leaves the position unfilled, the remaining members of the residency committee may carry out the duties of the committee.

SECTION 12. AMENDATORY 70 O.S. 2001, 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 year, the parents of the student shall notify the receiving school district that the student will be enrolling in that school district. Failure of parents to notify the district as required may result in loss of the student's right to enroll in the district for that year.

B. On or before ~~August~~ September 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.

C. The receiving school district of a student transferred pursuant to the provisions of this act shall notify the resident school district and parents of the student of a cancellation of the transfer. Such notice shall be made by June 1 prior to the school year for which the cancellation is applicable.

SECTION 13. AMENDATORY 10 O.S. 2001, Section 7307-1.8, is amended to read as follows:

Section 7307-1.8 A. A person who is the subject of an open juvenile court record may petition the district court in which the juvenile court record is located for an order to expunge all or any part of the record pertaining to the person, except basic identification information; provided:

1. The person has attained twenty-one (21) years of age or older;

2. The person has not been arrested for any adult criminal offense and no charge, indictment, or information has been filed or is pending against the person at the time of the petition for an expungement;

3. The person has not been subject to any deferred prosecution or deferred sentence, and has not been convicted of any criminal offense; and

4. All court costs, restitution, fines and other court-ordered requirements have been completed for all juvenile proceedings.

B. Upon the filing of a petition for expungement of a juvenile court record, the court shall set a date for a hearing, which hearing may be closed at the court's discretion, and shall provide a thirty (30) days' notice of the hearing to the district attorney, the Department of Juvenile Justice, the Oklahoma State Bureau of Investigation, and any other person or agency whom the court has reason to believe may have relevant information related to the expungement of any record.

C. Upon a finding that the harm to privacy of the person in interest or dangers of unwarranted adverse consequences outweigh the public interest in retaining the records, the court may order the records, or any part thereof except basic identification information, to be expunged. If the court finds that neither expungement of the records nor maintaining of the records unsealed by the agency would serve the ends of justice, the court may enter an appropriate order limiting access to the records. Any order entered pursuant to the provisions of this subsection shall specify those agencies to which the court order shall apply.

D. Upon the entry of an order to expunge any juvenile court record, or any part thereof, the subject official actions shall be deemed never to have occurred, and the person in interest and all juvenile and criminal justice agencies may properly reply, upon any inquiry in the matter, that no such action ever occurred and that no such record exists with respect to the person.

E. Inspection of the records included in the order may thereafter be permitted by the court only upon petition by the person in interest who is the subject of the records, the Attorney General, or by the district attorney and only to those persons and for such purposes named in the petition.

F. Employers, educational institutions, state and local government agencies, officials, and employees shall not, in any application or interview or otherwise, require an applicant to disclose any information contained in any expunged juvenile records. An applicant need not, in answer to any question concerning arrest, juvenile and criminal records, provide information that has been expunged, including any reference to or information concerning expungement and may state that no such action has ever occurred. Such an application may not be denied solely because of the applicant's refusal to disclose information that has been expunged.

G. Nothing in this section shall be construed to authorize the physical destruction of any juvenile records.

H. For the purposes of this section, expunged materials which are recorded in the same document as unsealed material may be recorded in a separate document, and sealed, then obliterated in the original document.

I. For the purposes of this act, district court index reference of sealed material shall be destroyed, removed or obliterated.

J. Any record ordered to be expunged pursuant to this section shall be sealed and, if not unsealed within ten (10) years of the expungement order, may be obliterated or destroyed at the end of the ten-year period.

K. Subsequent to records being sealed as provided herein, the district attorney, the Department of Juvenile Justice, the Oklahoma State Bureau of Investigation, or other interested person or agency may petition the court for an order unsealing any records. Upon filing of a petition, the court shall set a date for hearing, which hearing may be closed at the court's discretion, and shall provide thirty (30) days' notice to all interested parties. If, upon hearing, the court determines there has been a change of conditions or that there is a compelling reason to unseal the records, the court may order all or a portion of the records unsealed.

L. Nothing herein shall prohibit the introduction of evidence regarding actions sealed pursuant to the provisions of this section at any hearing or trial for purposes of impeaching the credibility of a witness or as evidence of character testimony pursuant to Section 2608 of Title 12 of the Oklahoma Statutes.

M. A person who has attained eighteen (18) years of age or older may petition the district or municipal court in which the juvenile court record is located for an order to expunge all or any part of the record pertaining to matters involving truancy provided the person has met the criteria set forth in paragraphs 2 through 4 of subsection A of this section. The petition shall be reviewed by the district or municipal judge with primary responsibility over the juvenile court docket.

SECTION 14. AMENDATORY 70 O.S. 2001, Section 10-105, is amended to read as follows:

Section 10-105. A. It shall be unlawful for a parent, guardian, or other person having custody of a child who is over the age of five (5) years, and under the age of eighteen (18) years, to neglect or refuse to cause or compel such child to attend and comply with the rules of some public, private or other school, unless other means of education are provided for the full term the schools of the district are in session or the child is excused as provided in this section. One-half (1/2) day of kindergarten shall be required of all children five (5) years of age or older unless the child is excused from kindergarten attendance as provided in this section. A child who is five (5) years of age shall be excused from kindergarten attendance until the next school year after the child is six (6) years of age if a parent, guardian, or other person having custody of the child notifies the superintendent of the district where the child is a resident by certified mail prior to enrollment in kindergarten, or at any time during the first school year that the child is required to attend kindergarten pursuant to

this section, of election to withhold the child from kindergarten until the next school year after the child is six (6) years of age. A kindergarten program shall be directed toward developmentally appropriate objectives for such children. The program shall require that any teacher employed on and after January 1, 1993, to teach a kindergarten program within the public school system shall be certified in early childhood education. All teachers hired to teach a kindergarten program within the public school system prior to January 1, 1993, shall be required to obtain certification in early childhood education on or before the 1996-97 school year in order to continue to teach a kindergarten program.

B. It shall be unlawful for any child who is over the age of ~~sixteen (16)~~ twelve (12) years and under the age of eighteen (18) years, and who has not finished four (4) years of high school work, to neglect or refuse to attend and comply with the rules of some public, private or other school, or receive an education by other means for the full term the schools of the district are in session.

Provided, that this section shall not apply:

1. If any such child is prevented from attending school by reason of mental or physical disability, to be determined by the board of education of the district upon a certificate of the school physician or public health physician, or, if no such physician is available, a duly licensed and practicing physician;

2. If any such child is excused from attendance at school, due to an emergency, by the principal teacher of the school in which such child is enrolled, at the request of the parent, guardian, custodian or other person having control of such child;

3. If any such child who has attained his or her sixteenth birthday is excused from attending school by written, joint agreement between:

- a. the school administrator of the school district where the child attends school, and

b. the parent, guardian or custodian of the child.

Provided, further, that no child shall be excused from attending school by such joint agreement between a school administrator and the parent, guardian or custodian of the child unless and until it has been determined that such action is for the best interest of the child and/or the community, and that said child shall thereafter be under the supervision of the parent, guardian or custodian until the child has reached the age of eighteen (18) years; or

4. If any such child is excused pursuant to subsection C of this section.

C. A school district shall excuse a student from attending school for the purpose of observing religious holy days if before the absence, the parent, guardian, or person having custody or control of the student submits a written request for the excused absence. The school district shall excuse a student pursuant to this subsection for the days on which the religious holy days are observed and for the days on which the student must travel to and from the site where the student will observe the holy days.

D. It shall be the duty of the attendance officer to enforce the provisions of this section. Any parent, guardian, custodian, child or other person violating any of the provisions of this section, upon conviction, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than Five Dollars (\$5.00) nor more than Twenty-five Dollars (\$25.00) for the first offense, not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00) for the second offense, and not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) for each subsequent offense. Each day the child remains out of school after the oral and documented or written warning has been given to the parent, guardian, custodian, child or other person or the child

has been ordered to school by the juvenile court may constitute a separate offense. At the trial of any person charged with violating the provisions of this section, the attendance records of the child or ward may be presented in court by any authorized employee of the school district.

SECTION 15. AMENDATORY 70 O.S. 2001, Section 18-104, is amended to read as follows:

Section 18-104. A. The funds apportioned and disbursed to the several school districts of the state shall be for the purpose of aiding each school district receiving the same to finance its school budget for each fiscal year. The State Board of Education shall notify the county clerk, the board of education, superintendent of each school district and the school district treasurer of the tentative amount said district is to receive from the funds apportioned under the provisions of this article and disbursed according to the provisions hereof. After such allocation of State Aid has been made by the State Board of Education and certified to the county clerk, treasurer of the school district and district superintendent of schools, such aid may be included as probable income by the board of education in its Estimate of Needs and Financial Statement as submitted to the county excise board, and said excise board shall include such amount in the approved appropriations, and in addition thereto any federal aid certified or allocated by the State Board of Education shall be included in the appropriation made by the excise board if requested by the board of education; provided, no such federal aid estimate shall be used in any way to reduce the State Foundation Aid or Incentive Aid for such school district or sustain a protest for the reduction of a tax levy. If such allocation of aid is not included in the board of education's estimate of needs, it shall be added by the county clerk to the items of appropriation designated by the board of education of the school district. Funds received under the provisions of this

article shall be deposited in the general fund of such school district. Provided, funds received from the federal government for current expense purposes shall likewise be added to the appropriation of the general fund if so designated by the board of education of such school district. Provided, further, that the board of education of a school district may enter into agreements with federal agencies for educational projects and programs to be maintained in such districts; and federal funds received by the district in pursuance thereof shall, consistent with the agreement and requirements of the federal agency, be kept, administered and disbursed in such manner as may be prescribed by rules and regulations of the board of education.

B. If the State Board of Education should ascertain that ~~any of the factors on which the apportionment or~~ allocation of State Aid to any school district has so changed as to ~~disqualify such district or to~~ reduce its State Aid, then the State Board of Education shall forthwith notify the district superintendent, the clerk of the board of education, and the treasurer thereof, as to the amount of reduction in the allocation of State Aid, ~~and the board of education of such district shall immediately request the county clerk to adjust the items of appropriation in accordance with such reduction as to effect a total reduction in the appropriation by the amount which the State Aid allocation was reduced; and if.~~ If there has been an overpayment the same shall be returned to the State Treasurer and credited to a refund account which shall be available for further payment of State Aid. Whenever it becomes necessary for a school district to refund any overpayment of monies previously received, the school district shall issue such warrant against a properly approved encumbrance in the manner provided by law. Such claim or encumbrance shall be coded as a refund of prior revenue and paid from the current expense appropriation of the general fund or

such other fund or account from which such refund may properly be paid by the school district.

SECTION 16. AMENDATORY 70 O.S. 2001, Section 18-124, is amended to read as follows:

Section 18-124. A. Any school district with an average daily attendance (ADA) of more than one thousand five hundred (1,500) students for the preceding year which, ~~in school year 1987-88 or any school year thereafter,~~ expends for administrative services in the 2005-06 school year or any school year thereafter, less expenditures for legal services, more than six percent (6%) of the amount it expends for total expenditures, less expenditures for legal services, shall have the amount which exceeds the six percent (6%) withheld ~~from~~ the following ~~year's~~ year from the Foundation and Salary Incentive Aid for the school district.

B. Any school district with an average daily attendance (ADA) of more than five hundred (500) students but not more than one thousand five hundred (1,500) students for the preceding year which, ~~in school year 1987-88 or any school year thereafter,~~ expends for administrative services in the 2005-06 school year or any school year thereafter, less expenditures for legal services, more than eight percent (8%) of the amount it expends for total expenditures, less expenditures for legal services, shall have the amount which exceeds the eight percent (8%) withheld ~~from~~ the following ~~year's~~ year from the Foundation and Salary Incentive Aid for the school district.

C. Any school district with an average daily attendance (ADA) of five hundred (500) or fewer students for the preceding year which, ~~in school year 1987-88 or any school year thereafter,~~ expends for administrative services in the 2005-06 school year or any school year thereafter, less expenditures for legal services, more than ten percent (10%) of the amount it expends for total expenditures, less expenditures for legal services, shall have the amount which exceeds

the ten percent (10%) withheld ~~from~~ the following ~~year's~~ year from  
the Foundation and Salary Incentive Aid for the school district.

D. For purposes of ~~subsections A, B and C~~ of this section,  
"administrative services" means costs associated with ~~staff~~ :

1. Staff for the board of education, ~~the;~~

2. The secretary/clerk for the board of education, ~~and staff;~~

3. Staff relations, ~~negotiations;~~

4. Negotiations staff, ~~the superintendent, and staff;~~

5. Staff for the superintendent;

6. Any superintendent, elementary superintendent, or assistant  
superintendent;

7. Any employee of a school district employed as a director,  
coordinator, supervisor, or who has responsibility for  
administrative functions of a school district; and

8. Any consultant hired by the school district.

E. If an employee of a school district is employed in a  
position where part of the employee's time is spent as an  
administrator and part of the time is spent in nonadministrative  
functions, the percentage of time spent as an administrator shall be  
included as administrative services. Except for a superintendent  
who spends part of the time teaching in the classroom, the total  
amount of time a superintendent of a school district spends  
performing services for a school district shall be included as  
administrative services even if part of the time the superintendent  
is performing nonadministrative service functions and the total  
amount received by a superintendent from the school district as  
salary shall be recorded under the code for superintendent salary as  
provided for in the Oklahoma Cost Accounting System.

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

~~F.~~ G. Funds withheld pursuant to the provisions of this section shall be distributed through the State Aid formula to the districts not so penalized.

H. For the 2003-04 and 2004-05 school year, school districts shall report to the State Department of Education the costs associated with administrative services for the school district as defined in subsection D of this section.

SECTION 17. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

The State Board of Education shall not withhold an amount from the Foundation and Salary Incentive Aid of any school district that would be imposed upon the district pursuant to Section 18-124 of Title 70 of the Oklahoma Statutes for administrative cost limitation violations that may occur during the FY-04 and FY-05 fiscal year.

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 18-114.9 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. If a teacher, as defined in Section 6-101.3 of Title 70 of the Oklahoma Statutes, is employed by the same school district for the next school year as the preceding school year, the salary and fringe benefit level of the teacher shall not be decreased the next school year unless the hours or the duties of the teacher are reduced proportionately.

B. Subject to the provisions of this section, any school district that willfully reduces or has in years previous to enactment of this section willfully reduced the salary of a teacher in violation of subsection A of this section shall forfeit as a penalty a portion of its State Aid equal to the total amount that the teacher was underpaid. If the teacher was underpaid for more than one (1) school year, the amount forfeited shall equal the cumulative amount that the teacher was underpaid. The amount to be forfeited shall be deducted from the State Aid payment following

confirmation of the underpayment by the State Department of Education.

C. In addition to the amount of State Aid forfeited as a penalty pursuant to subsection B of this section, in order to ensure that the teacher receives the full amount of unpaid salary, the State Department of Education shall withhold an amount which is equal to the total amount that the teacher was underpaid from the State Aid payment of the school district and pay the amount directly to the teacher. The Board shall not withhold an amount for payment to the teacher pursuant to the subsection if the teacher has recovered the underpayment pursuant to judicial action.

D. Complaints filed with the State Board of Education pursuant to this section may be based on alleged underpayments during fiscal years that began:

1. On or after July 1, 2002; or
2. Before July 1, 2002, if the teacher filed an action to recover the underpayment in a court of competent jurisdiction before July 1, 2002.

E. Complaints filed with the State Board of Education alleging underpayment during fiscal years that began on or after July 1, 2002, shall be filed within one (1) year of the end of the fiscal year in which the underpayment is alleged to have occurred.

F. Filing a complaint with the State Board of Education pursuant to this section shall not operate to prohibit a teacher from filing an action for underpayment in a court of competent jurisdiction or continuing to pursue an action for underpayment pending in a court of competent jurisdiction on the effective date of this act.

G. The State Board of Education shall promulgate rules necessary to implement the provisions of this section. The rules shall include, but not be limited to, procedures for a teacher to

file a complaint for violation of this section and the Department to investigate the complaint.

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.727 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The Virtual Internet School Pilot Program Coordinating Committee may enter into cooperative partnerships with private Oklahoma-based companies in order to:

1. Distribute and utilize the management system and web-based curriculum content developed through the VISION Pilot Program as outlined in the Virtual Internet School In Oklahoma Network (VISION) Act on a statewide basis for school districts;

2. Continue the development of the products, processes and ideas that have resulted or will result from the VISION Pilot Program and that have a potential for protection pursuant to the intellectual property laws of the United States or of this state; and

3. Assist school districts in taking advantage of education technologies that have been developed or are being developed through the VISION Pilot Program and through private companies that help school districts improve education and meet state and federal reporting requirements and also help schools increase parental involvement and parental and public access to information.

B. A partnership shall be a collaborative effort where the Committee and a company exchange information and ideas. The formation of the partnership shall not entail the commitment of or exchange of state or federal money, provided the Committee may in a separate agreement contract with a partnership company for products or services as provided for by law. In order to achieve the goals of a partnership, the Committee may seek assistance from OneNet for cost-efficient distribution services, from the Oklahoma Center for

the Advancement of Science and Technology for technical expertise, or from any other state entity.

C. The Committee shall work with any partnership company to determine the market feasibility of any product, processes, or ideas that have resulted from the VISION Pilot Program or result from the collaborative effort of the partnership, including software integration engines for interfacing existing technology, and that have a potential for protection pursuant to the intellectual property laws of the United States or of this state. The Committee shall also work with any partnership company to develop a marketing plan for the commercialization of all such products, processes, or ideas.

D. Any products, processes, or ideas, including the software integration engines, developed from the collaborative effort of the partnership shall be constructed, in addition to other goals, in a manner to assist school districts and the state in complying with the guidelines of the Elementary and Secondary Education Act of 2001 (ESEA), P.L. No. 107-110, also known as the No Child Left Behind Act of 2001, and shall be in accordance with the following standards or guidelines:

1. Extensible Markup Language (XML);
2. Web services, a protocol developed by the World Wide Web Consortium;
3. Schools Interoperability Framework (SIF) version 1.5 specifications or any updated version of the specifications; and
4. The United States Department of Education Performance-Based Data Management Initiative (PBDMI).

E. In order to move as quickly as possible on the formation of partnerships, on or before August 1, 2003, the Committee shall establish criteria upon which to evaluate a company for a partnership established pursuant to this section. The criteria may include, but is not limited to the:

1. Quality or technical competency of the company and its products;

2. Financial stability of the company;

3. Reliability of the delivery and implementation schedules of the company;

4. Industry and program experience of the company and record of successful past performance with web-based projects of similar scope and complexity in Oklahoma;

5. Anticipated acceptance by user groups; and

6. Use of proven development methodology by the company, and innovative use of current technologies that lead to quality results.

F. By January 1, 2004, the Committee shall report to the State Board of Education and the Legislature the results of any distribution, collaboration, and marketing efforts resulting from the partnership formed pursuant to the section.

G. Any product, processes, or ideas that have resulted solely from the VISION Pilot Program or result from the collaborative effort of the partnership, including software integration engines for interfacing existing technology, and that have a potential for protection pursuant to the intellectual property laws of the United States or of this state shall be subject to the provisions of Section 85.60 of Title 74 of the Oklahoma Statutes.

H. Any partnership entered into by the Committee pursuant to the provisions of this section shall be formed so as to not confer upon the company any benefit in violation of Section 15 of Article X of the Oklahoma Constitution.

SECTION 20. AMENDATORY 70 O.S. 2001, Section 3-152, is amended to read as follows:

Section 3-152. A. The State Board of Education shall develop an Academic Performance Award Program for school districts and individual school sites who meet or exceed the expected growth targets as established by the Board. Those districts or sites who

have not met their expected growth targets, but demonstrate significant growth as determined by the Board, shall be included in the performance award program, but receive a decreased award amount.

B. Implementation of this section shall be contingent upon the appropriation of state funds by the Legislature for the specific purpose of implementing this section. Nothing in this section shall prevent the State Board of Education or a school district board of education from utilizing private, local, or federal funds to implement this section.

C. Implementation of this section 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. This section 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 for the specific purposes of this section.

SECTION 21. AMENDATORY 70 O.S. 2001, Section 6-195.1, is amended to read as follows:

Section 6-195.1 A. It is hereby declared to be the intent of the Legislature to establish a continuing education program whereby teachers employed to teach mathematics may obtain certification in mathematics and teachers certified to teach mathematics in the state may take higher education courses in order to obtain the competencies needed to enable the teacher to successfully complete the subject area examinations and become certified to teach any of the core curriculum mathematics courses recommended by the American College Test. The program shall pay up to One Hundred Dollars (\$100.00) per credit hour up to a maximum of twenty-four (24) credit hours for a teacher to take higher education courses in mathematics. Teachers required to gain certification as provided in Section 6-189.1 of this title shall be given priority in the funding for the continuing education program. The purpose of the program is to improve the knowledge and skills of teachers and to ensure that the children of the state are taught by professional educators, fully prepared in the area of mathematics.

B. Implementation of this section shall be contingent upon the appropriation of state funds by the Legislature for the specific purpose of implementing this section. Nothing in this section shall prevent the State Board of Education or a school district board of education from utilizing private, local, or federal funds to implement this section.

C. Implementation of this section 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. This section 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 for the specific purposes of this section.

SECTION 22. AMENDATORY 70 O.S. 2001, Section 6-204.1, is amended to read as follows:

Section 6-204.1 For purposes of the Education Leadership Oklahoma Act:

1. "Salary bonus" means additional monies granted to teachers maintaining National Board certification subject to the availability of funds specifically appropriated by the Legislature to the State Board of Education for that purpose;

2. "Certification" means National Board certification;

3. "Commission" means the Oklahoma Commission for Teacher Preparation;

4. "National Board" means the National Board for Professional Teaching Standards; ~~and~~

5. "National Board certification" means National Board certification as provided by the National Board for Professional Teaching Standards; and

6. "Teacher" means a classroom teacher, counselor, or librarian employed by a public school district on a full-time basis.

SECTION 23. AMENDATORY 70 O.S. 2001, Section 6-204.2, as amended by Section 4, Chapter 236, O.S.L. 2002 (70 O.S. Supp. 2002, Section 6-204.2), is amended to read as follows:

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

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

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

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

3. Provide scholarships, pursuant to the Education Leadership Oklahoma Act and Oklahoma Commission for Teacher Preparation rules, for teachers seeking National Board certification;

4. Provide a bonus to teachers who achieve National Board certification pursuant to the Education Leadership Oklahoma Act and State Board of Education rules;

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

6. Provide recognition to National Board certified teachers.

C. To fulfill the objectives of the Education Leadership Oklahoma Act, the Oklahoma Commission for Teacher Preparation shall:

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

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

3. Establish an applicant review committee for the purpose of identifying scholarship recipients pursuant to the Education Leadership Oklahoma Act for the Education Leadership Oklahoma program; and

4. Ensure that all scholarship recipients, alternates, and teachers seeking National Board certification independently receive adequate information regarding the level of commitment required to acquire National Board certification.

D. The applicant review committee shall:

1. Consist of:

- a. five classroom teachers appointed by the State Board of Education, at least one of whom shall be a National Board certified teacher, if available,
- b. five classroom teachers appointed by the Oklahoma Commission for Teacher Preparation, at least one of whom shall be a National Board certified teacher, if available,
- c. three classroom teachers appointed by the Oklahoma State Regents for Higher Education, at least one of whom shall be a National Board certified teacher, if available, and
- d. a chair to be designated by the Executive Director of the Oklahoma Commission for Teacher Preparation from among the appointed members; and

2. Select up to two hundred teachers for the 1999-00 class, up to four hundred teachers beginning with the 2000-01 class and every year thereafter, and the appropriate number of alternates, who:

- a. have demonstrated a commitment to excellence in teaching,
- b. meet all eligibility requirements for potential certification as established by the National Board for Professional Teaching Standards,

- c. are employed in an Oklahoma public school, and
- d. meet other requirements of the Commission.

E. Subject to the availability of funds appropriated by the Legislature for the purposes of this subsection, the application fee for National Board certification shall be paid for scholarship recipients by the Commission, and scholarship recipients shall be provided a scholarship in the amount of Five Hundred Dollars (\$500.00) to cover other expenses associated with obtaining National Board certification.

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

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

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

I. Subject to district board of education policy or collective bargaining agreement, additional professional leave days may be granted to teachers seeking National Board certification for National Board certification portfolio development. During the two (2) days of the additional professional days granted to teachers for National Board certification portfolio development, a substitute teacher shall be provided by the school district at no cost to the teacher.

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

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

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

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

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

N. Upon implementation of this subsection as provided for in ~~subsection~~ subsections O and P of this section, the State Board of Education shall provide all teachers who attain National Board certification a bonus in the amount of Seven Thousand Dollars (\$7,000.00) annually no later than January 31 for as long as they maintain their National Board certification and are ~~teaching in the classroom~~ a full-time teacher in an Oklahoma public school. No school or school district shall be liable for payment of bonuses pursuant to this section. Upon implementation, the bonus provided for in this subsection shall replace the bonus provided for in subsection J of this section.

O. Implementation of subsection N of this section shall be contingent upon the appropriation by the Legislature of state funds for the specific purpose of implementing subsection N of this section. Nothing in this section shall prevent the State Board of Education or a school district board of education from utilizing private, local, or federal funds to implement subsection N of this section.

P. Implementation of subsection N of this section 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 subsection, 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. Subsection N of this section 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 for the specific purposes of the section.

SECTION 24. AMENDATORY 70 O.S. 2001, Section 18-108, is amended to read as follows:

Section 18-108. A. It is the intent of the Legislature to provide a free public kindergarten for every five-year-old child in this state.

B. Each day during which a child attends a kindergarten for two and one-half (2 1/2) hours or more shall be counted as one hundred percent (100%) of one (1) day of average daily attendance. Each day a kindergarten student is on the membership roll in a school district shall be counted as one hundred percent (100%) of one (1) day of average daily membership.

C. It shall be the duty of every school district in this state to provide and offer kindergarten free of tuition for every child residing in such district who attains the age of five (5) years on or before the first day of September during the school year such kindergarten is offered, provided that this duty may be satisfied by transferring kindergarten children to other school districts which accept them and provide kindergarten for such children, or by contracting for classroom space with a licensed public or licensed private child care provider based upon selection criteria established by the district.

D. A kindergarten program may be offered jointly by school districts that have formed interlocal cooperative agreements pursuant to Section 5-117b of this title.

E. Upon implementation of this subsection as provided for in ~~subsection~~ subsections G and H of this section, it shall be the duty of every school district in this state to provide and offer a full six-hour day of kindergarten free of tuition for every child residing in such district who attains the age of five (5) years on or before the first day of September during the school year such kindergarten is offered, provided that this duty may be satisfied by transferring kindergarten children to other school districts which will accept them and can provide kindergarten for such children, or by contracting for classroom space with a licensed public or

licensed private child care provider based upon selection criteria established by the district. The requirement to offer a full six-hour day of kindergarten as provided for in this subsection shall not become effective until three (3) years after the provisions of this subsection are implemented as provided for in ~~subsection~~ subsections G and H of this section.

F. Upon implementation of this subsection as provided for in ~~subsection~~ subsections G and H of this section, the requirement to attend kindergarten provided in Section 10-105 of this title may be satisfied by attendance in either a half-day or full-day program. Membership in a kindergarten for either two and one-half (2 1/2) hours or six (6) hours per school day shall be counted as one (1) day for average daily membership purposes. For purposes of State Aid, the pupil grade level weight for a two-and-one-half-hour day of kindergarten shall be 1.3, and for a six-hour full day of kindergarten shall be 1.5.

G. Implementation of subsections E and F of this section shall be contingent upon the appropriation by the Legislature of state funds for the specific purpose of implementing subsections E and F of this section. Nothing in this section shall prevent the State Board of Education or a school district board of education from utilizing private, local, or federal funds to implement subsections E and F of this section.

H. Implementation of subsections E and F of this section 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 subsection, 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. Subsections E and F of this section 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 for the specific purposes of this section.

SECTION 25. AMENDATORY 70 O.S. 2001, Section 1210.508E, as amended by Section 2, Chapter 212, O.S.L. 2002 (70 O.S. Supp. 2002, Section 1210.508E), is amended to read as follows:

Section 1210.508E A. A teacher who determines a third-grade student is unable to meet competencies required for reading and mathematics for completion of third grade and promotion to fourth grade, shall have the authority to recommend that the promotion of the student to the fourth grade is contingent upon the participation in and successful completion of the required competencies for reading and mathematics by the student at a summer academy. If the student does not successfully complete the competencies in the summer academy, the student shall be retained in the third grade. Summer academy programs shall be designed to ensure that participating students successfully complete the competencies necessary in reading and mathematics for promotion to fourth grade and to enhance next-grade readiness.

B. Beginning one (1) year after implementation of this section as provided for in ~~subsection~~ subsections C and D of this section, the requirements of subsection A of this section shall be expanded to apply to fourth-grade students being promoted to fifth grade.

Each year thereafter, the requirements shall be expanded by one grade level until the requirements apply to third-grade students through eighth-grade students. Summer academy programs shall be designed for each grade level.

C. Implementation of this section shall be contingent upon the appropriation by the Legislature of state funds for the specific purpose of implementing this section. Nothing in this section shall prevent the State Board of Education or a school district board of education from utilizing private, local, or federal funds to implement this section.

D. Implementation of this section 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. This section 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 for the specific purposes of this section.

SECTION 26. AMENDATORY 70 O.S. 2001, Section 1210.568, as amended by Section 1 of Enrolled Senate Bill No. 801 of the 1st

Session of the 49th Oklahoma Legislature, is amended to read as follows:

Section 1210.568 A. Beginning with the first semester of the 1996-1997 school year, the State Board of Education shall implement a statewide system of alternative education programs which shall be phased-in within seven (7) years. The statewide system shall include but not be limited to Alternative Approaches grant programs, funded pursuant to Section 1210.561 of this title, and alternative academies or alternative programs implemented pursuant to this section.

B. Beginning with the first semester of the 2002-2003 school year, all school districts of this state shall provide alternative education programs that conform to the requirements of statutes and rules applicable to alternative education. A program shall:

1. Allow class sizes and student/teacher ratios which are conducive to effective learning for at-risk students;
2. Incorporate appropriate structure, curriculum, and interaction and reinforcement strategies designed to provide effective instruction;
3. Include an intake and screening process to determine eligibility of students;
4. Demonstrate that teaching faculty are appropriately licensed or certified teachers;
5. Demonstrate that teaching faculty have been selected on the basis of a record of successful work with at-risk students or personal and educational factors that qualify them for work with at-risk students;
6. Reflect appropriate collaborative efforts with state agencies and local agencies serving youth;
7. Provide courses that meet the academic curricula standards adopted by the State Board of Education and additional remedial courses;

8. Offer individualized instruction;

9. State clear and measurable program goals and objectives;

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

11. Require a plan leading to graduation be developed for each student in the program which will allow the student to participate in graduation exercises for the school district after meeting the requirements of the school district as specified in the individual graduation plan for that student; provided, the plan shall specifically address whether the student is required to meet the graduation requirements established in Section 11-103.6 of this title;

12. Offer life skills instruction;

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

14. Provide a proposed annual budget;

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

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

17. Allow students in the alternative education program, who otherwise meet all of the participation requirements, to participate in vocational programs and extracurricular activities, including but not limited to athletics, band, and clubs.

C. The alternative education program of a school district shall be operational and serving students by September 15 of each school year.

D. Each alternative education program of a school district shall receive funding based on the combined number of dropouts and students within the district who have been referred to a county juvenile service unit, a county juvenile bureau or who have been committed to the custody of the Office of Juvenile Affairs. Each alternative education program shall receive incentive funding as follows:

1. For the first year of operation, One Thousand Dollars (\$1,000.00) per student;

2. For the second year of operation, Seven Hundred Fifty Dollars (\$750.00) per student; and

3. For the third year of operation and each year thereafter, Seven Hundred Dollars (\$700.00) per student.

Statewide alternative education funding shall not be used to supplant existing school district resources or to support programs that do not meet all the criteria for the statewide alternative education system. No alternative education program shall receive less than a total of Ten Thousand Dollars (\$10,000.00) per school year.

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

F. Elementary school districts, as defined in Section 5-103 of this title, may request a waiver from the State Board of Education from the requirements of this section to implement and provide an alternative education program. Any elementary school district that has not received funding pursuant to the provisions of subsection D of this section shall be automatically granted a waiver. If a

school district is granted a waiver, no statewide alternative education funding shall be allocated to the district.

G. 1. The State Board of Education shall contract for technical assistance for operation of an Alternative Education Technical Assistance Center. The technical assistance provider shall be an entity located in Oklahoma that has been officially recognized by the United States Department of Education to assess and facilitate dissemination of validated educational programs in Oklahoma. The technical assistance provider shall have priority, if its operations are deemed satisfactory by the State Board of Education and if funds are available, for annual renewal of the contract.

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

- a. providing initial and ongoing training of personnel who will educate at-risk populations through alternative education programs,
- b. providing technical assistance to school districts to enhance the probability of success of their alternative education programs,
- c. evaluating state-funded alternative education programs,
- d. reporting to the State Board of Education the evaluation results of state-funded alternative education programs, and
- e. providing in-depth program analysis and evaluation of state-funded alternative education programs.

3. The State Board of Education shall not provide funding to an alternative education program that does not receive a recommendation for continued funding in the evaluation provided for in this subsection. Provided, any school district not receiving such a recommendation for continued funding may request a hearing before

the Board with a review of the evaluation prior to the Board's final determination.

H. All alternative education programs shall be subject to statutes and rules applicable to alternative education, including any exemptions from statutory or regulatory requirements authorized by statutes or rule.

I. An alternative education program may be offered by an individual school district or may be offered jointly by school districts that have formed interlocal cooperative agreements pursuant to Section 5-117b of this title. Any school district submitting a plan for an alternative education program serving fewer than ten students shall enter into a cooperative agreement with another school district to jointly provide the program unless the program has been granted a waiver from this requirement by the State Board of Education.

J. Any materials or equipment purchased by a school district with revenue received for students participating in an alternative education program shall be used only in or directly for the alternative education program offered by the district or any subsequent alternative education program offered to students enrolled in that district. Such materials and equipment shall be made available exclusively to alternative education students during the hours that the alternative education program is operating; provided, the material or equipment may be used for other purposes when the alternative education program is not operating.

K. Upon implementation of this subsection as provided for in subsection M of this section and contingent upon the provision of appropriated funds designated for such purpose, all school districts in the state providing alternative education programs as required in subsection B of this section shall expand the programs to include middle-school-grade students. The program shall conform to the requirements of subsection B of this section.

L. Upon implementation of this subsection as provided for in subsection M of this section and contingent upon the provision of appropriated funds designated for such purpose, each urban school district identified by the State Department of Education as having a high population of elementary grade students who are at-risk and in need of alternative education shall provide elementary level alternative education programs. The State Department of Education shall establish requirements for the programs. For purposes of this section, "urban school district" means a school district with an average daily membership of thirty thousand (30,000) or more.

M. Implementation of subsections K and L of this section 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 subsection, 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. Subsections K and L of this section 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 for the specific purposes of this section.

SECTION 27. AMENDATORY 70 O.S. 2001, Section 1210.569,  
is amended to read as follows:

Section 1210.569 A. Each school district shall be required to update and submit on an annual basis the student needs assessment and alternative education plan outlined in Section 1210.566 of this title. The alternative education plan of each school district shall provide for specific professional development programs for the teachers teaching in or working with an alternative education program. The annual needs assessment data shall be incorporated by the State Board of Education into an annual report which shall be submitted to the Speaker of the House of Representatives, the President Pro Tempore of the Senate and the Governor. The report shall include a listing by school district of the number of students funded and the reported number of students served in an alternative education program.

B. By July 1 of each year, each school district shall submit an expenditure report to the State Department of Education listing all of the expenditures made by the school district for the alternative education program for the previous year.

C. Upon implementation of this subsection as provided for in ~~subsection~~ subsections D and E of this section, each urban school district as defined in Section 1210.568 of this title and as identified by the State Department of Education as having a high population of elementary grade students who are at-risk and in need of alternative education shall expand the annual student needs assessment and alternative education plan as required in subsection A of this section to include a needs assessment and education plan for elementary students who are at-risk and in need of alternative education.

D. Implementation of subsection C of this section shall be contingent upon the appropriation by the Legislature of state funds for the specific purpose of implementing subsection C of this

section. Nothing in this section shall prevent the State Board of Education or a school district board of education from utilizing private, local, or federal funds to implement subsection C of this section.

E. Implementation of subsection C of this section 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 subsection, 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. Subsection C of this section 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 for the specific purposes of the section.

SECTION 28. AMENDATORY 70 O.S. 2001, Section 1210.710, is amended to read as follows:

Section 1210.710 A. It is hereby the intent of the Oklahoma Legislature to provide funding to urban school districts to hire school counselors at the elementary level. Preference for funding shall be given to those urban school districts that have the highest number of elementary students at-risk and in need of alternative

education. For purposes of this section, "urban school district" means a school district with an average daily membership of thirty thousand (30,000) or more.

B. Implementation of this section shall be contingent upon the appropriation by the Legislature of state funds for the specific purpose of implementing this section. Nothing in this section shall prevent the State Board of Education or a school district board of education from utilizing private, local, or federal funds to implement this section.

C. Implementation of this section 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. This section 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 for the specific purposes of this section.

SECTION 29. AMENDATORY 70 O.S. 2001, Section 3-116, as last amended by Section 76 of Enrolled House Bill No. 1816 of the

1st Session of the 49th Oklahoma Legislature, is amended to read as follows:

Section 3-116. A. There is hereby created the Education Oversight Board. The membership of the Education Oversight Board shall consist of:

1. The Chairperson of the Education Committee of the Oklahoma House of Representatives;
2. The Chairperson of the Education Committee of the Senate;
3. Two members, who are not legislators, appointed by the Governor;
4. Two members, who are not legislators, appointed by the Speaker of the Oklahoma House of Representatives;
5. Two members, who are not legislators, appointed by the President Pro Tempore of the Senate; and
6. One member, who is not a legislator, appointed jointly by the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

The two Education Committee Chairpersons shall serve as nonvoting members of the Board as long as each holds that position in such chairperson's respective house. The terms of the appointed members shall be staggered. ~~The initial term of the first member appointed by the Governor shall expire on June 30, 1996. The initial term of the first member appointed by the President Pro Tempore of the Senate shall expire on June 30, 1995. The initial term of the first member appointed by the Speaker of the House of Representatives shall expire on June 30, 1994. The initial term of the second member appointed by the Governor shall expire on June 30, 2002. The initial term of the second member appointed by the President Pro Tempore of the Senate shall expire on June 30, 2001. The initial term of the second member appointed by the Speaker of the House of Representatives shall expire on June 30, 2000. The initial term of the member appointed jointly by the President Pro~~

~~Tempore of the Senate and the Speaker of the House of Representatives shall expire on June 30, 1999.~~ The terms of the seven appointed members shall begin on July 1 of the year the preceding term expires. ~~All terms scheduled to begin on or before June 30, 1997, shall be for three (3) years. Except for the initial terms of the second members appointed by the Governor, Speaker of the House of Representatives, and the President Pro Tempore of the Senate and the member appointed jointly, all~~ All terms scheduled to begin on or after July 1, 1997, shall be for five (5) years. At least one appointed member must reside in each congressional district. However, when congressional districts are redrawn each member appointed prior to July 1 of the year in which such modification becomes effective shall complete the current term of office and appointments made after July 1 of the year in which such modification becomes effective shall be based on the redrawn districts. Appointments made after July 1 of the year in which such modification becomes effective shall be from any redrawn districts which are not represented by a board member until such time as each of the modified congressional districts are represented by a board member. If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.

B. A chairperson and vice-chairperson shall be elected annually from the membership of the Board. A quorum which shall consist of four voting members must be present for the transaction of any business. Members shall be reimbursed for travel in the performance of their official duties in accordance with the State Travel Reimbursement Act.

C. The Education Oversight Board shall ~~have oversight over~~ implementation of:

1. ~~The~~ Oversee implementation of the provisions of Enrolled House Bill No. 1017 of the 1st Extraordinary Session of the 42nd Oklahoma Legislature; and

2. ~~The~~ Oversee implementation of the provisions of the Oklahoma Teacher Preparation Act; and

3. Make recommendations to the Governor and Legislature on methods to achieve an aligned, seamless system from preschool through postsecondary education.

D. The Education Oversight Board shall govern the operation of the Office of Accountability created in Section 3-117 of this title. The Secretary of Education shall be the chief executive officer of the Office of Accountability.

E. Legislators and appointed members who serve on the Education Oversight Board shall be exempt from the dual office holding prohibitions of Section 6 of Title 51 of the Oklahoma Statutes.

SECTION 30. AMENDATORY 70 O.S. 2001, Section 3-117, is amended to read as follows:

Section 3-117. There is hereby created the Office of Accountability. ~~The State Board of Education is~~ Oklahoma State Regents for Higher Education are hereby directed to support the Office of Accountability from the budget of the State ~~Board of Education~~ Regents. The State ~~Board of Education~~ Regents shall include the Office of Accountability in its budget work program to be submitted each fiscal year for the succeeding fiscal year to the Office of State Finance. Each year the Education Oversight Board shall submit a program budget for the Office of Accountability to the State ~~Board of Education~~ Regents. Any amendments to the Office of Accountability program budget must first be approved by the Education Oversight Board. The Office of Accountability, its personnel, budget, and expenditure of funds shall be solely under the direction of the Education Oversight Board.

SECTION 31. A. Of the funds appropriated to the State Board of Education in Section 2 of Enrolled House Bill No. 1162 of the 1st Session of the 49th Oklahoma Legislature, the amount of Two Hundred Fifty Thousand One Hundred Twenty Dollars (\$250,120.00) shall be transferred by the Office of State Finance to the Oklahoma State Regents for Higher Education.

B. Effective July 1, 2003, the positions in the State Department of Education and any furniture, supplies, and equipment assigned to the Office of Accountability shall be transferred to the Oklahoma State Regents for Higher Education. Any incumbent unclassified employees in the State Department of Education assigned to the Office of Accountability shall be transferred to the Oklahoma State Regents for Higher Education.

SECTION 32. REPEALER Section 34 of Enrolled House Bill No. 1162 of the 1st Session of the 49th Oklahoma Legislature, is hereby repealed.

SECTION 33. This act shall become effective July 1, 2003.

SECTION 34. 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.

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