

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2642

By: Staggs

COMMITTEE SUBSTITUTE

An Act relating to career and technology education; amending 70 O.S. Sections 14-103 and 14-108, as last amended by Section 1, Chapter 50, O.S.L. 2003 (70 O.S. Supp. 2003, Section 14-108), which relate to the State Board of Career and Technology Education and technology center school districts; authorizing the State Board of Career and Technology Education to conduct performance audits of technology center school districts; establishing term of office for members of boards of education of technology center school districts; providing for term of office for certain current members; updating statutory citations; directing the State Board of Career and Technology Education to establish procedures for conducting performance audits; listing certain review areas; requiring the State Department of Career and Technology Education to have a number of performance audits each year; allowing audits at the discretion of the Board; requiring a corrective action plan; providing for reporting of audits and corrective action plans; providing for technical assistance and certain reporting; authorizing the Board to assume control of a district in certain circumstances; prohibiting technology center administrators and board members from involvement in certain projects; defining administrators; authorizing the Board to adopt rules; amending 74 O.S. 2001, Section 213, which relates to examination of public institutions; directing the State Auditor and Inspector to perform a special audit on technology center school districts upon request of certain persons or entities; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2001, Section 14-103, is amended to read as follows:

Section 14-103. The State Board of Career and Technology Education shall have the following powers and duties:

1. Have the supervision of the Oklahoma Department of Career and Technology Education of the State Board of Career and Technology Education, which department shall keep its principal offices at Stillwater, and appoint and fix the compensation and duties of the Director and other personnel of such Department-; i

2. Have the supervision of the technology center schools and colleges of Oklahoma, except Oklahoma State University of Technical Training at Okmulgee and the Oklahoma State University Technical Institutes at Oklahoma City and Stillwater, which, however, shall be eligible to participate in federal programs administered by the State Board of Career and Technology Education as hereinafter provided-; i

3. Cooperate with, and enter into agreements with, and administer programs of, and receive federal funds from, the United States Department of Education and other federal agencies in matters relating to vocational and technical education, youth apprenticeship programs, and manpower training, and be the sole state agency for such purposes. Provided that, programs and funds made available through the Job Training Partnership Act, or its successor programs, shall be excluded-; i

4. Provide for the formulation and adoption of curricula, courses of study, and other instructional aids necessary for the adequate instruction of students in the technology center schools and colleges of this state. It is the intent of the Legislature that instructional models for vocational students should include higher standards of academic work with increased emphasis on communication, computation and applied science-; i

5. Develop a plan to provide adequate vocational offerings accessible to all students having the ability to benefit-; i

6. Purchase or otherwise acquire equipment, materials, supplies and other property, real or personal, as may be necessary for the operation of the technology center schools of this state, and

provide for the maximum utilization of such property through a coordinated and cooperative use thereof, including transfer of title to real and personal property to a technology center school district for a reasonable cash consideration if said property is to be utilized in a vocational-technical program administered by the technology center district board of education. Any conveyance of real property for a reasonable consideration shall contain a reversionary clause by which the real property shall revert to the State Board of Career and Technology Education if the property ceases to be used in a vocational-technical program administered by the technology center district board of education-;

7. Enter into such agreements and contracts with the State Board of Education, boards of trustees of community junior colleges, boards of education of independent and elementary school districts, boards of education of school districts for technology center schools, private educational or training institutions, public or private industry, and boards of directors of community action programs, as may be necessary or feasible for the furtherance of vocational and technical training within this state-;

8. Cooperate and enter into agreements with the Oklahoma State Regents for Higher Education-;

9. Cooperate with the State Department of Education in developing hands-on career exploration activities for students in grades 6 through 10, integrating academic competencies into vocational instruction, and ensuring counseling of all students in order to minimize the number of students graduating from high school without having completed either a vocational-technical program or college preparation-;

10. Develop and periodically update a plan to allow teacher training and the purchase and installation of technological equipment necessary to modernize vocational educational programs-;

11. Accept and provide for the administration of any land, money, buildings, gifts, funds, donations or other things of value which may be offered or bequeathed to the schools or colleges under the supervision or control of said Board;

12. Enter into cooperative arrangements with one or more other states for the conduct and administration of programs, services and activities;

13. Cooperate whenever possible, to avoid any duplication of training programs with any established training program registered by the Bureau of Apprenticeship and Training, United States Department of Labor; and

14. Have the authority to perform random performance audits of technology center school districts.

SECTION 2. AMENDATORY 70 O.S. 2001, Section 14-108, as last amended by Section 1, Chapter 50, O.S.L. 2003 (70 O.S. Supp. 2003, Section 14-108), is amended to read as follows:

Section 14-108. A. The State Board of Career and Technology Education shall prescribe criteria and procedures for the establishment and governance of technology center school districts, as provided by Section 9B, Article X, Oklahoma Constitution, and such districts so established shall be operated in accordance with rules of the State Board of Career and Technology Education, except as otherwise provided in this title.

B. A technology center school district shall be a body corporate and shall possess the usual powers of a corporation for public purposes. Its official name shall be designated by the State Board of Career and Technology Education, in which name it may sue and be sued, and be capable of contracting and being contracted with, and holding real and personal estate. Its governing board shall be a board of education consisting of not less than five (5) nor more than seven (7) members elected in a manner prescribed by the State Board of Career and Technology Education. ~~Such~~ The term

of office of board of education members shall be five (5) years.

Any board member serving on July 1, 2004, with a seven-year term of office shall continue serving until the end of the current term.

Thereafter the term for that office shall be five (5) years. The

board of education shall have the same powers and duties that boards of education of independent school districts have. It may require nonresident students to pay reasonable tuition fees, which may be paid for a student by the independent or elementary school district in which the student resides.

C. An election to vote on the question of making a levy of not to exceed five (5) mills on the dollar valuation of the taxable property in a technology center school district under the provisions of subsection A, Section 9B, Article X, Oklahoma Constitution, shall be called by the board of education and conducted by the county election board of such district in the same manner that elections for emergency levies in school districts under the provisions of Section 9(d), Article X, Oklahoma Constitution, are called and conducted. When such levy is approved by a majority of the electors of the technology center school district voting on the question at such election, the levy shall be made each fiscal year thereafter until repealed by a majority of the electors of the district voting on the question at an election called for such purpose. An election to vote on the question of making a local incentive levy of not to exceed five (5) mills on the dollar valuation of the taxable property in a technology center school district under the provisions of subsection B of Section 9B of Article X of the Oklahoma Constitution, may be called by the board of education; and elections on a levy for a building fund for an area school district under the provisions of Section 10, Article X, Oklahoma Constitution, shall be called by the board of education of such district and conducted by the county election board in the same manner that elections for

similar levies are called and conducted in independent school districts.

D. Annual estimates of needs of technology center school districts shall be made and approved in the same manner that those of independent school districts are made and approved. Provided, that the State Board of Career and Technology Education shall prescribe a list of appropriation accounts by which the funds of technology center school districts shall be budgeted, accounted for and expended. Any such estimate of needs may include an estimate of federal funds as probable income from sources other than ad valorem tax of the district and other than any excise or other tax assessed by legislative enactment and distributed in lieu of ad valorem taxes. If a technology center school district lies in more than one county, the district's estimate of needs shall be filed with and approved by the county excise board of the county designated by the school district board of education.

E. Territory may be annexed to or detached from a technology center school district, in accordance with rules prescribed by the State Board of Career and Technology Education. If the State Board of Career and Technology Education requires the submission of a petition in order for an election to be called for the purpose of annexation or deannexation of territory to a technology center school district, such petition shall not be required to bear a number of technology center school district electors' signatures which exceed fifty percent (50%) of the number of technology center school district electors who voted in the last school board election in the territory proposed to be annexed or deannexed. Provided, the period of time from which the petition is initiated to its time of filing with the State Board shall not exceed ninety (90) days.

F. Schools of technology center school districts shall be subject to classification, inspection and accreditation by the State Board of Education.

G. The technology center school board of education may designate a county treasurer to serve as treasurer of the school district or may appoint an independent treasurer.

H. Within four (4) years after the creation of a technology center school district, such school district may, at its discretion, permit a teacher to transfer any or all accrued benefits upon employment including credit for years of service in the previous school district by the technology center school district, if the teacher at the time of hiring is employed as a teacher by an independent or elementary school district which is all or partly within the boundaries of the technology center school district or is employed as a teacher in a skills center within the boundaries of the school district.

I. The board of education of a technology center school district may convey personal property without consideration to a school district that is within the boundary of the technology center school district or a public school offering secondary level education which was created and is operated by the State of Oklahoma and that is within the boundary of the technology center school district.

J. The board of education of a technology center school district may, without prior approval of the State Board of Career and Technology Education, approve all plans and specifications for technology center school buildings, additions, and major modifications to school buildings that are designed to provide for the offering of vocational-technical education programs and services when the cost of the building project is to be paid with local levies or state bond monies or both local levies and state bond monies.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 14-130 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The State Board of Career and Technology Education shall establish procedures for conducting performance audits of technology center school districts. The audits shall review areas including, but not limited to, the following:

1. Expenditures;
2. Administrative costs;
3. Student enrollment;
4. Equipment;
5. Purchasing policies;
6. Personnel policies;
7. Travel policies;
8. Finances;
9. Teacher and administrator salaries and benefits; and
10. Procedures.

B. The State Department of Career and Technology Education shall ensure that a minimum of twenty percent (20%) of the technology center school districts are subjected to performance audits at random each year. The Department is further authorized to conduct a performance audit of a district at any time at the discretion of the Board. The audits shall report deficiencies, policy noncompliance, inadequate policies, and any other items the Board deems appropriate. Each district shall prepare a corrective action plan in response to the audit, if necessary. Audit reports and corrective action plans shall be provided to members of the State Board in an open meeting of the Board.

C. The Department shall provide technical assistance to any district at the direction of the Board. The Department shall provide reports on district progress in complying with its corrective action plan to the Board at intervals determined by the Board. The Board shall have authority to assume the administration and supervision of any district that fails to comply with the corrective action plan as approved by the State Board.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 14-131 of Title 70, unless there is created a duplication in numbering, reads as follows:

Technology center school district administrators and board members shall be prohibited from participating in, or benefiting from, projects involving the use of district employee or student labor on privately owned real or personal property. For purposes of this section, technology center school district administrators include superintendents, deputy superintendents, assistant superintendents, and campus directors. The State Board of Career and Technology Education shall adopt rules to implement the provisions of this section.

SECTION 5. AMENDATORY 74 O.S. 2001, Section 213, is amended to read as follows:

Section 213. A. It shall be the duty of the State Auditor and Inspector to examine and report upon the books and financial accounts of the public, educational, charitable, penal and reformatory institutions belonging to the state; to prescribe and enforce correct methods of keeping financial accounts of the state institutions and instruct the proper officers thereof in the performance of their duties concerning the same; to examine the books and accounts of all public institutions under the control of the state at least once each year. Any officer of such public, educational, charitable, penal and reformatory institutions who shall refuse or willfully neglect to comply with such direction of the State Auditor and Inspector within a reasonable time shall be guilty of a misdemeanor.

B. Each board of regents of institutions in The Oklahoma State System of Higher Education shall require a quality control review of the internal audit function required pursuant to subsection D of Section 3909 of Title 70 of the Oklahoma Statutes for each institution under its governance at least once every three (3)

years. This review shall be in accordance with the "Quality Assurance Review Manual for Internal Auditing" developed by the Institute of Internal Auditors or any successor organization thereto. A copy of the report on the quality control review shall be filed with the State Auditor and Inspector.

C. The State Auditor and Inspector shall perform a special audit on ~~common~~ an independent or elementary school districts and technology center districts district upon receiving a written request to do so by any of the following: the Governor, Attorney General, President Pro Tempore of the Senate, Speaker of the House of Representatives, or the State Board of Education. The State Auditor and Inspector shall perform a special audit on a technology center school district upon receiving a written request to do so by any of the following: the Governor, Attorney General, President Pro Tempore of the Senate, Speaker of the House of Representatives, the State Board of Career and Technology Education, or the technology center school district board. The State Auditor and Inspector shall perform a special audit on any institution of higher education within The Oklahoma State System of Higher Education whenever the State Auditor and Inspector deems it appropriate or upon receiving a written request to do so by any of the following: the Governor, the Attorney General, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the governing board of the institution of higher education, or the president of the institution of higher education. The special audit shall include, but not necessarily be limited to, a compliance audit. The special audit shall be conducted according to the American Institute of Certified Public Accountants' "Statements on Auditing Standards". Such audits shall be designed to review items for management's compliance with statutes, rules, policies and internal control procedures or other items applicable to each entity. The costs of any such audit shall

be borne by the audited entity and may be defrayed, in whole or in part, by any federal funds available for that purpose.

D. The State Auditor and Inspector shall perform a special audit without notice on the office of any district attorney or on any division of the Department of Corrections upon receiving a written request to do so by any of the following: the Governor, the Attorney General, or joint request of the President Pro Tempore of the Senate and the Speaker of the House of Representatives. The State Auditor and Inspector shall perform a special audit without notice on any penal institution, corrections program, contract for service or prison bed space provided to the Department of Corrections, or any program administered by a district attorney's office or staff of such office whenever the State Auditor and Inspector deems it appropriate or upon receiving a written request to do so by any of the following: the Governor, the Attorney General, or joint request of the President Pro Tempore of the Senate and the Speaker of the House of Representatives. The special audit shall include, but not necessarily be limited to, a compliance audit. Such audits shall be designed to review items for compliance with statutes, rules, policies and internal control procedures or other items applicable to each entity. The costs of any such audit shall be paid by the state agency and may be defrayed, in whole or in part, by any federal funds available for that purpose through any audited program.

SECTION 6. This act shall become effective July 1, 2004.

SECTION 7. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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