

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

2nd CONFERENCE COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL 1493

By: Paddack of the Senate

and

Dank of the House

2nd CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to schools and state government; amending 70 O.S. 2001, Section 3-142, as amended by Section 2, Chapter 472, O.S.L. 2004 (70 O.S. Supp. 2005, Section 3-142), which relates to the Oklahoma Charter Schools Act; modifying method for determination of funding for charter schools; amending 70 O.S. 2001, Section 6-105, which relates to substitute teachers; requiring certain training for certain special education substitute teachers; authorizing school districts to request certain waivers; directing State Board of Education to develop procedures for certain waivers; amending 70 O.S. 2001, Section 6-194, as last amended by Section 1, Chapter 127, O.S.L. 2005 (70 O.S. Supp. 2005, Section 6-194), which relates to professional development programs; adding special education to program requirements; requiring certain training relating to child abuse and neglect; amending 70 O.S. 2001, Section 7-203, as amended by Section 3, Chapter 296, O.S.L. 2003 (70 O.S. Supp. 2005, Section 7-203), which relates to the School Consolidation Assistance Fund; modifying criteria for access to and use of fund; deleting obsolete reference; increasing amounts allocated from fund per average daily membership; amending 70 O.S. 2001, Section 24-153, as amended by Section 1, Chapter 147, O.S.L. 2002 (70 O.S. Supp. 2005, Section 24-153), which relates to granting of high school diplomas to certain veterans; adding Vietnam War veterans; specifying dates of service; amending 70 O.S. 2001, Section 1210.401, which relates to the Oklahoma School of Science and Mathematics Board of Trustees; authorizing Board members to hold other private or public positions not prohibited by the Oklahoma Constitution; amending 70 O.S. 2001, Section 2602, which relates to the Oklahoma Higher Learning Access Program; authorizing program to also be known as "Oklahoma's Promise"; 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 3-142, as amended by Section 2, Chapter 472, O.S.L. 2004 (70 O.S. Supp. 2005, Section 3-142), is amended to read as follows:

Section 3-142. A. For purposes of funding, a charter school shall be considered a site within the school district in which the charter school is located ~~and the~~. The student membership of the charter school shall be included in the average daily membership of the school district considered separate from the student membership of the district in which the charter school is located for the purpose of calculating weighted average daily membership pursuant to Section 18-201.1 of this title and state aid pursuant to Section 18-200.1 of this title. The sum of the separate calculations for the charter school and the school district shall be used to determine the total state aid allocation for the district in which the charter school is located. A charter school shall receive from the sponsoring district, for each student, the school district's average local and county revenue which is chargeable in the State Aid formula, state dedicated revenue, and state appropriated funds per average daily membership the State Aid revenue generated by its students for the applicable year, less up to five percent (5%) of the total, which may be retained by the school district as a fee for administrative services rendered. The State Board of Education shall determine the policy and procedure for making payments to a charter school.

B. The weighted average daily membership for the first year of operation of a charter school shall be determined initially ~~using an estimated student count based on actual registration of students before the beginning of the school year~~ by multiplying the actual enrollment of students as of August 1 by 1.333. ~~After the first nine (9) weeks in session for the first year of operation, the charter school shall revise the average daily membership to equal the actual average daily membership of the charter school. If the~~

~~average daily membership was overestimated or underestimated, the budget of the school shall be revised~~ The charter school shall receive from its sponsoring district, revenue equal to that which would be generated by the estimated weighted average daily membership calculated pursuant to this subsection. At midyear, the allocation for the charter school shall be adjusted using the first quarter weighted average daily membership for the charter school calculated pursuant to subsection A of this section.

C. A charter school shall be eligible to receive any other aid, grants or revenues allowed to other schools.

D. A charter school, in addition to the money received from the state, may receive money from any other source. Any unexpended nonstate funds, excluding local revenue, may be reserved and used for future purposes.

SECTION 2. AMENDATORY 70 O.S. 2001, Section 6-105, is amended to read as follows:

Section 6-105. A. If, because of sickness or other reason, a teacher is temporarily unable to perform regular duties, a substitute teacher may be employed for the position for the time of the absence. A substitute teacher shall be paid in an amount and under such terms as may be agreed upon in advance by the substitute teacher and the board of education or according to regulations of the board. If a teacher is absent for reason of personal business the school district shall deduct from the salary of the teacher only the amount necessary to pay the substitute.

B. No substitute teacher shall be employed for a total period of time in excess of seventy (70) school days during a school year; or one hundred (100) school days during the school year if the substitute teacher holds a lapsed or expired certificate or has a bachelors level college degree; or no limit of school days during the school year if the substitute teacher holds a valid certificate. Except as provided in this section, a substitute teacher may not be

employed for the same assignment for more than twenty (20) school days during a school year unless the substitute teacher holds a valid certificate.

C. Substitute teachers who do not hold a valid certificate and who are employed to teach special education for students with physical disabilities or students with mental retardation shall not be subject to the restrictions on total time a substitute teacher may be employed or the restrictions on time in the same assignment if no certified teachers are available to teach such students and the students would be denied instruction in special education if the substitute teacher were not employed. Beginning with the 2007-08 school year, any substitute teacher employed to teach special education for the same assignment for more than fifteen (15) consecutive or thirty (30) total school days during a school year who does not hold a valid certificate to teach special education shall be required to complete in-service training as prescribed by the State Board of Education. The training shall be provided at no cost to the substitute teacher. Availability of certified teachers shall be determined after the school has consulted the State Board of Education and any other resources for filling the vacant position with a certified teacher.

D. A school district may request a waiver of the restrictions on total time a substitute teacher may be employed or the restrictions on time in the same assignment from the State Board of Education for a substitute teacher who does not hold a valid certificate. The school district shall submit evidence on the availability of certified substitute teachers and the qualifications of the substitute teacher. The Board shall develop procedures for the filing and processing of substitute teacher waivers pursuant to this subsection.

E. Payment of salary to a substitute shall have no effect on the amount of salary to which the absent regular teacher is entitled under the applicable leave plan.

~~B.~~ F. Any substitute or cadet teacher employed in any school system on a monthly or annual basis shall hold a certificate and have a written contract in the manner and under the same conditions as for regular teachers.

~~C.~~ G. Teachers who are members of the Reserve Forces of the Army, the Navy, the Marine Corps, the Coast Guard, the Air Force, or any other component of the Armed Forces of the United States, including members of the Air or Army National Guard, shall, when ordered by the proper authority to active duty or service, be entitled to a leave of absence from such civil employment for the period of such active service without loss of status or efficiency rating and without loss of pay during the first thirty (30) days of such leave of absence.

~~D.~~ H. School districts in this state may contract with outside providers for the training and employment of substitute teachers. The State Board of Education shall promulgate guidelines to assist school districts in the sanctioning and approval of an outside provider in accordance with this section.

SECTION 3. AMENDATORY 70 O.S. 2001, Section 6-194, as last amended by Section 1, Chapter 127, O.S.L. 2005 (70 O.S. Supp. 2005, Section 6-194), is amended to read as follows:

Section 6-194. A. The district boards of education of this state shall establish professional development programs for the certified and licensed teachers and administrators of the district. Programs shall be adopted by each board based upon recommendations of a professional development committee appointed by the board of education for the district. The State Board of Education shall disseminate to each district professional development committee a copy of the in-service professional development competencies

included in the Report on Educator Preparation and Professional Development issued in December 1994 by the Oklahoma Commission for Teacher Preparation for review and consideration and, if approved by the professional development committee, to be included in part or in whole in the professional development plan of the school district. The professional development centers funded through the State Board of Education shall provide technical assistance to any school district which desires to incorporate any such competencies into its professional development plan.

B. Each professional development committee shall include classroom teachers, administrators and parents, guardians or custodians of children in the school district and shall consult with a higher education faculty. A majority of the members of the professional development committee shall be composed of classroom teachers. The teacher members shall be selected by a designated administrator of the school district from a list of names submitted by the teachers in the school district. The members selected shall be subject to the approval of a majority vote of the teachers in the district. At a minimum, once every four (4) years the committee shall include at least one school counselor in its membership.

C. The professional development programs adopted may include, but not be limited to:

1. In-service training programs;
2. Higher education courses; and
3. Professional development programs approved by the Oklahoma Commission for Teacher Preparation.

Programs shall emphasize development of competencies in the core curriculum areas. Each program shall include components on classroom management and student discipline strategies, outreach to parents, guardians or custodians of students, special education, and racial and ethnic education, which all personnel defined as teachers in Section 1-116 of this title shall be required to complete on a

periodic basis. The State Board of Education shall provide guidelines to assist school districts in developing and implementing racial and ethnic education components into professional development programs. At least once a year a program shall be offered which includes a component of teacher training on recognition and reporting of child abuse and neglect which all teachers shall be required to complete. Each adopted program shall allow school counselors to receive at least one-third (1/3) of the hours or credit required each year through programs or courses specifically designed for school counselors. Programs shall be submitted for approval to the Board. No school district shall receive state funds for professional development until the program adopted by the board of education has been approved by the Board.

D. Teachers and administrators who have completed professional development courses in their field of instruction or in courses related to obtaining additional professional qualifications and who complete such courses and receive a grade which is equivalent to at least a 3.0 on a 4.0 grading scale may be reimbursed by the school district for one-half (1/2) of the general enrollment fees incurred at any institution within The Oklahoma State System for Higher Education. If the teacher or administrator incurs costs pursuant to this section at a private institution of higher education, the person may be reimbursed by the school district for an amount equal to one-half (1/2) of the general enrollment fees incurred at an institution of The Oklahoma State System of Higher Education of comparable type.

E. If funds are made available specifically for such purpose, teachers who have completed professional development programs approved by the Oklahoma Commission for Teacher Preparation shall receive a stipend based on the amount of funds allocated. No school district shall receive state funds for teacher stipends until such

time as proof of the teacher's attendance and completion of the program has been determined by the State Department of Education.

F. Each licensed or certified teacher in this state shall be required by the district board of education to meet the professional development requirements established by the board, or established through the negotiation process. Provided, the professional development requirements established by each board of education shall require every teacher to annually complete a minimum number of the total number of points required to maintain employment. Failure of any teacher to meet district board of education professional development requirements may be grounds for nonrenewal of such teacher's contract by the board. Such failure may also be grounds for nonconsideration of salary increments affecting the teacher.

G. The professional development plan shall be submitted to the State Board of Education as provided in Section 3-104.2 et seq. of this title.

SECTION 4. AMENDATORY 70 O.S. 2001, Section 7-203, as amended by Section 3, Chapter 296, O.S.L. 2003 (70 O.S. Supp. 2005, Section 7-203), is amended to read as follows:

Section 7-203. A. There is hereby created in the State Treasury a fund to be designated the "School Consolidation Assistance Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of any monies the Legislature may appropriate or transfer to the fund and any monies contributed for the fund from any other source, public or private.

B. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the State Board of Education for the purposes established by this section, the Legislature and in accordance with rules promulgated by the State Board of Education. The purposes shall be to provide voluntarily consolidated school districts or districts who have received part or all of the territory and part or all of the students of a school

district dissolved by voluntary annexation, during the first year of consolidation or annexation, except as provided for in subsection G of this section, with a single one-year allocation of funds needed for:

1. Purchase of uniform textbooks in cases where the several districts were not using the same textbooks prior to consolidation or annexation;

2. Employment of certified personnel required to teach courses of the district for which personnel from the districts consolidated or annexed are not certified and available;

3. Employment assistance for personnel of the several districts who are not employed by the consolidated or annexing district.

Employment assistance may include provision of a severance allowance for administrators, teachers and support personnel not to exceed eighty percent (80%) of the individual's salary or wages, exclusive of fringe benefits, for the school year preceding the consolidation or annexation. Personnel receiving such severance pay may accumulate one (1) year of creditable service for retirement purposes. Employment assistance may also include the payment of unemployment compensation benefits. The State Board of Education shall provide a severance allowance to employees dismissed from employment due to annexation or consolidation of a school district in the year of the annexation or consolidation and who were denied a severance allowance or unemployment compensation benefits and the voluntary consolidation funding of the annexing or consolidating district or districts has been paid on or after July 1, 2003, at the maximum allowable amount. Application for a severance allowance shall be made to the Finance Division of the State Department of Education by the dismissed employee no later than September 1 of the fiscal year immediately following the fiscal year in which the annexation or consolidation occurred;

4. Furnishing and equipping classrooms and laboratories;

5. Purchase of additional transportation equipment; and

6. When deemed essential by the ~~State Board of Education~~ school district board of education to achieve consolidation or combination by annexation, renovation of existing school buildings and construction or other acquisition of school buildings; ~~provided, a consolidated district or annexing district shall not be eligible for any monies for renovation or construction or other acquisition of school buildings pursuant to the Oklahoma School Voluntary Consolidation and Annexation Act until the board of education and the electors of the newly formed district or annexing district approve all the maximum levies allowable pursuant to subsections (a), (c), (d) and (d-1) of Section 9 of Article X of the Oklahoma Constitution and Section 10 of Article X of the Oklahoma Constitution and until the newly formed district or annexing district incurs at least eighty five percent (85%) of the maximum indebtedness, including existing indebtedness, allowable under Section 26 of Article X of the Oklahoma Constitution.~~

C. The State Board of Education shall only make allocations from the fund to school districts formed from the combination of two or more of the districts whose boards of education notify the State Board of Education on or before June 30 of their intent to annex or consolidate and are subsequently combined by such means by January 1 of the second year following the notification of intent. ~~If the boards of education of more than two hundred fifty such districts apply, allocations will be made only to districts formed from the combination of two or more of the first two hundred fifty such districts making application.~~

D. Allocations will be made to school districts formed by consolidation or which have received part or all of the territory and students of a school district by annexation on the basis of combined average daily membership (ADM) of the second school year preceding the first year of operation of the school district

resulting from the consolidation or annexation; provided, not more than ~~five hundred~~ one thousand (1,000) ADM of any one school district shall be counted in determining the combined ADM of any district formed by consolidation or which has received part or all of the territory and students of a school district by annexation. ~~Except as provided for in subsection H of this section, the~~ The ADM of any one school district shall not be considered more than once for allocations from the fund when the school district annexes to or consolidates with two or more school districts.

E. To calculate combined ADM in cases where a school district annexes to two or more school districts, allocations from the fund shall be based on the lesser of:

1. The annexing school district's ADM as limited by this section plus the number of students from the annexed school district that the annexing school district will gain; or

2. The ADM as limited by this section that the annexing school district is gaining from the annexed school district plus the annexing school district's ADM as multiplied by the percentage of students the annexing school district is receiving from the annexed school district of all annexing school districts; provided the annexing school district's ADM thus calculated shall not exceed ~~five hundred (500)~~ one thousand (1,000).

F. Allocations from the fund shall be calculated by multiplying the combined ADM by:

1. ~~Five Hundred Dollars (\$500.00)~~ One Thousand Dollars (\$1,000.00) when two districts are combined;

2. ~~Six Hundred Dollars (\$600.00)~~ One Thousand Two Hundred Dollars (\$1,200.00) when three districts are combined;

3. ~~Seven Hundred Dollars (\$700.00)~~ One Thousand Four Hundred Dollars (\$1,400.00) when four districts are combined; and

4. ~~Eight Hundred Dollars (\$800.00)~~ One Thousand Six Hundred Dollars (\$1,600.00) when five or more districts are combined.

~~Allocations, nevertheless, shall be limited to the amount justified for meeting eligible needs as set forth in paragraphs 1 through 6 of subsection B of this section.~~ If monies in the School Consolidation Assistance Fund are insufficient to make allocations to all qualified combined districts, allocations shall be made based upon earliest date of application.

G. ~~Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment~~ Any school district which was consolidated or which participated in an annexation in 2004 shall be eligible to receive funds from the School Consolidation Assistance Fund as provided in subsection F of this section.

SECTION 5. AMENDATORY 70 O.S. 2001, Section 24-153, as amended by Section 1, Chapter 147, O.S.L. 2002 (70 O.S. Supp. 2005, Section 24-153), is amended to read as follows:

Section 24-153. A. In order to recognize and pay tribute to veterans who left high school prior to graduation to serve in World War II ~~or to serve,~~ in the Korean War, or in the Vietnam War, a board of education of any independent school district in this state is hereby authorized to grant a diploma of graduation to any veteran who meets the requirements as listed in subsection B of this section. School districts are further encouraged to present such diplomas in conjunction with appropriate Veterans Day programs.

B. To be eligible for a high school diploma pursuant to this section, a veteran shall:

1. Have been honorably discharged from the Armed Forces of the United States of America;

2. Have served on active duty or have been discharged with a service-connected disability between the dates of September 16, 1940, and December 31, 1946, or between the dates of June 27, 1950,

and January 31, 1955, or between the dates of May 13, 1961, and April 29, 1975; and

3. Be a resident of the State of Oklahoma.

C. The State Board of Education shall consult with the Department of Veterans Affairs in adopting rules to implement the provisions of this act.

SECTION 6. AMENDATORY 70 O.S. 2001, Section 1210.401, is amended to read as follows:

Section 1210.401 A. A secondary school to be known as the Oklahoma School of Science and Mathematics is hereby established to be governed by a board of trustees as created in this section.

B. The Board of Trustees of the Oklahoma School of Science and Mathematics shall consist of ~~the following~~ twenty-five (25) members as follows:

1. Six ~~(6)~~ ex officio nonvoting members as follows:

- a. The Chair of the Oklahoma State Regents for Higher Education or a designee; ~~and~~
- b. The Chancellor for Higher Education or a designee; ~~and~~
- c. The Superintendent of Public Instruction or a designee; ~~and~~
- d. The Dean of the College of Arts and Sciences of Oklahoma State University; ~~and~~
- e. The Dean of the College of Arts and Science of the University of Oklahoma; and
- f. The Dean of the College of Arts and Sciences of the University of Tulsa.

2. Seven ~~(7)~~ members appointed by the President Pro Tempore of the Senate as follows:

- a. A member of the Senate; ~~and~~
- b. A superintendent of a public school district; and
- c. Five persons, two of whom are either a scientist or a mathematician and three of whom hold a graduate degree

and practice a profession for which a graduate degree is required.

3. Seven ~~(7)~~ members appointed by the Speaker of the House of Representatives as follows:

- a. A member of the House of Representatives; ~~and~~
- b. A principal of a public secondary school; and
- c. Five members who are either a scientist or a mathematician or hold a graduate degree and are currently employed in an occupation related to mathematics or one of the sciences.

4. Five ~~(5)~~ members appointed by the Governor. Four of the members appointed by the Governor shall be business or industrial leaders. One member appointed by the Governor shall be a principal of a private secondary school in this state. One of the members shall be designated as Chair of the Board of Trustees by the Governor.

For purposes of this subsection:

- a. "scientist" means any person who has a college degree in one of the sciences or is currently employed in an occupation related to one of the sciences; and
- b. "mathematician" means any person who has a college degree in mathematics or is currently employed in an occupation related to mathematics.

C. 1. The terms of office of the members appointed by the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall coincide with the terms of the appointing authority.

2. The terms of office of the initial members appointed by the Governor shall be as follows:

- a. Two members shall serve for a term of office of two (2) years; ~~and~~

b. Two members shall serve for a term of office of four (4) years; and

c. One member shall serve for a term of office of six (6) years.

At the expiration of the terms of office of the initial members appointed by the Governor, their successors shall be appointed for terms of office of six (6) years.

D. Vacancies in the office of an appointed member shall be filled for the unexpired term by the appointing authority making the original appointment. Except as prohibited by the Oklahoma Constitution, appointment to the Board of Trustees shall not preclude any member from holding any other private or public position.

E. The Board of Trustees shall prepare a budget request for the Oklahoma School of Science and Mathematics and shall submit the budget request to the Legislature and the Governor by October 1 of each year. The Board of Trustees may accept gifts of real and personal property, money and other things, and use or dispose of the same in accordance with the directions of the donors or grantors thereof.

F. The Board of Trustees shall be authorized to purchase, own and acquire by lease or gift such motor vehicles as are reasonably necessary for the implementation of the programs of the Oklahoma School of Science and Mathematics.

SECTION 7. AMENDATORY 70 O.S. 2001, Section 2602, is amended to read as follows:

Section 2602. There is hereby created the Oklahoma Higher Learning Access Program. The program shall also be known as "Oklahoma's Promise". The purpose of the program is to provide an award to students who meet the criteria set forth in the Oklahoma Higher Learning Access Act, Section 2601 et seq. of this title, and who are pursuing studies in this state leading to an associate or

baccalaureate degree or who are pursuing studies in a postsecondary vocational-technical program or course offered pursuant to a duly approved cooperative agreement between a technology center school and an institution of The Oklahoma State System of Higher Education, and who are in good academic standing in the institution of higher education or technology center school in which enrolled, to relieve them of the burden of paying resident tuition at institutions of The Oklahoma State System of Higher Education, to relieve them of the burden of paying tuition for enrollment in postsecondary programs of the technology center districts, or to relieve them of some portion of the burden of paying such fees or tuition, pursuant to the provisions of this act, as may be required of enrollees at private institutions of higher education which are accredited pursuant to Section 4103 of this title. The further purpose of this program is to establish and maintain a variety of support services whereby a broader range of the general student population of this state will be prepared for success in postsecondary endeavors.

SECTION 8. This act shall become effective July 1, 2006.

SECTION 9. 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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