

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1886

By: Pruitt

AS INTRODUCED

An Act relating to schools; requiring State Board of Education to develop certain program; stating qualification criteria; stating certain benefits of program; providing certain exceptions; stating requirements for continuation in program; amending 70 O.S. 2001, Section 15-106.1, as amended by Section 22, Chapter 361, O.S.L. 2004 (70 O.S. Supp. 2005, Section 15-106.1), which relates to equipment purchases with bonds; authorizing classroom materials and computer equipment to be included in definition of equipment; amending 70 O.S. 2001, Section 16-111.1, which relates to textbooks; updating statutory reference; authorizing local textbook committees to recommend certain textbooks for purchase by district; authorizing school districts to purchase certain textbooks using certain funds; amending 70 O.S. 2001, Section 509.6, which relates to good faith negotiations with bargaining unit; adding certain item to be negotiated; excluding certain items from negotiations; repealing 70 O.S. 2001, Sections 6-101.20, 6-101.21, 6-101.22, 6-101.23, 6-101.24, 6-101.25, 6-101.26, as amended by Section 9, Chapter 434, O.S.L. 2003, 6-101.27, 6-101.28, 6-101.29 and 6-101.30 (70 O.S. Supp. 2005, Section 6-101.26), which relate to the Teacher Due Process Act of 1990; repealing 70 O.S. 2001, Sections 18-113.1, 18-113.2, 18-113.3, and 18-113.4, as amended by Section 5, Chapter 296, O.S.L. 2003 (70 O.S. Supp. 2005, Section 18-113.4), which relate to class size limitations; providing for codification; 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 3-152.2 of Title 70, unless there is created a duplication in numbering, reads as follows:

The State Board of Education shall develop a "District Freedom Reward" program designed to reward high-performing districts with freedom from laws and rules except as specified in this subsection.

1. Beginning with the 2006-07 school year, and through the 2010-11 school year, districts shall qualify for the District Freedom Reward program upon meeting the following criteria:

- a. the district has achieved an Academic Performance Index equal to or greater than one thousand two hundred for the previous school year, as determined by the State Board of Education, and
- b. neither the district nor any school in the district is currently identified as in need of improvement pursuant to the No Child Left Behind Act, as determined by the State Board of Education.

2. Beginning with the 2011-12 school year, districts shall qualify for the District Freedom Reward program upon meeting the following criteria:

- a. the district has achieved an Academic Performance Index equal to or greater than one thousand three hundred for the previous school year, as determined by the State Board of Education, and
- b. neither the district nor any school in the district is currently identified as in need of improvement pursuant to the No Child Left Behind Act, as determined by the State Board of Education.

3. A district that qualifies for the District Freedom Reward program pursuant to this subsection shall be exempt from all state laws and regulations, as determined by the State Department of Education, except those relating to:

- a. health and safety provisions,
- b. statutorily mandated flexible benefits allowances and retirement for teachers and support personnel,
- c. statutorily mandated teacher salary increases,

- d. the minimum salary schedules for teachers as enacted by Section 1 of Enrolled Senate Bill No. 1272 of the 2nd Session of the 49th Oklahoma Legislature,
- e. the Oklahoma Cost Accounting System (OCAS), and
- f. the Oklahoma School Testing Program Act;

4. Except for the line-item appropriations for teacher salary increases and employee flexible benefits allowances and retirement, a district that qualifies for the District Freedom Reward program and that qualifies for funding for a line-item appropriated program shall provide the program but shall not be required to expend funds received for the line-item-appropriated program directly for that program. The district may expend those funds as the district deems best and shall report such expenditures in accordance with the OCAS reporting requirements; and

5. In order to continue in the District Freedom Reward program, a district must continue to meet the initial eligibility criteria and meet or exceed its annual expected growth target as determined by the State Department of Education, utilizing the Academic Performance Index.

SECTION 2. AMENDATORY 70 O.S. 2001, Section 15-106.1, as amended by Section 22, Chapter 361, O.S.L. 2004 (70 O.S. Supp. 2005, Section 15-106.1), is amended to read as follows:

Section 15-106.1 Any school district may become indebted for the purpose of purchasing equipment and may issue its bonds, as provided for by law, in any amount not exceeding, with existing indebtedness, ten percent (10%) of the valuation of the taxable property within the school district, as shown by the last incurring of indebtedness. The bonds shall be made to mature within a period not to exceed five (5) years from their date. It is hereby declared that the use of the word "equipment" in Section 26, Article X of the Oklahoma Constitution was intended to include: library books, textbooks, classroom materials, school-owned uniforms, computer

equipment and software, district software licenses and web-based software subscriptions with a term of more than one (1) year but not more than five (5) years, the acquisition of telecommunications devices and components to be used to enhance classroom instruction and maintenance/service contracts which are included as a part of the equipment purchase price. This provision shall not restrict a school district from issuing bonds with a maturity of greater than five (5) years for the purchase of equipment not listed in this section. If the maturity of the bond is greater than five (5) years, the maturity of the bond shall not exceed the effective life of any equipment purchased with the proceeds.

SECTION 3. AMENDATORY 70 O.S. 2001, Section 16-111.1, is amended to read as follows:

Section 16-111.1 A. Twenty percent (20%) of the funds allocated for textbooks in Section ~~16-114~~ 16-114a of this title may be used by a school district for supplementary textbooks and other instructional materials other than those selected and listed by the State Textbook Committee.

B. Local textbook committees may recommend to school districts textbooks other than those selected and listed by the State Textbook Committee, and school districts may purchase textbooks so recommended by local textbook committees using funds allocated for textbooks in Section 16-114a of this title.

SECTION 4. AMENDATORY 70 O.S. 2001, Section 509.6, is amended to read as follows:

Section 509.6 Once an organization has been recognized, the board of education or its duly designated representative must meet with the duly designated representative of the organization and within sixty (60) days shall complete an agreement outlining negotiation procedures. The board of education and the representatives of the organization must negotiate in good faith on wages, hours, fringe benefits ~~and~~, other terms and conditions of

employment, and due process rights, excluding differential pay, extra-duty pay, other forms of salary stipends, and class size. To negotiate in good faith shall mean both parties must be willing to consider proposals in an effort to find a mutually satisfactory basis for agreement and must be willing to discuss their respective contract proposals. If either party objects to the other's contract proposals, the objecting party must support its objections with rationale. Any allegation by either party that there has been a failure to comply with the provisions of this section shall be resolved through the dispute resolution procedure for resolving a unit determination dispute as set forth in subsection A of Section 509.2 of this title.

SECTION 5. REPEALER 70 O.S. 2001, Sections 6-101.20, 6-101.21, 6-101.22, 6-101.23, 6-101.24, 6-101.25, 6-101.26, as amended by Section 9, Chapter 434, O.S.L. 2003, 6-101.27, 6-101.28, 6-101.29 and 6-101.30 (70 O.S. Supp. 2005, Section 6-101.26), are hereby repealed.

SECTION 6. REPEALER 70 O.S. 2001, Sections 18-113.1, 18-113.2, 18-113.3, and 18-113.4, as amended by Section 5, Chapter 296, O.S.L. 2003 (70 O.S. Supp. 2005, Section 18-113.4), are hereby repealed.

SECTION 7. This act shall become effective July 1, 2006.

SECTION 8. 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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