

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 CONFERENCE COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED

5 SENATE BILL 2100

6 By: Ford and Jolley of the  
7 Senate

8 and

9 Jones and Kern of the House

10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to schools; amending 70 O.S. 2001,  
12 Section 3-136, which relates to the Oklahoma Charter  
13 Schools Act; authorizing charter schools to offer  
14 prekindergarten programs; modifying age for which  
15 instruction may be provided; authorizing certain  
16 charter schools to retain certain personal property  
17 until operations cease; amending Section 1, Chapter  
18 466, O.S.L. 2005, as amended by Section 1, Chapter  
19 322, O.S.L. 2007 (70 O.S. Supp. 2007, Section 3-  
20 152.1), which relates to the Academic Achievement  
21 Award program; modifying statutory outline; modifying  
22 certain definition; limiting awards for certain  
23 qualified employees; amending 70 O.S. 2001, Sections  
24 5-110 and 5-110.1, as amended by Sections 4 and 5,  
Chapter 472, O.S.L. 2005 (70 O.S. Supp. 2007,  
Sections 5-110 and 5-110.1), which relate to training  
workshops for board members; authorizing Oklahoma  
Department of Career and Technology Education to  
offer and charge fees for attendance at certain  
workshops and continuing education courses; amending  
Section 1, Chapter 185, O.S.L. 2002 (70 O.S. Supp.  
2007, Section 9-101.1), which relates to inspection  
of school buses; updating statutory citation;  
deleting certain time frame for inspections;  
authorizing Oklahoma Department of Career and  
Technology Education to provide certain training for  
certain board members; requiring Department to  
provide board members with training status reports;  
amending 70 O.S. 2001, Section 509.2, which relates  
to recognition of employee organization; deleting

1 redundant language; excluding certain employees and  
2 positions from bargaining unit; authorizing State  
3 Board of Education to make certain determination and  
4 place elementary school districts under full state  
5 intervention; providing for notification and  
6 opportunity for district to appear before Board;  
7 limiting length of order for intervention; providing  
8 for extension upon review; authorizing appeal to  
9 certain district court; providing for intervention  
10 actions; providing for consideration of certain  
11 superintendent as state officer for purposes of the  
12 Governmental Tort Claims Act; directing State Board  
13 of Education to distribute certain unexpended funds  
14 to robotics projects meeting certain criteria;  
15 directing Board to establish certain process;  
16 providing for codification; providing for  
17 noncodification; providing an effective date; and  
18 declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2001, Section 3-136, is  
amended to read as follows:

Section 3-136. A. A charter school shall adopt a charter which  
will ensure compliance with the following:

1. A charter school shall comply with all federal regulations  
and state and local rules and statutes relating to health, safety,  
civil rights and insurance. By January 1, 2000, the State  
Department of Education shall prepare a list of relevant rules and  
statutes which a charter school must comply with as required by this  
paragraph and shall annually provide an update to the list;

2. A charter school shall be nonsectarian in its programs,  
admission policies, employment practices, and all other operations.

1 A sponsor may not authorize a charter school or program that is  
2 affiliated with a nonpublic sectarian school or religious  
3 institution;

4 3. The charter school ~~shall~~ may provide a comprehensive program  
5 of instruction for ~~at least~~ a prekindergarten program, a  
6 kindergarten program or any grade between grades one and twelve.  
7 Instruction may be provided to all persons between the ages of ~~five~~  
8 ~~(5)~~ four (4) and twenty-one (21) years. A charter school may offer  
9 a curriculum which emphasizes a specific learning philosophy or  
10 style or certain subject areas such as mathematics, science, fine  
11 arts, performance arts, or foreign language. The charter of a  
12 charter school which offers grades nine through twelve shall  
13 specifically address whether the charter school will comply with the  
14 graduation requirements established in Section 11-103.6 of this  
15 title. No charter school shall be chartered for the purpose of  
16 offering a curriculum for deaf or blind students that is the same or  
17 similar to the curriculum being provided by or for educating deaf or  
18 blind students that are being served by the Oklahoma School for the  
19 Blind or the Oklahoma School for the Deaf;

20 4. A charter school shall participate in the testing as  
21 required by the Oklahoma School Testing Program Act and the  
22 reporting of test results as is required of a school district. A  
23 charter school shall also provide any necessary data to the Office  
24 of Accountability;

1           5. Except as provided for in the Oklahoma Charter Schools Act  
2 and its charter, a charter school shall be exempt from all statutes  
3 and rules relating to schools, boards of education, and school  
4 districts;

5           6. A charter school, to the extent possible, shall be subject  
6 to the same reporting requirements, financial audits, audit  
7 procedures, and audit requirements as a school district. The State  
8 Department of Education or State Auditor and Inspector may conduct  
9 financial, program, or compliance audits. A charter school shall  
10 use the Oklahoma Cost Accounting System to report financial  
11 transactions to the sponsoring school district;

12           7. A charter school shall comply with all federal and state  
13 laws relating to the education of children with disabilities in the  
14 same manner as a school district;

15           8. A charter school shall provide for a governing body for the  
16 school which shall be responsible for the policies and operational  
17 decisions of the charter school;

18           9. A charter school shall not be used as a method of generating  
19 revenue for students who are being home schooled and are not being  
20 educated at an organized charter school site;

21           10. A charter school may not charge tuition or fees;

22           11. A charter school shall provide instruction each year for at  
23 least the number of days required in Section 1-109 of this title;

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1        12. A charter school shall comply with the student suspension  
2 requirements provided for in Section 24-101.3 of this title;

3        13. A charter school shall be considered a school district for  
4 purposes of tort liability under The Governmental Tort Claims Act;

5        14. Employees of a charter school may participate as members of  
6 the Teachers' Retirement System of Oklahoma in accordance with  
7 applicable statutes and rules if otherwise allowed pursuant to law;

8        15. A charter school may participate in all health and related  
9 insurance programs available to the employees of the sponsor of the  
10 charter school;

11       16. A charter school shall comply with the Oklahoma Open  
12 Meeting Act and the Oklahoma Open Records Act; and

13       17. The governing body of a charter school shall be subject to  
14 the same conflict of interest requirements as a member of a local  
15 school board.

16       B. The charter of a charter school shall include a description  
17 of the personnel policies, personnel qualifications, and method of  
18 school governance, and the specific role and duties of the sponsor  
19 of the charter school.

20       C. The charter of a charter school may be amended at the  
21 request of the governing body of the charter school and upon the  
22 approval of the sponsor.

23       D. A charter school may enter into contracts and sue and be  
24 sued.

1 E. The governing body of a charter school may not levy taxes or  
2 issue bonds.

3 F. The charter of a charter school shall include a provision  
4 specifying the method or methods to be employed for disposing of  
5 real and personal property acquired by the charter school upon  
6 expiration or termination of the charter or failure of the charter  
7 school to continue operations. ~~Any~~ Except as otherwise provided,  
8 any real or personal property purchased with state or local funds  
9 shall be retained by the sponsoring school district. If a charter  
10 school that was previously sponsored by the board of education of a  
11 school district continues operation within the school district under  
12 a new charter sponsored by an entity authorized pursuant to Section  
13 3-132 of this title, the charter school may retain any personal  
14 property purchased with state or local funds for use in the  
15 operation of the charter school until termination of the new charter  
16 or failure of the charter school to continue operations.

17 SECTION 2. AMENDATORY Section 1, Chapter 466, O.S.L.  
18 2005, as amended by Section 1, Chapter 322, O.S.L. 2007 (70 O.S.  
19 Supp. 2007, Section 3-152.1), is amended to read as follows:

20 Section 3-152.1 A. The State Board of Education shall develop  
21 an Academic Achievement Award (AAA) program. The AAA program shall  
22 provide monetary awards to qualified employees at the top four  
23 schools that attain the highest overall student achievement and the  
24 top four schools that attain the highest annual improvement in

1 student achievement as measured by the Academic Performance Index  
2 (API) in each of five groups based on average daily membership (ADM)  
3 as provided for in subsection € D of this section. The AAA program  
4 shall also provide monetary awards to qualified employees at all  
5 schools that attain a total API score of one thousand five hundred  
6 (1,500) for regular education students tested.

7 B. 1. No later than January 31 of each year, the State Board  
8 of Education shall provide a monetary award to all qualified  
9 employees at school sites designated as recipients of the Academic  
10 Achievement Award as calculated pursuant to this section.

11 2. The Board shall determine the amount of funds available for  
12 the AAA program, which shall include funds appropriated for the AAA  
13 program and may include other funds identified by the Board, which  
14 may be used for this purpose.

15 3. ~~a.~~ The Board shall determine the top four school sites in  
16 each of the groups as designated in subsection € D of this section  
17 that have achieved the highest overall student achievement as  
18 measured by the API as calculated pursuant to Section 3-150 of this  
19 title.

20 ~~b.~~ 4. The Board shall determine the top four school sites in  
21 each of the groups as designated in subsection € D of this section  
22 that have achieved the highest annual percentage improvement in  
23 student achievement as measured by the API score as compared to the  
24 previous year.

1        ~~e.~~ 5. The Board shall determine the school sites that have an  
2 API score of one thousand five hundred (1,500) for regular education  
3 students tested.

4        ~~d.~~ 6. In the event of tie scores, the Board shall select the  
5 school with the highest annual percentage improvement in student  
6 achievement as measured by the API score as compared to the previous  
7 year. If a tie still exists, the Board shall select the school with  
8 the highest annual percentage improvement in reading achievement as  
9 measured by the reading assessments administered pursuant to Section  
10 1210.508 of this title.

11        ~~e.~~ 7. Any school site that qualifies for more than one award as  
12 provided for in ~~subparagraphs a, b and c~~ paragraphs 3, 4 and 5 of  
13 this ~~paragraph~~ subsection shall receive the highest award the school  
14 site qualifies for as calculated pursuant to ~~paragraph 4 of this~~  
15 subsection C of this section, but in no case shall any school site  
16 receive more than one award.

17        ~~4. a.~~ C. 1. The amount of monetary award to be paid to each  
18 qualified employee at each school identified as an award recipient  
19 as determined pursuant to ~~subparagraphs a and b of paragraph~~  
20 paragraphs 3 and 4 of this subsection B of this section shall be as  
21 follows:

22        ~~(1)~~ a. Three Thousand Dollars (\$3,000.00) for each first-  
23 place school,  
24



1 operated pursuant to the Oklahoma Charter School Act, qualified  
2 employees shall include all administrative and instructional  
3 personnel that meet the requirements of this subsection regardless  
4 of whether they are certified. Qualified employees shall not  
5 include certified personnel who are employed in the school in a  
6 noncertified position. For awards granted for the 2007-2008 school  
7 year and each school year thereafter, for early elementary schools  
8 which do not contain a grade level that is tested under the Oklahoma  
9 School Testing Program Act but use the test data from a grade level  
10 that is tested to calculate the API score for the school, qualified  
11 employees shall include the certified personnel identified as the  
12 primary classroom teacher for the grade level from which the student  
13 test data used to calculate the API score was derived who are  
14 employed by the school district at another school site for at least  
15 one-half (1/2) of the school year.

16 F. Qualified employees who are employed at more than one school  
17 site which is identified as an award recipient shall qualify for  
18 only one award, which shall be the highest award the employee  
19 qualifies for.

20 ~~E.~~ G. No school or school district shall be liable for payment  
21 of awards pursuant to this section. Awards shall not be included in  
22 the calculation of the salary of the teacher for purposes of meeting  
23 the district or statutory minimum salary schedule or for purposes of  
24

1 calculating Teachers' Retirement System of Oklahoma contributions or  
2 benefits.

3 ~~F.~~ H. The State Board of Education shall promulgate rules  
4 necessary for the implementation of this section.

5 SECTION 3. AMENDATORY 70 O.S. 2001, Section 5-110, as  
6 amended by Section 4, Chapter 472, O.S.L. 2005 (70 O.S. Supp. 2007,  
7 Section 5-110), is amended to read as follows:

8 Section 5-110. A. Except as provided in subsection B of this  
9 section, at the time a school district elector files a notification  
10 and declaration of candidacy for the office of district board of  
11 education membership, such elector shall agree and pledge in writing  
12 that, within fifteen (15) months of election or appointment as a  
13 member of the district board of education, such member will complete  
14 at least twelve (12) hours of instruction on education issues,  
15 including school finance, Oklahoma education laws, and ethics,  
16 duties and responsibilities of district board of education members.  
17 This requirement may be satisfied by attending a two-day workshop to  
18 be held within the state by the State Department of Education, by  
19 the Oklahoma Department of Career and Technology Education, or by  
20 attending workshops, seminars or classes which address the above-  
21 mentioned subject matter, and which are sponsored by any  
22 organization approved by the State Board of Education, including but  
23 not limited to institutions of higher education. The State Board of  
24 Education shall promulgate rules by which an organization or

1 particular courses offered by an organization may be approved for  
2 purposes of fulfilling the instructional requirements set out in  
3 this section.

4 B. When an incumbent of a district board of education files a  
5 notification and declaration of candidacy for reelection to the  
6 district board of education, the member shall not be required to  
7 comply with the provisions of subsection A of this section but shall  
8 be required to agree and pledge in writing that upon reelection the  
9 member will complete six (6) hours of instruction within fifteen  
10 (15) months following his or her election emphasizing changes in  
11 school law, particularly changes in the areas set forth in  
12 subsection A of this section.

13 C. The State Department of Education shall, immediately after  
14 the annual elections of various district board of education members,  
15 determine the members of the district boards of education pledged to  
16 attend the workshop established by subsections A and B of this  
17 section, and shall notify such members of the time and place such  
18 workshop is to be conducted. Upon completion of the workshop, the  
19 certificate of completion shall be included in the public records of  
20 the school board's minutes. Each school board member, except for an  
21 incumbent member, shall be required within fifteen (15) months  
22 following or preceding his or her election to complete the workshop  
23 established by subsection A of this section or to attend twelve (12)  
24 hours of other state workshops conducted as instruction on the

1 subjects of school finance, the Oklahoma School Code and related  
2 laws, and the ethics, duties and responsibilities of district board  
3 of education members. If a member has not satisfied the above  
4 instructional requirements within fifteen (15) months of his or her  
5 election, the ~~local~~ district board of education shall declare the  
6 seat of such member vacant and fill the vacancy according to law.  
7 All government departments, agencies and institutions of this state  
8 are directed to lend such assistance as may be required by the State  
9 Department of Education for the proper conduct and administration of  
10 the workshops. The State Department of Education shall maintain a  
11 permanent record of each district board of education member who  
12 successfully completes a workshop and shall issue a certificate of  
13 completion to such member.

14 D. The State Department of Education, the Oklahoma Department  
15 of Career and Technology Education, and, upon approval of the State  
16 Board of Education, any organization or association representing  
17 district boards of education in this state are authorized to charge  
18 persons pledged to attend the workshop a registration fee sufficient  
19 to defray the estimated costs of presenting the workshop or  
20 Thirty-five Dollars (\$35.00) per registrant, whichever is the lesser  
21 amount, and to collect such fees at the time of registration.

22 E. Any member of a district board of education or any  
23 individual elected, certified as the elected member by the county  
24 election board, but not sworn in and seated as a member of a

1 district board of education at the time of a workshop presented by  
2 the State Board of Education, the Oklahoma Department of Career and  
3 Technology Education, or an organization or association representing  
4 district boards of education within the state who attends and  
5 successfully completes such workshop as required by subsection A or  
6 B of this section shall be reimbursed by the school district in  
7 accordance with the district's travel reimbursement policy.

8 SECTION 4. AMENDATORY 70 O.S. 2001, Section 5-110.1, as  
9 amended by Section 5, Chapter 472, O.S.L. 2005 (70 O.S. Supp. 2007,  
10 Section 5-110.1), is amended to read as follows:

11 Section 5-110.1 A. In addition to the requirements of Section  
12 5-110 of this title, every member of a school district board of  
13 education elected to a full term of office of five (5) years or more  
14 shall be required to attend a minimum of fifteen (15) hours of  
15 continuing education, each member elected to a full four-year term  
16 of office shall be required to attend a minimum of twelve (12) hours  
17 of continuing education, and each member elected to a full three-  
18 year term of office shall be required to attend a minimum of nine  
19 (9) hours of continuing education, prior to the date set for filing  
20 for reelection to that respective board seat. The continuing  
21 education courses, workshops, seminars, conferences, and conventions  
22 which shall satisfy the continuing education requirement shall be  
23 approved jointly by the State Department of Education and the  
24 Oklahoma Department of Career and Technology Education.

1 B. Local and state continuing education programs conducted  
2 pursuant to the provisions of this section shall be held in all  
3 regions of the state at institutions of higher learning, area  
4 technology centers or other approved sites. Notice of such courses  
5 and seminars shall be provided to all school board members and to  
6 the public schools.

7 C. This section shall not apply to those school board members  
8 who file for reelection prior to July 1, 1991.

9 D. Failure by a board member to satisfy the continuing  
10 education requirements of this section shall result in the  
11 ineligibility of the member to run for reelection to the school  
12 district board of education.

13 E. The State Department of Education, the Oklahoma Department  
14 of Career and Technology Education, and any organization approved by  
15 the State Board of Education, including but not limited to  
16 institutions of higher education, may charge persons attending  
17 continuing education courses a registration fee sufficient to defray  
18 the estimated costs of presenting the course. The registration fees  
19 for each course shall be announced prior to the date of such course.

20 F. Any member of a school district board of education who  
21 attends and completes a course which satisfies in part or in full  
22 the requirements of this section shall be reimbursed by the school  
23 district for expenses incurred. In addition, a school district  
24 board of education may reimburse members of the board of education

1 for expenses incurred in registering and attending board member  
2 training programs or activities approved by the board which are in  
3 addition to the minimum school board training requirements  
4 established by law.

5 SECTION 5. AMENDATORY Section 1, Chapter 185, O.S.L.  
6 2002 (70 O.S. Supp. 2007, Section 9-101.1), is amended to read as  
7 follows:

8 Section 9-101.1 A. The board of education of any school  
9 district furnishing transportation shall require that all  
10 transportation equipment, as defined in paragraph 1 of subsection A  
11 of Section 9-104 of ~~Title 70 of the Oklahoma Statutes~~ this title,  
12 operated by that school district be inspected once a year ~~within the~~  
13 ~~thirty (30) days prior to the start of the school year~~ by an  
14 official inspector, as designated by the State Board of Education,  
15 to verify that the transportation equipment is being maintained and  
16 operated in accordance with all the requirements of the rules of the  
17 State Board of Education and state and federal law. The inspection  
18 shall include an examination and test of the brakes, steering, front  
19 and rear wheel suspension, exhaust systems, wheels and tires,  
20 windshield wipers, horn or warning device, proper adjustment of turn  
21 signals, windshield, and other glass and lighting equipment, and if  
22 applicable, stop signal arms, and emergency exits and equipment. A  
23 record of the inspection shall be maintained by the school district  
24 and shall be available for inspection upon request.

1 B. For purposes of this section, "official inspector" means a  
2 person who, by training and experience specified by rule promulgated  
3 by the State Board of Education, is eligible to conduct inspections.

4 C. Failure to comply with subsection A of this section shall  
5 result in a loss of state funds to that school district in an amount  
6 to be determined by the State Board of Education.

7 D. The Oklahoma Department of Public Safety may perform  
8 inspections of all school transportation equipment and inspection  
9 records.

10 SECTION 6. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 14-102.1 of Title 70, unless  
12 there is created a duplication in numbering, reads as follows:

13 The Oklahoma Department of Career and Technology Education is  
14 authorized to provide new, incumbent, and continuing education  
15 workshop and training requirements which are required for technology  
16 center school district board of education members and State Board of  
17 Career and Technology Education members as specified in Sections 5-  
18 110 and 5-110.1 of Title 70 of the Oklahoma Statutes. The training  
19 may be conducted by the Department or by an outside entity that has  
20 been approved and has contracted with the Department to provide the  
21 training. The Department shall provide each technology center  
22 school district board of education member and State Board of Career  
23 and Technology Education member with a training status report twice  
24 a year.

1 SECTION 7. AMENDATORY 70 O.S. 2001, Section 509.2, is  
2 amended to read as follows:

3 Section 509.2 A. The ~~local~~ board of education shall recognize  
4 an employee organization designated by an election of the employees  
5 in an appropriate bargaining unit as the exclusive representative of  
6 all the employees in such unit. The members of an employee  
7 organization shall be employees as defined in paragraphs 1, 2 and 3  
8 of this subsection and Section 1-116 of this title. The recognition  
9 of such employee organization shall be made by the ~~local~~ board no  
10 later than fourteen (14) days after ~~said~~ the election. Any person  
11 who desires not to be represented by any organization may so state  
12 in writing to his or her board of education. Appropriate bargaining  
13 units are defined as follows; however, such definition shall not be  
14 construed, of itself, as requiring that bargaining units engage in  
15 bargaining or act to disengage from bargaining:

16 1. Employees who are employed and certified as principals and  
17 assistant principals and who have responsibilities for the  
18 supervision of classroom teachers shall constitute an appropriate  
19 unit;

20 2. All other employees who are required by the position in  
21 which employed to be licensed or certified as teachers or entry year  
22 teachers as those terms are defined in Section 1-116 of this title  
23 and who do not hold supervisory authority with respect to other  
24 teachers in the district shall constitute an appropriate unit; and

1           3. All employees who are not required by their job description  
2 to be a principal, licensed or certified teacher, superintendent or  
3 other certified or noncertified administrator shall constitute a  
4 separate bargaining unit. Provided that, employees with access to  
5 confidential, labor relations information of the school district, or  
6 managerial employees whose responsibilities include making  
7 employment recommendations to the superintendent and for which their  
8 position does not require a certificate, shall be excluded from this  
9 or other bargaining units. Also excluded is any employee position  
10 agreed to be excluded from the bargaining unit by the employee  
11 organization and the school district.

12           Provided, if employees categorized according to paragraphs 2 and  
13 3 of this subsection were organized for bargaining as a single unit  
14 as of April 14, 1986, or are at any time employed in a district  
15 having fewer than seventy-five employees in the two categories taken  
16 together, ~~said~~ the employees may, for such time as a majority of the  
17 employees in each category indicate by secret ballot vote they share  
18 a single community of interest, constitute a single appropriate  
19 unit. Further provided, any final judgment of the Supreme Court  
20 denying such community of interest in any school district shall have  
21 the effect of rendering inappropriate all units, in whatever school  
22 districts they exist, which include employees of both categories.

23           B. 1. Within seven (7) business days of receiving a sealed  
24 packet containing an employee petition filed by or on behalf of

1 thirty-five percent (35%) or more of the employees in a unit, such  
2 petition calling for an election to determine which, if any,  
3 employee organization represents the employees in a bargaining unit,  
4 the board shall arrange for verification that there are a sufficient  
5 number of correct names to constitute at least thirty-five percent  
6 (35%) of the employees in the unit. Such arrangements shall include  
7 the transmitting of the sealed packet and a list of employees  
8 eligible to be included in the bargaining unit to the individual  
9 designated pursuant to the provisions of paragraph 2 of this  
10 subsection.

11 2. The petition calling for the secret ballot election shall  
12 contain only the names of employees of the bargaining unit who have  
13 signed and dated ~~said~~ the petition. Within thirty (30) days of  
14 receipt of the sealed packet by the district court judge in and for  
15 the county in which the school district has its main office, the  
16 sealed packet shall be opened and the petition shall be verified by  
17 an individual designated by the district judge of such court for the  
18 county in which the school district has its main office. Upon  
19 verification of the number of signatures on the petition, the  
20 district court judge shall notify in writing the district board of  
21 education and any employee organization that has requested notice of  
22 the verification. Under no circumstances shall the individual so  
23 designated reveal the names of employees who signed or did not sign

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1 the petition. If an employee has signed more than one petition, the  
2 name of the employee shall be removed from each petition.

3 3. The period of time for signing of a recognition petition  
4 shall commence upon receipt of written notification by the ~~local~~  
5 school board from an organization indicating that it intends to  
6 circulate a petition and shall cease thirty (30) days thereafter.  
7 Provided, if an organization recognized as representative of a unit  
8 for bargaining is being challenged for discontinuation of  
9 representation as provided in paragraph 7 of subsection C of this  
10 section or is being challenged by another organization seeking  
11 recognition, the period for signing shall commence on the first day  
12 of February and end on the last day of that same February.

13 C. 1. Not less than forty-five (45) days nor more than sixty  
14 (60) days after receipt of notification that the petition has been  
15 verified as sufficient, a secret ballot election shall be held to  
16 determine which, if any, employee organization shall represent the  
17 unit. No election shall be held for a unit within which a valid  
18 election was held in the preceding two (2) years.

19 On or after March 2, 1995, the ~~local~~ board shall recognize  
20 within ten (10) days an organization which has obtained signed  
21 authorization from a majority of the employees eligible to be  
22 included in the unit but has not been recognized. No election shall  
23 be held for such unit within two (2) years of recognition. An  
24 appropriate election ballot shall be printed for this election,

1 which contains the names of all employee organizations having  
2 presented a petition verified as signed by at least thirty-five  
3 percent (35%) of the employees eligible to be in the unit to  
4 represent or currently recognized as representing the unit;  
5 provided, no such organization shall be shown on the ballot unless  
6 the organization pays to the ~~local~~ board a filing fee of Two Hundred  
7 Fifty Dollars (\$250.00). The ballot shall also provide an option  
8 whereby any employee of the unit may indicate a preference that the  
9 unit not be represented by any organization. Every organization  
10 that receives at least fifteen percent (15%) of the vote in the  
11 election shall be reimbursed the Two Hundred Fifty Dollars (\$250.00)  
12 by the ~~local~~ board. The ~~local~~ board shall use any remaining filing  
13 fee money to help offset the cost of the validation process of the  
14 petition, if any, as well as any election costs incurred.

15 2. When none of the choices on the ballot receives a majority  
16 of the votes, a runoff election shall be conducted on the fourteenth  
17 day following the first election between the two choices which  
18 received the largest number of votes in the preceding election.

19 3. The employee organization or organizations and the ~~local~~  
20 school board shall, by agreement, determine the method by which each  
21 election shall be conducted. All costs incurred in an election  
22 shall be shared equally by all parties involved.

23 If no agreement can be reached by thirty (30) days prior to the  
24 election, the ~~local~~ board of education shall notify the county

1 election board of the county in which the board is located of such  
2 fact, and the following method for conducting the secret ballot  
3 election shall be followed and conducted by the county election  
4 board:

5 a. At the time of such notice, the board of education  
6 shall provide to the county election board:

- 7 (1) a list of all the polling places for the  
8 election, such list to include every middle  
9 school or junior high school and the central  
10 administration office in the district;
- 11 (2) a list of names of all the persons eligible to  
12 vote in ~~said~~ the election, such list to be in  
13 alphabetical order and duplicated in such number  
14 that there shall be one for each polling place,  
15 plus an additional five copies;
- 16 (3) the names of each organization entitled to have  
17 its name appear on the ballot; and
- 18 (4) the date of the election which shall not be a  
19 special election date specified by subsection B  
20 of Section 3-101 of Title 26 of the Oklahoma  
21 Statutes.

22 b. Ballots for the election shall be printed by the  
23 county election board in the same manner as for other  
24 elections conducted by the county election board,

1 insofar as is possible. The names of organizations  
2 shall be listed on the ballot in the order in which  
3 said names are furnished to the county election board  
4 by the board of education. The option specifying that  
5 no organization shall represent the employee  
6 bargaining unit shall be listed last on the ballot, in  
7 such language as may be specified by the ~~local~~ board.

8 c. The secretary of the county election board shall  
9 appoint an inspector, judge and clerk for each polling  
10 place. The inspector, judge and clerk shall be  
11 selected from among the regular precinct officials in  
12 the county.

13 d. Polling places shall be open from 7:00 a.m. to 7:00  
14 p.m. on the day of the election. Any eligible person  
15 who appears to vote no later than 7:00 p.m. shall be  
16 entitled to vote.

17 e. Eligible voters may vote after signing their  
18 signatures beside their names on the list of names of  
19 all the persons eligible to vote in the election. The  
20 voter shall place his or her ballot in the ballot box  
21 in the presence of the inspector.

22 f. Each organization entitled to have its name appear on  
23 the ballot shall be permitted to appoint one  
24 challenger at each polling place. Each such

1 challenger shall be properly identified as such, and  
2 shall be limited to inquiring of a prospective voter,  
3 said prospective voter's name, address, job  
4 classification and work site. The challenger may  
5 challenge the right of any prospective voter to vote  
6 by so informing the judge. Upon being so challenged,  
7 the prospective voter may vote if, after being  
8 informed by the judge of such a challenge, the voter  
9 signs his or her signature beside his or her name on  
10 the list of names of all the persons eligible to vote  
11 in ~~said~~ the election. If same occurs, the judge shall  
12 write the words "Challenged by \_\_\_\_\_" beside the  
13 voter's signature.

14 g. The county election board shall certify in writing the  
15 results of the election to the board of education on  
16 the day following the election and on the same day  
17 shall mail a copy of the certification to all employee  
18 organizations that have requested copies of the  
19 certification.

20 h. Costs of the election shall be paid to the county  
21 election board by the board of education. The costs  
22 shall include the regular salaries of the inspector,  
23 judge, and clerk, in addition to all other necessary  
24 and reasonable costs. Such costs shall include

1 compensation for members of the county election board,  
2 including the secretary.

3 i. Anyone guilty of voting more than one time in the  
4 election will be guilty of a misdemeanor and subject  
5 to a fine of Two Hundred Dollars (\$200.00) or thirty  
6 (30) days in the county jail.

7 4. No employee shall use regularly scheduled duty time for  
8 campaign purposes.

9 5. A list of the employees eligible to vote in the election  
10 including their names, addresses, phone numbers, job classification  
11 and work site shall be provided not less than fourteen (14) days  
12 before the election to each organization listed on the official  
13 ballot.

14 6. Any ~~local~~ board or organization challenging the results of  
15 any election held pursuant to the provisions of this section shall  
16 post with the district court a bond of One Thousand Dollars  
17 (\$1,000.00) which shall be forfeited if the court finds that the  
18 challenge is in bad faith.

19 7. In any February more than two (2) years after recognition of  
20 an organization pursuant to the provisions of this section and upon  
21 the receipt of a petition calling for discontinuation of  
22 representation signed by thirty-five percent (35%) of the employees  
23 eligible to be included in the unit, a ~~local~~ board shall call an  
24 election to determine whether the members of a unit wish to

1 | discontinue being represented for bargaining. If a majority of the  
2 | votes cast are votes to discontinue representation, efforts to gain  
3 | recognition by any organization shall be prohibited for a period of  
4 | two (2) years commencing with the expiration of the contract then in  
5 | force. The ballots used in such election shall, without reference  
6 | to any organization by name, offer the single choice of continued  
7 | representation or discontinuation of representation.

8 | SECTION 8. NEW LAW A new section of law to be codified  
9 | in the Oklahoma Statutes as Section 1210.543 of Title 70, unless  
10 | there is created a duplication in numbering, reads as follows:

11 | A. Whenever the State Board of Education determines that an  
12 | elementary school district, as defined in Section 5-103 of Title 70  
13 | of the Oklahoma, has failed to meet financial requirements for  
14 | school districts or accreditation standards which negatively affects  
15 | education or could result in the elementary school district not  
16 | being able to operate for the remainder of the year, the Board may  
17 | issue an administrative order placing the elementary school district  
18 | under full state intervention. Prior to an order for full state  
19 | intervention being issued by the Board, the State Department of  
20 | Education shall notify the elementary school district that full  
21 | state intervention is likely. The elementary school district shall  
22 | have the opportunity to appear before the State Board of Education  
23 | by filing a request within fifteen (15) days of receipt of the  
24 | notice. At the meeting, the elementary school district

1 administration, school patrons, and board of education members shall  
2 have an opportunity to provide information to the Board. The Board  
3 may issue an order calling for full state intervention which shall  
4 become effective immediately unless the order is stayed by a court  
5 of competent jurisdiction. The order shall be effective for not  
6 more than two (2) school years. The order may be extended upon  
7 review of the Board. Any appeal of the order shall be made to the  
8 district court of the county in which the elementary school district  
9 is located.

10 B. Full state intervention by the State Board of Education may  
11 include:

12 1. Developing and imposing a corrective action plan for the  
13 elementary school district;

14 2. Appointing a superintendent to serve the elementary school  
15 district; and

16 3. Selection of a federally recognized Indian tribe within the  
17 State of Oklahoma to provide direct oversight of the elementary  
18 school district or to assume complete control of the elementary  
19 school district, provided the elementary school district is within  
20 the boundaries of the tribe's jurisdiction.

21 C. For purposes of the Governmental Tort Claims Act, the  
22 superintendent appointed by the state as provided for in subsection  
23 B of this section shall be considered a state officer.

24

1 SECTION 9. NEW LAW A new section of law not to be  
2 codified in the Oklahoma Statutes reads as follows:

3 For the fiscal year ending June 30, 2009, if less than twenty  
4 (20) grant applications are funded by the State Board of Education  
5 for the establishment of robotics projects in school districts as  
6 provided for in Section 19 of Enrolled Senate Bill No. 1199 of the  
7 2nd Session of the 51st Oklahoma Legislature, any remaining  
8 unexpended funds shall be distributed by the Board to robotics  
9 projects which received grants during the previous fiscal year. To  
10 be eligible to receiving any remaining funds, a previously funded  
11 robotics projects shall submit an application to the Board and shall  
12 be preregistered to participate in a regional robotics competition.  
13 The Board shall establish a process for consideration of  
14 applications and distribution of the remaining funds.

15 SECTION 10. This act shall become effective July 1, 2008.

16 SECTION 11. It being immediately necessary for the preservation  
17 of the public peace, health and safety, an emergency is hereby  
18 declared to exist, by reason whereof this act shall take effect and  
19 be in full force from and after its passage and approval.

20

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