

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3029 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Chris Benge

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3029

By: Bengé

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to schools; amending 70 O.S. 2001,
9 Sections 3-104.3 and 3-104.4, which relate to
10 accreditation standards; prohibiting the withdrawal
11 or denial of accreditation for failure to meet
12 certain class size requirements during certain years;
13 deleting obsolete language; prohibiting the
14 withdrawal or denial of accreditation for failure to
15 meet certain media program standards during certain
16 years; prohibiting the State Board of Education from
17 assessing financial accreditation penalties during
18 certain years; directing the Board to exempt or waive
19 certain advisory council requirements; amending 70
20 O.S. 2001, Section 6-195, as last amended by Section
21 2, Chapter 25, O.S.L. 2009 (70 O.S. Supp. 2009,
22 Section 6-195), which relates to the teacher
23 residency program; allowing school districts to not
24 fill mentor teacher positions during certain years;
amending 70 O.S. 2001, Section 11-103.7, which
relates to early childhood education requirements;
exempting school districts from certain early
childhood education accreditation standards for
certain years; amending 70 O.S. 2001, Section 16-111
and Section 7, Chapter 2, O.S.L. 2002 (70 O.S. Supp.
2009, Section 16-114a), which relate to textbook
adoption and allocation; updating statutory language
and citation; exempting school districts from certain
textbook adoption requirements during certain years;
modifying authorization to retain textbook
allocations; allowing school districts to expend the
textbook allocation for other purposes during certain
years; amending 70 O.S. 2001, Section 18-113.4, as
amended by Section 5, Chapter 296, O.S.L. 2003 (70
O.S. Supp. 2009, Section 18-113.4), which relates to

1 class size limitation penalties; exempting school
2 districts from certain class size limitations,
3 requirements and penalties during certain years;
4 providing for codification; providing an effective
5 date; and declaring an emergency.

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

7 SECTION 1. AMENDATORY 70 O.S. 2001, Section 3-104.3, is
8 amended to read as follows:

9 Section 3-104.3 A. The Legislature, recognizing its obligation
10 to the children of this state to ensure their opportunity to receive
11 an excellent education, and recognizing its obligation to the
12 taxpayers of this state to ensure that schooling is accomplished in
13 an efficient manner, hereby establishes requirements for compliance
14 with quality standards which the public schools and school
15 districts, within the limits of resources now or subsequently
16 available, must meet.

17 B. ~~State~~ Except as otherwise provided for in this section,
18 state accreditation shall be withdrawn from or denied to schools or
19 school districts that do not meet the requirements of Sections ~~2~~ 3-
20 104.4, 3 11-103, 6 11-103.6, 28 18-113.1, 29 18-113.2, 30 18-113.3,
21 44 18-114, 45, 46, 47, 48, 18-114.7 and 49 5-141 of this ~~act~~ title,
22 and the State Board of Education shall take action as required by
23 this act to ensure that students affected are enrolled in schools
24 that are able to maintain state accreditation. Nothing herein shall

1 be construed as prohibiting the withdrawing or denial of
2 accreditation for failure to meet requirements as elsewhere provided
3 by law.

4 C. For the fiscal years ending June 30, 2011, and June 30,
5 2012, accreditation shall not be withdrawn from or denied nor shall
6 a penalty be assessed against a school or school district for
7 failing to meet the class-size requirements as set forth in the
8 provisions of Sections 18-113.1, 18-113.2 and 18-113.3 of this
9 title.

10 SECTION 2. AMENDATORY 70 O.S. 2001, Section 3-104.4, is
11 amended to read as follows:

12 Section 3-104.4 A. On or before February 1, 1991, the State
13 Board of Education shall adopt standards for the accreditation of
14 the public schools in this state according to the requirements of
15 this act, to be effective as set forth in this act. The
16 accreditation standards shall incorporate the curricular standards
17 established pursuant to Section 11-103.6 of this title ~~for~~
18 ~~implementation with the 1993-94 school year. No school shall be~~
19 ~~denied accreditation or have accreditation withdrawn prior to the~~
20 ~~1997-98 school year solely for failure to fully implement the~~
21 ~~curricular standards.~~ The accreditation standards shall equal or
22 exceed the accreditation standards for schools promulgated by the
23 North Central Association of Colleges and Schools to the extent that
24 the standards are consistent with an academic results oriented

1 approach to accreditation, excluding those standards which deal with
2 affective behavior to the extent the adoption of the standards does
3 not conflict with state statute. The accreditation adopted by the
4 State Board shall encompass accreditation for elementary schools,
5 middle schools, junior high schools, and high schools. The
6 accreditation standards shall be made available for public
7 inspection at the offices of the State Department of Education.

8 B. Standards for accreditation adopted by the State Board of
9 Education shall include standards relating to the provision of
10 school counselors to the public school children of this state. The
11 State Board of Education shall require each local school district to
12 provide information regarding the number of counselors serving each
13 school site, the duties of all such counselors including all
14 administrative duties, the number of students served by each
15 counselor, and information regarding the number of counselors
16 employed per elementary school, middle school, junior high school
17 and high school.

18 C. Except as otherwise provided by subsection A of this section
19 with regard to curricular standards, as a condition of receiving
20 state accreditation pursuant to this act:

21 1. High schools shall meet the accreditation standards not
22 later than June 30, 1995; and

23 2. Elementary, middle and junior high schools shall meet the
24 accreditation standards not later than June 30, 1999.

1 Schools shall thereafter continue to meet the accreditation
2 standards as a condition of continued accreditation. Nothing herein
3 shall be construed as preventing changes to the adopted standards by
4 the State Board of Education pursuant to the Oklahoma Administrative
5 Procedures Act.

6 D. If one or more school sites fails to receive accreditation
7 as required pursuant to this section by the dates set forth in
8 subsection C of this section or subsequently loses accreditation,
9 the State Board of Education shall close the school and reassign the
10 students to accredited schools within the district or shall annex
11 the district to one or more other districts in which the students
12 can be educated in accredited schools.

13 E. State Board accreditation regulations shall provide for
14 warnings and for assistance to schools and school districts whenever
15 there is reason to believe a school is in danger of losing its state
16 accreditation.

17 F. The State Board shall provide assistance to districts in
18 considering the possibility of meeting accreditation requirements
19 through the use of nontraditional means of instruction. The State
20 Board shall also assist districts in forming cooperatives and making
21 arrangements for the use of satellite instruction or other
22 instructional technologies to the extent that use of such
23 instructional means meets accreditation standards.

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1 G. For the fiscal years ending June 30, 2011, and June 30,
2 2012, accreditation shall not be withdrawn from or denied nor shall
3 a penalty be assessed against a school or school district for
4 failing to meet the certification requirements for Library Media
5 Specialist, media materials and equipment standards, staffing
6 standards for the media program and media program expenditure
7 standards as set forth in the accreditation standards adopted by the
8 Board.

9 H. The State Board shall not assess a financial penalty against
10 any school district which is given a deficiency in accreditation
11 status during the fiscal years ending June 30, 2011, and June 30,
12 2012.

13 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 3-167 of Title 70, unless there
15 is created a duplication in numbering, reads as follows:

16 For the fiscal years ending June 30, 2011, and June 30, 2012,
17 the State Board of Education shall exempt all school districts from
18 or waive any policy, rule or law which requires school districts to
19 form, convene, or participate in any advisory council or committee,
20 including but not limited to the requirement to convene an advisory
21 council when preparing the school improvement plan as set forth in
22 Section 5-117.4 of Title 70 of the Oklahoma Statutes.

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1 SECTION 4. AMENDATORY 70 O.S. 2001, Section 6-195, as
2 last amended by Section 2, Chapter 25, O.S.L. 2009 (70 O.S. Supp.
3 2009, Section 6-195), is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 4. Upon completion of one (1) school year of residency, make
5 recommendations to the Board and the preparing institution of higher
6 education as to whether the resident teacher should be issued a
7 certificate or whether such resident teacher shall be required to
8 serve as a resident teacher for one (1) additional school year. In
9 the event a resident teacher serves a second year, the
10 recommendation of the residency committee to the Board and the
11 institution of higher education after the second year shall be for
12 either certification or noncertification.

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

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

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

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

9 E. Upon employment of a licensed teacher in a resident teacher
10 position by a private or public provider of early childhood
11 education programs pursuant to a contract as authorized in Section
12 11-103.7 of this title, the district board of education shall
13 appoint the residency committee members, as prescribed in the
14 Oklahoma Teacher Preparation Act. The residency committee members
15 shall have the same duties as prescribed in subsection D of this
16 section.

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

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

23 G. ~~For the 2003-04 school year, if the district board of~~
24 ~~education is unable to find a teacher willing to serve as a mentor~~

1 ~~teacher,~~ fiscal years ending June 30, 2011, and June 30, 2012, the
2 district board of education may leave the position of mentor teacher
3 on the residency committee unfilled. If the district leaves the
4 position unfilled, the remaining members of the residency committee
5 may carry out the duties of the committee.

6 SECTION 5. AMENDATORY 70 O.S. 2001, Section 11-103.7, is
7 amended to read as follows:

8 Section 11-103.7 A. Each school district may offer to four-
9 year-old children the opportunity to participate in an early
10 childhood education program.

11 B. The State Board of Education shall promulgate standards for
12 early childhood education programs for children who are at least
13 four (4) years of age on or before September 1 of the ensuing school
14 year. The standards shall include both half-day programs consisting
15 of not less than two and one-half (2 1/2) hours per school day, and
16 full-day programs of six (6) hours. The standards for all early
17 childhood education programs shall require a certified teacher, as
18 specified in this section, to be present in the classroom for the
19 length of the school day. Such program shall:

20 1. Be directed toward developmentally appropriate objectives
21 for such children, rather than toward academic objectives suitable
22 for older children;

23 2. Accommodate the needs of all children and families
24 regardless of socioeconomic circumstances; and

1 3. Require that any teacher employed by a public school to
2 teach in such early childhood education program shall be certified
3 in early childhood education.

4 C. The superintendent of any school district providing
5 classroom space or other school facilities for a federally sponsored
6 Head Start program that is planning to make a material change in the
7 arrangement, shall give notice to the director of the Head Start
8 program at least seven (7) days prior to a school board hearing on
9 the matter.

10 D. A school district may offer such early childhood education
11 program within the district, in cooperation with other districts,
12 through the use of transfers as specified by law, or by contracting
13 with a private or public provider of early childhood education
14 programs, or by contracting for classroom space with a licensed
15 public or private child care provider based upon selection criteria
16 established by the district. If the program is provided through
17 contract with a private or public provider other than a school
18 district, the contract may only be continued if each teacher serving
19 the school on and after January 1, 1993, is certified in early
20 childhood education, except that all teachers, without such
21 certification, hired by such provider prior to January 1, 1993, and
22 serving in the school as an early childhood education teacher shall
23 be required to obtain certification on or before the beginning of
24 the 1996-97 school year. Any person who has been employed as an

1 early childhood educator with the Head Start Program, has a child
2 development associate degree (CDA) and has at least five (5) years
3 of experience in such employment shall be certified in early
4 childhood education for purposes of employment in the public schools
5 of this state to teach in early childhood education for children
6 four (4) years of age and younger; if such person is recertified in
7 child development by the Council for Early Childhood Professional
8 Recognition within five (5) years prior to the expiration of the
9 person's early childhood certificate that was issued by the State
10 Board of Education, such person shall be granted a renewal
11 certificate in early childhood education by the State Board of
12 Education upon expiration of the early childhood certificate.
13 Provided, private or public providers shall meet such other
14 standards required by law and by the State Board of Education.

15 E. If an early childhood program is provided by a private or
16 public provider pursuant to a contract as authorized in this
17 section, the contract shall address the requirements for
18 implementing the residency program for resident teachers as required
19 in Section 6-195 of this title. Teachers employed by a private or
20 public provider in an early childhood education program provided
21 through contract with a public school district shall receive in
22 salary and/or fringe benefits amounts not less than the amounts
23 specified in the schedule set forth in Section 18-114.7 of this
24 title.

1 F. The State Board of Education shall promulgate rules to
2 provide for the implementation of such program.

3 G. An early childhood education program may be offered jointly
4 by school districts that have formed interlocal cooperative
5 agreements pursuant to Section 5-117b of this title.

6 H. For the fiscal years ending June 30, 2011, and June 30,
7 2012, accreditation shall not be withdrawn from or denied nor shall
8 a penalty be assessed against a school or school district for
9 failing to meet the early childhood education program class-size
10 limitation standards and staffing standards as set forth in the
11 accreditation standards adopted by the State Board of Education.

12 I. The term "prekindergarten" shall mean early childhood
13 education for purposes of this title.

14 SECTION 6. AMENDATORY 70 O.S. 2001, Section 16-111, is
15 amended to read as follows:

16 Section 16-111. A. ~~The~~ Except as otherwise provided for in
17 subsection E of this section, the superintendent of schools of each
18 school district in the state shall appoint a local textbook
19 committee consisting of not fewer than three nor more than nine
20 members. Each committee shall have one lay member, with the
21 remainder of the members being teachers employed in the public
22 schools of the district, a majority of whom shall be classroom
23 teachers. The superintendent of schools or a designee who shall be

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1 a principal or a curriculum specialist shall serve as chairperson of
2 ~~such~~ the local textbook committee.

3 B. Upon the written request of any duly appointed local
4 textbook coordinator, the publisher of a textbook selected by the
5 State Textbook Committee shall furnish at least one examination copy
6 of the textbook and the teacher edition of the textbook, if one is
7 published, and a copy of software for purposes of complete
8 demonstration and review, if available, to the school district so
9 that the local textbook committee may examine any or all new
10 adoptions in the subjects taught or to be taught in schools in the
11 district.

12 C. ~~On~~ Except as otherwise provided for in subsection E of this
13 section, on or before a date to be fixed by the State Board of
14 Education, each local textbook committee shall adopt textbooks from
15 the multiple list selected by the State Textbook Committee in ~~such~~ a
16 manner as shall be prescribed by the State Board of Education. Each
17 local textbook committee shall serve without compensation and shall
18 cease to exist when local adoptions have been completed and shall be
19 replaced by another local textbook committee appointed in the same
20 manner as ~~herein~~ provided for in this section.

21 D. ~~On~~ Except as otherwise provided for in subsection E of this
22 section, on or before a date to be fixed by the State Board of
23 Education, the superintendent of each school district shall submit
24 to the State Board of Education a textbook plan outlining the

1 estimated number of textbooks needed by the school district and the
2 total amount of money to be expended by the district for textbooks
3 including the allocated funds and any additional supplemental funds
4 to be expended. The superintendent or textbook coordinator
5 appointed by the superintendent, shall place orders from the proper
6 depository or depositories for all of the textbooks needed as
7 outlined in the textbook plan by the district for the ensuing year.
8 The superintendent of a school district or textbook coordinator may
9 order any textbooks placed on the official multiple textbook list.
10 If the order exceeds the allocation for each school district as
11 provided in Section ~~16-114~~ 16-114a of this title any additional
12 funds expended shall be reported on the statement of expenditures
13 for the district.

14 E. For the fiscal years ending June 30, 2011, and June 30,
15 2012, a school district shall not be required to appoint a local
16 textbook committee, adopt textbooks, submit a textbook plan, or
17 expend money on the purchase of textbooks during the fiscal year if
18 the school district makes the election as provided for in subsection
19 B of Section 16-114a of this title.

20 SECTION 7. AMENDATORY Section 7, Chapter 2, O.S.L. 2002
21 (70 O.S. Supp. 2009, Section 16-114a), is amended to read as
22 follows:

23 Section 16-114a. A. Based upon legislative appropriations, the
24 State Board of Education shall determine the textbook allocation to

1 be distributed to each school district in the state. Each year the
2 textbook allocation for each school district shall be calculated and
3 distributed in July and adjusted in December. The initial
4 allocation shall be calculated based on the audited end-of-year
5 average daily attendance of the preceding school year multiplied by
6 Fifty-five Dollars (\$55.00). The initial allocation shall be
7 calculated and distributed to each school district in July. The
8 December adjustment shall be calculated by multiplying the audited
9 first nine (9) weeks' average daily attendance for that current
10 school year by Fifty-five Dollars (\$55.00) and subtracting from that
11 amount the amount of the initial allocation. The adjustment shall
12 be calculated in December and distributed to each eligible school
13 district no later than January 15. A school district shall receive
14 an adjustment only if the adjustment figure as calculated in this
15 section is greater than zero. The State Department of Education
16 shall retain from the total amount appropriated for textbooks not
17 less than one percent (1%) of the total amount to be used for the
18 purpose of making the adjustments. If the amount appropriated,
19 including the retained amount, is not sufficient to fully fund the
20 adjusted allocation, each school district eligible for an adjustment
21 shall receive a proportionate reduction in funding. Any unused
22 portion of the value of textbooks allowed to a school district shall
23 be cumulative and may be ~~retained~~ carried over by the school
24 district ~~the following~~ to subsequent fiscal ~~year~~ years, in addition

1 to the allocation it is entitled to receive during ~~such~~ that fiscal
2 year.

3 B. For the fiscal years ending June 30, 2011, and June 30,
4 2012, a school district may elect to expend any monies allocated
5 pursuant to this section for textbooks for any purpose related to
6 the support and maintenance of the school district as determined by
7 the board of education of the school district.

8 C. All textbooks distributed to a school district that have
9 been destroyed by fire or other hazard shall be replaced by the
10 State Board of Education. The total cost of all additional
11 textbooks delivered to school districts to replace those destroyed
12 by fire or other hazard shall not exceed, for the entire state in
13 any fiscal year, the aggregate sum of One Hundred Thousand Dollars
14 (\$100,000.00), which sum shall be reserved for ~~such~~ that purpose
15 from any appropriation made to carry out the provision of this
16 ~~article~~ section for any fiscal year.

17 SECTION 8. AMENDATORY 70 O.S. 2001, Section 18-113.4, as
18 amended by Section 5, Chapter 296, O.S.L. 2003 (70 O.S. Supp. 2009,
19 Section 18-113.4), is amended to read as follows:

20 Section 18-113.4 A. ~~Beginning with the 1997-98 school year,~~
21 ~~the~~ The penalties for exceeding class_size limitations established
22 in Sections 18-113.1, 18-113.2 and 18-113.3 of this title shall not
23 apply if the class_size limitations, as set forth in said sections,
24 are exceeded beginning after the first nine (9) weeks of the school

1 year. If the class_size limitations are exceeded during the first
2 nine (9) weeks, the penalties shall apply.

3 B. For the purposes of calculating class_size penalties
4 established in Sections 18-113.1, 18-113.2 and 18-113.3 of this
5 title, school districts shall use only the full-time-equivalency of
6 the instructional staff who are under contract to work the full
7 school year in question.

8 C. ~~Beginning July 1, 2003, school~~ School districts that
9 participate in consolidation or annexation pursuant to the
10 provisions of the Oklahoma School Voluntary Consolidation and
11 Annexation Act shall be exempt from the provisions of Sections 18-
12 113.1, 18-113.2 and 18-113.3 of this title for the year in which the
13 consolidation or annexation occurs and for the next five (5) fiscal
14 years.

15 D. For the fiscal years ending June 30, 2011, and June 30,
16 2012, school districts shall be exempt from the provisions of
17 Sections 18-113.1, 18-113.2 and 18-113.3 of this title and any
18 penalties for violation of the sections.

19 SECTION 9. This act shall become effective July 1, 2010.

20 SECTION 10. It being immediately necessary for the preservation
21 of the public peace, health and safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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