

THE HOUSE OF REPRESENTATIVES  
Monday, April 6, 2009

Committee Substitute for  
ENGROSSED  
Senate Bill No. 834

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 834 - By: FORD, MARLATT AND RUSSELL of the Senate and JONES of the House.

An Act relating to schools; establishing the School District Empowerment Program; stating purpose; exempting certain districts from certain statutory requirements and rules; granting school districts certain options; specifying certain requirements participating school districts shall comply with; identifying districts for participation and implementation of program; specifying method of selection of remaining districts and timeline for implementation; providing for codification; and providing an effective date.

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

1           SECTION 1.   NEW LAW   A new section of law to be codified in the Oklahoma  
2 Statutes as Section 3-129 of Title 70, unless there is created a duplication in numbering,  
3 reads as follows:

4           A. There is hereby established the School District Empowerment Program which  
5 shall be administered by the State Board of Education. The purpose of the program is to  
6 empower locally elected school board members to govern school districts and make  
7 decisions based on the needs of their students and circumstances.

8           B. Except as otherwise provided for in this subsection, a school district identified by  
9 the State Board of Education for participation in the School District Empowerment

1 Program shall be exempt from all statutory requirements and State Board of Education  
2 rules from which charter schools are exempt as provided for in the Oklahoma Charter  
3 Schools Act. Nothing in this section shall prevent a school district board of education  
4 from choosing to follow any or all state laws, rules, or regulations from which a charter  
5 school is exempt. A participating school district shall have the option to adopt policies to  
6 implement any requirement for the school district that is consistent with any statutory  
7 requirement or mandate or Board rule, but a participating school district shall comply  
8 with the following requirements:

9 1. Students who reside in the school district shall be entitled to attend school in the  
10 district as set forth in Section 1-114 of Title 70 of the Oklahoma Statutes;

11 2. School districts shall comply with the requirements of the minimum salary  
12 schedule for teachers as set forth in Section 18-114.12 of Title 70 of the Oklahoma  
13 Statutes;

14 3. Employees of school districts shall continue to participate as members of the  
15 Teachers' Retirement System of Oklahoma as set forth in Section 17-101 et seq. of Title  
16 70 of the Oklahoma Statutes;

17 4. School districts shall comply with the requirement to provide a health insurance  
18 plan for employees of the district as set forth in Section 5-117.5 of Title 70 of the  
19 Oklahoma Statutes;

20 5. School districts shall require any person employed as a teacher to file with the  
21 district board a current Oklahoma criminal history record from the Oklahoma State  
22 Bureau of Investigation as well as a national criminal history record check as defined in

1 Section 150.9 of Title 74 of the Oklahoma Statutes. Each district shall adopt a policy  
2 regarding criminal history record checks as set forth in Section 5-142 of Title 70 of the  
3 Oklahoma Statutes or Section 5-142.1 of Title 70 of the Oklahoma Statutes, as  
4 applicable;

5 6. School districts shall comply with the requirement to evaluate teachers and to  
6 train personnel designated to conduct personnel evaluations as set forth in Sections 6-  
7 101.10 and 6-101.11 of Title 70 of the Oklahoma Statutes, the dismissal and due process  
8 procedures for administrators as set forth in Sections 6-101.13 through 6-101.15 of Title  
9 70 of the Oklahoma Statutes, and the due process procedures for teachers as set forth in  
10 Sections 6-101.21 through 6-101.26 of Title 70 of the Oklahoma Statutes. A teacher shall  
11 not have the right to a trial de novo in district court as stated in Section 6-101.26 of Title  
12 70 of the Oklahoma Statutes and as set forth in Section 6-101.27 of Title 70 of the  
13 Oklahoma Statutes;

14 7. School districts shall comply with the requirement to make payroll deductions  
15 for either or both professional organization dues and political contributions upon the  
16 request of an employee as set forth in Section 5-139 of Title 70 of the Oklahoma Statutes;

17 8. School districts shall employ as teachers, counselors, librarians, school nurses,  
18 superintendents, principals, supervisors, or any other instructional, supervisory or  
19 administrative employee, only those persons who are certified or licensed by the State  
20 Board of Education in accordance with the Oklahoma Teacher Preparation Act, except  
21 for persons exempt from the certification or licensure requirements as otherwise  
22 provided by law;

1           9. School districts shall be required to offer and students enrolled in the school  
2 district shall be required to complete the curriculum requirements as set forth in Section  
3 11-103.6 of Title 70 of the Oklahoma Statutes;

4           10. Students enrolled in the school district shall be required to demonstrate  
5 mastery of the state academic content standards as set forth in Section 1210.523 of Title  
6 70 of the Oklahoma Statutes; and

7           11. Members of the school district board of education shall be required to satisfy  
8 the instruction and continuing education requirements as set forth in Sections 5-110, 5-  
9 110.1 and 5-110.2 of Title 70 of the Oklahoma Statutes.

10          C. School districts which include a school that has been identified for school  
11 improvement for the 2009-2010 school year by the State Board of Education pursuant to  
12 the Elementary and Secondary Education Act of 1965, as amended, 20 U.S.C., Section  
13 6301 et seq., shall be identified for participation in the School District Empowerment  
14 Program and shall implement the program beginning in the 2010-2011 school year.

15          D. 1. By September 30, 2010, the State Board of Education shall randomly select  
16 twenty percent (20%) of districts from each of the following categories for implementation  
17 during the 2011-2012 school year:

- 18           a.       districts with an Average Daily Membership (ADM) of less than two  
19                    hundred fifty (250),
- 20           b.       districts with an ADM of less than five hundred (500) and greater than  
21                    or equal to two hundred fifty (250),

- 1           c.       districts with an ADM of less than two thousand (2,000) and greater  
2                    than or equal to five hundred (500), and  
3           d.       districts with an ADM of two thousand (2,000) or more.

4       2. The selection of districts as directed by this subsection shall:

- 5           a.       occur during open meetings of the Board,  
6           b.       occur each year thereafter, for implementation by the districts selected  
7                    during the following school year, until all districts have been selected  
8                    to implement the program, and  
9           c.       be applicable to the number of districts in each category as of  
10                   September 30, 2010, to allow for all districts to be selected by  
11                   September 30, 2014.

12       SECTION 2. This act shall become effective September 1, 2009.

13       COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 04-02-09  
14       - DO PASS, As Amended and Coauthored.